IN THE MATTER OF ALLEGATIONS RELATING TO REPRESENTATIVE JEAN SCHMIDT

REPORT OF THE COMMITTEE ON ETHICS

AUGUST 5, 2011.—Referred to the House Calendar and ordered to be printed
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U.S. GOVERNMENT PRINTING OFFICE
67-754 WASHINGTON : 2011
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LETTER OF TRANSMITTAL

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ETHICS,
Washington, DC, August 5, 2011.

Hon. KAREN L. HAAS,
Clerk, U.S. House of Representatives,
Washington, DC.

DEAR MS. HAAS: Pursuant to clauses 3(a)(2) and 3(b) of rule XI of the Rules of the House of Representatives, we herewith transmit the attached Report, “In the Matter Regarding Allegations Relating to Representative Jean Schmidt.”

Sincerely,

JO BONNER,
Chairman.

LINDA T. SÁNCHEZ,
Ranking Member.

(III)
IN THE MATTER REGARDING ALLEGATIONS RELATING TO REPRESENTATIVE JEAN SCHMIDT

AUGUST 5, 2011.—Referred to the House Calendar and ordered to be printed

Mr. Bonner, from the Committee on Ethics,
submitted the following

REPORT

I. INTRODUCTION

The Committee on Ethics submits this Report pursuant to Rule XI, clause 3(a)(2), of the Rules of the U.S. House of Representatives (House Rules), which authorizes the Committee to investigate any alleged violation by a Member, officer, or employee of the House of Representatives, of the Code of Official Conduct or any law, rule, regulation, or other standard applicable to the conduct of such Member, officer, or employee.

Since the spring of 2009, Representative Jean Schmidt has been involved in litigation regarding statements made about her by David Krikorian, an opponent in her 2008 re-election campaign. That dispute has involved proceedings before an Ohio state agency, in Ohio state court, and in federal court.

In a letter dated September 17, 2009, Representative Jean Schmidt first sought guidance related to payment of legal services provided to her in the state agency and state court proceedings by lawyers associated with the Turkish American Legal Defense Fund (TALDF). On February 26, 2010, the Committee provided guidance on the possible use of a legal expense fund or of campaign funds to pay for legal work already completed in those proceedings. The Committee’s letter did not formally approve a legal expense fund pursuant to the Committee’s written guidance on legal expense funds, because Representative Schmidt had not yet asked the Committee for such approval.

In letters dated July 19, 2010, August 9, 2010, and August 11, 2010, Representative Schmidt sought approval from the Committee of a legal expense fund, a contingency fee arrangement, and further guidance related to payment of legal services provided to her in the state agency and state court proceedings, as well as a federal court proceeding. Since first seeking the Committee’s guidance, Repre-
Representative Schmidt has worked in good faith with the Committee’s Office of Advice and Education to resolve any outstanding issues regarding the payment of legal services to the lawyers associated with TALDF.

On May 18, 2011, the Committee formally received a referral from the Office of Congressional Ethics (OCE), recommending further review of allegations that Representative Schmidt: “(1) accepted legal services from TALDF without establishing a legal expense fund; and (2) failed to report the legal services on her financial disclosure statements for calendar years 2008 and 2009.” Upon receipt of OCE’s Report and Findings (Report and Findings), the Committee sent a copy of the Report and Findings to Representative Schmidt and offered her an opportunity to respond. Representative Schmidt submitted a response to OCE’s Report and Findings on May 27, 2011. On July 1, 2011, the Chairman and Ranking Member of the Committee jointly decided to extend the Committee’s review of the OCE referral regarding Representative Schmidt pursuant to House Rule XI, clause 3(a)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1). Unless the Committee voted to empanel an investigative subcommittee, those rules required the Committee to release OCE’s Report and Findings no later than August 16, 2011.

The Committee conducted an independent investigation into the matters in the OCE referral pursuant to House Rule XI, clause 3(b)(1)(B)(ii), and Committee Rule 18(a), which authorize the Chairman and Ranking Member to jointly gather additional information concerning an alleged violation by a Member, officer, or employee unless and until an investigative subcommittee has been established.

Based on the Committee’s investigation and nearly two years of guidance to Representative Jean Schmidt through the Committee’s Office of Advice and Education, the Committee voted unanimously on August 1, 2011, to resolve the issues surrounding Representative Schmidt’s outstanding requests for guidance from the Committee and the allegations regarding Representative Schmidt by OCE, by issuing a letter to Representative Schmidt and releasing this Report. The Committee further determined that it was appropriate to publicly release OCE’s Report and Findings, along with Representative Schmidt’s response to the Report and Findings, through this Report.

With respect to Representative Schmidt’s request for guidance from the Committee, the Committee in its guidance, issued contemporaneously with this Report, approved the use of funds from the Jean Schmidt Legal Expense Trust to pay legal bills incurred in connection with her complaint before the Ohio Elections Commission and the defamation action, subject to certain restrictions discussed below. The Committee denied the use of funds from the Jean Schmidt Legal Expense Trust to pay legal bills incurred in connection with amicus briefs filed in Krikorian v. Ohio Elections

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1 Report and Findings in the Matter of Representative Jean Schmidt, OCE Review No. 11–6574, May 18, 2011. A copy of OCE’s Report and Findings is attached as Appendix A to this report.

2 Letter from Representative Schmidt to Committee, May 27, 2011. A copy of Representative Schmidt’s response to OCE’s Report and Findings is attached as Appendix B to this report.

3 Pursuant to Committee Rule 3(j), the Committee will not release any of its letters to Representative Schmidt at this time.
Commission. Additionally, the Committee has determined that Representative Schmidt’s use of campaign funds to pay for the Ohio Elections Commission matter, the defamation action, and the amicus briefs filed in *Krikorian v. Ohio Elections Commission* would not violate House rules, subject to certain restrictions discussed below. However, the Committee advised Representative Schmidt to consult with the Federal Election Commission (FEC) before using campaign funds for any of these purposes. Finally, the Committee denied permission to enter into a so-called “contingency fee” arrangement.

With respect to the referral from OCE, it appears that, based on the evidence examined by the Committee, unbeknownst to Representative Schmidt or the Committee, Representative Schmidt’s lawyers were not employees of TALDF, or the related entity, the Turkish Coalition of America (TCA), and were not planning to send her a bill for attorneys’ fees at the conclusion of the matter, but instead her lawyers were outside counsel to TCA who have sent monthly bills to TCA for their TALDF-related legal representation of Representative Schmidt, which TCA has paid on an ongoing basis. According to OCE’s referral, between 2008 and 2010 TCA actually paid the TALDF lawyers approximately $500,000 for legal services provided to Representative Schmidt. Neither the Committee nor, according to the evidence, Representative Schmidt was aware of these payments when the Committee provided advice to Representative Schmidt regarding her options for paying legal fees in the various proceedings.

Despite Representative Schmidt’s apparent lack of knowledge of this arrangement, it was in fact improper and constituted an impermissible gift from TCA to Representative Schmidt. Thus, the Committee has decided that it will not dismiss the allegations in the OCE referral. However, the Committee does not see the need to empanel an investigative subcommittee at this time. The Committee does not believe that further fact-gathering is necessary, and, given the evidence that Representative Schmidt lacked knowledge of the arrangement, the Committee does not believe that any sanction is necessary. In addition, the Committee notes that Representative Schmidt has been working in good faith with the Committee since 2009 to ascertain the appropriate means by which to pay her attorneys.

However, Representative Schmidt must disclose and repay the improper gift. Thus, Representative Schmidt must ensure that TCA does not pay for any further legal services on her behalf; and, subject to the guidance below, Representative Schmidt must pay, from a permissible source, the lawyers associated with TALDF for all legal services they performed on her behalf; Representative Schmidt must also amend her annual Financial Disclosure Statements for calendar years 2009 and 2010 to disclose the gifts from TCA; and finally, Representative Schmidt must disclose the remaining unpaid legal fees from TCA as liabilities on her future Financial Disclosure Statements, until the lawyers associated with TALDF have been repaid in full, for all services provided, including those they originally billed to TCA.
II. BACKGROUND

Based on OCE’s referral, the Committee’s independent investigation, and nearly two years of guidance to Representative Schmidt through the Committee’s Office of Advice and Education, the following is the background on this matter.

A. LITIGATION INVOLVING MR. KRIKORIAN

Representative Schmidt currently represents the 2nd District of Ohio. In the 2008 general election cycle, Mr. David Krikorian ran for her congressional seat as an independent. In the final days of the 2008 election cycle, Mr. Krikorian distributed materials accusing Representative Schmidt of accepting a $30,000 bribe from the Government of Turkey in exchange for denying the genocide of Armenians in Turkey during World War I. The campaign materials also called for Representative Schmidt’s immediate resignation from her congressional seat and/or her defeat at the polls in the 2008 general election. Representative Schmidt was reelected in the November 2008 general election.

Shortly after the 2008 election, Representative Schmidt was contacted by Mr. Bruce Fein and Mr. David Saltzman, who introduced themselves as lawyers with TALDF. At that time, Mr. Fein and Mr. Saltzman offered to represent Representative Schmidt in a lawsuit challenging Mr. Krikorian’s claims about her. At that time, Representative Schmidt expressed some interest in Mr. Fein and Mr. Saltzman representing her, but she stated that she wanted it to be done on whatever terms were consistent with the House ethics rules. At some point, Mr. Fein suggested using a contingency fee arrangement, in which the lawyers associated with TALDF would not charge Representative Schmidt for legal services, but she would split the proceeds of any damage award that resulted from their representation. However, Representative Schmidt and the lawyers associated with TALDF never came to a final understanding of how she would pay for their legal services.

In April 2009, Mr. Fein and Mr. Saltzman filed a complaint on Representative Schmidt’s behalf against Mr. Krikorian with the Ohio Elections Commission. The Ohio Elections Commission has jurisdiction over false campaign statements under Ohio law. Representative Schmidt filed the complaint as a candidate and used her campaign committee address. The complaint sought: (1) a finding by the Ohio Elections Commission that Mr. Krikorian violated Ohio law by making false campaign statements; (2) a public reprimand of Mr. Krikorian; and (3) any other appropriate relief.

On August 31, 2009, Mr. Fein was deposed in the Ohio Elections Commission matter. Later that day, Representative Schmidt’s then-Chief of Staff, Barry Bennett, was also deposed in the Ohio

4Complaint, ¶3, Jean Schmidt v. Mr. David Krikorian, Ohio Elections Commission, 2009E-003, April 29, 2009 (Ohio Elections Commission Complaint).
5Transcript of Interview of Barry Bennett, at 6 (Bennett Tr.).
6Transcript of Interview of Bruce Fein, at 15 (Fein Tr.).
7Fein Tr. at 31.
8Id. at 16.
9See Ohio Rev. Code § 3517.21.
10Ohio Elections Commission Complaint.
11Id.
12Deposition of Bruce Fein, August 31, 2009 (Fein Deposition).
Elections Commission matter. Lawyers representing Mr. Krikorian asked Mr. Fein and Mr. Bennett about the arrangement for payment of Mr. Fein’s and Mr. Saltzman’s attorneys’ fees for representing Representative Schmidt. In response to the question of whether TALDF had charged Representative Schmidt’s campaign for legal services to her, Mr. Fein stated, “The answer is no. We stated that we would do this and we would not charge them legal fees.” Mr. Bennett was asked if there was an “ethics issue associated with [TALDF] paying for Ms. Schmidt’s legal fees?” Mr. Bennett responded, “No, not that I’m aware of.”

According to Committee records, Mr. Bennett first called the Committee on or around September 10, 2009, to ask the Committee’s guidance regarding the payment of legal fees incurred on Representative Schmidt’s behalf in the course of pursuing the complaint against Mr. Krikorian before the Ohio Elections Commission. In that telephone call Mr. Bennett discussed a possible contingency fee agreement. Committee counsel asked Mr. Bennett if Representative Schmidt had considered using a legal expense fund, and Mr. Bennett said that this was the first time he had considered it. Committee counsel instructed Mr. Bennett that Representative Schmidt should submit a letter to the Committee to get formal guidance on these issues. Representative Schmidt first submitted a letter to the Committee on September 17, 2009, seeking formal guidance.

In October 2009, Representative Schmidt received a finding of fact from the Ohio Elections Commission that there was clear and convincing evidence that Mr. Krikorian made false statements with malice. Mr. Krikorian filed an appeal in Ohio state court seeking to overturn the administrative ruling by the Ohio Elections Commission, which was denied. On October 8, 2009, Representative Schmidt’s office responded to requests from Committee counsel by providing the Committee with information related to her September 17, 2009, request. These materials included a letter in which Mr. Fein and Mr. Saltzman stated that they “have agreed to represent [Representative Schmidt] as attorneys . . . for a contingency fee of one-third of any recovery, plus out-of-pocket expenses.” Mr. Bennett believed it was unlikely that a contingency fee arrangement would be approved, and understood from his conversations with Committee counsel that it appeared that the Committee had not previously approved a contingency fee arrangement. Representative Schmidt subsequently amended her request to omit the request for approval of a contingency fee arrangement.

