

August 27, 2018

Doc Hastings, Chairman
David Skaggs, Co-Chairman
Office of Congressional Ethics
U.S. House of Representatives
425 3rd Street, S.W.
Suite 1110
Washington, DC 20024

Re: Request for preliminary ethics inquiry regarding Rep. Duncan Hunter

Dear OCE Chairman Hastings and OCE Co-Chairman Skaggs:

On August 21, 2018, Rep. Duncan Hunter (R-CA) and his wife were indicted by a federal grand jury in the United States District Court for the Southern District of California on 60 counts of criminal violations of federal law, including conspiracy, wire fraud, falsification of campaign finance records and prohibited use of campaign contributions. A copy of the indictment is attached.

The gravamen of the indictment is that Rep. Hunter unlawfully converted and used his campaign funds for his personal benefit. As the indictment alleges, Rep. Hunter and his spouse engaged in activities “to enrich themselves, and others at their direction, by converting Campaign funds for their own personal benefit and enjoyment, and for the personal benefit of others with whom the Hunters had personal relationships.” Indictment at ¶ 20.

The indictment alleges that Rep. Hunter and his spouse illegally converted more than \$250,000 in campaign funds “to purchase goods and services for their personal use and enjoyment.” *Id.* at ¶ 21. As alleged in the indictment, these funds were used to purchase vacations, clothes, video games, groceries, household and personal items, personal gifts, rental cars, hotel rooms and restaurant food and drink. *Id.*

The indictment alleges, for example, that Rep. Hunter and his wife spent \$14,000 in campaign funds for a family vacation in Italy, \$704 for theatre tickets, \$168.89 to watch a family member compete at a dance competition, and even \$250 in campaign funds to pay for an airline ticket to transport a family pet. *Id.* at ¶ 22.

Rule XXIII, cl. 6 of the House Code of Official Conduct states:

A Member, Delegate, or Resident Commissioner ---

(a) shall keep the campaign funds of such individual separate from the personal funds of such individual;

(b) may not convert campaign funds to personal use in excess of an amount representing reimbursement for legitimate and verifiable campaign expenditures; and

(c) except as provided in clause 1(b) of rule XXIV^[1], may not expend such funds from a campaign account of such individual that are not attributable to bona fide campaign or political purposes.

In addition, Rule XXIII, cl. 1 states, “A Member, Delegate, Resident Commission, officer or employee of the House shall behave at all times in a manner that shall reflect creditably on the House.”

The indictment of Rep. Hunter presents *prima facie* evidence that Rep. Hunter violated the prohibition in Rule XXIII, cl. 6 on converting campaign funds for personal use. The scale of the alleged conversion, if the allegations are shown to be true, also presents the question of whether Rep. Hunter acted in a manner that failed to “reflect creditably” on the House, in violation of Rule XXIII, cl. 1.

Whatever the outcome of the federal criminal proceedings, the House has an independent obligation to act to enforce its ethics rules and to impose appropriate sanctions on Members who violate them. The standing rules of the House Ethics Committee, for example, provide:

Not later than 30 days after a Member of the House is indicted or otherwise formally charged with criminal conduct in any Federal, State, or local court, the Committee shall either initiate an inquiry upon a majority vote of the members of the Committee or submit a report to the House describing its reasons for not initiating an inquiry and describing the actions, if any, that the Committee has taken in response to the allegations.

House Ethics Committee Rule 18(e)(2).

In this case, it is clear that OCE and the House Ethics Committee should proceed promptly with an ethics investigation into Rep. Hunter. House Ethics Committee Rule 18(e)(2) shows that the House has its own institutional responsibility to pursue this matter, regardless of any criminal proceedings that may be taking place.

Accordingly, we call on OCE to undertake a preliminary ethics inquiry to determine if Rep. Duncan Hunter violated Rule XXIII cl. 6 and cl. 1 by converting campaign funds to personal use, as alleged in the federal criminal indictment.

¹ This exception provides for the use of campaign funds to defray “official expenses.”

If OCE concludes that there is substantial reason to believe that Rep. Hunter has violated the applicable House ethics rules, OCE should recommend that the House Ethics Committee further review this matter and take appropriate disciplinary action.

Verification

The individual submitting this information is listed below and acknowledges that section 1001 of title 18 United States Code applies to the information being provided.

Submitted by,

A handwritten signature in black ink, appearing to read "Fred Wertheimer", with a long horizontal flourish extending to the right.

Fred Wertheimer
President, Democracy 21