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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

**REPORT**

Review No. 13-2392

The Board of the Office of Congressional Ethics (the "Board"), by a vote of no less than four members, on December 12, 2013, adopted the following report and ordered it to be transmitted to the Committee on Ethics of the United States House of Representatives.

SUBJECT: Representative Markwayne Mullin

**NATURE OF THE ALLEGED VIOLATIONS:** In 2013, Representative Markwayne Mullin regularly hosted a weekly radio talk show and appeared in numerous radio, television, and internet commercials for Mullin Plumbing, Inc. and affiliated companies. He also served as an officer or board member for the companies. He received income from the companies totaling more than \$600,000 in 2013.

If Representative Mullin received more than \$26,955 of outside earned income in 2013, he may have violated House rules and federal law.

If Representative Mullin was personally involved in endorsing any services pursuant to outside employment, he may have violated House rules and standards of conduct.

If Representative Mullin served for compensation as an officer or as a member of the board of directors, or both, of one or more of the companies, he may have violated House rules.

**RECOMMENDATION:** The Board recommends that the Committee on Ethics further review the allegations concerning outside earned income because there is substantial reason to believe that the income Representative Mullin received exceeded the outside earned income limit.

The Board recommends that the Committee on Ethics further review the allegation concerning Representative Mullin endorsing services because there is substantial reason to believe that Representative Mullin appeared in commercials for an outside employer while serving as a Member of Congress.

The Board recommends that the Committee on Ethics further review the allegation concerning Representative Mullin serving as a compensated officer or board member because there is substantial reason to believe that Representative Mullin received compensation for the services he provided as an officer or board member of the companies.

VOTES IN THE AFFIRMATIVE: 6

VOTES IN THE NEGATIVE: 0

ABSTENTIONS: 0

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MEMBER OF THE BOARD OR STAFF DESIGNATED TO PRESENT THIS REPORT TO  
THE COMMITTEE ON ETHICS: Omar S. Ashmawy, Staff Director and Chief Counsel.

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**FINDINGS OF FACT AND CITATIONS TO LAW**

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OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

**FINDINGS OF FACT AND CITATIONS TO LAW**

Review No. 13-2392

On December 12, 2013, the Board of the Office of Congressional Ethics (the “Board”) adopted the following findings of fact and accompanying citations to law, regulations, rules, and standards of conduct (*in italics*).

The Board notes that these findings do not constitute a determination that a violation actually occurred.

**I. INTRODUCTION**

1. Representative Mullin maintains a personal services business comprised of five companies: Mullin Plumbing, Inc.; Mullin Plumbing West Division, Inc.; Mullin Plumbing New Construction, Inc.; Mullin Services, Inc.; and Mullin Environmental, Inc. (collectively, the “plumbing companies”).
2. He personally advertises for the plumbing companies and serves as an officer or board member.
3. He received income totaling more than \$600,000 from the plumbing companies in 2013. A portion of the income he received includes payments characterized as “distributions” from a company that he does not own, but rather is owned by his wife.
4. Based on the facts before the OCE, there is substantial reason to believe that the income he received is earned income because: (1) his share of the profits from the plumbing companies are, at least in significant part, for attracting or retaining clients; and (2) his “distributions” from the company his wife wholly owns are not a return on any equity that he holds.

**A. Summary of Allegations**

5. Representative Mullin may have violated House rules and federal law by receiving more than \$26,955 of outside earned income in 2013.
6. Representative Mullin may have violated House rules and standards of conduct by being personally involved in endorsing services pursuant to outside employment.
7. Representative Mullin may have violated House rules by receiving compensation for his service as an officer or as a board member of the plumbing companies.

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8. The Board recommends that the Committee on Ethics further review the allegations concerning the outside earned income because there is substantial reason to believe that the income Representative Mullin received exceeded the outside earned income limit.
9. The Board recommends that the Committee on Ethics further review the allegation concerning Representative Mullin endorsing services because there is substantial reason to believe that Representative Mullin appeared in commercials for an outside employer while serving as a Member of Congress.
10. The Board recommends that the Committee on Ethics further review the allegation concerning Representative Mullin serving as a compensated officer or board member because there is substantial reason to believe that Representative Mullin received compensation for the services he provided as an officer or board member of the plumbing companies.

**B. Jurisdictional Statement**

11. The allegations that are the subject of this review concern Representative Markwayne Mullin, a Member of the United States House of Representatives for the 2<sup>nd</sup> District of Oklahoma. The Resolution the United States House of Representatives adopted creating the Office of Congressional Ethics (“OCE”) directs that, “[n]o review shall be undertaken . . . by the board of any alleged violation that occurred before the date of adoption of this resolution.”<sup>1</sup> The House adopted this Resolution on March 11, 2008. Because the conduct under review occurred after March 11, 2008, the OCE has jurisdiction in this matter.

**C. Procedural History**

12. The OCE received a written request for a preliminary review in this matter signed by at least two members of the Board on August 27, 2013. The preliminary review commenced on August 28, 2013.<sup>2</sup> The preliminary review was scheduled to end on September 26, 2013.
13. At least three members of the Board voted to initiate a second-phase review in this matter on September 26, 2013. The second-phase review commenced on September 27, 2013.<sup>3</sup> The second-phase review ended on November 10, 2013.
14. The Board voted to refer this matter to the Committee on Ethics and adopted these findings on December 12, 2013.

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<sup>1</sup> H. Res. 895, 110th Cong. §1(e), as amended (the “Resolution”).

<sup>2</sup> A preliminary review is “requested” in writing by members of the Board of the OCE. The request for a preliminary review is “received” by the OCE on a date certain. According to the Resolution, the time frame for conducting a preliminary review is thirty days from the date of receipt of the Board’s request.

<sup>3</sup> According to the Resolution, the Board must vote on whether to conduct a second-phase review in a matter before the expiration of the thirty-day preliminary review. If the Board votes for a second-phase, the second-phase begins when the preliminary review ends. The second-phase review does not begin on the date of the Board vote.

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15. This report and findings were transmitted to the Committee on Ethics on December 23, 2013.

**D. Summary of Investigative Activity**

16. The OCE requested and received testimonial and, in some cases, documentary information from the following sources:
  - (1) Representative Markwayne Mullin;
  - (2) Mullin Plumbing Accountant; and
  - (3) Mullin Plumbing Chief Financial Officer (“Mullin Plumbing CFO”).

**II. REPRESENTATIVE MULLIN APPEARED IN COMMERCIALS FOR PLUMBING COMPANIES AND RECEIVED INCOME FROM THOSE COMPANIES**

**A. Laws, Regulations, Rules, and Standards of Conduct**

*Outside Earned Income Limit*

17. *The Ethics in Government Act provides that “a Member . . . may not in any calendar year have outside earned income attributable to such calendar year which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year.”<sup>4</sup>*
18. *Pursuant to House Rule 25, clause 1(a)(1), “a Member, Delegate, Resident Commissioner, officer, or employee of the House may not . . . (1) have outside earned income attributable to a calendar year that exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of that calendar year.”*
19. *“[T]he outside earned income limit for House Members, officers, and employees paid at or above the senior staff rate for CY 2013 remains \$26,955.”<sup>5</sup>*
20. *The House Ethics Manual states that “[t]he annual limitation applies to compensation for personal services (termed ‘earned income’), but not to moneys received from ownership or other investments of equity (so-called ‘unearned income’). In this regard, Advisory Opinion No. 13 emphasizes that the ‘real facts’ of a particular case would control as to whether moneys received would be deemed earned income:*

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<sup>4</sup> 5 U.S.C. app. 4 § 501(a)(1).

<sup>5</sup> Memorandum from Committee on Ethics for All Members, Officers, and Employees Regarding the 2013 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees, dated January 24, 2013 (“2013 Outside Earned Income Memo”) (Exhibit 1 at 13-2392\_0002-0006).

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*[T]he label or characterization placed on a transaction, arrangement or payment by the parties may be disregarded for purposes of the Rule. Thus, if amounts received or to be received by a Member, officer, or employee are in fact attributable to any significant extent to services rendered by the Member, officer, or employee the characterization of such amounts as partnership distributive share, dividends, rent, interest, payment for a capital asset, or the like, will not serve to prevent the application of Rule 25 to such amounts . . . .*

*For purposes of this Opinion, there are two types of income – earned and unearned. **If the compensation received is essentially a return on equity, then it would generally not be considered to be earned income. If the income is not a return on equity, then such income would generally be considered to be earned income and subject to the limitation.***<sup>6</sup>

21. *“[T]he definition of earned income in Rule 25, which excludes amounts received by a Member from a family controlled business ‘so long as the personal services actually rendered by the individual . . . do not generate a significant amount of income,’ was simply intended to assure Members, officers, and employees that they could **continue to make decisions and take actions necessary to manage or protect their equity in a family trade or business**, and would not be forced to divest themselves of their family business interests. As with any business, a Member, officer, or employee would not be required to allocate a share of the profits of the business as outside earned income when the facts and circumstances show that the income is **in reality a return on investment.**”*<sup>7</sup>
22. *“**Personal Service Businesses.** In businesses for which capital is not a material income-producing factor, the Advisory Opinion states that the entire share of profits is generally considered earned income, unless it can be shown that some income actually derives from a return on investment. **Even when the Member performs no personal services, it is presumed, lacking a strong showing to the contrary, that the Member’s share of profits from a service business is for attracting or retaining clients and thus is considered earned income.**”*<sup>8</sup>
23. *“**Close Corporations, Partnerships, and Unincorporated Businesses.** When a Member has an ownership interest and also performs some services, as in a close corporation, partnership, or unincorporated business, some of the profits might result from the personal services of the Member and therefore would be considered earned income. Advisory Opinion No. 13 (included in the appendices) states, ‘the determining factor is whether the Member’s personal services generate significant income for the business.’ The Member may protect his or her interest and investments in the business through general oversight and management of investments without generating earned income. However, fees, compensation, or salaries from such a business are earned income. **When the Member’s principal***

<sup>6</sup> House Ethics Manual (2008) at 231 (emphasis added).

<sup>7</sup> *Id.* at 369 (emphasis added).

<sup>8</sup> *Id.* at 231 (second emphasis added).

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*function is to refer or to help retain clients, then ‘the Member would be deemed to be rendering income-producing services, even though the actual time involved might be minimal.’”<sup>9</sup>*

Compensated Officer and Board Member

24. House Rule 25, clause 2(d) states that “[a] Member, Delegate, Resident Commissioner, officer, or employee of the House may not . . . serve for compensation as an officer or member of the board of an association, corporation, or other entity . . . .”

Personal Endorsement of Services for Outside Employment

25. Pursuant to House Rule 23, clause 3, a Member “may not receive compensation and may not permit compensation to accrue to the beneficial interest of such individual from any source, the receipt of which would occur by virtue of influence improperly exerted from the position of such individual in Congress.”
26. According to the House Ethics Manual, “[a]t times a Member or staff person wishes to engage in outside employment that involves the selling of goods or services. On the basis of the rules and standards of conduct . . . a Member should not undertake any outside employment that would involve the Member personally in the selling or endorsement of any goods or services.”<sup>10</sup>

**B. Representative Mullin is Affiliated with Five Plumbing Companies**

27. Representative Mullin is affiliated with five companies that provide plumbing services in Oklahoma.
28. Based on the statements of Representative Mullin and Mullin Plumbing Accountant, the plumbing companies are organized as subchapter S corporations and appear to provide personal services.<sup>11</sup>
29. Specifically, the companies and services provided are as follows:
- a. **Mullin Plumbing, Inc.** - provides residential and commercial plumbing services.<sup>12</sup>
  - b. **Mullin Plumbing West Division, Inc.** - provides residential and commercial plumbing services similar to Mullin Plumbing, Inc., but operates in the Oklahoma City region of the state.<sup>13</sup>

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<sup>9</sup> *Id.* at 232 (emphasis added).

<sup>10</sup> *Id.* at 188.

<sup>11</sup> Memorandum of Interview of Representative Markwayne Mullin, October 10, 2013 (“Mullin MOI”) (Exhibit 2 at 13-2392\_0008); Memorandum of Interview of Mullin Plumbing Accountant, October 4, 2013 (“Accountant MOI”) (Exhibit 3 at 13-2392\_0016).

<sup>12</sup> Mullin MOI (Exhibit 2 at 13-2392\_0008).

<sup>13</sup> Accountant MOI (Exhibit 3 at 13-2392\_0017).