On January 21, 2010, Mr. Krikorian filed a civil suit in federal court against the Ohio Elections Commission that challenged the constitutionality of Section 3517.21(B)(10) of the Ohio Revised Code, which prohibits a candidate from making “a false statement
concerning a candidate, either knowing the same to be false or with reckless disregard of whether it was false or not, if the statement is designed to promote the election, nomination, or defeat of the candidate." Mr. Krikorian also contended the statute is preempted by the Federal Elections Campaign Act of 1971 (as amended). He sought a declaratory judgment that the Ohio statute is unconstitutional and an injunction against its enforcement against him. Representative Schmidt was not a named party to this federal court case. On January 29, 2010, Representative Schmidt filed an amicus brief in the federal court action in support of the Ohio Elections Commission. The brief was prepared for Representative Schmidt by the lawyers associated with TALDF.

On February 26, 2010, the Committee sent a response to Representative Schmidt’s September 17, 2009, letter. This letter provided guidance on the possible use of a legal expense fund or of campaign funds to pay for legal work already completed during the Ohio Elections Commission proceedings and future work on Representative Schmidt’s behalf in the appellate case in Ohio state court. The Committee’s letter did not formally approve a legal expense fund pursuant to the Committee’s written guidance on legal expense funds, because Representative Schmidt had not yet asked the Committee for such approval. The letter noted Mr. Krikorian’s civil suit in federal court against the Ohio Elections Commission, but stated that Representative Schmidt was “not a named party to this federal court case and [did] not anticipate any involvement in that separate litigation.”

On June 8, 2010, lawyers associated with TALDF filed a defamation action on Representative Schmidt’s behalf against Mr. Krikorian in the Ohio Court of Common Pleas. Representative Schmidt’s complaint in the defamation action alleges that Mr. Krikorian made defamatory statements similar to those made in the campaign and republished the defamatory statements made during the campaign when interviewed by Asbarez.com in June 2009. Representative Schmidt alleges he made further defamatory statements in The Armenian Reporter and The Armenian Mirror-Spectator in August 2009 and again in a televised interview in September 2009.

On July 13, 2010, Mr. Krikorian filed a complaint regarding Representative Schmidt with the Office of Congressional Ethics. Mr. Krikorian asserted that Representative Schmidt’s acceptance of legal services from the TALDF attorneys may have violated the House gift rule, and alleged possible violations of the Ethics in Government Act, the False Statements Accountability Act, and other House Rules. In the complaint, Mr. Krikorian stated “while purely an estimate on my part, I believe the total fees and expenses associated with the OEC Action exceeded $200,000 and may have ranged up to $500,000.” The complaint also stated that pub-

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27 Letter from Committee to Representative Schmidt, February 26, 2010.
28 Id. The Committee had not been previously aware that Representative Schmidt’s intention to participate in the federal court matter had changed.
29 Complaint, Schmidt v. Krikorian, et al., 2010–cvc–1217 (June 8, 2010).
30 Id.
31 Id.
licly available records showed no payments from her campaign for the legal services or the establishment of a legal defense fund.

On July 19, August 9, and August 11, 2010, Representative Schmidt wrote letters to the Committee seeking approval of the Jean Schmidt Legal Expense Trust. She sought to use the fund to pay for legal expenses incurred in the Ohio Elections Commission matter and the federal court litigation to which she was not a party. Representative Schmidt also resubmitted a request for approval of a contingency fee arrangement to pay for the defamation action.

On September 27, 2010, Mr. Fein filed a motion to be admitted pro hac vice in the Ohio Court of Common Pleas for Representative Schmidt’s defamation action. On October 22, 2010, the defendants in the defamation matter filed a legal brief opposing Mr. Fein’s admission pro hac vice. In the opposition brief, defendants asserted that Mr. Fein was a “necessary witness” in the matter, and had potentially perjured himself, because:

Mr. Fein testified under oath that the Turkish American Legal Defense Fund (“TALDF”)—an entity that is part of the Turkish Coalition of America (“TCA”)—was paying Plaintiff Schmidt’s legal fees during the pendency of the Ohio Elections Commission that serve as a basis of this instant case.

The opposition brief further asserted that Mr. Fein may have a conflict of interest in the case because “it is also very likely Mr. Fein advised Plaintiff Schmidt that their arrangement regarding not charging her, her congressional office, or her campaign was perfectly legal without any disclosure.”

Representative Schmidt’s lawyers filed a reply brief in the matter which asserted that “Mr. Fein’s statements during his deposition were accurate and consistent with the information available to him at the time they were made.” The reply brief further stated that “Mr. Fein has testified under oath that he never provided free legal services to plaintiff.” Instead, the brief stated that “[t]he Turkish Coalition of America . . . has consistently funded Fein’s representation of Jean Schmidt as senior counsel at the Turkish American Legal Defense Fund . . . for the duration of her several legal actions against Defendant Krikorian.” Finally, the reply brief stated that “Mr. Fein did not advise Plaintiff Schmidt rules [sic] governing the receipt of free legal services by members of Congress.”

Following oral argument, the Ohio Court of Common Pleas issued an order denying Mr. Fein’s motion. As part of its support for this ruling, the court stated:

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32 Motion for Admission Pro Hac Vice for Bruce Fein of Bruce E. Fein & Associates, Inc., Schmidt v. Krikorian, et al., 2010-cvc–1217 (September 27, 2010).
34 Id. at 4.
35 Id. at 7.
36 Reply Memorandum of Plaintiff Jean Schmidt in Support of Motion for Admission Pro Hac Vice for Bruce Fein, Schmidt v. Krikorian, et al., 2010-cvc–1217 (November 11, 2010), at 13.
37 Id. at 14.
38 Id. at 14-15.
39 Id. at 14.
First, the defense has raised a material issue as to who(m) is paying for the legal fees for Plaintiff Schmidt during the pendency of the Ohio Elections Commission [sic]. In an earlier deposition, Attorney Bruce Fein said that the Turkish American Legal Defense Fund (“TALDF”) was paying for Schmidt’s legal fees, and Plaintiff Schmidt denied that same statement. The issue of who is paying for these fees is material in regards to the matter before the Court.41

The Committee was unaware that Mr. Krikorian had opposed Mr. Fein’s appearance in the case or of the basis for his objection. The Committee learned these facts in the spring of 2011 from news reports.

None of the lawyers associated with TALDF have submitted any bills to Representative Schmidt for any of the matters in which they represented her.42 This was true even with regard to the five months that the lawyers associated with TALDF represented Representative Schmidt before she sought the Committee’s guidance on how to pay for their legal services.43 Mr. Bennett told the Committee that before Representative Schmidt initially sought the Committee’s guidance in September 2009, she had intended to pay for her legal bills using campaign resources once the matter was complete.44 While this appears to be potentially inconsistent with Mr. Bennett’s deposition testimony in the matter before the Ohio Elections Commission,45 he told the Committee that Representative Schmidt’s practice in prior matters before the Ohio Elections Commission was to pay legal expenses at the end of the matter using campaign funds.46 No written fee agreement had been entered into by Representative Schmidt’s campaign for payment of the legal fees as of September 2009.

B. OCE AND COMMITTEE INVESTIGATIONS

OCE commenced its initial review of this matter on January 25, 2011.47 OCE voted to initiate a second-phase review on February 22, 2011, and voted to extend the second-phase review on April 23, 2011.48 OCE voted to refer the matter to the Committee on April 29, 2011, and transmitted its Report and Findings to the Committee on May 18, 2011.49 Upon receipt of OCE’s Report and Findings, the Committee sent a copy of the Report and Findings to Representative Schmidt and offered her an opportunity to respond. Representative Schmidt submitted a response to OCE’s Report and Findings on May 27, 2011.50

The Committee conducted an independent investigation into the matters in the OCE referral pursuant to House Rule XI, clause 3(b)(1)(B)(ii), and Committee Rule 18(a), which authorizes the
Chairman and Ranking Member to jointly gather additional information concerning such an alleged violation by a Member, officer, or employee unless and until an investigative subcommittee has been established.

The investigations by OCE and the Committee revealed that TALDF was first formed around 2007, but it is not an independent corporate entity. Instead, TALDF is under the umbrella of TCA. TCA is an Internal Revenue Code section 501(c)(3) organization, which has employed registered federal lobbyists under the Lobbying Disclosure Act in the past. Lawyers associated with TALDF have represented between six and twelve clients in TALDF-related matters since its inception in 2007. The lawyers associated with TALDF have had retainer agreements with each of these clients, except for Representative Schmidt.

Mr. Fein and Mr. Saltzman are the primary attorneys associated with TALDF. Occasionally, TALDF will use additional lawyers, if, for example, the representation requires local counsel. Mr. Fein and Mr. Saltzman used local counsel in their work for Representative Schmidt. Mr. Fein and Mr. Saltzman are not employees of TALDF or TCA, and they do not receive a salary from either entity. They each work for their own law firms: Bruce Fein & Associates and Saltzman & Evinch, P.C., respectively. This appears to be inconsistent with the statement in the reply brief supporting Mr. Fein’s admission pro hac vice that Mr. Fein was a “senior counsel at the Turkish American Legal Defense Fund.”

Mr. Fein and Mr. Saltzman have never charged the people whom they have represented in their TALDF-related matters for their legal services. Instead, Mr. Fein and Mr. Saltzman send monthly bills to TCA for their TALDF-related legal work through their respective law firms. This is the standard arrangement for all TALDF-related legal work. Occasionally, Mr. Fein and Mr. Saltzman will enter into what Mr. Fein described as a “contingency fee arrangement” with the people whom they have represented in their TALDF-related matters. Under these agreements, TALDF and the individual represented by Mr. Fein and Mr. Saltzman agree to split the proceeds of any damage award received as a result of a lawsuit brought by Mr. Fein and Mr. Saltzman. Because TALDF is not a separate corporate entity, its portion of any award would go to TCA. In this context, however, the phrase “contingency fee” is a misnomer as Mr. Fein’s and Mr. Saltzman’s receipt of their fees is never contingent on the outcome of a matter, but

51 Fein Tr. at 3.
52 Id.
53 Lobbying Disclosure Act filings reflect individuals registered to lobby on behalf of TCA in 2008. TCA's registration was terminated as of December 31, 2008.
54 Fein Tr. at 6.
55 Id., at 12–13.
56 Id. at 3.
57 Id.
58 Id.
59 Id.
60 Id. at 4.
61 Id. at 14–15.
62 Id. at 9.
63 Id. at 4.
64 Id. at 5.
65 Id. at 9.
66 Id. at 9.
67 Id.
would be paid as billed by Mr. Fein and Mr. Saltzman on an ongoing basis, regardless of the result of the action.68 It was this arrangement that Mr. Fein suggested to Representative Schmidt in 2009,69 and for which Representative Schmidt sought Committee approval. The Committee did not understand the nature of the misnamed “contingency fee” arrangement until its interview of Mr. Fein following the referral of the matter by OCE.

Both Representative Schmidt and Mr. Bennett told the Committee that she was never made aware of this payment arrangement with TCA, and Mr. Fein confirmed that he never discussed the payment arrangement with Representative Schmidt or any member of her staff.70 Thus, the evidence suggests that Representative Schmidt did not have knowledge of the details of TCA’s financial relationship with Mr. Fein and Mr. Saltzman, or the fact that the contingency fee proposal did not actually cover the lawyer’s fees, at any time prior to the Committee’s discovery of the relationship following the referral of the matter by OCE. The fact of the payment arrangement was material to the Committee’s guidance on this matter, and if the Committee had given Representative Schmidt guidance without being aware of this arrangement, the guidance would not have been correct or binding on the Committee.71

Mr. Bennett told the Committee that he never viewed a contingency fee arrangement to be a realistic possibility.72 Instead, Mr. Bennett stated that in Representative Schmidt’s prior matters before the Ohio Elections Commission, the ordinary practice had been for the law firm representing Representative Schmidt to not provide monthly or quarterly bills, but instead to submit one bill at the end of the proceeding.73 Mr. Bennett stated that he had no reason to suspect that the billing arrangement for this matter would be any different.74 This appears to be inconsistent with Mr. Bennett’s deposition testimony in the matter before the Ohio Elections Commission.75 However, during the Committee’s independent investigation, he explained that he never meant to imply that Representative Schmidt was not planning to pay the lawyers’ fees.76 Instead, Mr. Bennett stated:

No. I take from [the deposition testimony] that [TALDF] were clearly covering costs, like any law firm would cover costs. And then you get a bill. You know, every lawyer I know gets paid every 2 weeks whether or not his client has paid or not. So I take that to mean yes, you know, they are covering these costs or whatever, and they are going to bill us for them. Now it’s illogical that I could ever think that they were going to do this for free . . . [b]ecause it

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68 Id. at 31.
69 Id. at 31.
70 Fein Tr. at 17–18; Bennett Tr. at 17.
72 Bennett Tr. at 19.
73 Id. at 5.
74 Id.
75 Bennett Deposition at 49 (“Q. And there’s no ethics issue associated with Turkish American Legal Defense Funds paying for Ms. Schmidt’s legal fees? A. No, not that I’m aware of.”).
76 Bennett Tr. at 22.
The legal services provided by the lawyers associated with TALDF were not provided on a pro bono basis, and were not contingent on the outcome of the case. Thus, the Committee does not express an opinion on whether the services could be provided on a pro bono basis or under a contingency fee agreement, as the underlying facts would not support either arrangement.

III. FINDINGS AND CONCLUSIONS

Following the Committee’s investigation and nearly two years of guidance to Representative Jean Schmidt through the Committee’s Office of Advice and Education, the Committee reached the following findings and conclusions.

