

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

In the Matter of

REPRESENTATIVE SHEILA CHERFILUS-MCCORMICK,

Respondent.

**COMMITTEE COUNSEL’S RESPONSE AND OPPOSITION TO
RESPONDENT’S MOTION TO RECONSIDER**

Committee Counsel hereby opposes Respondent’s Motion to Reconsider and in support thereof states as follows:

The Adjudicatory Subcommittee (ASC) should deny Respondent’s Motion to Reconsider as it is untimely, makes no new arguments to justify reconsideration, and misconstrues Committee precedent. On March 18, 2026, the ASC informed Respondent that it denied her motion to stay the adjudicatory proceedings past the criminal proceedings and her motion to hold any adjudicatory hearing in executive session (Initial Motions).¹ Committee Rules do not contemplate motions to reconsider in relation to procedures regarding the admissibility of evidence and rulings.² Rather, the Rules state that “[a] witness, witness counsel, or a member of the subcommittee may appeal any ruling to the members present at that proceeding” and “[a] majority vote of the members present at such proceeding on such an appeal shall govern the question of admissibility and no appeal shall lie to the Committee.”³ Assuming *arguendo* that the Motion to Reconsider qualifies as a valid appeal under Committee Rules, it should be denied for the reasons set forth in Committee Counsel’s initial memorandum opposing Respondent’s Motion to Stay (Initial Opposition) and because it offers no new arguments to justify reconsideration.

The Motion to Reconsider argues (1) “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”; (2) proceeding with the hearing will “deprive the member of an unbiased jury” in her criminal trial; and (3) in order to preserve her Fifth Amendment rights in the criminal trial, Respondent “must remain silent before the [C]ommittee.”⁴ All of these arguments were made to the ASC at the March 17, 2026 proceeding, and, based on the ASC’s rulings denying the Initial Motions, were found by the ASC to be unpersuasive. These arguments remain just as unpersuasive as they were a week ago.

¹ Letter from Adjudicatory Subcommittee Chairman Michael Guest and Ranking Member Mark DeSaulnier to Representative Sheila Cherfilus-McCormick (Respondent) (Mar. 18, 2026).

² See Committee Rule 23(j).

³ See Committee Rule 23(j)(2).

⁴ Respondent’s Motion to Reconsider (Mar. 23, 2026), 1-2.

Respondent mistakenly suggests that the Committee’s actions follow a unique procedural precedent first set in the *Matter of Allegations Relating to Representative George Santos*. In contrast to that matter (in which the Committee released findings without a recommended sanction to the full House in light of concerns the respondent in that matter would abuse the hearing process), the Committee is proceeding with the rule-based process that provides the most opportunity to the Respondent to address the allegations against her. Moreover, as outlined more fully in the Initial Opposition, by proceeding with the adjudicatory hearing and not staying this matter, the Committee *is* acting consistently with decades of precedent,⁵ which makes clear that the Committee should consider on a case-by-case basis whether, and to what extent, to defer when the Department of Justice (DOJ) makes a deferral request.⁶ Instead of grappling with this extensive precedent, Respondent’s Motion to Reconsider relies on misstated Committee policy⁷ and inapplicable cases.⁸ Ultimately, this argument does not provide a compelling basis for the ASC to reconsider its decision.

The second argument, regarding the criminal jury pool, also remains unpersuasive. As previously noted by the ASC, there are various procedures embedded in the criminal trial process specifically to help ensure that Respondent is given a fair trial regardless of whatever may appear

⁵ See, e.g., Comm. on Ethics, *Statement of the Chairman and Ranking Member of the Committee on Ethics Regarding Representative Henry Cuellar* (July 25, 2025) (“The Committee is aware of the risks associated with dual investigations and is in communication with the Department of Justice to mitigate the potential risks while still meeting the Committee’s obligations to safeguard the integrity of the House.”), <https://ethics.house.gov/press-releases/statement-of-the-chairman-and-ranking-member-of-the-committee-on-ethics-regarding-representative-henry-cuellar-2>; Comm. on Ethics, *Statement of the Chairman and Ranking Member of the Committee on Ethics Regarding Representative Henry Cuellar* (May 29, 2024) (same), <https://ethics.house.gov/press-releases/statement-of-the-chairman-and-ranking-member-of-the-committee-on-ethics-regarding-representative-henry-cuellar>; Comm. on Ethics, *In the Matter of Allegations Relating to Representative George Santos*, H. Rept. 118-274, 118th Cong., 1st Sess. (2023) (ISC agreed to defer interviews of certain individuals at DOJ’s request); Comm. on Standards of Official Conduct, *In the Matter of Representative E.G. “Bud” Shuster*, H. Rept. 106-979, 106th Cong. 2d Sess. 87, 736 (2000) (hereinafter *Shuster*) (“[A]t the request of [DOJ], the [ISC] deferred from interviewing or deposing witnesses throughout most of the calendar year 1998. At the end of 1998, the [ISC] declined to continue to defer its investigation . . .”); Comm. on Standards of Official Conduct, *In the Matter of Representative Barbara Rose-Collins*, H. Rept. 104-876, 104th Cong. 2d Sess. 2-3 (1997) (hereinafter *Rose-Collins*) (“[T]he [ISC] was concerned about the possibility of interfering with an ongoing criminal investigation by [DOJ] . . . [T]he [ISC] advised [DOJ] that it had issued subpoenas . . . and asked if [DOJ] had any objection.” Also “denying the Member’s request to stay the issuance of a subpoena *duces tecum* to the Member in light of a pending Federal grand jury investigation”); Comm. on Standards of Official Conduct, *In the Matter of Representative Daniel J. Flood*, H. Rept. 96-856, 96th Cong. 2d Sess. 123 (1980) (unanimously denying the Member’s motion to defer, noting that “[t]he courts and Congress both have important interests to protect when a Member is alleged to have violated the criminal laws and thereby reflects discredit on Congress”).