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- c. **Mullin Plumbing New Construction, Inc.** - provides construction services for residential and commercial plumbing purposes.<sup>14</sup>
  - d. **Mullin Services, Inc.** - provides residential and commercial heating and air conditioning repair services.<sup>15</sup>
  - e. **Mullin Environmental, Inc.** - provides water and waste treatment services.<sup>16</sup>
30. Representative Mullin wholly owns four of the five companies listed above.<sup>17</sup>
31. Mullin Plumbing West Division, Inc. is wholly owned by Representative Mullin's wife.<sup>18</sup>
32. According to Representative Mullin, the plumbing companies are a family business founded by his father, but when his father became ill years ago, Representative Mullin became responsible for operations.<sup>19</sup> Currently, the companies operate statewide and have more than 120 employees.<sup>20</sup>
33. Representative Mullin has less involvement in the day-to-day operations of the plumbing companies since his election to Congress in 2012, according to Representative Mullin, Mullin Plumbing CFO, and Mullin Plumbing Accountant.<sup>21</sup>
34. However, as explained below, since becoming a Member of Congress, Representative Mullin continues to (1) advertise for the companies; and (2) serve as an officer or board member for the companies.

**C. Representative Mullin Personally Advertises for the Plumbing Companies**

35. Representative Mullin has been the self-described "face and voice" of the plumbing companies for more than ten years.<sup>22</sup> Since the time that he became a Member of Congress in 2013, Representative Mullin has continued to personally advertise for the

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<sup>14</sup> Mullin MOI (Exhibit 2 at 13-2392\_0011).

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*; Accountant MOI (Exhibit 3 at 13-2392\_0016-0019); Memorandum of Interview of Mullin Plumbing Chief Financial Officer ("CFO MOI") (Exhibit 4 at 13-2392\_0022). Representative Mullin also owns the following companies that do not provide plumbing services: Mullin Properties LLC; Mullin Properties West Division, LLC; and Mullin Farms. *See* Mullin MOI (Exhibit 2 at 13-2392\_0011-0012).

<sup>18</sup> Mullin MOI (Exhibit 2 at 13-2392\_0008, 13-2392\_0010); CFO MOI (Exhibit 4 at 13-2392\_0022); Accountant MOI (Exhibit 3 at 13-2392\_0017); Assignment of Mullin Plumbing West Division, Inc. to Christie Renee Mullin, December 31, 2012 (Exhibit 5 at 13-2392\_0025).

<sup>19</sup> Letter from Representative Mullin to Chairman Goss and Co-Chair Skaggs, dated November 8, 2013 (Exhibit 6 at 13-2392\_0027-0028).

<sup>20</sup> *Id.*

<sup>21</sup> CFO MOI (Exhibit 4 at 13-2392\_0021-0022); Accountant MOI (Exhibit 3 at 13-2392\_0016); Mullin MOI (Exhibit 2 at 13-2392\_0008).

<sup>22</sup> Mullin MOI (Exhibit 2 at 13-2392\_0009).

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companies via: (1) a weekly radio talk show; (2) radio commercials; (3) television commercials; and (4) internet video advertisements.

### Weekly Radio Talk Show

36. Representative Mullin hosts a weekly hour-long radio show in Oklahoma promoting the plumbing companies called "House Talk with Markwayne Mullin."<sup>23</sup>

**House Talk with Markwayne Mullin**

House Talk with Markwayne Mullin

Saturday 8am-9am

Save big bucks by doing home improvement projects yourself or by finding the right contractor for your job. Join Markwayne Mullin of Mullin Plumbing and other contracting experts as they answer your home repair and remodeling questions.

**About Markwayne Mullin**

Markwayne Mullin is the president and owner of Mullin Plumbing, Mullin Pumping, Morris Plumbing, The Red Rooter, Mullin Properties, and Oklahoma Fight Club. These enterprises provide plumbing services to the better part of northeast Oklahoma, from Tulsa to Oklahoma City, and the surrounding areas.

Markwayne is also involved in many organizations and leadership programs including both the Chamber of Commerce and Better Business Bureau for Broken Arrow as well as Oklahoma City.

37. The show is advertised as a way to "[s]ave big bucks by doing home improvement projects yourself or by finding the right contractor for your job."<sup>24</sup> Listeners are asked to "[j]oin Markwayne Mullin of Mullin Plumbing and other contracting experts as they answer your home repair and remodeling questions."<sup>25</sup>

### Radio Commercials

38. Representative Mullin told the OCE that he has recorded radio commercials for the plumbing companies since becoming a Member of Congress and he plans to record additional commercials.<sup>26</sup>
39. The OCE requested that Representative Mullin provide all radio commercials in which he appeared for the companies that were broadcast in 2013.
40. According to the information that Representative Mullin provided to the OCE, he appeared in sixteen separate radio commercials broadcast between January and

<sup>23</sup> *Id.*; KRMG Radio Website, <http://www.krmg.com/news/entertainment/house-talk-markwayne-mullin/n8Ys/>; Mullin Plumbing Website, <http://mullinplumbing.com/icalrepeat.detail/2013/12/07/1051/house-talk-radio>.

<sup>24</sup> KRMG Radio Website, <http://www.krmg.com/news/entertainment/house-talk-markwayne-mullin/n8Ys/>; Mullin Plumbing Website, <http://mullinplumbing.com/icalrepeat.detail/2013/12/07/1051/house-talk-radio>.

<sup>25</sup> KRMG Radio Website, <http://www.krmg.com/news/entertainment/house-talk-markwayne-mullin/n8Ys/>; Mullin Plumbing Website, <http://mullinplumbing.com/icalrepeat.detail/2013/12/07/1051/house-talk-radio>.

<sup>26</sup> Mullin MOI (Exhibit 2 at 13-2392\_0009).

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September of 2013.<sup>27</sup> Twelve of the commercials were recorded in 2013 based on the dates provided.<sup>28</sup>

Television Commercials

41. Representative Mullin told the OCE that he is not certain whether he has filmed any television commercials for the plumbing companies in 2013, but he recalled filming a commercial in November 2012.<sup>29</sup>
42. The OCE requested that Representative Mullin provide all television commercials in which he appeared for the plumbing companies that were broadcast in 2013.
43. Representative Mullin provided the OCE with more than thirty commercials in which he appeared for the plumbing companies, but the filming date of most of the commercials is unclear.<sup>30</sup> Three of the television commercials may have been filmed in April 2013, based on the 2013 dates included in the titles of the recordings.<sup>31</sup>

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<sup>27</sup> Email from Karl Ahlgren to Kedric Payne, dated September 24, 2013 (Exhibit 7 at 13-2392\_0030).

<sup>28</sup> *Id.*

<sup>29</sup> Mullin MOI (Exhibit 2 at 13-2392\_0009).

<sup>30</sup> Collection of Mullin Plumbing Television Commercials Broadcast in 2013 (on file with OCE).

<sup>31</sup> *Id.* The following videos appear to have been filmed in 2013: Video MP-AC-Cleaning-4\_13.mp4 (stating “spring is here”); MP-RHEEM-4\_2013.mp4; and MP-WATER-4\_2013.mp4.

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Internet Video Advertisements

44. The plumbing companies share one website that, as of November 2013, featured thirteen videos of Representative Mullin advertising the companies' services.<sup>32</sup>



45. Based on the information before the OCE, it is unclear whether the internet videos were created since Representative Mullin became a Member of Congress. However, as stated above, Representative Mullin told the OCE that he continues to be “the face” of the plumbing companies, indicating that it is possible that the videos were filmed after he began his term in Congress.
46. Representative Mullin’s commercials on radio, television, and the internet include his personal endorsement of the services of the plumbing companies. The endorsements appear to be an effort to attract or retain clients for the plumbing companies.

**D. Representative Mullin Received Income from the Plumbing Companies**

47. In 2013, Representative Mullin received income from three of the plumbing companies, which he characterizes as “dividends” or “distributions.”<sup>33</sup> He does not own one of the companies that provided a “distribution.”

<sup>32</sup> See Mullin Plumbing Website, <http://mullinplumbing.com/>.

<sup>33</sup> Letter from Mullin Plumbing CFO, dated September 23, 2013 (“CFO Letter”) (Exhibit 8 at 13-2392\_0032); Mullin MOI (Exhibit 2 at 13-2392\_0032).

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Income from Companies Representative Mullin Owns

48. From January 1, 2013 to September 2013, Representative Mullin received the following payments from companies of which he is the sole owner:<sup>34</sup>
- |                               |              |
|-------------------------------|--------------|
| a. Mullin Plumbing, Inc.      | \$302,212.71 |
| b. Mullin Environmental, Inc. | \$3,542.91   |
49. Specifically, Representative Mullin receives monthly and quarterly payments from Mullin Plumbing, Inc. Mullin Plumbing Accountant stated that the purpose of the “distributions” is for Representative Mullin to have money for living expenses, tax payments, and for payments to his father to purchase the business.<sup>35</sup>
50. Mullin Plumbing Accountant described the monthly disbursements of \$6,500 from Mullin Plumbing, Inc. to Representative Mullin as being “in lieu of a salary.”<sup>36</sup> He told the OCE that he did not recall whether the monthly payments also occurred prior to 2013.<sup>37</sup> He said that prior to 2013, Representative Mullin received a paycheck from Mullin Plumbing for his role as owner, manager, and Chief Executive Officer.<sup>38</sup>
51. Representative Mullin reported receiving a salary of \$91,731 from “Mullin Plumbing Inc.” in calendar year 2012.<sup>39</sup>
52. When asked why the salary arrangement changed, Mullin Plumbing Accountant said that Representative Mullin did not believe that a salary was proper because he was not working the same as he had in the past.<sup>40</sup>
53. Representative Mullin told the OCE that Mullin Plumbing CFO determines the amount that he receives from Mullin Plumbing, Inc. and that he is paid based on a percentage of the company’s funds and the quarterly taxes of the company.<sup>41</sup>
54. Regarding the income from Mullin Environmental, Inc., Representative Mullin, Mullin Plumbing CFO, and Mullin Plumbing Accountant did not know how the amount of the distribution was determined or why it was given to Representative Mullin.<sup>42</sup>

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<sup>34</sup> CFO Letter (Exhibit 8 at 13-2392\_0032).

<sup>35</sup> Accountant MOI (Exhibit 3 at 13-2392\_0016).

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> Calendar Year 2012 Financial Disclosure Statement of Representative Markwayne Mullin, dated May 14, 2013 (Exhibit 9 at 13-2392\_0034-0040).

<sup>40</sup> *Id.*

<sup>41</sup> Mullin MOI (Exhibit 2 at 13-2392\_0009).

<sup>42</sup> *Id.* at 13-2392\_0011; CFO MOI (Exhibit 4 at 13-2392\_0022-0023); Accountant MOI (Exhibit 3 at 13-2392\_0018).

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Income from Company that Representative Mullin Does Not Own

55. From January 1, 2013 to September 2013, Representative Mullin received income totaling \$300,167.84 from Mullin Plumbing West Division, Inc.<sup>43</sup>
56. Although Mullin Plumbing West is wholly owned by Representative Mullin's wife, he characterized the payments to him as "distributions" from the company.<sup>44</sup> He received the payments in checks payable to him.<sup>45</sup>
57. When the OCE asked Representative Mullin why he received a distribution from a company that he does not own, he stated that he is married and "everything is joint."<sup>46</sup>
58. He told the OCE that ownership of the company was transferred to his wife based on advice that he received from the Committee on Ethics in November 2012 after he became a member-elect.<sup>47</sup> He stated that the Committee on Ethics told him that there was a potential conflict of interest associated with his ownership of Mullin Plumbing West Division, Inc. because the company provides plumbing services to Tinker Air Force Base. He said that the company is occasionally a subcontractor on the base.<sup>48</sup>
59. Based on the information before the OCE, Representative Mullin received over \$600,000 of income from the plumbing companies in 2013.<sup>49</sup>

**E. Representative Mullin Serves as an Officer or Board Member for the Plumbing Companies**

60. In addition to advertising for the plumbing companies, Representative Mullin provides various services in his capacity as an officer or board member.
61. Representative Mullin told the OCE that he is a board member of the companies and that he has not been President and Chief Executive Officer of the companies since December 2012.<sup>50</sup> However, Mullin Plumbing CFO and Mullin Plumbing Accountant told the OCE that Representative Mullin is currently the President.<sup>51</sup> Mullin Plumbing Accountant produced Oklahoma Annual Business Activity Tax Returns for calendar year 2012 that list Representative Mullin as President.<sup>52</sup> The OCE was unable to confirm whether Representative Mullin changed his title in 2013.