A. COMMITTEE’S RESPONSE TO REQUESTS FOR GUIDANCE

Based on Representative Schmidt’s statements to the Committee, the evidence gathered by OCE, and the Committee’s independent investigation, the Committee approved the use of funds from the Jean Schmidt Legal Expense Trust to pay legal bills incurred in connection with Representative Schmidt’s complaint before the Ohio Elections Commission and the defamation action, subject to certain restrictions discussed below. However, the Committee denied the use of funds from the Jean Schmidt Legal Expense Trust to pay legal bills incurred in connection with amicus briefs filed in Krikorian v. Ohio Elections Commission. Additionally, the Committee has determined that Representative Schmidt’s use of campaign funds to pay for the Ohio Elections Commission matter, the defamation action, and the amicus briefs filed in the Krikorian v. Ohio Elections Commission matter would not violate the House rules, subject to the restrictions below. However, the Committee advised Representative Schmidt to consult with the Federal Election Commission before using campaign funds for any of these purposes. Finally, the Committee denied permission to enter into the so-called “contingency fee” arrangement.

1. Legal Expense Trust Fund
   a. Legal background

   Under a provision of the gift rule, a Member, officer, or employee may accept “a contribution or other payment to a legal expense fund established for the benefit of [the official] that is otherwise lawfully made in accordance with the restrictions and disclosure requirements of the Committee on Ethics.” Under the Committee’s Legal Expense Fund Regulations (LEF Regulations), a Member may not receive or solicit donations to such a fund without prior approval of the trust agreement by the Committee. Under the Committee’s LEF Regulations, a fund may be established only when the legal expenses arise in connection with one of the following matters:
   - The individual’s candidacy for or election to federal office;
   - The individual’s official duties or position in Congress (including a matter before the Ethics Committee);
   - A criminal prosecution;

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77 Id.
78 The legal services provided by the lawyers associated with TALDF were not provided on a pro bono basis, and were not contingent on the outcome of the case. Thus, the Committee does not express an opinion on whether the services could be provided on a pro bono basis or under a contingency fee agreement, as the underlying facts would not support either arrangement.
80 LEF Regulations ¶¶1, 11.
• A civil matter bearing on the individual's reputation or fitness for office.\textsuperscript{81}

The Committee will not grant permission to establish a fund when legal expenses arise in connection with a matter that is primarily personal in nature, such as a matrimonial action.\textsuperscript{82} The rules governing the operation of a legal expense fund include:

• No contribution may be solicited for or accepted by a fund prior to the Committee's written approval of the completed trust document and the trustee;\textsuperscript{83}

• A fund must be established as a trust, administered by a trustee who is entirely independent of the Member and has no family, business, or employment relationship with the Member;\textsuperscript{84}

• Trust funds may be used only to pay legal expenses, or the expenses incurred in soliciting for or administering the trust;\textsuperscript{85}

• A fund may not accept more than $5,000 in a calendar year from any individual or organization, but, in accordance with the gift rule, no contribution may be accepted from a registered lobbyist or foreign agent;\textsuperscript{86}

• Excess funds must be returned to the contributors;\textsuperscript{87} and

• A fund may not pay for legal services for anyone other than the named beneficiary except with the Committee's written permission. Written Committee permission is also required for any amendment of the trust document and any change in the trustee.\textsuperscript{88}

Once a legal expense trust agreement has been approved by the Committee, the Member must file an executed copy with the Legislative Resource Center of the Office of the Clerk, for placement on the public record.\textsuperscript{89} In addition, Members must file quarterly reports on the public record regarding certain contributions and expenditures under the LEF Regulations.\textsuperscript{90}

\textbf{b. Analysis}

The trustee named in the agreement for the Jean Schmidt Legal Expense Trust is Mr. Larry Neuman, Esq., of Cincinnati, Ohio. According to Representative Schmidt's representations to the Committee, Representative Schmidt has no family, business, or employment relationship with Mr. Neuman. Representative Schmidt's representations to the Committee further indicate that the trust funds will be used to pay legal expenses incurred in connection with a legal action directly related to Representative Schmidt's candidacy for federal office in 2008 and matters bearing upon her reputation and fitness for office. Recital A of the trust agreement indicates that the purpose of the Legal Expense Fund is to pay expenses incurred in connection with Representative Schmidt's official duties and position in Congress and matters bearing upon her reputation and fitness for office. Pursuant to Representative Schmidt's cor-
See Federal Election Commission, AO 1997–27, at 3 (February 23, 1998). “For example, to the extent that the effect of the charitable deduction would provide more than 100 percent offset to the additional taxable income, that part of the deduction may not be taken.”
Office Building) within one week of Committee approval. In accordance with LEF Regulation 13, Representative Schmidt (not the trustee) is responsible for filing quarterly reports with the Committee regarding certain receipts and expenditures. The original version of Representative Schmidt’s quarterly reports must be filed with the Committee and a copy must also be filed with the Legislative Resource Center for public disclosure. In addition to the quarterly reports, any contributions of more than $350 in a calendar year from a single source (other than a relative) must also be disclosed on Schedule VI of Representative Schmidt’s annual Financial Disclosure Statement.

2. Campaign Funds

a. Legal background

The Committee has long advised Members to consult with the Committee prior to using campaign funds for legal expenses to ensure that the legal services are ones that the Member may properly pay with campaign funds. House Rule 23, clause 6, provides as follows:

A Member, Delegate, or Resident Commissioner—

(a) shall keep the campaign funds of such individual separate from the personal funds of such individual;

(b) may not convert campaign funds to personal use in excess of an amount representing reimbursement for legitimate and verifiable campaign expenditures; and

(c) except as provided in clause 1(b) of rule [24], may not expend funds from a campaign account of such individual that are not attributable to bona fide campaign or political purposes.

While the rule permits the use of campaign funds for “bona fide campaign or political purposes,” it does not include a definition of that phrase. The Committee has long advised that Members have wide discretion to determine whether any particular expenditure would serve such purposes, provided that the Member does not convert campaign funds to personal or official uses (other than as permitted by House Rule 24, clause 1(b)).92 Put another way, the rule is not interpreted “to limit the use of campaign funds strictly to a Member’s reelection campaign,” but instead is interpreted “broadly to encompass the traditional politically-related activities of Members of Congress.”93

In accordance with these principles, the Committee has determined that it is generally permissible under House rules for a Member to use campaign funds to pay for the Member’s own legal fees which arise in connection with the Member’s campaign, election, or the performance of official duties.94

Pursuant to the Federal Election Campaign Act, the FEC administers a separate set of restrictions on the use of campaign funds. Although our understanding is that the FEC generally permits the use of campaign funds and the establishment of legal expense funds for legal expenses arising out of a Member’s congressional

campaign and official duties, interpretation of FEC regulations is outside this Committee’s jurisdiction. As a result, the Committee traditionally encourages all Members to consult with the FEC to determine whether use of campaign funds is permissible under the applicable law and regulations.

b. Analysis

The Ohio Elections Commission matter and Representative Schmidt’s defamation action are related to her election for office and reputation and fitness as a Member and, as a result, Representative Schmidt met that criterion to use campaign funds under the House rules. With respect to the defamation matter, however, Representative Schmidt faces the same challenge to using campaign funds to pay expenses that she has with the use of a legal expense fund in that Representative Schmidt is seeking monetary damages in her personal capacity. Seeking monetary damages makes it appear as if Representative Schmidt would be converting campaign funds for her personal use.

The Committee notes that in 1998, Representative John Boehner sought an opinion from the FEC regarding the use of campaign funds to pay for legal expenses incurred in connection with his lawsuit against Representative James McDermott, in which he was seeking monetary damages. The FEC permitted Representative Boehner to pay his legal expenses with campaign funds under the following conditions: (1) any damages award first defrayed the cost of litigation; (2) any additional amount be donated to charity; and (3) Representative Boehner had to represent he would receive no direct or indirect financial benefit from the lawsuit.

The Committee notes that Representative Schmidt may be able to reach a similar arrangement with the FEC in this instance. Committee staff has been informed by FEC staff that they do not provide the advisory opinion given to Representative Boehner to other individuals because it is so fact specific that it should not be relied on by anyone other than Representative Boehner. As a result, the Committee strongly urges Representative Schmidt to seek an advisory opinion from the FEC before using campaign funds to pay legal expenses related to the defamation action.

With respect to the amicus brief filed in Krikorian v. Ohio Elections Commission, although the Committee does not perceive that matter as either pertaining to Representative Schmidt’s candidacy for federal office or bearing on her reputation and fitness for office, this view may not be shared by the FEC and would not foreclose Representative Schmidt’s ability to seek an FEC advisory opinion regarding whether one may use campaign funds to pay for legal expenses related to this matter. If Representative Schmidt wanted to proceed with using campaign funds to pay for this action, the Committee strongly urges Representative Schmidt to seek an advisory opinion from the FEC before doing so.

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96 See id. at 3. “For example, to the extent that the effect of the charitable deduction would provide more than 100 percent offset to the additional taxable income, that part of the deduction may not be taken.”
B. COMMITTEE’S DISPOSITION OF THE OCE REFERRAL

Based on the evidence examined by the Committee, it appears that the arrangement whereby the lawyers associated with TALDF sent bills for their legal representation of Representative Schmidt to TCA, which TCA then paid, constituted an improper gift from TCA to Representative Schmidt. According to OCE’s referral, between 2008 and 2010 TCA actually paid the TALDF lawyers approximately $500,000 for legal services provided to Representative Schmidt. Neither the Committee nor, according to the evidence, Representative Schmidt was aware of these payments when the Committee provided advice to Representative Schmidt regarding her options for paying legal fees in the various proceedings.

Thus, the Committee will not dismiss the allegations in the OCE referral. As explained below, however, the Committee does not see the need to empanel an investigative subcommittee at this time. The Committee does not believe that further fact-gathering is necessary, and, given the evidence that Representative Schmidt did not know of the payment arrangement between TCA and the lawyers associated with TALDF, the Committee does not believe that any sanction is necessary.

However, in order to remedy the actual, even if unknown, receipt of an impermissible gift, both disclosure and repayment of the gift are necessary. Thus, Representative Schmidt must ensure that TCA does not pay for any additional future legal services on her behalf. In addition, subject to the guidance below, Representative Schmidt must pay the lawyers associated with TALDF, from a permissible source, for all legal services they have performed on her behalf to date. Furthermore, this remedy will only be sufficient if Mr. Fein and Mr. Saltzman and any other attorney who was actually paid with TCA funds, first agree that, as Representative Schmidt pays them directly, they will repay to TCA the fees TCA originally paid to them for their representation of Representative Schmidt. Such an agreement must be in writing and submitted to the Committee. Representative Schmidt must also amend her annual Financial Disclosure Statements for calendar years 2009 and 2010 to disclose the gifts from TCA. Finally, Representative Schmidt must disclose any gifts from TCA on her future Financial Disclosure Statements, until the lawyers associated with TALDF have been repaid in full.97

1. Improper Gift

As noted above, Members may not accept any gift, except as specifically permitted by House rules.98 The definition of gift expressly includes gifts of services, and thus the value of legal services provided to a Member at no cost would be deemed to be a gift under the gift rule.99 Each time TCA paid the legal fees of the lawyers associated with TALDF in connection with their representation of Representative Schmidt, that payment was a gift to her. There is

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97 It is not necessary for Representative Schmidt to file an actual amended Financial Disclosure Statement. Instead, it would be acceptable for her to submit a letter to the Clerk detailing the source, description, and value of the legal services. This is an option available to any filer when amending their Financial Disclosure Statement.

98 House Rule 25, cl. 5(a)(1)(A)(i); see also House Rule 23, cl. 4.

99 As a general matter, the amount of any discount on the cost of legal fees offered to a Member based on that individual’s official status would be deemed a gift for purposes of the gift rule. See House Rule 25, cl. 5(a)(2)(A).
no exception to the gift rule that would permit Representative Schmidt to accept this gift, and thus this arrangement was a violation of House Rules. Indeed, even if Representative Schmidt had reimbursed TCA the next day for its payment to the lawyers associated with TALDF for their representation of her, TCA’s payments would be considered a loan, and thus an improper gift.

However, the evidence indicates that Representative Schmidt did not have knowledge of the specific payment arrangement between TCA and the lawyers associated with TALDF. Both Representative Schmidt and Mr. Bennett told the Committee that she was never made aware of the payment arrangement, and Mr. Fein confirms that he never discussed the payment arrangement with Representative Schmidt or any member of her staff.100 Furthermore, the Committee has not seen any document suggesting that Representative Schmidt or her staff knew of the payment arrangement.

The Committee further notes, however, that none of the lawyers associated with TALDF submitted any bills to Representative Schmidt. This was true even during the five months that the lawyers associated with TALDF represented Representative Schmidt before she sought the Committee’s guidance on how to pay for their legal services.101 Mr. Fein stated that he has never billed the individuals he represents in TALDF-related matters, and that he always submits those legal bills to TCA. Mr. Fein further stated it was his intention not to charge Representative Schmidt for the TALDF-related legal services, and that instead, TALDF would accept half of any damages award she received, as part of a “contingency fee” arrangement.102 Mr. Bennett, however, stated that he never viewed a contingency fee arrangement to be a realistic possibility.103 Instead, Mr. Bennett stated that in Representative Schmidt’s prior matters before the Ohio Elections Commission, the practice had been for the law firm representing Representative Schmidt to not provide monthly or quarterly bills, and instead to submit one bill at the end of the proceeding.104 Mr. Bennett stated that he had no reason to suspect that this matter would be any different.105

The Committee is troubled that the lawyers associated with TALDF never disclosed their payment arrangement with TCA to Representative Schmidt. Such disclosure likely would have made this investigation unnecessary. While the Committee believes that the payment arrangement between TCA and Representative Schmidt’s lawyers should have been disclosed from the beginning of their representation of her, the Committee is particularly concerned that Representative Schmidt’s lawyers did not disclose the payment arrangement to her even after Mr. Krikorian’s lawyers raised the issue of TALDF providing Representative Schmidt free legal services, or after the Ohio Court of Common Pleas denied Mr. Fein’s motion to be admitted pro hac vice.

