

APPENDIX 3

EXHIBIT 1

MARKWAYNE MULLIN
2ND DISTRICT, OKLAHOMA

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

COMMITTEES
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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 3rd 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.

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101 AIRPORT ROAD
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431 WEST BROADWAY
MUSKOGEE, OK 74401
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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