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<sup>43</sup> CFO Letter (Exhibit 8 at 13-2392\_0032).

<sup>44</sup> Mullin MOI (Exhibit 2 at 13-2392\_0010).

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> CFO Letter (Exhibit 8 at 13-2392\_0032).

<sup>50</sup> Mullin MOI (Exhibit 2 at 13-2392\_0008).

<sup>51</sup> CFO MOI (Exhibit 4 at 13-2392\_0022).

<sup>52</sup> 2012 Oklahoma Annual Business Activity Tax Return for Mullin Plumbing West Division, Inc.; 2012 Oklahoma Annual Business Activity Tax Return for Mullin Services, Inc.; 2012 Oklahoma Annual Business Activity Tax

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62. Representative Mullin described his duties as a board member as communicating with his management team whenever they need him.<sup>53</sup> He said that as a small business owner, he is involved in every aspect of the business.<sup>54</sup>
63. Specifically, Representative Mullin estimated that he communicates with Mullin Plumbing CFO at least once per week.<sup>55</sup> Mullin Plumbing CFO also estimated that she communicates with Representative Mullin approximately once per week by text message or telephone call.<sup>56</sup> Mullin Plumbing CFO estimated that she communicates with Representative Mullin in person once per month in the office in Tulsa, Oklahoma.
64. The communications between Representative Mullin and Mullin Plumbing CFO generally concern the finances of the company, including monthly finances, bank account status, and insurance renewals.<sup>57</sup>
65. Representative Mullin's Accountant described Representative Mullin's role with the Mullin Plumbing companies as being overseer and manager.<sup>58</sup>
66. Based on the information before the OCE, Representative Mullin may have received earned income for his service as an officer and as a board member. Specifically, the income that Representative Mullin receives from the plumbing companies may be earned income because of services he provides to attract and retain clients. Also, the income from Mullin Plumbing West Division, Inc. may be earned income because the "distribution" is from a company that he does not own.<sup>59</sup>

**F. Representative Mullin Received Advice from the Committee on Ethics**

67. Soon after Representative Mullin was elected in November 2012, he requested advice from the Committee on Ethics concerning his advertisements for the plumbing companies, but he may not have provided the Committee on Ethics a complete and accurate statement of all material facts related to: (1) advertisements produced after he became a Member of Congress; and (2) income he received from his wife's company.

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Return for Mullin Environmental, Inc.; 2012 Oklahoma Annual Business Activity Tax Return for Mullin Plumbing, Inc. (Exhibit 10 at 13-2392\_0042-0046).

<sup>53</sup> Mullin MOI (Exhibit 2 at 13-2392\_0010); CFO MOI (Exhibit 4 at 13-2392\_0022).

<sup>54</sup> Mullin MOI (Exhibit 2 at 13-2392\_0009).

<sup>55</sup> *Id.*

<sup>56</sup> CFO MOI (Exhibit 4 at 13-2392\_0022).

<sup>57</sup> *Id.*

<sup>58</sup> Accountant MOI (Exhibit 3 at 13-2392\_0017-0018).

<sup>59</sup> We note that given the substantial services rendered by Representative Mullin for the plumbing companies, federal tax law may require that a portion of the payments received by Representative Mullin be treated as wages as opposed to distributions for federal tax law purposes. *See* 26 U.S.C. §§ 3111, 3121, 3301, and 3306; 26 C.F.R. §§ 31.3101-1 *et seq.*, and 31.3301-1 *et seq.* We also note that wages are considered *per se* outside earned income pursuant to House Rule 25, cl. 4(d)(1).

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

68. On November 26, 2012, then-Representative-elect Mullin met with staff of the Committee on Ethics to discuss his business interests and advertisements for the plumbing companies.<sup>60</sup>
69. The Committee's "informal, staff-level guidance regarding the advertisements was that the advertisements did not need to be removed from circulation provided that: (1) the business was not one that offered fiduciary services, (2) **the advertisements in question were filmed prior to then-Representative-elect Mullin winning election to the U.S. House of Representatives**, and (3) the advertisements made no reference to then-Representative-elect Mullin's position as a Member of Congress."<sup>61</sup>
70. Although the advice states that advertisements filmed prior to Representative Mullin's election could continue to be circulated, the Committee on Ethics noted that "our guidance did not address the question of whether then-Representative-elect Mullin could make new advertisements for the company."<sup>62</sup>
71. When the OCE asked Representative Mullin whether he had any discussions with the Committee on Ethics concerning whether he could film new commercials, he said that he did not recall any such discussions.<sup>63</sup> He then stated that if the Committee on Ethics would have told him that he could not film new commercials for the companies he would have told them that was impossible.<sup>64</sup>
72. Representative Mullin told the OCE that he transferred the ownership of Mullin Plumbing West Division, Inc. to his wife based on advice from the Committee on Ethics that a conflict of interest may arise if he maintained ownership.<sup>65</sup> Specifically, he was told that a conflict of interest could arise because Mullin Plumbing West Division, Inc. is a subcontractor for a military base and he is a Member of Congress.<sup>66</sup> Assuming that he accurately described to the OCE the advice he was given, it is unlikely that the Committee on Ethics knew that he would transfer ownership of the company to his wife yet continue to receive payments from the company, because any potential conflict of interest would presumably still exist due to his direct receipt of company profits.
73. The Board notes that "[a]nyone who acts in good faith in accordance with a written advisory opinion from the Committee may not then be investigated by the Committee

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<sup>60</sup> Email from Tom Rust to Karl Ahlgren, dated September 19, 2013 (Exhibit 11 at 13-2392\_0048-0049).

<sup>61</sup> *Id.* (emphasis added).

<sup>62</sup> *Id.*

<sup>63</sup> Mullin MOI (Exhibit 2 at 13-2392\_0012).

<sup>64</sup> *Id.*

<sup>65</sup> *Id.* at 13-2392\_0010.

<sup>66</sup> *Id.*



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based on the conduct addressed in the opinion . . . .<sup>67</sup> However, in this matter, Representative Mullin received informal, oral guidance, and that guidance may have been based on his incomplete statement of material facts.

74. As a result, there is substantial reason to believe that Representative Mullin's income from the plumbing companies and his advertisements for the companies were not conducted in compliance with formal advice from the Committee on Ethics.

### III. CONCLUSION

75. Representative Mullin owns and continues to be significantly involved in various plumbing companies, serving as a board member, and possibly an officer, while personally advertising on the radio, television, and the internet for those companies.
76. He received income totaling more than \$600,000 from these plumbing companies in 2013. A portion of the income he received was characterized as a "distribution" from a company that he does not own, but for which he serves as possibly an officer and as a board member.
77. Based on the facts before the OCE, there is substantial reason to believe that the income he received is earned income because: (1) his share of the profits from the plumbing companies are, at least in significant part, for attracting or retaining clients; and (2) his "distributions" from the company his wife owns are not a return on any equity that he holds.
78. The Board recommends that the Committee on Ethics further review the allegations concerning the outside earned income because there is substantial reason to believe that the income Representative Mullin received exceeded the outside earned income limit in 2013.
79. The Board recommends that the Committee on Ethics further review the allegation concerning Representative Mullin endorsing services because there is substantial reason to believe that Representative Mullin appeared in commercials for an outside employer while serving as a Member of Congress.
80. The Board recommends that the Committee on Ethics further review the allegation concerning Representative Mullin serving as a compensated officer and board member because there is substantial reason to believe that Representative Mullin received compensation for the services he provided as an officer or board member of the plumbing companies.

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<sup>67</sup> House Ethics Manual at 21.

# **EXHIBIT 1**

# U.S. House of Representatives

COMMITTEE ON ETHICS  
Washington, DC 20515

January 24, 2013

## MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

**FROM:** Committee on Ethics  
KMC Michael Conaway, Chairman  
AS Linda T. Sánchez, Ranking Member

**SUBJECT:** The 2013 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees

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A House employee's salary level may trigger certain public disclosure requirements and employment restrictions, including the:

1. Requirement to file financial disclosure (FD) statements, including Periodic Transaction Reports (PTRs);<sup>1</sup>
2. Restrictions on outside employment;
3. Disclosure of negotiations for private employment and recusal requirements; and
4. Post-employment restrictions.

Due to the federal pay freeze enacted in 2011,<sup>2</sup> most of the triggering salaries and limits initially will not change from those in effect during calendar year (CY) 2012. However, new pay rates may go into effect after the first quarter of CY 2013, and some of the triggering salaries may change at that time. The Committee will issue updated guidance should any of the numbers change during the year. This memorandum provides details on the current triggering salary figures for CY 2013 for each of the categories noted above, and summarizes them in a table on page 5 of this Memorandum.

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<sup>1</sup> For detail on the PTR requirement, see the Committee's August 17, 2012, advisory memorandum "Periodic Reporting of Personal Financial Transactions Pursuant to the STOCK Act, as amended," which is available on the Committee Web site ([ethics.house.gov](http://ethics.house.gov)), under the links for Reports/General Advisories. Note that the STOCK Act may require the filing of PTRs as often as once per month.

<sup>2</sup> See Continuing Appropriations Act, 2011, Pub. L. 111-242, § 147, as amended by Continuing Appropriations and Surface Transportation Extensions Act, 2011, Pub. L. 111-322, § 1(b)(1).

## FINANCIAL DISCLOSURE

House officers and employees whose “rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule” for at least 60 days at any time during a calendar year are required to file FD statements, provided that the officer or employee “performs the duties of his [or her] position or office for a period in excess of sixty days in that calendar year.”<sup>3</sup> The GS-15, step 1, basic pay rate for CY 2013 remains \$99,628. The applicable 120% calculation for that rate for therefore remains **\$119,553.60**, or a monthly salary at or above \$9,962.80. This rate is referred to as the “senior staff rate.”

As a result, House officers and employees whose basic rate of pay is equal to or greater than the senior staff rate (\$119,553.60) for at least **60 days**<sup>4</sup> during **2013** must file an FD statement on or before May 15, 2014.<sup>5</sup> In addition, any new employee paid at the senior staff rate must file a “new employee” FD statement within 30 days of assuming employment with the House.<sup>6</sup> Finally, any staff who are paid at the senior staff rate on January 3, 2013 (or their first day of employment, if later in the year) must file reports (PTRs) on an ongoing basis throughout the year regarding certain financial transactions. See footnote 1 of this Memorandum for more information on the PTR requirement.

Please note that the requirement to file an FD statement covering calendar year 2012 applies to officers and employees whose basic rate of pay for at least 60 days in **2012** was also **\$119,553.60** or more. Annual FD statements covering CY 2012 are due on Wednesday, May 15, 2013, for those individuals who continue to be Members, officers, or employees of the House on that date.

In addition, House Members, officers, and employees paid at or above the senior staff rate for 60 days or more in a calendar year who terminate their House employment during that calendar year are required to file an FD statement within 30 days of their termination.<sup>7</sup>

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<sup>3</sup> Ethics in Government Act (EIGA) §§ 109(13) and 101(d), 5 U.S.C. app. 4 §§ 109(13) and 101(d) (hereinafter all citations to the EIGA will be to the appropriate federal code citation). In addition, all House Members are required to file FD statements. 5 U.S.C. app. 4 §§ 101(e) and (f).

<sup>4</sup> The House payroll department operates on a 30-day payroll cycle, meaning that each monthly pay period, regardless of its actual length, is counted as 30 days. Thus, a change to an employee’s base rate of pay in any two months during the calendar year (even non-consecutive months) may trigger the requirement to file a Financial Disclosure Statement. This is true even if the pay change affects only part of a month.

<sup>5</sup> 5 U.S.C. app. 4 §§ 101(c) and 109(f).

<sup>6</sup> See 5 U.S.C. app. 4 § 101(a). The only exception to this filing requirement is for new employees who assume employment with the House within 30 days of leaving a position with the federal government in which they filed a publicly-available financial disclosure statement. Individuals who are exempt from filing under these circumstances must notify the Clerk of the House in writing of that fact.

<sup>7</sup> See 5 U.S.C. app. 4 § 101(e). The only exception is for filers who, within 30 days of their termination from the House, accept a position with the federal government that requires the filing of a publicly-available financial disclosure statement. Departing employees who are exempt from filing under these circumstances must notify the Clerk of the House in writing of that fact.