These legal maneuverings should have prompted Representative Schmidt’s lawyers to have a fuller discussion with her regarding the payment arrangements for their legal services. However, it

100 Fein Tr. at 17–18.
101 Id. at 17.
102 Id. at 31.
103 Bennett Tr. at 17.
104 Id.
105 Id.
does not appear that Mr. Krikorian’s allegations that TALDF was offering free legal services should have put Representative Schmidt on notice that her lawyers were not employees of TALDF or TCA and were instead outside counsel submitting regular bills to TCA. Mr. Krikorian only asserted that Representative Schmidt’s arrangement with her lawyers was improper because her lawyers had not yet provided Representative Schmidt with a legal bill. And when Mr. Krikorian made this allegation in the depositions of Mr. Fein and Mr. Bennett, Representative Schmidt appropriately responded by seeking the guidance of the Committee. Thus, Representative Schmidt was aware that she had not yet received a bill because she was working in good faith with the Committee to ascertain the appropriate means by which to pay her attorneys. Further, Mr. Fein and Representative Schmidt’s other lawyers did not state that they were not employees of TALDF or TCA and were instead outside counsel submitting regular bills to TCA. Instead, they specifically asserted that they were “senior counsel at the Turkish American Legal Defense Fund[.]” This statement appears to be inconsistent with the fact that Representative Schmidt’s lawyers were not employees of TALDF or TCA and were instead outside counsel submitting regular bills to TCA.

The Committee notes that Representative Schmidt never finalized an engagement agreement with the lawyers associated with TALDF, including in the five months before she sought the Committee’s guidance. Such an agreement may have provided further clarity regarding the relationships between Representative Schmidt’s lawyers, TALDF, and TCA. It would have been preferable, in this case, for Representative Schmidt to have (1) entered into a written agreement with her lawyers at the beginning of each matter; or (2) absent such an agreement, inquired of her lawyers about the payment for ongoing legal services. It is for this reason, among others, that the Committee strongly encourages all Members to enter into written agreements with lawyers representing Members, and for Members to seek the guidance of both the Committee and the FEC before spending campaign funds on legal representation.

Even if Representative Schmidt did not know that TCA was paying these legal fees on her behalf, the payments still constituted gifts to her. The Committee was not aware that TCA was paying legal fees on Representative Schmidt’s behalf until it conducted an independent investigation following the OCE referral. If the Committee had given Representative Schmidt guidance regarding the payment of these legal expenses based on an incorrect understanding of the nature of the fee arrangement, the Committee’s guidance would have been invalid and would not have protected Representative Schmidt from a charge that she received an improper gift.

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106Id. at 14–15.
107The Committee notes that shortly after Mr. Krikorian’s lawyers raised the issue of TALDF (not TCA) providing free legal services to Representative Schmidt, she sought the guidance of the Committee regarding this issue.
Representative Schmidt and her staff have consistently stated that it is her intention to pay the legal fees of the lawyers associated with TALDF. The Committee has now given her guidance on permissible methods to pay for the TALDF-related legal fees. While it was appropriate for Representative Schmidt not to pay the legal fees while she was waiting for guidance from the Committee, those fees must now be paid. Furthermore, because it is inappropriate for TCA to pay legal fees on Representative Schmidt’s behalf and then be reimbursed by her, Representative Schmidt’s payments must be made directly to the lawyers associated with TALDF for all fees incurred in their representation of her.

The Committee recognizes that the lawyers associated with TALDF have been representing Representative Schmidt for more than two years, in at least three different legal proceedings, and the legal fees for this work are substantial. For this reason, the Committee does not expect Representative Schmidt to fully pay the lawyers associated with TALDF immediately. However, Representative Schmidt must ensure that TCA does not make any further payments on her behalf to the lawyers associated with TALDF, and Representative Schmidt must begin paying the lawyers associated with TALDF as soon as funds are available. Furthermore, this remedy will only be sufficient if Mr. Fein and Mr. Saltzman and any other attorney actually paid with TCA funds, first agree to repay all TCA funds as they receive Representative Schmidt’s payments. Additionally, the Committee notes that it did not approve the use of LEF funds for fees related to the amicus brief. Thus, Representative Schmidt must pay for any fees the attorneys billed and TCA paid for work on the amicus brief using appropriate funds other than the LEF funds. She must pay those fees immediately and provide the Committee with a cancelled check as proof of payment of the legal services related to the amicus brief. Until Representative Schmidt has paid the lawyers associated with TALDF for all fees originally paid by TCA, Representative Schmidt must disclose on Schedule V of her annual Financial Disclosure Statement all outstanding TALDF-related fees which were originally paid by TCA.

2. Disclosure of Improper Gifts

The Ethics in Government Act (EIGA) requires disclosure of gifts received during the year, from someone other than a relative, whose aggregate value exceeds “minimal value,” as defined by that statute. For 2009 and 2010, “minimal value” was defined as $335, but gifts valued below $134 need not be counted towards the limit. This disclosure is made on Schedule VI of a Member’s annual Financial Disclosure Statement. TCA’s payment of legal services on Representative Schmidt’s behalf was a gift whose aggregate value exceeded $335. These payments were not disclosed on Representative Schmidt’s Financial Disclosure Statements covering calendar years 2009 and 2010. Given that Representative Schmidt

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110 41 CFR §102–42.10 (2011).
111 The Committee notes that Representative Schmidt would also be permitted to pay for any of these legal services with her own personal funds.
112 Minimal value for purposes of disclosure under EIGA is the same as that for the Foreign Gifts and Decorations Act, 5 U.S.C. §7342(a)(5). Pursuant to that statute, the General Services Administration sets the minimal value every three years. Minimal value for calendar years 2008 until 2011 was $335. See 75 Fed. Reg. 7475 (Feb. 8, 2008). Minimal value for calendar years 2011 until 2014 is $350. See 76 Fed. Reg. 30551 (May 26, 2011).
was not aware of the gifts, it is not surprising that she did not disclose them. However, now that Representative Schmidt is aware of the gifts, she must amend her Financial Disclosure Statements to disclose the payments by TCA of legal services on her behalf.

The Committee directed the Chairman, upon providing the notices required pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rule 17A(b)(2), to file this Report with the House, and copies of OCE’s Report and Findings in this matter, along with any response filed, all of which are made a part of this Report and appended hereto. The filing of this Report, along with its publication on the Committee’s Web site, shall serve as publication of OCE’s Report and Findings in this matter, pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rule 17A(b)(3) and 17A(c)(2).

IV. STATEMENT UNDER RULE 13, CLAUSE 3(c) OF THE RULES OF THE HOUSE OF REPRESENTATIVES

The Committee made no special oversight findings in this Report. No budget statement is submitted. No funding is authorized by any measure in this Report.

\footnote{See House Rule XI, clauses 3(a)(2) and 3(b).}
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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

REPORT

Review No. 11-6574

The Board of the Office of Congressional Ethics, by a vote of no less than four members, on April 29, 2011, adopted the following report and ordered it to be transmitted to the Committee on Ethics of the United States House of Representatives.

SUBJECT: Representative Jean Schmidt

NATURE OF THE ALLEGED VIOLATION: Representative Jean Schmidt may have received free legal services that are considered gifts under House rules. Since 2008, three lawyers for the Turkish American Legal Defense Fund ("TALDF") have represented her in various legal matters related to a complaint that she filed with the Ohio Election Commission against Mr. David Krikorian, a challenger to her congressional seat.

The Turkish Coalition of America ("TCA") has paid the TALDF lawyers a total of approximately $500,000 for the legal services provided to Representative Schmidt during the past three years. TCA currently pays the lawyers to represent her in an ongoing defamation suit that she filed against Mr. Krikorian in Ohio state court. Representative Schmidt has not paid for any of the legal services.

If Representative Schmidt accepted free legal services without establishing a legal expense fund, she may have violated House rules. She also may have violated House rules and federal law by not including the free legal services as gifts on her financial disclosure statements.

RECOMMENDATION: The Board of the Office of Congressional Ethics recommends that the Committee on Ethics further review the above allegations because there is substantial reason to believe that Representative Schmidt: (1) accepted legal services from TALDF without establishing a legal expense fund; and (2) failed to report the legal services on her financial disclosure statements for calendar years 2008 and 2009.

VOTES IN THE AFFIRMATIVE: 6

VOTES IN THE NEGATIVE: 0

ABSTENTIONS: 0
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MEMBER OF THE BOARD OR STAFF DESIGNATED TO PRESENT THIS REPORT TO THE COMMITTEE ON ETHICS: Omar S. Ashmawy, Staff Director & Chief Counsel.
FINDINGS OF FACT AND CITATIONS TO LAW

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FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 11-6574

On April 29, 2011, the Board of the Office of Congressional Ethics (the “Board”) adopted the following findings of fact and accompanying citations to law, regulations, rules, and standards of conduct (in italics). The Board notes that these findings do not constitute a determination that a violation actually occurred.

I. INTRODUCTION

1. In 2008, the Turkish Legal Defense Fund (“TALDF”) began providing legal services to Representative Schmidt in connection with a complaint that she filed against Mr. David Krikorian before the Ohio Election Commission.

2. In 2009, TALDF continued to provide the legal services at no charge to Representative Schmidt. In September 2009, Representative Schmidt requested a written advisory opinion from the Committee on Standards of Official Conduct (the “Committee”)\(^1\) concerning payment of the legal services. She did not request a written opinion prior to accepting the legal services.

3. In February 2010, the Committee on Ethics wrote an opinion advising Representative Schmidt that she could pay for the legal services by either establishing an approved legal expense fund to pay for the legal services or using campaign funds. The opinion was based on the facts that Representative Schmidt presented to the Committee. The letter from the Committee expressed its understanding that Representative Schmidt was awaiting a bill from the TALDF lawyers and that the legal services had not been paid.

4. Apparently, relevant information concerning the nature of the payment of the legal services was not provided to the Committee. For example, it was not disclosed that the Turkish Coalition of America (“TCA”) had already paid the TALDF lawyers approximately $300,000 for Representative Schmidt’s legal services at the time of the advisory opinion. TCA paid the expenses for Representative Schmidt since 2008 and continues to pay for legal services in 2011.

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\(^1\) The Committee on Standards of Official Conduct was renamed the Committee on Ethics in the 112th Congress.
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A. Summary of Allegations

5. The Board finds that there is substantial reason to believe that Representative Schmidt violated House Rule 25, clause 3 by accepting legal services from TALDF, which the TCA paid for prior to her receiving approval from the Committee of a legal expense fund.

6. The Board finds that there is substantial reason to believe that Representative Schmidt violated House Rule 26, clause 2 and the Ethics in Government Act by failing to report the legal services that she received from TALDF as gifts on her financial disclosure statements for calendar years 2008 and 2009.

B. Jurisdictional Statement

7. The allegations that are the subject of this review concern Representative Jean Schmidt, a Member of the United States House of Representatives for the 2nd District of Ohio. The Resolution the United States House of Representatives adopted creating the Office of Congressional Ethics ("OCE") directs that, "[n]o review shall be undertaken . . . by the board of any alleged violation that occurred before the date of adoption of this resolution." The House adopted this Resolution on March 11, 2008. Because the conduct under review occurred after March 11, 2008, the OCE has jurisdiction in this matter.

C. Procedural History

8. The OCE received a written request for a preliminary review in this matter signed by at least two members of the Board on January 24, 2011. The preliminary review commenced on January 25, 2011. The preliminary review was scheduled to end on February 23, 2011.

9. At least three members of the Board voted to initiate a second-phase review in this matter on February 22, 2011. The second-phase review commenced on February 24, 2011. The second-phase review was scheduled to end on April 9, 2011.

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5 H. Res. 895, 110th Cong. §1(e), as amended (the "Resolution").

6 A preliminary review is "requested" in writing by members of the Board of the OCE. The request for a preliminary review is "received" by the OCE on a date certain. According to the Resolution, the timeframe for conducting a preliminary review is thirty days from the date of receipt of the Board's request.

7 According to the Resolution, the Board must vote on whether to conduct a second-phase review in a matter before the expiration of the thirty-day preliminary review. If the Board votes for a second-phase, the second-phase begins when the preliminary review ends. The second-phase review does not begin on the date of the Board vote.
10. The Board voted to extend second-phase review for an additional period of fourteen days on April 5, 2011. The second-phase review ended on April 23, 2011.

11. Representative Schmidt submitted a written statement, under Rule 9(B) of the OCE’s Rules for the Conduct of Investigations, on April 25, 2011.

12. The Board voted to refer the matter to the Committee and adopted these findings on April 29, 2011.

13. This report and findings were transmitted to the Committee on May 18, 2011.

D. Summary of Investigative Activity

14. The OCE requested and received documentary and, in some cases testimonial information, from the following sources:

   (1) Representative Schmidt;
   (2) Representative Schmidt’s Chief of Staff;
   (3) TCA President;
   (4) TALDF Lawyer 1;
   (5) TALDF Lawyer 2; and
   (6) TALDF Lawyer 3.

