

**UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON ETHICS
ADJUDICATORY SUBCOMMITTEE**

In the Matter of

REPRESENTATIVE SHEILA CHERFILUS-MCCORMICK,

Respondent.

**RESPONDENT’S MOTION TO RECONSIDER REQUEST FOR A STAY OF
PROCEEDINGS AND/OR TO HEAR THIS MATTER IN EXECUTIVE SESSION**

The Respondent hereby requests that the Committee reconsider her request to: (1) stay these proceedings until the resolution of the pending criminal matter and (2) to hold Adjudicatory Hearing in executive session.

Request for a Stay

The Committee on Ethics has indicated that it intends on holding an Adjudicatory Hearing of a Member who has a pending criminal matter covering much of the same allegations. Although the Committee’s approach has varied over decades, this Committee’s most recent long standing practice establishes a principle of refraining from actions which will prejudice a Member’s constitutional rights in a pending parallel criminal matter.¹ If the Committee moves forward to an adjudicatory phase at this time, those constitutional rights will be in jeopardy.

¹ The Committee’s non-deferral in the matter of Rep. George Santos is a notable departure from the bulk of other instances where the Committee has deferred, at least in part, the proceedings of the investigative subcommittee (ISC) when there was a related parallel criminal investigation and/or pending criminal trial. Indeed, the Rep. Santos matter included other uncharacteristic Committee actions such as the ISC completely bypassing the Adjudicatory Hearing phase and reporting its findings to the full Committee. This action ultimately resulted in Rep. Santos becoming the first Member of Congress to be expelled prior to being criminally convicted. While the process followed in the Rep. Santos matter may have been expedient on those given facts, the Committee should embrace its more traditional approach of weighting the concern it had for the potential of impacting criminal proceedings more than satisfying Congress’ need to adjudicate guilt and execute punishment. Committee Staff’s own Response to Respondent’s prior motion for a stay acknowledges that the Committee previously valued this principle to the point where it lost jurisdiction of two of the three matters cited by the Respondent. See *Committee’s Response And Opposition To Motion To Stay Proceedings*, p. 6. Congress as an institution would be better served if the Committee were to treat the Committee’s procedural steps in the Santos matter as an outlier rather than trusted binding precedent. Such misplaced reliance will create a slippery slope of Member expulsions untethered to credible processes, lowering the bar for what it takes to expel a Member of Congress. Such an approach would lend itself to political abuses, stripping the Member under scrutiny of valued due process and equal protection rights, ultimately reflecting discredit upon the institution and undermining public confidence in Congress.

- A ruling on a summary judgment motion and/or a judgment after an Adjudicatory Hearing prior to a jury determination in the criminal trial will deprive the member of an unbiased jury untainted by outside events. In this social media age, potential Jurors will undoubtedly be exposed to an endless series of clips, stories, and videos recounting the decisions of this Committee. In the event of an adverse ruling, the risk that potential jurors will believe that the member's guilt has already been determined will make a fair trial an impossibility.
- If the Member wishes to defend herself before the Committee, she will be doing so at her own peril because anything she does to defend herself before the Committee could end up prejudicing her in a subsequent criminal trial. If the Member wants to preserve and protect her Fifth Amendment rights, she must remain silent before the committee.

The Committee routinely stays pending matters at the request of the Department of Justice. The Committee does so in order to project the Department of Justice's ongoing criminal prosecutions.² If the Committee is willing to stay matters to protect the interests of the Department of Justice, why wouldn't it also do so for a Member?

Given the very real risk to the Constitutional Rights of a Member, we ask that this Committee stay this matter until the resolution of the pending criminal matter.

In making this request, the Respondent acknowledges that Committee Rule 15 (i) prohibits the Committee from considering a complaint which alleges violations which occurred before the third previous Congress. Respondent is not seeking a delay in order to "run out the clock", she is requesting a stay in order to safeguard her Constitutional right to a fair trial. In recognition of Rule 15, Respondent will agree to waive any argument related to the timeliness of the Committee's actions in any future proceeding.

Request for Executive Session

One way of limiting some of the potential constitutional violations of the Member's rights would be to hold all future proceedings in Executive Session. If the Committee moves into Executive Session, it will be much less likely to expose potential jurors to witness statements and/or evidence which may be inadmissible in a criminal trial. Committee staff has previously indicated that they do not object to hearing these matters in Executive Session.

² In fact, Committee policy is to notify DOJ prior to even conducting interviews. See *Committee's Response And Opposition To Respondent's Motion to Stay Proceedings*, page 8, footnote 28. That policy appears to have been violated as Committee Staff indicates that on January 13, 2026, DOJ called committee staff (not the other way around) and requested a deferment of certain witness interviews so as to not interfere with the criminal proceedings. Staff had apparently already conducted the interviews in violation of their own policy of giving DOJ prior notice.

Conclusion

Based on the foregoing, the Member Respondent respectfully requests that the Committee issue a stay of these proceedings until the criminal matter is resolved. Alternatively, the Member requests that the Committee hold all future proceedings in Executive Session.

Dated: March 23, 2026

Respectfully submitted,

By: /s/ William R. Barzee

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