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March 18, 2022

The Honorable Theodore E. Deutsch, Chairman  
The Honorable Jackie Walorski, Ranking Member  
Committee on Ethics  
1015 Longworth House Office Building  
Washington, DC 20515

Re: OCE Review No. 21-7423

Dear Chairman Deutsch and Ranking Member Walorski:

On behalf of Representative John Rutherford, this letter responds to the referral from the Office of Congressional Ethics (“OCE”) to the Committee on Ethics (the “Committee”) recommending further review of allegations regarding late-filed Periodic Transaction Reports (“PTR’s”). Representative Rutherford respectfully requests that the Committee dismiss the referral and take no further action in this matter.

Unlike many matters that come before the Committee, this one is straightforward and all actions to resolve the matter have already been completed. Representative Rutherford acknowledges that he filed several PTR’s outside the 30/45 day deadlines; indeed, these transactions came to light only when and because Representative Rutherford filed the reports and they appeared on the public record. Many of the PTR’s were filed within the 30-day grace period, resulting in no fines being due. Any fines that were due have been confirmed with Committee staff and have been paid.

Representative Rutherford’s Chief of Staff, Jennifer Bradley, has worked closely with Committee staff throughout the past year to correct the public record and ensure that any reportable transactions are timely and accurately reported going forward. Rep. Rutherford has also put into place a new system with his account brokers for reviewing his transactions on a monthly basis in order to ensure that all transactions in the future will be complete, accurate and timely filed. As evidence that this system is working, Representative Rutherford provided OCE with copies of all of his account statements, and they did not find any additional transactions that were not reported.

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Despite the fact that there was and is literally nothing to investigate here, OCE launched an unnecessary investigation at taxpayer expense and administrative burden. It was clear from the beginning of the inquiry that the outcome was predetermined and would result in a referral to the Committee. Despite that inevitable conclusion, Representative Rutherford cooperated with OCE by providing them with all of the requested account statements, detailed narrative information, and extensive correspondence between Ms. Bradley and Committee staff. Nonetheless, OCE labeled the Congressman and Ms. Bradley “uncooperative” and suggest that they did not provide the documents requested by OCE.

When OCE notified Representative Rutherford that it was initiating a review, it clearly stated that the review period was for reports filed between January 2019 and the present. Yet, for some reason, OCE’s referral report highlights late PTR’s from 2018 that are squarely outside the scope of its review, and suggests that a negative inference should be drawn from the fact that Representative Rutherford didn’t address these transactions in his responses to OCE. Similarly, during OCE’s investigation, Representative Rutherford provided two very detailed responses to OCE that address all of the “unresolved issues” raised in the referral, but OCE seems to have largely ignored the information provided. OCE also drew a negative inference from the decision by Representative Rutherford and Ms. Bradley to decline to be interviewed as part of this charade.

The reason for the late-filed PTR’s at issue here comes down to a simple misunderstanding of the requirements and inadvertent human error. This is supported by the fact that, overall, the vast majority of Representative Rutherford’s transactions and PTRs were timely filed, and those that were late were generally within the grace period. The Committee has acknowledged in the past that inadvertent errors and omissions “are not uncommon” in financial disclosure statements, which includes PTRs.<sup>1</sup>

In sum, this was an entirely inadvertent oversight by the Congressman and his Chief of Staff, and all transactions have now been fully and accurately reported. He paid all fines owed and put a new system in place for future PTR tracking and filing. Given the nature of this matter and the surrounding facts, it is not at all clear *why* OCE decided to investigate it in the first place and then refer it to the Committee. Will every late-filed PTR now trigger an inquiry by OCE and referral to the Committee? It seems the Committee made clear that this was not the desired outcome a decade ago in the *Buchanan* matter, but here we are again.

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<sup>1</sup> See “*In the Matter of Allegations Relating to Representative Vernon G. Buchanan*, 112<sup>th</sup> Cong., 2<sup>nd</sup> Sess. (July 10, 2012) at 5.

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Representative Rutherford of course will continue to work with the Committee to resolve any outstanding questions to the extent there are any, or to take additional actions the Committee recommends. We believe, however, that there are no such unresolved issues and this matter has already extended well beyond its logical conclusion. For that reason, Representative Rutherford respectfully requests that the Committee dismiss the referral and take no further action in this matter.

We appreciate your consideration of this response.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kate", with a stylized flourish extending to the right.

Kate Belinski