II. TALDF Legal Services Provided to Representative Schmidt

A. Law, Regulations, Rules, and Standards of Conduct

   Gifts

15. Pursuant to House Rule 25, clause 5(a)(2)(A)(i), “[a] Member . . . of the House may not knowingly accept a gift except as provided in this clause.”

16. Under House Rule 25, clause 5(a)(3)(E), the gift rule exempts “a contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee that is otherwise lawfully made in accordance with the restrictions and disclosure requirements of the [Committee].”
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17. The Committee’s Legal Expense Fund Regulations provide that “no contribution shall be solicited for or accepted by a Legal Expense fund prior to the Committee’s written approval of the completed trust document (including the name of the trustee).”

18. “Pro bono legal assistance for other purposes shall be deemed a contribution subject to the restrictions of these regulations.”

Financial Disclosure


20. The Ethics in Government Act provides that “[e]ach report filed pursuant to section 101 (d) and (e) shall include a full and complete statement with respect to the following . . . The identity of the source, a brief description, and the value of all gifts aggregating more than the minimal value as established by section 7342(c)(5) of title 5, United States Code, or $250, whichever is greater, received from any source other than a relative of the reporting individual during the preceding calendar year . . .”

B. TALDF Has Provided Legal Services to Representative Schmidt for Nearly Three Years

TALDF in General

21. TCA created TALDF in late 2007 or early 2008. The purpose of TALDF is to protect the legal rights of Turkish Americans. TALDF works primarily on defamation and free speech matters.

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1 Memorandum from Committee on Standards of Official Conduct to All Members, Officers, and Employees Regarding Legal Expense Fund Regulations, dated June 16, 1996 (“Legal Expense Fund Regulations”) (Exhibit 1 at 11-6574_0003).
2 Id. The Legal Expense Fund Regulations allow the acceptance of pro bono legal services under the following limited circumstances: “to file an amicus brief in his or her capacity as a Member of Congress; to bring a civil action challenging the validity of any federal law or regulation; or to bring a civil action challenging the lawfulness of an action of a federal agency, or an action of a federal official taken in an official capacity, provided that the action concerns a matter of public interest, rather than a matter that is personal in nature.” Id.
4 Memorandum of Interview of TALDF Lawyer 1, March 28, 2011 (“TALDF Lawyer 1 MOI”) (Exhibit 2 at 11-6574_0006); Memorandum of Interview of TCA President, April 8, 2011 (“TCA President MOI”) (Exhibit 3 at 11-6574_0007).
5 TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574_0006); TCA President MOI (Exhibit 3 at 11-6574_0012).
6 TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574_0006); TCA President MOI (Exhibit 3 at 11-6574_0012).
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22. TALDF provides legal services to its clients on a pro bono basis. The entity is funded by the TCA.

23. If there is a legal matter in which the client is awarded monetary damages, the money is divided between the client and the TCA. The TALDF lawyers do not receive any portion of a damage award.

24. TALDF has two lawyers in Washington, DC: TALDF Lawyer 1 and TALDF Lawyer 2. TALDF Lawyer 1 is employed at the law firm of Bruce Fein & Associates, Inc. TALDF Lawyer 2 is employed at the law firm of Saltzman & Evinch, P.C.

25. TALDF Lawyer 3 is local counsel in Ohio for Representative Schmidt and is employed at the law firm of Chester, Willcox & Saxbe.

26. The TALDF lawyers are similar to independent contractors for TALDF. Each law firm bills TCA an hourly rate for legal services performed on behalf of TALDF. TCA pays for the services.

27. TCA retained a registered lobbyist in 2008 until the lobbyist, George Hochbrueckner, terminated the registration effective December 31, 2008.

28. The TCA President told the OCE that he is the head of TCA’s congressional outreach group. He spends approximately fifty percent of his time working on congressional outreach, which involves meeting with Members of Congress to discuss the Armenian genocide resolution and Greek and Turkish issues.

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1 TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574_0007); TCA President MOI (Exhibit 3 at 11-6574_0012).
2 TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574_0007); TCA President MOI (Exhibit 3 at 11-6574_0012).
3 TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574_0007).
4 Id.
5 Id. at 11-6574_0006.
6 Memorandum of Interview of TALDF Lawyer 2, March 28, 2011 (“TALDF Lawyer 2 MOI”) (Exhibit 4 at 11-6574_0016).
7 TALDF Lawyer 3 Response to OCE Request for Information, dated February 11, 2011 (“TALDF Lawyer 3 RFI Response”) (Exhibit 5 at 11-6574_0020).
8 TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574_0006).
9 Id.
10 Id.
12 TCA President MOI (Exhibit 3 at 11-6574_0011-0012).
13 Id. at 11-6574_0011.
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29. The TCA President told the OCE that he has not registered as a lobbyist because he only
educates legislators.24

TALDF and Representative Schmidt

30. Since 2008, TALDF has provided legal services to Representative Schmidt related to
various legal matters between her and Mr. David Krikorian.25

31. In 2006 or 2007, Mr. Krikorian visited Representative Schmidt’s congressional office in
Washington, DC. He came to the office to meet with Representative Schmidt to
request her support for the Armenian genocide resolution.27

32. According to Representative Schmidt’s Chief of Staff, Mr. Krikorian became belligerent
because Representative Schmidt would not commit to voting for the resolution.28

33. In November 2007, the TCA President first met Representative Schmidt when he
overheard her discussing the Armenian genocide resolution at a campaign fundraiser at
the Capitol Hill Club in Washington, DC.29

34. He introduced himself and offered to provide her with information about the Armenian
genocide issue.30

35. The TCA President told the OCE that he saw Representative Schmidt frequently in 2008
as she attended various TCA events and events with the TCA political action
committee.31

36. During the same period in 2008, the TCA President believes that he spoke with
Representative Schmidt’s Chief of Staff at least once per month.32

24 Id at 11-6574_0012.
25 TALDF Lawyer 1 Response to OCE Request for Information, dated February 14, 2011 (“TALDF Lawyer 1 RFI
Response”) (Exhibit 7 at 11-6574_0030); TALDF Lawyer 1 Legal Service Invoices (“TALDF Lawyer 1 Invoices”)
(Exhibit 8 at 11-6574_0033-0057); TALDF Lawyer 2 Response to OCE Request for Information, dated February
17, 2011 (“TALDF Lawyer 2 RFI Response”) (Exhibit 9 at 11-6574_0059-0063); TALDF Lawyer 2 Legal Service
Invoices (“TALDF Lawyer 2 Invoices”) (Exhibit 10 at 11-6574_0065-0072); TALDF Lawyer 3 RFI Response
(Exhibit 5 at 11-6574_0022-0025); TALDF Lawyer 3 Legal Service Invoices (“TALDF Lawyer 3 Invoices”)
(Exhibit 11 at 11-6574_0074-0161).
26 Memorandum of Interview of Representative Schmidt’s Chief of Staff, April 6, 2011 (“Chief of Staff MOI”) (Exhibit 12 at 11-6574_0163).
27 Id. at 11-6574_0164.
28 Id.
29 TCA President MOI (Exhibit 3 at 11-6574_0012).
30 Id.
31 Id. at 11-6574_0012-0013.
32 Id at 11-6574_0013.
37. Representative Schmidt’s Chief of Staff explained to the OCE that he first met the TCA President when the TCA President visited Representative Schmidt’s office to lobby him on the Armenian genocide resolution.33

38. In 2008, Mr. Krikorian ran as an independent candidate challenging Representative Schmidt for her congressional seat.

39. The TCA President recalls that in late spring of 2008, Mr. Krikorian circulated an email that criticized Representative Schmidt for attending campaign fundraisers with Turkish Americans.34 The TCA President was furious about the email and there were internal discussions at TCA about whether TALDF should take any legal action in the matter.35

40. During the week before the November 4, 2008 election, Mr. Krikorian placed pamphlets on cars outside of Representative Schmidt’s church that accused her of various activities, including accepting “blood money” from the Turkish Government to deny the Armenian genocide.36

41. On November 3, 2008, TALDF posted on its website a statement that it “requested the Attorney General of Ohio, Nancy H. Rogers, to open a criminal investigation under Ohio law into signature Armenian verbal thuggery employed by Armenian American independent candidate David Krikorian against Representative Jean Schmidt.”37

42. TALDF Lawyer 1 remembered that his first meeting with Representative Schmidt about providing legal services occurred in her congressional office in late November 2008.38

2008 Legal Services

43. According to the TALDF lawyers, TALDF first provided legal services for Representative Schmidt in her case against Mr. Krikorian before the Ohio Election Commission.39 She alleged in the case that Mr. Krikorian made false statements about

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33 Chief of Staff MOI (Exhibit 12 at 11-6574_0165).
34 Id. at 11-6574_0164.
35 TCA President MOI (Exhibit 3 at 11-6574_0013).
36 Chief of Staff MOI (Exhibit 12 at 11-6574_0164).
38 TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574_0007).
39 TALDF Lawyer 1 RFI Response (Exhibit 7 at 11-6574_0030); TALDF Lawyer 2 RFI Response (Exhibit 9 at 11-6574_0060-0061); TALDF Lawyer 3 RFI Response (Exhibit 5 at 11-6574_0022-0023).
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during the 2008 campaign that violated the Ohio state law prohibiting unfair political

campaign activities.

44. The TALDF lawyers began working on this matter in late 2008. The lawyers billed

their legal services on behalf of Representative Schmidt to TCA.

45. The amount of fees and expenses and legal services for 2008 was approximately

$3,905.

46. TCA paid the TALDF lawyers for the legal services performed on behalf of

Representative Schmidt.

2009 Legal Services

47. In early 2009, the TALDF lawyers prepared Representative Schmidt’s complaint for the

Ohio Election Commission matter, which they filed on April 29, 2009.

48. The lawyers filed an additional complaint with the Ohio Election Commission on behalf

of Representative Schmidt on July 21, 2009.

49. On October 1, 2009, the Ohio Election Commission found in favor of Representative

Schmidt, concluding that Mr. Krikorian made false statements about her.

50. In 2009, the lawyers also represented Representative Schmidt in Mr. Krikorian’s appeals

of the Ohio Election Commission decision.

51. The TALDF lawyers billed their 2009 legal services on behalf of Representative Schmidt

to TCA.

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43 Jean Schmidt v. Mr. David Krikorian, Ohio Election Commission Case No. 2009-E-003, April 29, 2009 (“Initial

OEC Complaint”). (Exhibit 15 at 11-6574_0175-0178).

44 TALDF Lawyer 2 Invoices (Exhibit 10 at 11-6574_0065); TALDF Lawyer 3 Invoices (Exhibit 11 at 11-

6574_0074-0075).

45 TALDF Lawyer 1 and TALDF Lawyer 3 sent the bills for their legal services directly to TCA and TALDF

Lawyer 3 sent his bills to TALDF. See TALDF Lawyer 1 Invoices (Exhibit 8 at 11-6574_0033-0057); TALDF

Lawyer 2 Invoices (Exhibit 10 at 11-6574_0065-0075); TALDF Lawyer 3 Invoices (Exhibit 11 at 11-6574_0074-

0161). TCA paid the bills. TCA President MOI (Exhibit 3 at 11-6574_0012).

46 TALDF Lawyer 2 Invoices (Exhibit 10 at 11-6574_0065); TALDF Lawyer 3 Invoices (Exhibit 11 at 11-

6574_0076-0077).

47 TCA President MOI (Exhibit 3 at 11-6574_0012).

48 Initial OEC Complaint (Exhibit 15 at 11-6574_0175-0178).

49 Jean Schmidt v. Mr. David Krikorian, Ohio Election Commission Case No. 2009-E-012, July 21, 2009 (Exhibit 16

at 11-6574_0180-0182).

50 Letters from Ohio Election Commission to Bruce Fein, dated November 13, 2009 (Exhibit 17 at 11-6574_0184-

0187).

51 TALDF Lawyer 1 RFI Response (Exhibit 7 at 11-6574_0030); TALDF Lawyer 2 RFI Response (Exhibit 9 at 11-

6574_0061); TALDF Lawyer 3 RFI Response (Exhibit 5 at 11-6574_0023).
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52. The amount of fees and expenses and legal services for 2009 was approximately $289,280.50

53. TCA paid the TALDF lawyers for the 2009 legal services performed on behalf of Representative Schmidt.51

2010 Legal Services

54. On February 21, 2010, the TALDF lawyers filed a Motion for Leave to file an Amicus Brief on behalf of Representative Schmidt in a federal lawsuit that Mr. Krikorian brought against the Ohio Election Commission in the Southern District Court of Ohio.52 The suit challenged whether the Ohio Election Commission had the right to make its findings in the 2009 matters concerning Representative Schmidt.53 Representative Schmidt was not named as a party to the lawsuit.54

55. The TALDF lawyers later filed an amicus brief on behalf of Representative Schmidt in the case.55

56. On June 8, 2010, the TALDF lawyers filed a defamation lawsuit on behalf of Representative Schmidt against Mr. Krikorian. Representative Schmidt seeks $6 8 million dollars in damages.56

57. Mr. Krikorian’s federal lawsuit against the Ohio Election Commission was dismissed on October 19, 2010.57

58. The TALDF lawyers billed their 2010 legal services on behalf of Representative Schmidt to TCA.58

TALDF Lawyer 1 and TALDF Lawyer 2 sent the bills for their legal services directly to TCA and TALDF Lawyer 3 sent his bills to TALDF. TALDF Lawyer 1 Invoices (Exhibit 8 at 11-6574_0033-0057), TALDF Lawyer 2 Invoices (Exhibit 10 at 11-6574_0065-0072), TALDF Lawyer 3 Invoices (Exhibit 11 at 11-6574_0074-0161). TCA paid the bills. See TCA President MOI (Exhibit 3 at 11-6574_0012).

