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May 10, 2016

Congressman Charles W. Dent
Chairman
Congresswoman Linda T. Sanchez
Ranking Member
House Committee on Ethics
1015 Longworth House Office Building
Washington, DC 20515-6328

RE: OCE Referral

Dear Chairman Dent and Ranking Member Sanchez:

This letter is in response to your letter dated March 18, 2016 to Congressman Mark Meadows. On behalf of Congressman Meadows, please consider this letter as his response to the Referral the Committee on Ethics (“Committee”) received from the Office of Congressional Ethics (“OCE”). We appreciate the extension that was granted to us to submit this response that was necessitated by change of counsel.

As you are aware, Congressman Meadows self-reported in November 2015 the underlying allegations regarding the employment of a former staffer that were raised in the May 18, 2016 OCE Referral to the Committee. In self-reporting, Congressman Meadows asked the Committee to investigate the matter and has been consistently proactive in addressing these allegations and voluntarily provided relevant documents to the Committee last month. Congressman Meadows intends to continue to cooperate fully and voluntarily with the Committee.

Not surprisingly, these are facts that the OCE ignores or disregards in its Referral. Congressman Meadows informed the OCE on November 17, 2015 that rather than engage in their duplicative, costly and burdensome process, he would instead self-report the issue to the Committee in the interest of expediency. It is, after all, the Committee – and not the OCE – that

is the ultimate arbiter of compliance with House Rules and Standards of Conduct. Congressman Meadows, in declining to participate in the OCE's review, also took issue with the OCE's longstanding practice of publishing entire transcripts of interviews even when they contain irrelevant, ancillary, and personal content. Such a practice does not serve the best interests of the House or of staff members who are merely witnesses in a matter. While he anticipated that the OCE would still label him "uncooperative" notwithstanding his decision to self-report to the Committee, we are nevertheless disappointed to confirm such a determination was reached.

As Congressman Meadows informed the Committee in November 2015, employment issues were raised regarding his then Chief of Staff Kenny West in the fall of 2014 by other members of his staff. Congressman Meadows took swift and appropriate steps to address the issues, including but not limited to the undertaking of an internal review; arranging for an independent third party review; making changes to the scope, nature and title of Mr. West's official responsibilities; transferring Mr. West's supervisory functions to other personnel; and ultimately coming to an agreement with Mr. West that resulted in his resignation.

These actions were later confirmed by counsel with the Office of House Employment Counsel ("OHEC") to be consistent with advice OHEC has offered in similar situations. Congressman Meadows also, for a short time, agreed to pay Mr. West compensation to ensure a smooth transition of his official responsibilities. It was his belief that these severance payments were consistent with House Rules and practice.

Throughout this process, Congressman Meadows took steps to comply with all House Rules and Standards of Conduct and did so in the best interests of his staff and his constituents. He believes that he met these goals, and even if his ultimate interpretation of severance may be proven in error, it was an interpretation taken in good faith.

Congressman Meadows continues to believe that the open and clear official House practice of paying actual severance and payments labeled "severance" should have led the OCE to dismiss this matter, even assuming the underlying allegations proved true – that a traditional "severance" (compensation at the time of termination that is not tied to specific hours worked) was paid to Mr. West.

We thank the Committee for its time and will address any additional questions it might have. That being said, nothing in this communication should be viewed as a waiver of any privilege, including attorney-client privilege or the Speech or Debate privilege under the U.S. Constitution.

Please do not hesitate to contact me at (202) 517-0585 should you have any additional questions.

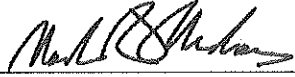
Very truly yours,

A handwritten signature in black ink that reads "Elliot S. Berke". The signature is written in a cursive, flowing style.

Elliot S. Berke

Declaration

I, Representative Mark Meadows, declare (certify, verify, or state) under penalty of perjury that the response and factual assertions contained in the attached letter dated May 16, 2016, relating to my response to the March 18, 2016, Committee on Ethics letter, are true and correct.

Signature: 

Name: Representative Mark Meadows

Date: May 16, 2016