## **THE OUTSIDE EARNED INCOME LIMIT AND OUTSIDE EMPLOYMENT RESTRICTIONS**

House officers and employees whose rate of basic pay is equal to or greater than the senior staff rate for **more than 90 days** are subject to limits on the amount of outside earned income<sup>8</sup> attributable to each calendar year.<sup>9</sup> As noted above, the senior staff rate for CY 2013 is **\$119,553.60**, or a monthly salary of \$9,962.80 or more.

The limit on outside earned income attributable to a calendar year is 15% of the rate of basic pay for Executive Schedule Level II in effect on January 1 of the year. Because any new pay rates will not go into effect later in 2013, the rate of basic pay for Executive Level II on January 1, 2013, remains \$179,700. Accordingly, the outside earned income limit for House Members, officers, and employees paid at or above the senior staff rate for CY 2013 remains **\$26,955**.<sup>10</sup> This limit will not change, even if federal pay rates change later in the year.

Members, officers, and House employees paid at or above the senior staff rate for more than 90 days are also subject to a number of specific limitations on the types of outside employment.<sup>11</sup> Detailed information regarding these limitations may be found on pages 213 to 238 of the *2008 House Ethics Manual*, which is available on the Committee's Web site ([ethics.house.gov](http://ethics.house.gov)). The Committee's Office of Advice and Education (extension 5-7103) is available to explain these limitations further.

### **DISCLOSURE OF EMPLOYMENT NEGOTIATIONS AND RECUSALS**

House Members, officers, and employees paid at the senior staff rate must notify the Committee within three (3) business days after they commence any negotiation or agreement for future employment with a private entity.<sup>12</sup> In addition, House Members, officers, and senior staff must recuse themselves from "any matter in which there is a conflict of interest or an appearance of a conflict" with the private entity with which they are negotiating or have an agreement for future employment or compensation, and they must notify the Ethics Committee in writing of such recusal. As noted above, the senior staff rate for CY 2013 is **\$119,553.60**, or a monthly salary of \$9,962.80 or more.

Information on the disclosure and recusal requirements related to seeking private employment applicable to Members, officers, and senior staff is available in two Committee advisory memoranda, one for Members and officers and one for staff. Copies of both

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<sup>8</sup> The term "outside earned income" means any "wages, salaries, fees, and other amounts received or to be received as compensation for personal services actually rendered" by a House Member, officer, or employee. House Rule 25, cl. 4(d)(1). It does not include the individual's salary from the House, nor does it include income for services rendered before the individual was employed by the House. *Id.* at cls. 4(d)(1)(A), (B).

<sup>9</sup> 5 U.S.C. app. 4 § 501(a)(1); House Rule 25, cls. 1(a)(1) and 4(a)(1).

<sup>10</sup> This amount is proportionally reduced when an individual becomes a Member, officer, or senior employee during the calendar year. For example, an individual who is hired into a senior staff position on July 1 has an outside earned limit that is one-half of the full amount, or \$13,478. *See* 5 U.S.C. app. 4 § 501(a)(2); House Rule 25, cl. 1(b).

<sup>11</sup> *See* 5 U.S.C. app. 4 § 502(a); House Rule 25, cls. 1-4.

<sup>12</sup> House Rule 27, cl. 2; Stop Trading on Congressional Knowledge Act, Pub. L. No. 112-105 (Apr. 4, 2012) § 17.

memoranda, which are dated November 26, 2012, are available on the Committee's Web site (ethics.house.gov) under "Reports/General Advisories."

### POST-EMPLOYMENT RESTRICTIONS

House Members and officers, as well as certain other House employees, are subject to post-employment restrictions on lobbying.<sup>13</sup> A former employee of a Member, committee, or leadership office is subject to the restrictions if, for at least **60 days** during the one-year period preceding termination of House employment, the employee was paid at a rate equal to or greater than 75% of the basic rate of pay for Members at the time of termination. This amount is referred to as the "very senior staff rate."

The basic rate of pay for Members in 2013 will remain \$174,000.<sup>14</sup> Therefore, the post-employment threshold for employees who depart from a job in a Member, committee, or leadership office in CY 2013 remains **\$130,500**, or a monthly salary of \$10,875 or more. However, the triggering salary for employees of other House or legislative branch offices (such as the CBO, GAO, GPO, Capitol Police, Library of Congress, Clerk, Parliamentarian, Office of Legal Counsel, and Chief Administrative Officer) is Executive Schedule Level IV. At present, that salary remains \$155,500, or a monthly salary of \$12,958.33 or more. However, it is possible that rate will rise later in the year.

Information on the post-employment restrictions applicable to Members, officers, and very senior staff is available in the two Committee advisory memoranda referenced in the previous section.

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See page 5 for a table summarizing the information contained in this memorandum.

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<sup>13</sup> 18 U.S.C. § 207.

<sup>14</sup> The President issued an Executive Order on December 27, 2012, that increased pay for certain federal employees, including a cost-of-living raise for Members of Congress to \$174,900, to take effect on April 7, 2013. However, subsequent passage of the American Taxpayer Relief Act of 2012, Pub. L. No. 112-240, § 802 (Jan. 2, 2013), continued the pay freeze for Members of Congress. As a result, Member pay will remain at \$174,000 for 2013.

**CALENDAR YEAR 2013**

<b>Item</b>	<b>2013 Amount</b>
<b>Outside earned income &amp; outside employment threshold</b> - Outside employment fiduciary restrictions if paid at rate for more than 90 days	<b>\$119,553.60</b> (\$9,962.80/mo)
<b>Outside earned income limit</b>	<b>\$26,955</b>
<b>Financial Disclosure/PTR threshold</b> - Annual FD required in May 2014 if paid at rate for 60 days or more in CY 2013 - PTRs required during CY 2013 if paid at rate on first day of House employment <i>or</i> after 60 days of employment at the rate in CY 2013	<b>\$119,553.60</b> (\$9,962.80/mo)
<b>Written disclosure of job negotiations and recusals required</b>	<b>\$119,553.60</b> (\$9,962.80/mo)
<b>Post-Employment threshold for employees of Member, committee, or leadership offices</b>	<b>\$130,500</b> (\$10,875/mo)
<b>Post-Employment threshold for employees of "other legislative offices" (see p. 4)</b>	<b>\$155,500</b> (\$12,958.33/mo)

# **EXHIBIT 2**



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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Representative Markwayne Mullin  
REVIEW NO.: 13-2392  
DATE: October 10, 2013  
LOCATION: 1113 LHOB  
Washington, DC 20515  
TIME: 11:00 a.m. to 11:50 a.m. (approximately)  
PARTICIPANTS: Kedric L. Payne  
Paul J. Solis  
Karl Algren

SUMMARY: The OCE requested an interview with the witness and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. He signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness stated that he is the owner of Mullin Plumbing, Inc. He said that he is not certain whether he wholly owns the company because his wife owns one or two of the Mullin companies and he is not certain which she owns. He is certain that she owns Mullin Plumbing West Division, Inc.
3. Mullin Plumbing, Inc. is organized as a subchapter S corporation and he described the nature of the business as residential and commercial plumbing services.
4. The witness told the OCE that he is on the Board of Mullin Plumbing, Inc., but he is not the President or Chief Executive Officer of the company. He stated that in December 2012 or January 2013, he no longer served as CEO and President of the company because of advice that he received from the Committee on Ethics.
5. He did not recall how long he served as President and CEO of Mullin Plumbing, Inc. During the time that he served in those positions, he was actively involved in the decision making of the company. He stated that he wore many hats and was responsible for any task that needed to be performed, including plumbing services, dispatching and secretarial duties, and janitorial duties.

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

6. The witness told the OCE that he has been the voice and face of the family company since “day one” and he has made television and radio commercials for well over a decade. He stated that he still is the face and voice of the company, that he still volunteers his time, that the companies are still family owned, and that it is the livelihood of his wife and children.
7. When asked when he filmed his most recent television commercial for the company, the witness stated that he was not certain. He recalled filming a commercial in November of 2012 that was a Christmas greeting. He stated that it is possible that he filmed another commercial in 2013, but he is not certain. He said that he plans to film another commercial this year as a Christmas greeting and plans on continuing to film commercials and making radio commercials.
8. When asked when he recorded his most recent radio commercial for the company, the witness stated that he appears on the radio show for the company almost every Saturday morning. He appears on a program called House Talk.
9. Since he has become a board member of the company, he regularly interacts with members of his company. He stated that he regularly communicates with the Chief Financial Officer and Chief Executive Officer of the company. When initially asked how often “regularly” is, the witness stated that he did not know. He then explained that he communicates with them at least once per week. The communications concern the finances of the company. He stated that he communicates with management “when they need” him. The witness stated that “a small business owner is involved in every aspect” of the business.
10. When asked about payments that he has received from Mullin Plumbing, Inc. in 2013, the witness stated that does not think that he has received a salary in 2013. He said that his accountant and Chief Financial officer know whether he has received a salary.
11. He told the OCE that he receives a dividend from the company. When asked whether he was referring to a distribution, the witness stated that it is a distribution or a dividend. He receives the distribution monthly.
12. The witness said that he does not know the amount of the monthly distribution from the company. He said that his CFO determines the amount that he is paid based on a percentage and is substantially based on quarterly taxes for the company. When asked whether he receives \$6,500 per month from the company, the witness said that he did not know.
13. The amount he received in distributions from the company decreased in 2013 compared to 2012 because of an effort to reinvest money into the company.

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14. When asked why he received a salary from the company in 2012, the witness told the OCE that the money was for his services as CEO and President.
15. The witness stated that his wife has wholly-owned Mullin Plumbing West Division, Inc. since December 2012 or January 2013. He acknowledged that the ownership of the company was transferred to his wife from a living trust that he has with his wife. When asked whether the trust owns any of the other Mullin companies, the witness stated that he does not know.
16. He told the OCE that ownership of Mullin Plumbing West Division, Inc. was transferred to his wife based on advice that he received from the Committee on Ethics in November 2012 after he became a member-elect. He stated that the Committee on Ethics told him that there was a potential conflict of interest associated with his ownership of Mullin Plumbing West Division, Inc. because the company provides plumbing services to Tinker Air Force Base. He said that the company is occasionally a subcontractor on the base.
17. The company is organized as a subchapter S corporation and provides the same services as Mullin Plumbing, Inc. He stated that he is a board member. When asked about his duties for Mullin Plumbing West Division, Inc., the witness initially stated that he has the duties as "owner". He was then asked whether he is the owner and he responded that he is not. He then stated that his duties and responsibilities for Mullin Plumbing West Division, Inc. are the same as those he has for Mullin Plumbing, Inc., which include communicating with the management team and serving as a board member.
18. The witness stated that he receives a distribution from Mullin Plumbing West Division, Inc. He believes that the distribution is monthly. He told the OCE that he does not know the amount of the distribution and that the amount is determined by his CFO and the board. He does not know whether he receives \$5,000 per month. The distribution decreased in 2013 for the same reason as his distributions from Mullin Plumbing, Inc.
19. He initially told the OCE that he believes the distributions are paid into a joint bank account with his wife. Moments later he used a mobile phone and told the OCE that he was calling his CFO. He told the OCE that the CFO told him that the distributions from Mullin Plumbing West Division, Inc. are paid with checks written individually to the witness and sometimes individually to his wife.
20. When asked why he receives a distribution from a company he does not own, the witness replied that it is because "we're married. Everything is joint."
21. The witness stated that the decisions on the amount of distributions come from the board, the CFO, and the CEO. His wife also has a role in the decision making of the distributions from Mullin Plumbing West Division, Inc.