TALDF Lawyer 1 Invoices (Exhibit 8 at 11-6574_0033-0044), TALDF Lawyer 2 Invoices (Exhibit 10 at 11-6574_0066-0069), TALDF Lawyer 3 Invoices (Exhibit 11 at 11-6574_0078-0116), TCA Legal Expenses for 2009 and 2010 ("TCA Legal Expenses") (Exhibit 18 at 11-6574_0189).

See TCA President MOI (Exhibit 3 at 11-6574_0012).


TALDF Lawyer 2 RFI Response (Exhibit 9 at 11-6574_0062).

Id.

Id.

Id., Jean Schmidt v. David Krikorian and Krikorian for Congress Campaign Committee, Court of Common Pleas Clermont County, Ohio, Case No. 2010 CVC1217, June 8, 2010 (Exhibit 19 at 11-6574_0191-0223).

TALDF Lawyer 2 RFI Response (Exhibit 9 at 11-6574_0062).
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59. The amount of fees and expenses and legal services for 2010 was approximately $205,401.\textsuperscript{79}

60. TCA paid the TALDF lawyers for the 2010 legal services performed on behalf of Representative Schmidt.\textsuperscript{60}

2011 Legal Services

61. Representative Schmidt’s defamation lawsuit against Mr. Krikorian continues in 2011.\textsuperscript{61}

62. The TALDF lawyers are currently providing legal services and TCA is paying for the legal services.\textsuperscript{62}

C. Representative Schmidt Received an Advisory Opinion from the Committee in 2010

63. Representative Schmidt did not request an advisory opinion from the Committee prior to the TALDF lawyers providing her legal services in 2008.\textsuperscript{63}

64. Representative Schmidt’s Chief of Staff told the OCE that he spoke with staff at the Committee in early 2009 about how to pay for the legal services.\textsuperscript{64}

65. On August 31, 2009, Representative Schmidt’s Chief of Staff was deposed in the matter before the Ohio Election Commission. He was asked whether he had “made some kind of filing with the House Ethics Committee that would allow the Turkish American Legal Defense Fund to fund this legal action against Mr. Krikorian.”\textsuperscript{65} Representative Schmidt’s Chief of Staff answered that he had not made such a filing.\textsuperscript{66}

\textsuperscript{79} TALDF Lawyer 1 and TALDF Lawyer 2 sent the bills for their legal services directly to TCA and TALDF Lawyer 3 sent his bills to TALDF. TALDF Lawyer 1 Invoices (Exhibit 8 at 11-6574_0033-0037); TALDF Lawyer 2 Invoices (Exhibit 10 at 11-6574_0065-0072); TALDF Lawyer 3 Invoices (Exhibit 11 at 11-6574_0117-0161); TCA paid the bills. See TCA President MOI (Exhibit 3 at 11-6574_0012).

\textsuperscript{60} TALDF Lawyer 1 Invoices (Exhibit 8 at 11-6574_0045-0057); TALDF Lawyer 2 Invoices (Exhibit 10 at 11-6574_0070-0072); TALDF Lawyer 3 Invoices (Exhibit 11 at 11-6574_0117-0161); TCA Legal Expenses (Exhibit 18 at 11-6574_0189).

\textsuperscript{61} See TCA President MOI (Exhibit 3 at 11-6574_0012).

\textsuperscript{62} TALDF Lawyer 1 RFI Response (Exhibit 7 at 11-6574_0030).

\textsuperscript{63} Id.; See TCA President MOI (Exhibit 3 at 11-6574_0012).

\textsuperscript{64} Representative Schmidt MOI (Exhibit 13 at 11-6574_0169); Chief of Staff MOI (Exhibit 12 at 11-6574_0165-0166).

\textsuperscript{65} Chief of Staff MOI (Exhibit 12 at 11-6574_0164).

\textsuperscript{66} Deposition of Barry P. Bennett, dated August 31, 2009 (Exhibit 20 at 11-6574_0247).

\textsuperscript{66} Id.
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66. On September 17, 2009, Representative Schmidt wrote a letter to the Committee "to seek guidance regarding the payment of legal fees associated with a case in which my campaign and I are now involved." 67

67. On January 21, 2010, Representative Schmidt amended her request for guidance "due to changed circumstances" since the original letter. 68

68. On February 26, 2010, the Committee provided Representative Schmidt with an advisory opinion. The scope of the advice is limited to payments for two legal matters, which are "legal work already completed during the [Ohio] Elections Commission proceedings, and future legal work on [Representative Schmidt] behalf in the appellate case in Ohio Court." 69

69. The Committee advised that "the establishment of a legal expense fund and the use of campaign funds are both permissible options for payment of legal expenses in connection with both past and future proceedings, subject to the limitations [in the advisory opinion]." 70

70. The Committee also advised that "before you may begin accepting or soliciting for donations to cover past and future legal expenses as described above, the Committee must approve your proposed trust agreement." 71

D. Relevant and Material Information May Not Have Been Provided to the Committee Concerning the Nature of the Legal Services

71. The advisory opinion from the Committee to Representative Schmidt states that the "Committee will take no adverse action against you in regard to any conduct that you undertake, or have undertaken, in good faith reliance upon this advisory opinion, so long as you have presented a complete and accurate statement of all material facts relied upon, herein, and the proposed conduct in practice conforms with the information you provided, as addressed in this opinion." 72

72. In the advisory opinion, the Committee also reserved the right to rescind, modify, or terminate the opinion: "However, the Committee will rescind an advisory opinion if

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67 Letter from Representative Schmidt to Chairwoman Zoe Lofgren, dated September 17, 2009 (Exhibit 21 at 11-6574_0270).
68 Letter from Chair Lofgren and Ranking Member Boehner to Representative Schmidt, dated February 26, 2010 ("Advisory Opinion") (Exhibit 22 at 11-6574_0273).
69 Letter from Chair Lofgren and Ranking Member Boehner to Representative Schmidt, dated February 26, 2010 ("Advisory Opinion") (Exhibit 22 at 11-6574_0274).
70 Id. at 11-6574_0273.
71 Id. at 11-6574_0277.
72 Id. at 11-6574_0279.
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relevant and material facts were not completely and accurately disclosed to the
Committee at the time the opinion was issued."

73. Pursuant to the advisory opinion, "[t]here is no restriction under the Committee's Legal
Expense Fund Regulations that would bar the establishment of such a trust fund to pay
past legal expenses, so long as no solicitation or receipt of donations occurred before the
Committee’s written approval of the trust agreement." 24

74. The advisory opinion relies on facts that Representative Schmidt and her staff provided
concerning the prior payments of the legal expenses.

TCA Paid for Representative Schmidt’s Legal Services Prior to Written
Approval of a Legal Expense Fund

75. In the advisory opinion, the Committee indicated that it was under the impression that
Representative Schmidt’s attorneys had worked approximately 200 hours and have not
billed Representative Schmidt or received any payments for their services. 25

76. The advisory opinion mentions that “[t]o date, Mr. Fein estimates that 200 hours have
been worked by the attorneys in your case, but you have not yet been billed as you are
awaiting this Committee’s guidance regarding the permissibility of the proposed options
for payment of legal expenses in this matter.” 26

77. The following relevant and material information appears not to have been provided to the
Committee as of the date of the advisory opinion: (1) Representative Schmidt’s lawyers
had worked more than 500 hours in her cases; 27 (2) Representative Schmidt’s lawyers
sent their bills to TCA, 28 and (3) TCA had paid Representative Schmidt’s lawyers
approximately $293,000 for services received in 2008 and 2009. 29

1 Id.
2 Id. at 11-6574_0277 (emphasis added).
3 Id. at 11-6574_0274.
4 Id.
5 Id.
6 TALDF Lawyer 1 Invoices (Exhibit 8 at 11-6574_0033-0044); TALDF Lawyer 2 Invoices (Exhibit 10 at 11-
6574_0065-0069); TALDF Lawyer 3 Invoices (Exhibit 11 at 11-6574_0076-0116).
7 TALDF Lawyer 1 and TALDF Lawyer 2 sent the bills for their legal services directly to TCA and TALDF
Lawyer 3 sent his bills to TALDF. See TALDF Lawyer 1 Invoices (Exhibit 8 at 11-6574_0033-0057) TALDF
Lawyer 2 Invoices (Exhibit 10 at 11-6574_0065-0072); TALDF Lawyer 3 Invoices (Exhibit 11 at 11-6574_0074-
161).
8 TALDF Lawyer 1 Invoices (Exhibit 8 at 11-6574_0033-0044); TALDF Lawyer 2 Invoices (Exhibit 10 at 11-
6574_0065-0069); TALDF Lawyer 3 Invoices (Exhibit 11 at 11-6574_0076-0116).
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78. The President of TCA told the OCE that TCA pays all of the legal expenses for TALDF from its general operating account.80

79. The TALDF lawyers are employed by separate law firms.81 Each law firm submits its legal bills to TCA.82

80. TCA pays for the legal fees and expenses for each attorney performing legal services for Representative Schmidt.83

81. TALDF provides free legal services to all of its clients.84 TCA pays the TALDF lawyers for their services.85

**TCA Has Not Sought Reimbursement from Representative Schmidt**

82. TALDF Lawyer 1 and TALDF Lawyer 2 explained to the OCE that they never send bills to TALDF clients.86 TCA pays for their legal fees.87

83. TALDF Lawyer 1 and TALDF Lawyer 2 told the OCE that they were under the impression that they were providing their legal services at no cost to Representative Schmidt.88

84. TALDF Lawyer 1 testified in a deposition during the matter before the Ohio Election Commission that he told Representative Schmidt and her campaign that “we would not charge them legal fees.”89

85. The TCA President told the OCE that he does not bill anyone for the payments that TCA gives to TALDF.90 TCA has never sought reimbursement for such expenses.91

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80 See TCA President MOI (Exhibit 3 at 11-6574_0012).
81 TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574_0006); TALDF Lawyer 2 MOI (Exhibit 4 at 11-6574_0016); TALDF Lawyer 3 RFI Response (Exhibit 5 at 11-6574_0020).
82 TALDF Lawyer 1 and TALDF Lawyer 2 sent the bills for their legal services directly to TCA and TALDF Lawyer 3 sent his bills to TALDF. See TALDF Lawyer 1 Invoices (Exhibit 8 at 11-6574_0031-0057); TALDF Lawyer 2 Invoices (Exhibit 10 at 11-6574_0065-0072); TALDF Lawyer 3 Invoices (Exhibit 11 at 11-6574_0074-0161). TCA paid the bills. See TCA President MOI (Exhibit 3 at 11-6574_0012).
83 See TCA President MOI (Exhibit 3 at 11-6574_0012).
84 TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574_0007).
85 Id.; TALDF Lawyer 2 MOI (Exhibit 4 at 11-6574_0017-0018); TCA President MOI (Exhibit 3 at 11-6574_0012).
86 TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574_0007); TALDF Lawyer 2 MOI (Exhibit 4 at 11-6574_0018).
87 TCA President MOI (Exhibit 3 at 11-6574_0012).
88 TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574_0007-008); TALDF Lawyer 2 MOI (Exhibit 4 at 11-6574_0018).
89 Deposition of Bruce Fein, dated August 31, 2009 (Exhibit 23 at 11-6574_0310).
90 TCA President MOI (Exhibit 3 at 11-6574_0012).
91 Id.
86. The TCA President explained that he has not had conversations with Representative Schmidt about payments for the legal services. 92

87. Representative Schmidt told the OCE that TALDF did not offer to provide her free legal services and that she discussed the possibility of a contingency fee, but that option was not pursued. 93 Her statements are not consistent with the statements of the TALDF lawyers and TCA President about payments for the legal services.

