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May 29, 2012

Robert D. Luskin
Patton Boggs LLP
2550 M Street, NW
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Dear Mr. Luskin:

The Board of the Office of Congressional Ethics met on May 18, 2012, and considered the circumstances occasioned by the Committee on Ethics' ("COE") release of your letter dated March 8, 2012, concerning the OCE Referral in Review No. 11-7565 (the "OCE Referral"). After further deliberation, the Board voted to make this response to your allegations regarding the integrity of the OCE process in this case. This action is permitted under OCE Rules in light of the public release of your letter.

Much of your letter is devoted to claims that the OCE concealed and mischaracterized evidence about whether Representative Buchanan was involved in a scheme to reimburse individuals for contributions made to his congressional campaign. While we find no basis for those claims or your other allegations, a few items warrant specific rejoinder.

Contrary to your assertions, the OCE Referral does not characterize any testimony as corroborating the allegation that Representative Buchanan directed reimbursements of contributions to his campaign. The OCE Referral lists statements both from witnesses who claim that Representative Buchanan was involved in the reimbursements and from the witness who claim that he was not involved. The report then lists all of the relevant witnesses who did not cooperate, but who should have had knowledge of the events, including Representative Buchanan.

Your letter argues that the OCE: (1) omitted a portion of a voicemail message attributed to Representative Buchanan; (2) mischaracterized the subject matter of an email from Josh Farid; (3) did not divulge that Mr. Kazran submitted information to the FEC acknowledging that he alone authorized the reimbursements; and (4) falsely suggested that the \$2.9 million settlement was intended solely to induce Mr. Kazran to sign the affidavit. None of the evidence you cited was treated in a distorted or biased way in the OCE Referral. The complete text of the voicemail attributed to Representative Buchanan is attached to the OCE Referral.¹ The description of the email included in the referral is from Mr. Farid's own testimony, as cited in the report; it involves no interpretation by OCE.² Mr. Kazran's submissions to the FEC do not state that

¹ See OCE Referral 10 n.21.

² See *id.* at 16 n.55.

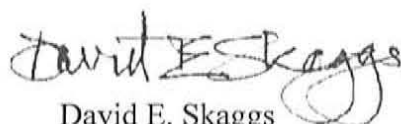
Representative Buchanan was unaware of the reimbursements; they state that he was aware of the reimbursements. (The FEC found that the identical statements made by Mr. Kazran and cited in your letter were not exculpatory.) In support of your argument that the settlement was not contingent on the affidavit, you refer to a document that you and your client refused to produce to the OCE. In any event, this information was included as context for the OCE Referral, and none of it was material to finding substantial reason to believe that the affidavit was false.

You erroneously contend that the OCE withheld exculpatory evidence in violation of OCE Rule 4(F). Your letter confuses material that might somehow have been read as favorable to your client with evidence that could be exculpatory *regarding the subject matter* of the OCE Referral. None of the information that you characterize as exculpatory contradicts or mitigates the OCE's findings or recommendation for further review on the specific issue that was the subject of the Board's decision to refer. On January 13, 2011, the OCE did provide exculpatory evidence to your client through his counsel of record, Mr. William McGinley.

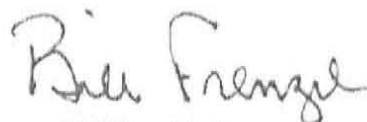
We have refrained from addressing several other of your arguments because of their similarity to the claims addressed above and because you offer no factual support for them.

You may disagree with our recommendation for further review based on your assessment of the facts and law. We respectfully suggest that it does your client and the legal profession no service to express that disagreement through baseless attacks on the OCE and its staff. In the matter at issue, the OCE staff and Board were meticulous in adhering to the spirit and letter of our authorizing Resolution and our Rules.

Sincerely yours,



David E. Skaggs
Acting Chair



William E. Frenzel
Acting Co-Chair