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22. He stated that he has never received a salary from Mullin Plumbing West Division, Inc.
23. The witness told the OCE that he thinks he wholly owns Mullin Plumbing Environmental, Inc., but he is not certain. He stated that his CFO knows whether he wholly owns the company.
24. The company provides services for water and waste treatment and is a subchapter S corporation. He is a board member for the company, but is no longer the President or CEO since January 2013, similar to the Mullin Plumbing, Inc. and Mullin Plumbing West Division, Inc.
25. He told the OCE that his duties and responsibilities for Mullin Plumbing Environmental, Inc. are the same as for Mullin Plumbing, Inc. and Mullin Plumbing West Division, Inc.
26. He receives a distribution from the company and it decreased in 2013 for the same reason his distribution decreased with Mullin Plumbing, Inc. and Mullin Plumbing West Division, Inc. The amount of the distribution is determined by the CEO, CFO and leadership team. He confirmed that the leadership team he referenced is the same leadership team listed on the website of mullininc.com.
27. The witness told the OCE that he thinks he wholly owns Mullin Services, Inc., but he is not certain. He stated that his CFO knows whether he wholly owns the company.
28. The company is organized as a subchapter S corporation and it provides heating, ventilation, and air conditioning services.
29. His title and duties with Mullin Services, Inc. are the same as with Mullin Plumbing, Inc. and Mullin Plumbing West Division, Inc.
30. The witness was shown his draft financial disclosure statement for calendar year 2013 that he produced in response to the OCE Request for Information (MM\_0002-09). He stated that the "unearned income" noted for Mullin Services, Inc. was not a distribution. He stated that it was an increase in the value of the company.
31. The witness told the OCE that he thinks he wholly owns Mullin Plumbing New Construction, Inc., but he is not certain. He stated that his CFO knows whether he wholly owns the company.
32. He assumes that it is organized as a subchapter S corporation. The company provides construction services for residential and commercial plumbing purposes.
33. His title and duties with Mullin Plumbing New Construction, Inc. are the same as with Mullin Plumbing, Inc. and Mullin Plumbing West Division, Inc.

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

34. He does not receive a distribution from this company.
35. The witness told the OCE that he owns Mullin Properties, LLC. He described the company as owning residential and commercial rental properties. The company does not have any real estate brokers or agents.
36. His role with the company is more “hands-off” than his responsibilities with his other companies.
37. Mullin Properties West Division, LLC is a company that he owns with Daniel Ice. The witness stated that the company’s business is the same as Mullin Properties, LLC.
38. When asked why he did not report Mullin Properties West Division, LLC on his financial disclosure statements, the witness stated that it is because the company “doesn’t do anything” and has no income. He said that his accountant knows why it was not included.
39. The witness told the OCE that he believes he wholly owns Mullin Farms but he is not certain. He stated that his CFO knows whether he wholly owns the company. He also said that his wife is the only other potential co-owner for any of his companies where he is not sure of his percentage of ownership.
40. The farm is organized as an LLC. The farm sells cattle, horses, and hay. The witness told the OCE that he lives on the farm. He stated that he has not received any payments from the farm in 2013.
41. The witness stated that during new Member orientation, the Committee on Ethics offered to meet with Members who had questions about businesses. He asked to meet with the Committee on Ethics. His wife and the Mullin Plumbing CFO also attended the meeting. The committee staff went through everything line by line, making recommendations on how his businesses should be set up. He does not know who attended the meeting from the Committee on Ethics.
42. The Committee on Ethics advised him that his outside earned income could not exceed approximately \$29,000. They also advised him that as an owner he could draw dividends and distributions from his companies. They advised that he could do advertisements if he did not get paid to do the advertisement or mention politics.
43. When asked whether there were discussions about whether he could film new commercials, the witness said that he did not recall such discussions. He then stated that if he would have been told that he could not film new commercials for the company he would have told the Committee on Ethics that that was not possible.

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This memorandum was prepared on October 12, 2013, based on the notes that the OCE staff prepared during the interview with the witness on October 10, 2013. I certify that this memorandum contains all pertinent matters discussed with the witness on October 10, 2013.

Kedric L. Payne  
Deputy Chief Counsel

# **EXHIBIT 3**

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

**MEMORANDUM OF INTERVIEW**

IN RE: Mullin Plumbing Accountant  
REVIEW NO.: 13-2392  
DATE: October 4, 2013  
LOCATION: 1560 East 21<sup>st</sup> Street  
Tulsa, OK 74114  
TIME: 9:41 a.m. to 10:41 a.m. (approximately)  
PARTICIPANTS: Kedric L. Payne  
Paul J. Solis  
Lee R. Swarthout

**SUMMARY:** The OCE requested an interview with the witness and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. He signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness is a certified public accountant and one of three partners of Hartog, Kallenberger & Swarthout, P.L.L.C. ("HKS"). He has been employed with HKS for approximately four years. Prior to his employment with HKS, he was employed by Kallenberger & Associates for approximately eight years.
3. The witness told the OCE that he first met Representative Markwayne Mullin approximately eight to ten years ago. Representative Mullin was referred to the witness for assistance with tax services for his companies. The witness recalled that Representative Mullin had approximately two companies at the time.
4. Representative Mullin remains a client of the witness and he assists Representative Mullin and his companies with the following: corporate tax returns; Oklahoma franchise tax returns; Oklahoma income tax returns; financial statements; personal tax returns for Representative Mullin and his wife; financial disclosure statements for the House of Representatives.
5. The witness stated that he provides services for the following companies affiliated with Representative Mullin: Mullin Plumbing, Inc.; Mullin Plumbing West Division, Inc.; Mullin Plumbing Environmental, Inc.; Mullin Plumbing New Construction, Inc.; Mullin



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Services, Inc.; Mullin Properties, LLC; and Mullin Farms. The witness said that he is not familiar with Mark Mullin Co., LLC.

6. His primary contact for these companies is Staci Crabtree, who he described as the office manager that essentially runs the companies. He stated that he speaks to Representative Mullin approximately twice a year. However, he spoke to Representative Mullin approximately four to five times per year prior to 2012. During those conversations prior to 2012, the witness discussed tax planning and the books of the companies.
7. He speaks to Ms. Crabtree and Representative Mullin's Chief of Staff when he prepares the House financial disclosure statements for Representative Mullin.
8. The witness described Mullin Plumbing, Inc. as a services business that provides plumbing, irrigation, and appliance repair services. The company does not have any long-term contracts and he is not aware of any bulk sales of parts. The company has approximately forty employees, two-thirds of which are the service providers. The remaining employees are accountants, dispatchers, and similar non-service providers.
9. He told the OCE that Representative Mullin owns 100% of the company, which is organized as an S corporation.
10. He stated that he was not sure whether Representative Mullin had day-to-day contact with the company.
11. When asked about the payments that Representative Mullin receives from Mullin Plumbing, Inc., the witness told the OCE that he receives distributions on an "as call basis" whenever he decides to have such distributions. The purpose of the distributions is for Representative Mullin to have money for living expenses, tax payments, and for payments to his father to purchase the business. No one else receives a distribution from the company.
12. The witness stated that Representative Mullin receives a monthly distribution of \$6,500 that the witness thinks is "in lieu of a salary." The witness did not recall the \$6,500 figure being distributed to Representative Mullin prior to 2013. Representative Mullin received a paycheck from Mullin Plumbing prior to 2013 for his role as owner, manager, and Chief Executive Officer. When asked why the salary arrangement changed, the witness stated that Representative Mullin did not believe that a salary was proper because he was not working the same as he had in the past.
13. The witness has the understanding that in 2013 Representative Mullin only receives a salary from the House of Representatives and not from any other sources.

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14. Mullin Plumbing West Division, Inc. is the same type of service company as Mullin Plumbing, Inc., but Mullin Plumbing West Division, Inc., is located in the Oklahoma City region. The company is a separate entity from Mullin Plumbing, Inc. primarily for concerns of legal liability if the company was involved in a lawsuit.
15. Mullin Plumbing West Division, Inc. is a subchapter S corporation and has approximately thirty employees, who are mostly service providers.
16. When asked who owned Mullin Plumbing West Division, Inc., the witness initially stated that Representative Mullin wholly owns the company. However, he then stated that he learned from Ms. Crabtree this week, in preparation for his interview with OCE, that the company had been transferred to Mrs. Mullin effective January 1, 2013. Ms. Crabtree told him that the transfer was made based on guidance received from the House Committee on Ethics.
17. When asked about a draft of Representative Mullin's calendar year 2013 financial disclosure statement that the witness prepared for the OCE (MM\_0001 – MM\_0009), he stated that he based the disclosure on in-house financial statements that Ms. Crabtree prepared.
18. The witness does not know for certain whether the distributions in 2013 from the company are paid to Representative Mullin and he does not know whether the distributions are monthly or quarterly. He will not know the details of the distributions until he receives more detailed information from Ms. Crabtree. He said that in prior years, all distributions from the company were paid to Representative Mullin.
19. The witness stated that Representative Mullin and his wife file a joint income tax return and the flow through for Mullin Plumbing West Division, Inc. is included in this joint tax return.
20. He described Representative Mullin's role with Mullin Plumbing West Division, Inc. as overseer and manager.
21. When asked whether Representative Mullin ever received a salary from Mullin Plumbing West Division, Inc., the witness initially stated that he did not know. He was then shown Representative Mullin's calendar year 2012 financial disclosure statement. The witness confirmed that he prepared the financial disclosure statement and it refreshed his recollection that no salary had been reported from Mullin Plumbing West Division, Inc. for 2012. The witness then stated that Representative Mullin did not receive a salary in 2012 from Mullin Plumbing West Division, Inc.

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22. The witness told the OCE that Mrs. Mullin received a salary in 2012 from Mullin Plumbing, Inc. for her work in television advertisements and her participation in Board meetings.
23. The witness stated that Mrs. Mullin does very little work for Mullin Plumbing West Division, Inc.
24. Mullin Plumbing Environmental, Inc. is a service company that cleans large projects, such as tar pits. The witness stated that it is a subchapter S corporation that is wholly owned by Representative Mullin. He does not know the number of employees of the company.
25. He described the duties and role of Representative Mullin for Mullin Plumbing Environmental, Inc. as being the same as Representative Mullin's role with Mullin Plumbing, Inc. and Mullin Plumbing West Division, Inc.
26. The witness was shown a letter from Ms. Crabtree dated September 23, 2013 (MM\_0012), listing distributions from Mullin Environmental, Inc. to Representative Mullin in 2013. He told the OCE that he was not aware of the distribution from the company to Representative Mullin. He also is not aware of Representative Mullin ever receiving a salary from Mullin Environmental, Inc.
27. When asked about Mullin Services, Inc., the witness stated that he did not know the nature of the business or the number of employees. The company is two or three years old and is a subchapter S corporation wholly owned by Representative Mullin.
28. The witness was shown the draft of Representative Mullin's calendar year 2013 financial disclosure statement that the witness prepared for the OCE (MM\_0001 – MM\_0009) and asked about the unearned income attributed to Mullin Services, Inc. The witness stated that the amount of unearned income was not a distribution. He described the unearned income as an amount that Representative Mullin accumulated from a capital investment into the company. The witness is not aware of Representative Mullin receiving a salary from the company.
29. Mullin Plumbing New Construction, Inc. is a company that does above-ground construction work. The witness stated that the construction work includes small commercial buildings. The company is a subchapter S corporation wholly owned by Representative Mullin.
30. Representative Mullin's role and duties with the company are the same as those with Mullin Plumbing, Inc. and Mullin Plumbing West Division, Inc.

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31. The witness is not aware of Representative Mullin receiving any distributions or salary from Mullin Plumbing New Construction, Inc.
32. According to the witness, Mullin Properties LLC owns various commercial and residential rental properties. He does not believe there are any employees of the company, but Ms. Crabtree is involved in the company.
33. Representative Mullin wholly owns the company. The witness described Representative Mullin as being less involved with this company because the real estate basically takes care of itself.
34. The company does not broker any real estate transactions.
35. The witness is not aware of Representative Mullin receiving any salary or distributions from the company.
36. Mullin Farms is located in Westville, Oklahoma and sells cattle. The witness is not certain whether there are other farming operations.
37. The farm is organized as an LLC that Representative Mullin wholly owns. According to the witness, Representative Mullin occasionally visits the farm, but he is not aware of him having any management responsibilities.
38. The witness is not aware of any salary, distributions, or other payments from the farm to Representative Mullin.
39. The witness told the OCE that he has not had any communications with the Committee on Ethics.
40. With respect to the amount of any distributions that Representative Mullin receives, the witness stated that he is not involved in any decisions on the amount of the distributions. He also told the OCE that he does not provide any amounts concerning distributions to Ms. Crabtree.

This memorandum was prepared on October 5, 2013, based on the notes that the OCE staff prepared during the interview with the witness on October 4, 2013. I certify that this memorandum contains all pertinent matters discussed with the witness on October 4, 2013.