E. TCA Has Paid Approximately $500,000 to Three Law Firms for the Legal Services Provided to Representative Schmidt

88. The TALDF lawyers provided the OCE with statements for legal fees and expenses that they billed for Representative Schmidt’s legal matters from 2008 through the December 2010. 94

89. Based on these invoices, the lawyers charged legal fees and expenses totaling approximately $498,587. 95

90. According to the lawyers, they have received payment for the fees and expenses. 96 According to the TCA President, TCA paid for these expenses. 97

91. Representative Schmidt’s defamation suit against Mr. Krikorian is ongoing in 2011 and the TALDF lawyers are representing her in this matter. 98

92. Representative Schmidt has not received any invoice for these services and TCA never intended to send her an invoice for these services. 99 TCA paid for the services out of its general operating budget in the same manner that it pays for all TALDF clients. 100

92 Id.
93 Representative Schmidt MOI (Exhibit 13 at 11-6574, 0169).
94 TALDF Lawyer 1 Invoices (Exhibit 8 at 11-6574, 0034-0057); TALDF Lawyer 2 Invoices (Exhibit 10 at 11-6574, 0063-0072); TALDF Lawyer 3 Invoices (Exhibit 11 at 11-6574, 0076-0161); TCA Legal Expenses (Exhibit 18 at 11-6574, 0189).
95 TALDF Lawyer 1 Invoices (Exhibit 8 at 11-6574, 0031-0057); TALDF Lawyer 2 Invoices (Exhibit 10 at 11-6574, 0063-0072); TALDF Lawyer 3 Invoices (Exhibit 11 at 11-6574, 0076-0161); TCA Legal Expenses (Exhibit 18 at 11-6574, 0189).
96 TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574, 0007-0008); TALDF Lawyer 2 MOI (Exhibit 4 at 11-6574, 0017).
97 TCA President MOI (Exhibit 3 at 11-6574, 0012).
98 TALDF Lawyer 1 RFF Response (Exhibit 7 at 11-6574, 0030).
99 TCA President MOI (Exhibit 3 at 11-6574, 0013); TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574, 0007).
100 TCA President MOI (Exhibit 3 at 11-6574, 0012).
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F. Representative Schmidt Accepted Additional Legal Services After Receiving the
Advisory Opinion

93. As mentioned above, on February 26, 2010, the Committee provided Representative
Schmidt with a written opinion advising that she could pay for the TALDF legal services
by either establishing a legal expense fund or using campaign funds

94. With respect to establishing the legal expense fund, the Committee advised
Representative Schmidt that “[n]o contribution may be solicited for or accepted by a fund
prior to the Committee’s written approval of the completed trust document and the
trustee.”104

95. After receiving the February 26, 2010 advisory opinion, Representative Schmidt did not
submit a request for approval of a legal expense fund until July 19, 2010.102

96. On June 8, 2010, Representative Schmidt filed a defamation lawsuit against Mr.
Krikorian seeking $6.8 million in damages.105

97. The TALDF lawyers represent her in this matter and TCA pays their legal fees.104

Request for Approval of Legal Expense Fund

98. On July 19, 2010, Representative Schmidt wrote a letter to the Committee requesting
approval of a legal expense fund.105

99. On August 11, 2010 Representative Schmidt requested that the Committee approve a
contingency fee agreement in connection with the $6.8 million defamation lawsuit.106

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104 Advisory Opinion (Exhibit 22 at 11-6574_0275). Under the Legal Expense Fund Regulations, pro bono legal
services are considered to be contributions to a legal expense fund and thereby cannot be accepted without the
Committee’s written approval of the trust document. Legal Expense Fund Regulations (Exhibit 1 at 11-6574_0002-
0004). The Legal Expense Fund Regulations allow the acceptance of pro bono legal services under the following
limited circumstances: “to file an amicus brief in his or her capacity as a Member of Congress; to bring a civil
action challenging the validity of any federal law or regulation; or to bring a civil action challenging the lawfulness
of an action of a federal agency, or an action of a federal official taken in an official capacity, provided that the
action concerns a matter of public interest, rather than a matter that is personal in nature.” Id. at 11-6574_0003.
105 Letter from Representative Schmidt to Chair Lofgren and Ranking Member Bonner, dated July 19, 2010
(“Request for Legal Expense Fund Approval”) (Exhibit 24 at 11-6574_0389).
106 Jean Schmidt v. David Krikorian and Krikorian for Congress Campaign Committee, Court of Common Pleas
Clarmont County, Ohio, Case No. 2010 CVC1217, June 8, 2010 (Exhibit 19 at 11-6574_0191-0222).
107 TALDF Lawyer 1 RFI Response (Exhibit 7 at 11-6574_0030); TCA President MOI (Exhibit 3 at 11-6574_0012).
108 Request for Legal Expense Fund Approval (Exhibit 24 at 11-6574_0389).
109 Letter from Representative Schmidt to Chair Lofgren and Ranking Member Bonner, dated August 11, 2010 (Exhibit
25 at 11-6574_0391-0392).
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100. She also requested permission to use a legal expense fund to pay for legal services that the TALDF provided in connection with the amicus brief filed in Ohio federal court in February 2010.

Request for Approval of Contingency Fee Agreement

101. On August 26, 2010 the Committee requested that Representative Schmidt provide a copy of the proposed contingency fee agreement for the defamation lawsuit. Although the lawsuit was filed on June 8, 2010, the proposed contingency fee agreement is dated August 26, 2010. Based on the information before the OCE, a final contingency fee agreement was not executed.

102. TALDF Lawyer 1, who signed the August 26 proposed contingency fee agreement, told the OCE that the TALDF legal services for the defamation suit are not part of a contingency fee agreement. The services are provided pro bono similar to the other legal services TALDF has provided to Representative Schmidt.

103. He explained that he and the other lawyers will not receive any part of a monetary judgment from the defamation suit. If damages are awarded, half of the award is for Representative Schmidt and the other half is for TCA. The TALDF lawyers are paid whether or not there are damages awarded in the matter.

104. As result, the TALDF lawyers’ payment is not contingent on the outcome of the case. TCA pays the lawyers based on the hours billed for work on Representative Schmidt’s matter.

G. Representative Schmidt Did Not Disclose the Legal Services She Received on Her Financial Disclosure Statements for Calendar Years 2008 and 2009


106. Representative Schmidt answers “No” to the question “Did you, your spouse, or a dependent child receive any reportable gift in the reporting period (i.e., aggregating more than $335 and not otherwise exempt)?”

107 Email from Heather Jones to Joe Jansa, dated August 26, 2010 (Exhibit 26 at 11-6574.0394).
108 Proposed Contingency Agreement between TALDF and Representative Schmidt, dated August 26, 2010 (Exhibit 27 at 11-6574.0396).
109 TALDF Lawyer 1 MOI (Exhibit 2 at 11-6574.0007-0008).
110 Id. at 11-6574.0007.
111 Id.
112 Id.
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108. In the original and amended statements, Representative Schmidt answers "No" to the question "Did you, your spouse, or a dependent child receive any reportable gift in the reporting period (i.e., aggregating more than $335 and not otherwise exempt)?"  

III. CONCLUSION

109. The Committee issued detailed guidance explaining the steps that Members must follow to solicit or receive donations to pay legal expenses.

110. The Legal Expense Fund Regulations require that a Member first receive approval to establish a legal expense fund before receiving cash or in-kind donations (e.g., pro bono legal services).

111. The Legal Expense Fund Regulations state that pro bono legal services are contributions to a legal expense fund and cannot be accepted without the Committee’s written approval of a legal expense fund.

112. For example, the Committee recently responded to a Member’s request for approval to accept pro bono legal services. The Committee advised the Member that “it would not be permissible for you to solicit or accept pro bono or reduced-fee legal representation in connection with the ongoing disciplinary proceedings, absent the establishment of a legal expense fund for such purpose.”

113. In this review, TCA and TALDF told the OCE that legal services were provided to Representative Schmidt on a pro bono basis.

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113 Representative Schmidt Amended Calendar Year 2009 Financial Disclosure Statement, dated July 15, 2010 (Exhibit 28 at 11-6574-0398).
114 Representative Schmidt Amended Calendar Year 2008 Financial Disclosure Statement, dated May 13, 2009 (Exhibit 28 at 11-6574-0398); Representative Schmidt Amended Calendar Year 2009 Financial Disclosure Statement, dated July 15, 2010 (Exhibit 29 at 11-6574-0411).
115 Legal Expense Fund Regulations (Exhibit 1 at 11-6574-0002); House Ethics Manual 63-65.
116 Id.
117 Id. The Legal Expense Fund Regulations allow the acceptance of pro bono legal services under the following limited circumstances. See supra note 101.
118 Letter from Chair Zoe Lofgren and Ranking Member Jo Bonner to Representative Charles B. Rangel, dated October 29, 2010 (Exhibit 30 at 11-6574-0432). The Board notes that this advisory opinion to Representative Rangel was issued only to him and cannot be relied upon by any other individual or entity. The letter is cited here only as an example of the application of the Legal Expense Fund Regulations.
119 Id.
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114. TCA has paid approximately $500,000 to three law firms for legal services provided to Representative Schmidt in 2008, 2009, 2010, and 2011.

115. Representative Schmidt did not receive permission from the Committee to establish a legal expense fund prior to accepting the legal services. Representative Schmidt told the OCE that she has submitted a request to the Committee for approval of a legal expense fund.

116. The Board is not aware of the status of Representative Schmidt’s request for approval of the legal expense fund. However, even if a legal expense fund is approved, TCA has already paid for the legal services and does not seek reimbursement.

117. In conclusion, the Board finds that there is substantial reason to believe that Representative Schmidt violated House Rule 25, clause 3 by accepting legal services from TALDF, which TCA paid for prior to her receiving approval from the Committee of a legal expense fund.

118. The Board also finds that there is substantial reason to believe that Representative Schmidt violated House Rule 26, clause 2 and the Ethics in Government Act by failing to report that she received legal services from TALDF as gifts on her financial disclosure statements for calendar years 2008 and 2009.

119. For these reasons, the Board recommends that the Committee further review the allegations described above concerning Representative Schmidt.
EXHIBIT 1
Legal Expense Fund Regulations

MEMORANDUM TO ALL MEMBERS, OFFICERS, AND EMPLOYEES

From: Committee on Standards of Official Conduct
       Nancy L. Johnson, Chairman
       Jim McDermott, Ranking Democratic Member

Date: June 10, 1996

The new gift rule exempts "a contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee that is otherwise lawfully made in accordance with the restrictions and disclosure requirements of the Committee on Standards of Official Conduct," as long as the contribution is not from a registered lobbyist or an agent of a foreign principal (House Rule 25, clause 5(a)(3)(E)). In light of this new rule, and pursuant to its authority there under, the Committee hereby issues regulations explaining its "restrictions and disclosure requirements" for legal expense funds. The regulations set forth below supersede the Committee's prior policies under the old gift rule and take effect as of July 1, 1996. The prior policies remain in effect until that date.

Legal Expense Fund Regulations

1. A Member, officer, or employee who wishes to solicit and/or receive donations, in cash or in kind, to pay legal expenses shall obtain the prior written permission of the Committee on Standards of Official Conduct.  

2. The Committee shall grant permission to establish a Legal Expense Fund only where the legal expenses arise in connection with: the individual's candidacy for or election to federal office; the individual's official duties or position in Congress (including legal expenses incurred in connection with an amicus brief filed in a Member's official capacity, a civil action by a Member challenging the validity of a law or federal regulation, or a matter before the Committee on Standards of Official Conduct); a criminal prosecution; or a civil matter bearing on the individual's reputation or fitness for office.

1 These regulations have been updated in several respects, including to reflect certain Committee policies established after the regulations were originally issued, and the renumbering of the House Rules that occurred at the beginning of the 106th and 107th Congresses.


3 Permission is not required to solicit and/or receive a donation in any amount from a relative or a donation of up to $250 from a personal friend.
3. The Committee shall not grant permission to establish a Legal Expense Fund where the legal expenses arise in connection with a matter that is primarily personal in nature (e.g., a matrimonial action).

4. A Member, officer, or employee may accept pro bono legal assistance without limit to file an amicus brief in his or her capacity as a Member of Congress; to bring a civil action challenging the validity of any federal law or regulation; or to bring a civil action challenging the lawfulness of an action of a federal agency, or an action of a federal official taken in an official capacity, provided that the action concerns a matter of public interest, rather than a matter that is personal in nature. Pro bono legal assistance for other purposes shall be deemed a contribution subject to the restrictions of these regulations.

5. A Legal Expense Fund shall be set up as a trust, administered by an independent trustee, who shall oversee fund raising.

6. The trustee shall not have any family, business, or employment relationship with the trust’s beneficiary.

7. Trust funds shall be used only for legal expenses (and expenses incurred in soliciting for and administering the trust), except that any excess funds shall be returned to contributors. Under no circumstances may the beneficiary of a Legal Expense Fund convert the funds to any other purpose.

8. A Legal Expense Fund shall not accept more than $5,000 in a calendar year from any individual or organization.

9. A Legal Expense Fund shall not accept any contribution from a registered lobbyist or an agent of a foreign principal.

10. Other than as specifically barred by law or regulation, a Legal Expense Fund may accept contributions from any individual or organization, including a corporation, labor union, or political action committee (PAC).

11. No contribution shall be solicited for or accepted by a Legal Expense Fund prior to the Committee's written approval of the completed trust document (including the name of the trustee). No amendment of the trust document is effective, and no successor or substitute trustee may be appointed, without the Committee’s written approval.

12. Within one week of the Committee's approval of the trust document, the beneficiary shall file a copy of the trust document with the Legislative Resource Center (B-106 Cannon House Office Building) for public disclosure.
13. The beneficiary of a Legal Expense Fund shall report to the Committee on a quarterly basis, with a copy filed for public disclosure at the Legislative Resource Center:
   a) any donation to the Fund from a corporation or labor union;
   b) any contribution (or group of contributions) exceeding $250 in a calendar year from any other single source; and
   c) any expenditure from the Fund exceeding $250 in a calendar year.

   The reports shall state the full name and street address of each donor, contributor or recipient required to be disclosed. Beginning October 30, 1996, these reports shall be due as follows:

<table>
<thead>
<tr>
<th>Reporting Period</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 1 – March 31</td>
<td>April 30</td>
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<tr>
<td>April 1 – June 30</td>
<td>July 30</td>
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<tr>
<td>July 1 – September 30</td>
<td>October 30</td>
</tr>
<tr>
<td>October 1 – December 31</td>
<td>January 30</td>
</tr>
</tbody>
</table>

14. Any Member or employee who established a Legal Expense Fund prior to July 1, 1996 shall make any necessary modifications to the trust document to bring it into compliance with these regulations and shall disclose the trust document with his or her first quarterly report of the 105th Congress on January 30, 1997. Reports of receipts and expenditures shall be due beginning October 30, 1996, as stated in paragraph 13, above.

