

## House Ethics Complaint as transmitted to the Office of Congressional Ethics

**Executive Summary:** House Intelligence Committee ranking member Devin Nunes (R-CA) allegedly met foreign officials on an overseas Congressional delegation using taxpayer funds which appears to be related to obtaining materials solely for the purposes of domestic politics. Rep. Nunes is currently engaged in overseeing an investigation which it appears he is a fact witness, and which may examine his own activities meeting with foreign officials. Rep. Nunes is aware of the actual conflict of interest from his relationships to persons under investigation by the House Intelligence Committee for the purposes of an impeachment inquiry upon which it must issue a report, but failed to either disclose his conflict of interest with the investigation or that he has firsthand knowledge of the persons of interest to the Committee. This is a complaint against Rep. Nunes for abuse of his official office in violation of House Rule XXIII (1) which states: "A Member, Delegate, Resident Commissioner, officer, or employee of the House shall behave at all times in a manner that shall reflect creditably on the House."

**Dates the Alleged Conduct Occurred:** November 30, 2018 - December 3, 2018 and September 26, 2019 - November 21, 2019.

**Concise Statement of the Facts:** According to the House Ethics Manual which gives detailed guidance and precedents to guide the implementation of House Rule XXIII, "a review of these cases indicates that the Committee has historically viewed clause 1 as encompassing violations of law and abuses of one's official position."<sup>1</sup> Rep. Nunes used his official office to pursue a domestic political investigation by contacting ex-officials of the Ukrainian government. Then, when that former Ukrainian official's conduct fell under the purview of a House Intelligence Committee investigation, on which Rep. Nunes is the ranking member, he failed to disclose his relationship with that former Ukrainian government official as well as the individual who set up his meeting with that official, who is a known fact witness that received a Congressional subpoena to testify in the ongoing impeachment inquiry. Lastly, Rep. Nunes failed to recuse himself from participating in the direction and decisions of an official Congressional investigation into those two aforementioned persons.

On November 20, 2019, journalist Betsy Swan published a report in the online news website *The Daily Beast*.<sup>2</sup> That report cited its communications from the lawyer for an indicted US-citizen Lev Parnas who is an associate of President Donald J. Trump, which implicate Rep. Nunes in a personal relationship with a fact witness in the House's ongoing impeachment inquiry, over which he presides as the ranking member of the House Intelligence Committee. Then, on November 22, 2019, journalist Vicky P.J. Ward published a report on CNN from the same source, Parnas' lawyer, indicating that he participated in setting up a meeting with Rep. Nunes and a former Ukrainian prosecutor-general named Viktor Shokin which took place between the dates of November 30, 2018 and December 3, 2018.<sup>3</sup>

<sup>1</sup> [https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008\\_House\\_Ethics\\_Manual.pdf](https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008_House_Ethics_Manual.pdf) p. 28

<sup>2</sup> <https://www.thedailybeast.com/lev-parnas-helped-rep-devin-nunes-investigations>

<sup>3</sup>

<https://amp.cnn.com/cnn/2019/11/22/politics/nunes-vienna-trip-ukrainian-prosecutor-biden/index.html>





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Later, Lev Parnas was arrested by federal prosecutors on September 19, 2019 in the Southern District of New York on charges of making unlawful foreign election donations, to which he has pled not guilty. Parnas had hired the President's personal lawyer Rudy Giuliani and both men participated in a scheme the attorney directed to solicit official government acts in the nation of Ukraine related to domestic political matters in the United States in exchange for official acts to be performed by the President of the United States.

Subsequently, the Speaker of the House Nancy Pelosi declared an impeachment inquiry into the conduct of President Donald J. Trump on September 24, 2019 and then on October 31, 2019 the House passed H.R. 660 directing the House Intelligence Committee to hold public impeachment hearings and issue a written report of its findings. The crux of the impeachment inquiry's fact finding is to illuminate the President's conduct under the color of law, and that of his subordinates at his direction, and his lawyer. Testimony of US government officials indicates President directed numerous interactions with current and present Ukrainian government officials, specifically those who head its Prosecutor-General's office, seeking to obtain foreign investigations of US citizens for the personal domestic political gain of the President in exchange for diplomatic recognition and hundreds of millions of Congressionally appropriated security assistance funds. Former prosecutor-general Viktor Shokin's conduct has been mentioned by name repeatedly throughout over thirty hours of public testimony from twelve witnesses.

Yet, Ranking member Nunes presided over those hearings and numerous depositions, without disclosing that his relationship with Parnas and allegedly Shokin, make him a fact witness to the House's impeachment inquiry. His relationship with both men is an actual conflict of interest for any person investigating Mr. Parnas and Mr. Shokin's conduct. Rep. Nunes has these political relationships which should ethically compel him to recuse from his official role in the investigation. If the allegations of an overseas trip with the then-Chairman and members of the House Intelligence Committee staff to carry out a domestic political object are proven, then it appears Rep. Nunes may have abused his office to utilize \$63,000 in taxpayer funds for a trip to Europe which took place on November 30, 2018 through December 3, 2018, which may have been engaged in for an improper purpose.<sup>4</sup>

### **The Law, Regulation, or Rule Allegedly Violated**

#### Rule XXIII - Code Of Official Conduct

1. A Member, Delegate, Resident Commissioner, officer, or employee of the House shall behave at all times in a manner that shall reflect creditably on the House.

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<sup>4</sup> <http://clerk.house.gov/foreign/reports/2019q1mar04.pdf>