Kedric L. Payne  
Deputy Chief Counsel

# **EXHIBIT 4**

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OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

**MEMORANDUM OF INTERVIEW**

IN RE: Mullin Plumbing Chief Financial Officer  
REVIEW NO.: 13-2392  
DATE: September 25, 2013  
LOCATION: Via Telephone  
TIME: 1:00 p.m. to 1:46 p.m. (approximately)  
PARTICIPANTS: Kedric L. Payne  
Paul J. Solis  
Bryson B. Morgan

**SUMMARY:** The OCE requested an interview with the witness and she consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. She signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness is the Chief Financial Officer for Mullin Plumbing, Inc (“CFO”). She has served in this capacity since July 2012. Before serving as CFO, the witness was the office manager.
3. She has been employed with Mullin Plumbing, Inc. since August 2001. Prior to her employment with Mullin Plumbing, Inc., the witness worked for B&E Escort, a freight company.
4. The witness told the OCE that her duties as CFO include tracking the company’s bank deposits, reconciling bank accounts, preparing financial statements for the accountant, managing office employees, and other general duties.
5. She also performs the same duties for the following companies that are affiliated with Mullin Plumbing, Inc.; Mullin Services, Inc.; Mullin Plumbing New Construction, Inc.; Mullin Properties LLC; Mullin Environmental, Inc.; and Mullin Plumbing West Division, Inc.
6. The witness reports to Robert Morris, who has been the Chief Executive Officer (“CEO”) of Mullin Plumbing, Inc. since July 2012. She stated that it is her understanding that Mr. Morris replaced Representative Mullin as CEO in 2012 because of Representative Mullin’s campaign for Congress.

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7. She told the OCE that Representative Mullin is the President of Mullin Plumbing, Inc. and is the sole owner. Ray Trimble is the Chief Operating Officer of Mullin Plumbing, Inc. Representative Mullin's wife is the Secretary and Treasurer.
8. The witness described Representative Mullin's activities as President to include advising the CEO, acting as a signor on the bank account, and advising the company's leadership team. She stated that Representative Mullin performed similar duties prior to 2013, but his involvement has decreased greatly since 2011. The witness stated that she sees Representative Mullin "occasionally" but "nothing like when he was CEO."
9. She estimates that she contacts him approximately once per week by text messages or telephone calls. She sees him in person in the office approximately once per month. Her communications with Representative Mullin typically concern monthly financials, the status of bank accounts, insurance renewals, and any questions that he may have regarding these matters. Representative Mullin has an office in the same building as her office in Broken Arrow, Oklahoma.
10. The witness told the OCE that Representative Mullin is the President and sole owner and shareholder of Mullin Plumbing, Inc.; Mullin Services, Inc.; Mullin Plumbing New Construction, Inc.; Mullin Properties LLC; Mullin Environmental, Inc. She also believes that the other officers of Mullin Plumbing, Inc. are also the same officers for these entities.
11. She stated that Mullin Plumbing West Division, Inc. is 100% owned by Representative Mullin's wife and Daniel Ice is the CEO. Mullin Plumbing West Division, Inc. is located in Moore, Oklahoma.
12. The witness assists Representative Mullin in completing financial disclosure statements for the House of Representatives and forwards them on to the accountant.
13. When asked about payments that Representative Mullin receives from the companies, the witness stated that he has not received a salary in 2013. She stated that in prior years Representative Mullin received a weekly salary from Mullin Plumbing, Inc. because he was more involved in the day-to-day business.
14. When asked if Representative Mullin has the same roles with the companies now that he had in 2012, the witness stated that he does, with less involvement now.
15. In 2013, Representative Mullin received distributions from Mullin Plumbing, Inc., Mullin Plumbing West Division, Inc., and Mullin Environmental, Inc. The distributions are made from the general operating account of each company, which are the accounts that contain company profits. The payments are coded as "distributions" in the accounting

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records. The witness stated that “distribution” is the term used to describe any payment from that account.

16. Representative Mullin received an automatic monthly distribution from Mullin Plumbing, Inc. of \$6,500 and from Mullin Plumbing West Division, Inc. of \$5,000. The witness stated that Representative Mullin has been receiving these distributions for more than two years. Mullin Environmental, Inc. does not have an automatic monthly distribution. He also receives quarterly distributions from Mullin Plumbing, Inc. and Mullin Plumbing West Division, Inc. The witness does not know how the amounts of the distributions are calculated, and was not involved in those determinations, but she receives the amounts from the accountant, Paul Kallenberger.
17. The witness stated that no one else receives such a distribution from the companies.
18. The witness stated that she had spoken with Paul Kallenberger about the OCE’s review in this matter but not Representative Mullin or Representative Mullin’s wife.
19. The witness was asked about a letter that she prepared for the OCE dated September 23, 2013 (MM\_0012). She told the OCE that the letter’s reference to “Dividends received from Citizens Bank Shares, Inc.” is related to stock that Representative Mullin purchased in the bank. She said that he does not serve on the board of the bank.
20. The witness attended a meeting with the Committee on Ethics (“COE”) in November 2012. Representative Mullin, Representative Mullin’s wife, and at least one of Representative Mullin’s congressional staffers also attended the meeting. The witness told the OCE that the discussions with the COE concerned the structure of the companies, the need to discontinue Representative Mullin’s salary from the company, his duties, and the company advertisements. The witness said that the distributions were discussed, but “were not an issue.” She does not remember specifically what else was discussed, but she took notes during the meeting that related to her responsibilities. She stated that the only thing she specifically remembers being discussed was that there was no issue with Representative Mullin’s advertising role.

This memorandum was prepared on September 28, 2013, based on the notes that the OCE staff prepared during the interview with the witness on September 25, 2013. I certify that this memorandum contains all pertinent matters discussed with the witness on September 25, 2013.

Kedric L. Payne  
Deputy Chief Counsel



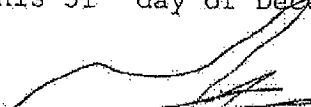
# **EXHIBIT 5**

ASSIGNMENT

For value received and effective January 1, 2013, The Markwayne Mullin and Christie Renee Mullin Living Trust ("Assignor"), hereby assigns, transfers and delivers 100 shares of the common stock of Mullin Plumbing West Division, Inc., to Christie Renee Mullin, TOD The Markwayne Mullin and Christie Renee Mullin Living Trust. Said 100 shares of the common stock of Mullin Plumbing West Division, Inc. are assigned to her by The Markwayne Mullin and Christie Renee Mullin Living Trust on December 31, 2012.

Assignor hereby further agrees to execute and deliver to the Assignee such additional assignments and instruments of transfer as may be reasonable necessary in order to effectuate the transfer of the shares from the Assignor to the Assignee.

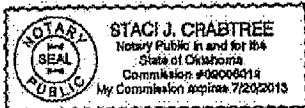
Executed and delivered this 31<sup>st</sup> day of December, 2012.

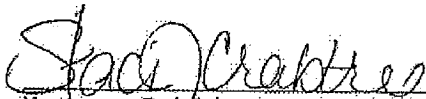
  
\_\_\_\_\_  
Markwayne Mullin, Trustee of The  
Markwayne Mullin and Christie  
Renee Mullin Living Trust

\_\_\_\_\_  
Christie Renee Mullin, Trustee of  
The Markwayne Mullin and Christie  
Renee Mullin Living Trust

STATE OF OKLAHOMA    )  
                                  ) ss.  
COUNTY OF TULSA     )

Before me, the undersigned, a Notary Public in and for this state, on this 31 day of December, 2012, personally appeared Markwayne Mullin and Christie Renee Mullin, Trustees of The Markwayne Mullin and Christie Renee Mullin Living Trust, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.



  
\_\_\_\_\_  
Notary Public

My commission expires:

7/20/13

# **EXHIBIT 6**

MARKWAYNE MULLIN  
2ND DISTRICT, OKLAHOMA

1113 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-████

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-3602

COMMITTEES  
NATURAL RESOURCES COMMITTEE  
SUBCOMMITTEES  
INDIAN AND ALASKA NATIVE AFFAIRS  
WATER AND POWER  
TRANSPORTATION AND  
INFRASTRUCTURE COMMITTEE  
SUBCOMMITTEES  
WATER RESOURCES AND ENVIRONMENT  
HIGHWAYS AND TRANSIT  
ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS,  
AND EMERGENCY MANAGEMENT

November 8, 2013

The Honorable Porter Goss, Chair  
The Honorable David Skaggs, Co-Chair  
Office of Congressional Ethics  
U.S. House of Representatives  
425 3<sup>rd</sup> Street, SW  
Suite 1110  
Washington, DC 20024

*Re: Office of Congressional Ethics Review No. 13-2392*

Dear Chairman Goss and Co-Chairman Skaggs:

Thank you for the opportunity to make my voice and concerns heard to you, and to the other members of the Board of the Office of Congressional Ethics ("OCE"), on this matter of the utmost personal, professional, and official importance to me, to my family, and, as I address below, to the people who elected me to represent their interests in Congress without undue distraction.

As you know, before my election to Congress from Oklahoma's Second Congressional District in 2012 I owned and operated Mullin Plumbing and a number of other businesses. Mullin Plumbing is a family business, founded by my father. When I was 20 years old I took over the operation of Mullin Plumbing from my father when he became too ill to continue running the business. Today, Mullin Plumbing has grown to a statewide business, providing ongoing and important employment to over 120 people.

After I was elected to Congress in November 2012, one of my priorities was to meet with the staff of the House Committee on Ethics to get their guidance on my business arrangements, and on activities I was undertaking on behalf of those businesses, to assure that, after I took office in January 2013, those business arrangements and activities would be structured in accord with House ethics standards. As a result of that meeting I gave up day-to-day operation of the Mullin businesses. Consistent with the guidance I received from Ethics Committee staff, I retain a substantial ownership interest in those businesses and receive distributions based on those interests.

The OCE has a copy of a September 19, 2013 email from House Ethics Acting Director of Investigations Tom Rust to my Chief of Staff Karl Ahlgren (an additional copy is attached to this letter). Mr. Rust and his Ethics Committee Counsel colleague Heather Jones were the ethics staff counsel who met with me on November 26, 2012 to discuss my business interests. Although, unfortunately, Mr. Rust and Ms. Jones apparently did not memorialize their guidance to me at the time of the meeting, in his September 19 email Mr. Rust confirms the specific guidance – and clear permission – he and Ms. Jones provided to me in November 2012 regarding advertisements for Mullin Plumbing.

104 SOUTH MUSKOGEE AVENUE  
CLAREMORE, OK 74017  
(918) 341-9336

112 NORTH 12TH AVENUE  
DURANT, OK 74701  
(580) 931-0333

101 AIRPORT ROAD  
MCALISTER, OK. 74501  
(918) 423-5951

431 WEST BROADWAY  
MUSKOGEE, OK 74401  
(918) 687-2533

PRINTED ON RECYCLED PAPER

MM\_0014  
13-2392\_0027

In its statement of the nature of its review in this matter in its August 27, 2013 letter to me, the OCE states that I may have violated House rules and standards of conduct if I was personally involved in selling or endorsing any goods or services pursuant to outside employment. As you can see from Mr. Rust's September 19, 2013 email, House Ethics permitted my personal involvement in advertisements for Mullin Plumbing. Given the permission from House Ethics –and particularly given that this permission came from the Acting Director of Investigations at the Committee – the investigative interest expressed by the OCE with respect to my participation in advertisements for Mullin Plumbing appears to be entirely unjustified and entirely unsupported.

In addition to advertisements, following my November 2012 meeting with House Ethics staff, I and others involved in the Mullin businesses structured those businesses, and my participation in them, to accord with our understanding of Ethics staff guidance. In fact, we spent numerous business hours and thousands of dollars to implement this ethics guidance, including the hiring of a new chief executive officer to replace me.

The House Ethics Committee, as expressed in its Ethics Manual, recognizes that Members should be able to manage and protect their equity in a family trade or business. It appears, however, that in trying to manage and protect my family business, and despite my seeking Ethics Committee guidance on how to do so, I have been caught in the middle between the Ethics Committee acting in an advisory capacity and the OCE acting in an investigative capacity. It seems to me that, if the procedural rules of the Committee and of the OCE allowed them to communicate with each other – even informally – about this matter, it would simply and quickly be resolved and go away. Instead, because of this inability to communicate, the OCE's investigation is imposing multiple, unnecessary costs – financial costs, potential costs to my reputation if this unwarranted inquiry is referred to the Ethics Committee, and costs to my constituents in the real time this matter has required me to take away from the representative duties for which I was elected.

Again, thank you and the Board for your serious attention to and consideration of my concerns. It is my very strong hope that you and the members of the OCE Board will dismiss this matter or, if you must refer it to the House Ethics Committee under your rules, that you will do so with a unanimous recommendation for dismissal. There was no sufficient basis for initial inquiry by the OCE in this matter. There certainly is no basis for continued inquiry by the OCE or by the Ethics Committee.