⁶ See, e.g., *Rose-Collins* at 50 (“The practice of the Committee has been to make the determination on whether to defer on a case-by-case basis.”).

⁷ The Motion to Reconsider mistakenly asserts that “Committee policy is to notify DOJ prior to even conducting interviews.” Motion to Reconsider, n. 2. This misconstrues Committee counsel’s prior statements and the Committee’s precedent; in any event, as discussed in note 8, *infra*, DOJ was on notice of the Committee’s review during the ISC’s review and did not request a deferral.

⁸ The three matters that Respondent cites in the Initial Motions (and which it references in footnote 1 of the instant motion) involve deferral requests made by the DOJ during the fact-finding stage of the investigations. Here, DOJ was aware of the Committee’s investigation for years. The Committee made repeated, explicit inquiries about a deferral request, but DOJ did not make its limited deferral request – asking that the ISC in this matter not conduct witness interviews – until January 2026, after the ISC had already completed its investigation and adopted the Statement of Alleged Violations. To date, DOJ has made no deferral request related to the adjudicatory hearing.

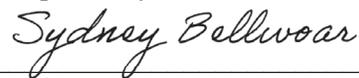
in the media.⁹ For example, counsel can move to preclude evidence, can identify potentially biased jurors in *voir dire*, and, to the extent any portion of this proceeding is introduced in the criminal trial, can make it clear to jurors that the Committee's proceeding had a lower standard of proof and should therefore not be considered in their deliberations. Thus, this argument should not cause the ASC to reconsider its previous decisions either.

Finally, the argument regarding Respondent's Fifth Amendment rights is conclusory and does not address the extensive caselaw cited in the Initial Opposition, containing both Committee precedent and cases from federal courts, that support the conclusion that Respondent's constitutional rights are not abridged by continuing these proceedings. Moreover, the Motion to Reconsider does not explain why Respondent's Fifth Amendment concerns would prevent her from defending herself or opposing the Motion for Summary Judgment via the testimony or affidavits of other witnesses, documents provided by other witnesses or already in the record, arguing that the evidence or facts presented by the Committee do not satisfy its burden(s), or testifying about the facts she has publicly alleged would prove her innocence.¹⁰ Likewise, the Motion to Reconsider does not explain why Respondent's Fifth Amendment rights would be implicated in relation to the majority of the counts in the Statement of Alleged Violations that are not directly related to the allegations in the indictment. Thus, there is no reason for the ASC to reconsider its decisions on these grounds either.

Thus, for the reasons stated above and for the reasons stated in the Initial Opposition, the Motion to Reconsider should be denied.

Dated: Washington, D.C.
March 24, 2026

Respectfully,



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⁹ Committee counsel notes that Respondent's concerns about the media biasing a jury have not prevented her from participating in televised interviews in which she discusses the Statement of Alleged Violations and the allegations therein. *See, e.g.*, Jackie Nespral, *NBC6 Impact: One-on-one with Congresswoman Sheila Cherfilus-McCormick*, NBC 6 News (Mar. 1, 2026), <https://www.nbcmiami.com/video/nbc-6-news/rep-sheila-cherfilus-mccormick-addresses-her-federal-charges/3770391>.

¹⁰ *See, e.g.*, Claire Heddles and Jacqueline Charles, *Haiti Oil Money, Local Mayors Surface in New Cherfilus-McCormick Allegations*, MIAMI HERALD (Feb. 12, 2026) (“[T]he full facts will make clear I did nothing wrong.”), <https://www.msn.com/en-us/news/politics/haiti-oil-money-local-mayors-surface-in-new-cherfilus-mccormick-allegations/ar-AA1Wcnhr?ocid=BingNewsSerp>. Pursuant to Committee Rule 23(g), Respondent is required to provide the Adjudicatory Subcommittee with all evidence she seeks to introduce at the adjudicatory hearing no less than 5 days prior to the adjudicatory hearing. To date, no such evidence has been received.