Sincerely



Markwayne Mullin  
Member of Congress  
Second Congressional District of Oklahoma

# **EXHIBIT 7**

**From:** Ahlgren, Karl </O=U.S. HOUSE OF REPRESENTATIVES/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=KAHLGREN>  
**Sent:** Tuesday, September 24, 2013 1:05 PM  
**To:** Payne, Kedric <Kedric.Payne@mail.house.gov>  
**Subject:** Mullin Plumbing Radio spot overview  
**Attach:** Mullin Plumbing Markwayne TUL (5).mp3; ATT00001.htm; Mullin Plumbing Markwayne OKC (1).mp3; ATT00002.htm; Mullin Plumbing RHEEM 30 Copy Template.doc; ATT00003.htm; Mullin Plumbing 2013 HVAC 60.mp3; ATT00004.htm; Mullin Plumbing Summer 2013 Water Treatment 30.mp3; ATT00005.htm

---

Attached are the Radio spots.

Karl Ahlgren  
Chief of Staff  
Congressman Markwayne Mullin  
Second District of Oklahoma  
1113 Longworth House Office Bldg.  
Washington, D.C. 20515  
202-225-██████

So far, these are the spots we've ran this year:

January - Mullin Plumbing Markwayne TUL :30 (from 2012)  
February - Mullin\_Winter\_Tulsa :60 (from 2012)  
March - Mullin Plumbing Markwayne TUL :30 (from 2012)  
April - Mullin Plumbing Markwayne TUL :30 (from 2012)  
May - Summer 2013 Rheem :30  
    Summer 2013 Water Treatment :30  
    Mullin Plumbing HVAC :60  
June - Summer 2013 Rheem :30  
    Summer 2013 Water Treatment :30  
July - Summer 2013 Rheem :30  
    Summer 2013 Water Treatment :30  
August - Summer 2013 Rheem :30  
    Summer 2013 Water Treatment :30  
Sept (1-17) - Summer 2013 Rheem :30  
    Summer 2013 Water Treatment :30  
Sept 17 on - Mullin Plumbing Markwayne :30

# **EXHIBIT 8**



MULLIN PLUMBING, INC.

118 S. Elm Place  
Broken Arrow, Ok. 74012  
918-258-  
918-806-8852 Fax

September 23, 2013

To Whom It May Concern:

For the period of January 1, 2013 to current date, Markwayne Mullin has not received any income in the form of salary from any of the sources listed, or any entities affiliated with these sources, Mullin Plumbing, Inc., Mullin Properties LLC., Mullin Environmental, Inc., Mullin Services, Inc., Mullin Plumbing West Division, Inc., Mullin Plumbing New Construction, Inc., Mullin Farms, LLC.

Sources of income not considered salary for Markwayne Mullin from January 1, 2013 – September 13, 2013

Distributions received from Mullin Plumbing, Inc.	\$302,212.71
Distributions received from Mullin Plumbing West Division Inc.	\$300,167.84
Distributions received from Mullin Environmental, Inc.	\$ 3,542.91

Dividends received from Citizens Bank Shares, Inc.	\$ 89,476.17
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If you have questions about this information, please contact me at 918-258-.

Sincerely,



Staci J. Crabtree  
CFO  
Mullin Plumbing Inc.

# **EXHIBIT 9**

**UNITED STATES HOUSE OF REPRESENTATIVES**  
**CALENDAR YEAR 2012 FINANCIAL DISCLOSURE STATEMENT**

**FORM A** Page 1 of 7  
 For use by Members, officers, and employees

Markwayne Mullin

(Full Name)

(Daytime Telephone)

**Filer Status**  Member of the U.S. House of Representatives  
 State: OK District: 2

Officer Or Employee  
 Employing Office: \_\_\_\_\_

**Report Type**  Annual (May 15)  Amendment  Termination

Termination Date: \_\_\_\_\_

**A \$200 penalty shall be assessed against anyone who files more than 30 days late.**

**HAND DELIVERED**

2013 MAY 14 PM 3:34 ML

(Office Use Only)

**PRELIMINARY INFORMATION -- ANSWER EACH OF THESE QUESTIONS**

<p>I. Did you or your spouse have "earned" income (e.g., salaries or fees) of \$200 or more from any source in the reporting period?                  If yes, complete and attach Schedule I.</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>VI. Did you, your spouse, or a dependent child receive any reportable gift in the reporting period (i.e., aggregating more than \$350 and not otherwise exempt)?                  If yes, complete and attach Schedule VI.</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>II. Did any individual or organization make a donation to charity in lieu of paying you for a speech, appearance, or article in the reporting period?                  If yes, complete and attach Schedule II.</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>VII. Did you, your spouse, or a dependent child receive any reportable travel or reimbursements for travel in the reporting period (worth more than \$350 from one source)?                  If yes, complete and attach Schedule VII.</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>III. Did you, your spouse, or a dependent child receive "unearned" income of more than \$200 in the reporting period or hold any reportable asset worth more than \$1,000 at the end of the period?                  If yes, complete and attach Schedule III.</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>VIII. Did you hold any reportable positions on or before the date of filing in the current calendar year?                  If yes, complete and attach Schedule VIII.</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>IV. Did you, your spouse, or dependent child purchase, sell, or exchange any reportable asset in a transaction exceeding \$1,000 during the reporting period?                  If yes, complete and attach Schedule IV.</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>IX. Did you have any reportable agreement or arrangement with an outside entity?                  If yes, complete and attach Schedule IX.</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>V. Did you, your spouse, or a dependent child have any reportable liability (more than \$10,000) during the reporting period?                  If yes, complete and attach Schedule V.</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Each question in this part must be answered and the appropriate schedule attached for each "Yes" response.</p>

**IPO and EXCLUSION OF SPOUSE, DEPENDENT, OR TRUST INFORMATION -- ANSWER EACH OF THESE QUESTIONS**

<p><b>IPO--</b> Did you purchase any shares that were allocated as a part of an Initial Public Offering?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p><b>Trusts--</b> Details regarding "Qualified Blind Trusts" approved by the Committee on Ethics and certain other "excepted trusts" need not be disclosed. Have you excluded from this report details of such a trust benefiting you, your spouse, or dependent child?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p><b>Exemptions--</b> Have you excluded from this report any other assets, "unearned" income, transactions, or liabilities of a spouse or dependent child because they meet all three tests for exemption? Do not answer "yes" unless you have first consulted with the Committee on Ethics.</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>

**SCHEDULE I - EARNED INCOME**

Name Markwayne Mullin

Page 2 of 7

List the source, type, and amount of earned income from any source (other than the filer's current employment by the U.S. Government) totaling \$200 or more during the preceding calendar year. For a spouse, list the source and amount of any honoraria; list only the source for other spouse earned income exceeding \$1,000.

Source	Type	Amount
Mullin Plumbing Inc. Broken Arrow, OK 74012	Salary	\$91,731
Mullin Plumbing Inc. Broken Arrow, OK 74012	Spouse Salary	\$35,775

**SCHEDULE III - ASSETS AND "UNEARNED" INCOME**

Name Markwayne Mullin

Page 3 of 7

BLOCK A <b>Asset and/or Income Source</b>		BLOCK B <b>Year-End Value of Asset</b>	BLOCK C <b>Type of Income</b>	BLOCK D <b>Amount of Income</b>	BLOCK E <b>Transaction</b>
<p>Identify (a) each asset held for investment or production of income with a fair market value exceeding \$1,000 at the end of the reporting period, and (b) any other reportable asset or sources of income which generated more than \$200 in "unearned" income during the year.</p> <p>Provide complete names of stocks and mutual funds (do not use ticker symbols.)</p> <p>For all IRAs and other retirement plans (such as 401(k) Plans) provide the value for each asset held in the account that exceeds the reporting thresholds.</p> <p>For rental or other real property held for investment, provide a complete address or a description, e.g., "rental property," and a city and state.</p> <p>For an ownership interest in a privately-held business that is not publicly traded, state the name of the business, the nature of its activities, and its geographic location in Block A.</p> <p>Exclude: Your personal residence, including second homes and vacation homes (unless there was rental income during the reporting period); any deposits totaling \$5,000 or less in a personal checking or saving accounts; and any financial interest in, or income derived from, a federal retirement program, including the Thrift Savings Plan.</p> <p>If you so choose, you may indicate that an asset or income source is that of your spouse (SP) or dependent child (DC), or is jointly held with your spouse (JT), in the optional column on the far left.</p> <p>For a detailed discussion of Schedule III requirements, please refer to the instruction booklet.</p>		<p>Indicate value of asset at close of reporting year. If you use a valuation method other than fair market value, please specify the method used.</p> <p>If an asset was sold during the reporting year and is included only because it generated income, the value should be "None."</p> <p>* This column is for assets held solely by your spouse or dependent child.</p>	<p>Check all columns that apply. For retirement accounts that do not allow you to choose specific investments or that generate tax-deferred income (such as 401(k) plans or IRAs), you may check the "None" column. Dividends, interest, and capital gains, even if reinvested, must be disclosed as income. Check "None" if the asset generated no income during the reporting period.</p>	<p>For assets for which you checked "Tax-Deferred" in Block C, you may check the "None" column. For all other assets, indicate the category of income by checking the appropriate box below. Dividends, interest, and capital gains, even if reinvested, must be disclosed as income. Check "None" if no income was earned or generated.</p> <p>* This column is for income generated by assets held solely by your spouse or dependent child.</p>	<p>Indicate if asset had purchases (P), sales (S), or exchanges (E) exceeding \$1,000 in reporting year.</p>
JT	AVB Bank Broken Arrow, OK	\$100,001 - \$250,000	INTEREST	\$201 - \$1,000	
JT	Blackrock Global	None	CAPITAL GAINS	\$1,001 - \$2,500	S
JT	Blackrock Global	\$15,001 - \$50,000	401K deferred income	NONE	
JT	Blackrock Global	\$1,001 - \$15,000	INTEREST	\$1 - \$200	
JT	CitiGroup New	\$1,001 - \$15,000	INTEREST	\$1 - \$200	
	Citizens BankShares, Inc 118 S. Elm Broken Arrow, OK	\$500,001 - \$1,000,000	Sub S Corporation	\$15,001 - \$50,000	

**SCHEDULE III - ASSETS AND "UNEARNED" INCOME**

Name Markwayne Mullin

Page 4 of 7

SP	Cohen & Steers Global Fund	\$1,001 - \$15,000	IRA Investments - tax deferred	NONE	
	Cohen & Steers Global Fund	\$1,001 - \$15,000	IRA investments-tax deferred	NONE	
JT	GeoGlobal Resources	\$1 - \$1,000	None	NONE	
	Goldman Sachs Cash	\$1 - \$1,000	IRA Investment - tax deferred	NONE	
SP	Goldman Sachs Cash	\$1 - \$1,000	IRA investment - tax deferred	NONE	
JT	Goldman Sachs Cash	\$15,001 - \$50,000	INTEREST	\$1 - \$200	
JT	High Bridge Neutral	\$1,001 - \$15,000	401K deferred income	NONE	
JT	Invesco Energy	\$1,001 - \$15,000	401K deferred income	NONE	
JT	Invesco Real Estate	\$1,001 - \$15,000	401K deferred income	NONE	
JT	Invesco US Government	\$1,001 - \$15,000	401K deferred income	NONE	
JT	Ivy Asset Strategy	\$15,001 - \$50,000	401K deferred income	NONE	
JT	Ivy Funds, Inc.	None	CAPITAL GAINS	NONE	S
JT	Ivy Limited Bonds	\$1,001 - \$15,000	401K deferred income	NONE	
JT	JP Morgan US Large Cap Core	\$1,001 - \$15,000	401K deferred income	NONE	

**SCHEDULE III - ASSETS AND "UNEARNED" INCOME**

Name Markwayne Mullin

Page 5 of 7

JT	Morgan Stanley Cash	\$1,001 - \$15,000	INTEREST	\$1 - \$200	
JT	Morgan Stanley Cash	\$1,001 - \$15,000	INTEREST	\$1 - \$200	
	Morris Note Receivable Verdigris, OK	\$100,001 - \$250,000	INTEREST	\$2,501 - \$5,000	
	Mullin Environmental, Inc. 118 S. Elm Broken Arrow, OK 74012	None	Sub S Corporation	NONE	
	Mullin Farms 118 S. Elm Broken Arrow, OK 74012	\$15,001 - \$50,000	Farm	\$5,001 - \$15,000	
	Mullin Plumbing New Construction, Inc. 118 S. Elm Broken Arrow, OK 74012	\$15,001 - \$50,000	Sub S Corporation	NONE	
	Mullin Plumbing West 118 S. Elm Broken Arrow, OK 74012	\$500,001 - \$1,000,000	Sub S Corporation	\$100,001 - \$1,000,000	
	Mullin Plumbing, Inc. 118 S. Elm Broken Arrow, OK 74012	\$500,001 - \$1,000,000	Sub S Corporation	\$100,001 - \$1,000,000	
	Mullin Properties 118 S. Elm Broken Arrow, OK 74012	\$1,000,001 - \$5,000,000	RENT	NONE	
	Mullin Services, Inc. 118 S. Elm Broken Arrow, OK 74012	\$15,001 - \$50,000	Sub S Corporation	NONE	
JT	Mutual Compass	\$15,001 - \$50,000	None	NONE	
JT	Sun America Focused	None	CAPITAL GAINS	\$201 - \$1,000	S

**SCHEDULE III - ASSETS AND "UNEARNED" INCOME**

		Name Markwayne Mullin		Page 6 of 7	
	Sun America Focused	\$1,001 - \$15,000	IRA investment - tax deferred	NONE	
SP	Sun America Strategic	\$1,001 - \$15,000	IRA investments - tax deferred	NONE	



**SCHEDULE VIII - POSITIONS**

Name Markwayne Mullin

Page 7 of 7

Report all positions, compensated or uncompensated, held during the current calendar year as an officer, director, trustee of an organization, partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or any business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States. Exclude: Positions held in any religious, social, fraternal, or political entities; positions solely of an honorary nature; and positions listed on Schedule I.

Position	Name of Organization
Owner	Mullin Properties
Owner	Mullin Plumbing, Inc
Owner	Mullin Services, Inc
Owner	Mullin Environmental, Inc.
Owner	Mullin Plumbing West, Inc.
Owner	Mullin Plumbing New Construction, Inc.
Owner	Mullin Farms

# **EXHIBIT 10**



#1019#



OKLAHOMA ANNUAL BUSINESS ACTIVITY TAX RETURN

Title 68 O.S. Sections 1215 - 1228

Taxpayer Name: MULLIN PLUMBING WEST DIVISION, INC.	Taxpayer FEIN: 71-0925287
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**PART 5 - RESPONSIBLE PARTY LISTINGS**

If filing consolidated/combined (Part 6), complete Part 5 for each entity, as applicable.

**RESPONSIBLE PARTY INFORMATION**

Enter the Responsible Party. Responsible parties are officers, members, partners or registered agents as may be applicable as of the last day of the calendar year.

Name (first name, middle initial, last name) or Entity Name <b>MARKWAYNE MULLIN</b>	Social Security Number/FEIN [REDACTED]
Home Address (street and number) [REDACTED]	Daytime Phone (area code and number) 918-258-[REDACTED]
City, State, ZIP <b>BROKEN ARROW, OK 74012</b>	Title <b>PRESIDENT</b>

Name (first name, middle initial, last name) or Entity Name	Social Security Number/FEIN
Home Address (street and number)	Daytime Phone (area code and number)
City, State, ZIP	Title

Name (first name, middle initial, last name) or Entity Name	Social Security Number/FEIN
Home Address (street and number)	Daytime Phone (area code and number)
City, State, ZIP	Title

Name (first name, middle initial, last name) or Entity Name	Social Security Number/FEIN
Home Address (street and number)	Daytime Phone (area code and number)
City, State, ZIP	Title



#1019#



Form BT-190 - Page 3

**OKLAHOMA ANNUAL BUSINESS ACTIVITY TAX RETURN**

Title 68 O.S. Sections 1215 - 1228

Taxpayer Name: <b>MULLIN PROPERTIES, LLC</b>	Taxpayer FEIN: <b>44-2849324</b>
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**PART 5 - RESPONSIBLE PARTY LISTINGS**

If filing consolidated/combined (Part 6), complete Part 5 for each entity, as applicable.

**RESPONSIBLE PARTY INFORMATION**

Enter the Responsible Party. Responsible parties are officers, members, partners or registered agents as may be applicable as of the last day of the calendar year.

Name (first name, middle initial, last name) or Entity Name <b>MARKWAYNE MULLIN</b>	Social Security Number/FEIN [REDACTED]
Home Address (street and number) <b>ROUTE 1, BOX 8255</b>	Daytime Phone (area code and number)
City, State, ZIP <b>WESTVILLE, OK 74965</b>	Title <b>PARTNER</b>

Name (first name, middle initial, last name) or Entity Name	Social Security Number/FEIN
Home Address (street and number)	Daytime Phone (area code and number)
City, State, ZIP	Title

Name (first name, middle initial, last name) or Entity Name	Social Security Number/FEIN
Home Address (street and number)	Daytime Phone (area code and number)
City, State, ZIP	Title

Name (first name, middle initial, last name) or Entity Name	Social Security Number/FEIN
Home Address (street and number)	Daytime Phone (area code and number)
City, State, ZIP	Title



#1019#



## OKLAHOMA ANNUAL BUSINESS ACTIVITY TAX RETURN

Title 68 O.S. Sections 1215 - 1228

Taxpayer Name: <b>MULLIN SERVICES, INC.</b>	Taxpayer FEIN: <b>27-2268692</b>
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**PART 5 - RESPONSIBLE PARTY LISTINGS**

If filing consolidated/combined (Part 6), complete Part 5 for each entity, as applicable.

**RESPONSIBLE PARTY INFORMATION**

Enter the Responsible Party. Responsible parties are officers, members, partners or registered agents as may be applicable as of the last day of the calendar year.

Name (first name, middle initial, last name) or Entity Name <b>MARKWAYNE MULLIN</b>	Social Security Number/FEIN [REDACTED]
Home Address (street and number) [REDACTED]	Daytime Phone (area code and number) <b>918-258-[REDACTED]</b>
City, State, ZIP <b>BROKEN ARROW, OK 74012</b>	Title <b>PRESIDENT</b>

Name (first name, middle initial, last name) or Entity Name	Social Security Number/FEIN
Home Address (street and number)	Daytime Phone (area code and number)
City, State, ZIP	Title

Name (first name, middle initial, last name) or Entity Name	Social Security Number/FEIN
Home Address (street and number)	Daytime Phone (area code and number)
City, State, ZIP	Title

Name (first name, middle initial, last name) or Entity Name	Social Security Number/FEIN
Home Address (street and number)	Daytime Phone (area code and number)
City, State, ZIP	Title



#1019#



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## OKLAHOMA ANNUAL BUSINESS ACTIVITY TAX RETURN

Title 68 O.S. Sections 1215 - 1228

Taxpayer Name: <b>MULLIN ENVIRONMENTAL, INC.</b>	Taxpayer FEIN: <b>45-0484098</b>
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**PART 5 - RESPONSIBLE PARTY LISTINGS**

If filing consolidated/combined (Part 6), complete Part 5 for each entity, as applicable.

**RESPONSIBLE PARTY INFORMATION**

Enter the Responsible Party. Responsible parties are officers, members, partners or registered agents as may be applicable as of the last day of the calendar year.

Name (first name, middle initial, last name) or Entity Name <b>MARKWAYNE MULLIN</b>	Social Security Number/FEIN [REDACTED]
Home Address (street and number) [REDACTED]	Daytime Phone (area code and number) <b>918-258-[REDACTED]</b>
City, State, ZIP <b>BROKEN ARROW, OK 74012</b>	Title <b>PRESIDENT</b>

Name (first name, middle initial, last name) or Entity Name	Social Security Number/FEIN
Home Address (street and number)	Daytime Phone (area code and number)
City, State, ZIP	Title

Name (first name, middle initial, last name) or Entity Name	Social Security Number/FEIN
Home Address (street and number)	Daytime Phone (area code and number)
City, State, ZIP	Title

Name (first name, middle initial, last name) or Entity Name	Social Security Number/FEIN
Home Address (street and number)	Daytime Phone (area code and number)
City, State, ZIP	Title



#1019#



Form BT-190 - Page 3

**OKLAHOMA ANNUAL BUSINESS ACTIVITY TAX RETURN**

Title 68 O.S. Sections 1215 - 1228

Taxpayer Name: <b>MULLIN PLUMBING, INC.</b>	Taxpayer FEIN: <b>73-1166941</b>
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**PART 5 - RESPONSIBLE PARTY LISTINGS**

If filing consolidated/combined (Part 6), complete Part 5 for each entity, as applicable.

**RESPONSIBLE PARTY INFORMATION**

Enter the Responsible Party. Responsible parties are officers, members, partners or registered agents as may be applicable as of the last day of the calendar year.

Name (first name, middle initial, last name) or Entity Name <b>MARKWAYNE MULLIN</b>	Social Security Number/FEIN [REDACTED]
Home Address (street and number) [REDACTED]	Daytime Phone (area code and number)
City, State, ZIP <b>BROKEN ARROW, OK 74012</b>	Title <b>PRESIDENT</b>

Name (first name, middle initial, last name) or Entity Name	Social Security Number/FEIN
Home Address (street and number)	Daytime Phone (area code and number)
City, State, ZIP	Title

Name (first name, middle initial, last name) or Entity Name	Social Security Number/FEIN
Home Address (street and number)	Daytime Phone (area code and number)
City, State, ZIP	Title

Name (first name, middle initial, last name) or Entity Name	Social Security Number/FEIN
Home Address (street and number)	Daytime Phone (area code and number)
City, State, ZIP	Title

# **EXHIBIT 11**



**From:** Ahlgren, Karl </O=U.S. HOUSE OF REPRESENTATIVES/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=KAHLGREN>  
**Sent:** Monday, September 23, 2013 11:02 AM  
**To:** Payne, Kedric <[REDACTED]@mail.house.gov>  
**Subject:** Fwd: 11/26/12 Confirmation and guidance meeting

---

Kedric,  
Enclosed is the information you requested concerning Rep. Mullin's meeting with the House Ethics Committee. Please call me at 918-688-[REDACTED] to answer any questions.

Karl  
Begin forwarded message:

**From:** "Rust, Tom" <[REDACTED]@mail.house.gov>  
**Date:** September 19, 2013 at 10:10:49 AM CDT  
**To:** "Ahlgren, Karl" <[REDACTED]@mail.house.gov>  
**Cc:** "Schwager, Dan" <[REDACTED]@mail.house.gov>, "Dixon, Carol" <[REDACTED]@mail.house.gov>, "Jones, Heather" <[REDACTED]@mail.house.gov>  
**Subject:** RE: 11/26/12 Confirmation and guidance meeting

Karl,

Based on my review of the Committee's internal records and discussions with other Committee staff, I can confirm that Committee counsels Heather Jones and I did meet with then-Representative-elect Mullin on November 26, 2012, to discuss his business interests, including advertisements for his plumbing business.

Unfortunately, our guidance during that meeting regarding the advertisements does not appear to have been memorialized in writing. However, our recollection is that during the meeting, our informal, staff-level guidance regarding the advertisements was that the advertisements did not need to be removed from circulation provided that: (1) the business was not one that offered fiduciary services, (2) the advertisements in question were filmed prior to then-Representative-elect Mullin winning election to the U.S. House of Representatives, and (3) the advertisements made no reference to then-Representative-elect Mullin's position as a Member of Congress. Please note that our guidance did not address the question of whether then-Representative-elect Mullin could make new advertisements for the company.

Please let me know if you have any additional questions.

Tom Rust  
Acting Director of Investigations  
Committee on Ethics  
U.S. House of Representatives  
1015 Longworth House Office Building  
Washington, DC 20515  
(202) 225-7103

-----Original Message-----

**From:** Ahlgren, Karl  
**Sent:** Wednesday, September 18, 2013 10:22 AM  
**To:** Rust, Tom  
**Cc:** Ahlgren, Karl  
**Subject:** 11/26/12 Confirmation and guidance meeting

Tom,  
According to our records, on November 26, 2012 Representative-elect Markwayne Mullin, his wife Christie Mullin and their businesses CFO Staci Crabtree met with you at your office. During that meeting

guidance was sought on his personal involvement in the businesses advertisement.

We would appreciate a letter of confirmation that this meeting did take place and what guidance was given to Representative-elect concerning the advertisement of his businesses. Thank you in advance for your prompt reply.

Best,

Karl Ahlgren  
Chief of Staff  
Congressman Markwayne Mullin  
Second District of Oklahoma  
1113 Longworth House Office Bldg.  
Washington, D.C. 20515  
202-225-██████