**Use of Campaign Funds for Legal Expenses**

This Committee has stated (in Chapter 4 on campaign activity) that Members may use campaign funds to defend legal actions arising out of their campaign, election, or the performance of their official duties. More recently, however, the Federal Election Commission (FEC) issued regulations defining impermissible personal uses of campaign funds, including using campaign funds for certain legal expenses. Any Member contemplating the use of campaign funds for the direct payment of legal expenses or for contribution to a legal expense fund should first contact the FEC.
EXHIBIT 2
CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: TALDF Lawyer 1
REVIEW No.: 11-6574
DATE: March 28, 2011
LOCATION: Bruce Fein & Associates, Inc.
1025 Connecticut Avenue, NW
Washington, DC 20036
TIME: 10:00 a.m. to 10:45 a.m. (approximately)
PARTICIPANTS: Kedric L. Payne
Paul J. Solis

SUMMARY: The OCE requested an interview TALDF Lawyer 1, who is an attorney with the Turkish American Legal Defense Fund ("TALDF"), on March 28, 2011, and he consented to an interview. TALDF Lawyer 1 (the "witness") made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. He signed a written acknowledgement of the warning, which will be placed in the case file in this review.

2. The witness explained that TALDF is a unit of the Turkish Coalition of America ("TCA"). The witness believes that TCA was established in 2005 or 2006 and TALDF was established in 2007 or 2008.

3. His firm, Bruce Fein & Associates, Inc. is his current employer. TCA pays the firm for the work that the witness performs on behalf of TALDF. The witness explained that he is more like an independent contractor with TALDF.

4. TALDF was created to protect the legal rights of Turkish Americans and focuses on free speech cases. TALDF receives various requests from individuals requesting legal services.

5. The witness screens potential cases and determines if the cases are consistent with the TALDF mission.
6. The witness told the OCE that a case usually aligns with the TALDF mission if it supports Turkish Americans being able to participate in open public discourse and protects Turkish Americans from any type of discrimination.

7. TCA funds TALDF. As a result, the witness’ law firm bills TCA for the hours he works on behalf of TALDF and TCA pays the law firm. There is no retainer agreement and the bills are based on the amount of time the witness spends working on a matter.

8. TALDF provides legal services at no charge to its clients, on a “pro bono” basis. The witness stated that its customary to think pro bono, although TCA and the client may share damage awards in a specific case.

9. If there is a legal matter where a TALDF client wins a monetary judgment, the money is divided between TCA and the client. Neither the witness nor his TALDF colleague receives any portion of monetary damages awarded in a legal matter.

10. Examples of TALDF clients include a professor who has a defamation suit and a student who has a civil rights case.

11. TALDF has not represented any federal, state, or local or public official other than Representative Schmidt.

12. The witness believes that he first met Representative Schmidt in November 2008.

13. He first learned of Representative Schmidt from Lincoln McCurdy, who is the President of TCA. McCurdy told the witness that Representative Schmidt was interested in filing a complaint with the Ohio Election Commission against David Krikorian. The witness does not know who initiated the contact between Mr. McCurdy and Representative Schmidt.

14. Near the end of November 2008, the witness met with Representative Schmidt in her Washington, DC office to discuss the complaint. He believes that her current Chief of Staff, Joe Jansen and her former Chief of Staff, Barry Bennett attended the meeting. The witness believes that Joe Jansen was acting as her lawyer at the time. At the meeting, they discussed filing a case with the Ohio Elections Commission.

15. The witness explained that TALDF’s legal services were provided at no charge to Representative Schmidt and that was his understanding at their first meeting.

16. Although the complaint was discussed in November 2008, it was not filed until April 2009 because TALDF was waiting for “ethics” approval.
17. The witness did not know at the time whether “ethics” approval meant approval from a congressional entity or the Federal Election Commission. He did not know what aspect of the representation had to be approved.

18. In April 2009, Mr. Bennett told the witness that ethics approval had been received and action could be filed because it was approved by ethics.

19. The witness had been working on the case while waiting for client approval.

20. The witness hired Donald Brey as local counsel for the Ohio Election Commission matter. The witness told the OCE that Representative Schmidt referred Mr. Brey to him. TCA pays Mr. Brey’s legal fees.

21. TALDF represented Representative Schmidt in matters involving Mr. Krikorian’s appeal of the Ohio Election Commission decision, an amicus brief in federal court, and a defamation suit against Mr. Krikorian. Representative Schmidt was alerted to all of these actions.

22. With all of these matters, the witness understood that TALDF was providing pro bono services to Representative Schmidt. Further, there was no written agreement for scope of services to be provided to Representative Schmidt.

23. He considered each of the matters to be related to the Ohio Election Commission complaint that was discussed in the first meeting of November 2008. The defamation suit was contemplated at the time of the Ohio Election Commission complaint and at other times during discussions with Representative Schmidt.

24. The witness stated that the legal services for the defamation suit are not part of a contingency fee agreement. The services are pro bono like the other services provided. However, there is an understanding that if there is a monetary judgment, it will be equally divided between Representative Schmidt and TCA. The witness will not receive any part of a monetary judgment.

25. When asked about a complaint that Representative Schmidt’s campaign filed before the Federal Election Commission against Mr. Krikorian in 2009, the witness said that he was not involved in this matter.

26. Mr. Bennett mentioned a legal trust fund to the witness, but the witness “does not care one way or the other if a fund pays for the legal expenses.” He will not receive the money, but it will reimburse TCA. The witness stated that the back and forth with ethics lawyers over a legal trust fund was “not an inflection point” in the battery of litigation.
CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

This memorandum was prepared on March 29, 2011, based on the notes that the OCE staff prepared during the interview with the witness on March 28, 2011. I certify that this memorandum contains all pertinent matter discussed with the witness on March 28, 2011.

Kedric L. Payne
Investigative Counsel
EXHIBIT 3
MEMORANDUM OF INTERVIEW

IN RE: President of Turkish Coalition of America ("TCA")
REVIEW No.: 11-6574
DATE: April 8, 2011
LOCATION: Turkish Coalition of America
1025 Connecticut Avenue
Washington, DC 20036
TIME: 2:10 p.m. to 3:00 p.m. (approximately)
PARTICIPANTS: Kodric L. Payne
Paul J. Solis

SUMMARY: The OCE requested an interview with the President of the Turkish Coalition of America ("TCA"), on April 8, 2011, and he consented to an interview. The TCA President (the "witness") made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. He signed a written acknowledgement of the warning, which will be placed in the case file in this review.

2. The witness told the OCE that was involved in creating TCA with Dr. Yakin Ayasya. TCA was created in February 2007.

3. TCA is a 501(c)(3) organization that is intended to educate the general public about the Turkish American community, empower the Turkish American community, and bridge gaps between the general public and the Turkish American community.

4. The organization is divided into several groups: Capitol Hill outreach; community outreach; scholarship program; and the Turkish American Legal Defense Fund ("TALDF"). TCA is also involved in organizing trips for Members of Congress and it has a political action committee.

5. The witness is the head of the group involved in Capitol Hill outreach. The group also has one full-time employee and one part-time employee. The witness told the OCE that he spends about 50% of his time working on congressional outreach.

6. This group works with the Turkish Caucus, which is comprised of Members of Congress. The Capitol Hill outreach group encourages Members to join the Turkish Caucus and it provides educational materials to Members concerning Turkey.
7. The Capitol Hill outreach group meets with legislators concerning the Armenian genocide resolution. The group also meets with legislators concerning Greek and Turkish issues.

8. The witness told the OCE that no one in TCA's Capitol Hill outreach group is registered as a lobbyist. He explained that he is not registered as a lobbyist because he only educates legislators.

9. TALDF was created in late 2007 or the beginning of 2008. The entity was created because Dr. Ayasya wanted an organization to help Turkish Americans that were victims of discrimination.

10. The witness described TALDF as an anti-defamation entity. TALDF becomes involved in legal matters when the lawyers identify a case and decide to accept it or when Turkish Americans request TALDF's legal assistance.

11. The TCA funds TALDF. The witness approves all TCA payments to TALDF and controls the TCA budget.

12. These approvals include all payments to TALDF lawyers Bruce Fein and David Saltzman.

13. The money that TCA uses to pay TALDF comes from TCA's general budget. The witness told the OCE that the TCA does not seek any reimbursements or payments from TALDF clients. TCA also does not solicit funds from any other sources to pay for TALDF expenses.

14. The witness is involved in pre-approving new TALDF legal matters. He attends meetings about new matters. The approval decisions are done by a consensus of the witness, Guler Koknar, TCA Vice President; Bruce Fein; David Saltzman; and the TCA Chairman Dr. Ayasya. This group meets approximately four times per year to make decisions on new matters for TALDF.

15. The witness believes that he first met Representative Jean Schmidt in November 2007 at a fundraiser for Ohio Republicans at the Capitol Hill Club. He attended the fundraiser because the TCA PAC made a campaign contribution for the event.

16. During the event, he overheard Representative Schmidt discussing the Armenian genocide resolution. He introduced himself and explained to Representative Schmidt that he worked for TCA. He offered to provide her with material concerning the Armenian genocide issue.
17. The witness told the OCE that Representative Schmidt collected information from sources representing all sides of the Armenian genocide issue and independently decided that she could not support the resolution. He believes that she publicly stated that she could not support the Armenian genocide resolution in December 2007.

18. He believes that near late spring 2008, he received an email, possibly from a Turkish American. In the email, David Krikorian criticized Representative Schmidt for attending campaign fundraisers with Turkish Americans. This email had been sent to various recipients and the witness is not sure who sent it to him.

19. The witness was furious when he read this email because it made him feel that Turkish Americans could not participate in the political process like everyone else without being criticized.

20. He recalls that in the summer of 2008 there were internal discussions at TALDF about whether they should take any legal action in the matter.

21. The witness is not certain if he approached Representative Schmidt and offered TALDF services or if she asked him whether TALDF could provide services.

22. He told the OCE that he saw Representative Schmidt a few times after he received the Krikorian email and they discussed news about Mr. Krikorian. During these discussions, the witness may have mentioned TALDF to Representative Schmidt.

23. He saw Representative Schmidt frequently in 2008 because Representative Schmidt attended TCA events. Also, the TCA PAC was involved in events with Representative Schmidt.

24. The witness also spoke with Representative Schmidt’s Chief of Staff, Barry Bennett, at least once per month in 2008 and they discussed the Krikorian matter.

25. The witness recalled Mr. Bennett asking him something about payment for legal services. He explained that he either told Mr. Bennett to reach out to Bruce Fein or he may have told Bruce Fein to reach out to Mr. Bennett. When asked if Mr. Bennett discussed a contingency fee with him, the witness stated that he did not recall that he did.

26. The witness told the OCE that before TALDF could proceed with assisting Representative Schmidt with filing the complaint with the Ohio Election Commission, Mr. Bennett mentioned something about “ethics.”

27. He was not involved in any further discussions about payment for the legal services and never talked to Representative Schmidt about payment for services.
CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

This memorandum was prepared on April 11, 2011, based on the notes that the OCE staff prepared during the interview with the witness on April 8, 2011. I certify that this memorandum contains all pertinent matter discussed with the witness on April 8, 2011.

Kedric L. Payne
Investigative Counsel
EXHIBIT 4
CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RF:  TALDF Lawyer 2
REVIEW No.:  11-6574
DATE:  March 28, 2011
LOCATION:  Saltzman & Evinch, P.C.
            655 15th Street, NW
            Washington, DC  20005
TIME:  2:05 p.m. to 2:45 a.m. (approximately)
PARTICIPANTS:  Kedric L. Payne
                Paul J. Solis

SUMMARY:  The OCE requested an interview with TALDF Lawyer 2, who is an attorney with the Turkish American Legal Defense Fund (“TALDF”), on March 28, 2011, and he consented to an interview. TALDF Lawyer 2 (the “witness”) made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. He signed a written acknowledgement of the warning, which will be placed in the case file in this review.

2. The witness is a principle at the law firm of Saltzman & Evinch, P.C. He has been employed with the firm since 1993.

3. He provides legal services to the Turkish American Legal Defense Fund (“TALDF”). The services include informing Turkish Americans of their legal rights and reviewing requests for legal representation from Turkish Americans. This litigation part of the work is what the witness does most of the time for TALDF.

4. The TALDF selects legal matters based on whether the cases are within its mission. Also approval from the Turkish Coalition of America (“TCA”) was needed before TALDF could accept a legal matter.

5. The witness told the OCE that he is a junior litigator for TALDF and Bruce Fein is the senior litigator.

6. The witness has been with TALDF since it began in 2008.
7. He believes that TALDF’s first litigation matter was a complaint that was filed on behalf of Representative Schmidt against David Krikorian in early 2009.

8. The witness explained that he bills TCA for his legal services, quarterly based on the number of hours worked and TCA then makes payments to Saltzman & Evinch, P.C. The hourly rate is a negotiated hourly rate.

9. He believes that he first became aware of the matter involving Representative Schmidt in January 2009, when he received a phone call from Bruce Fein. On the call, Mr. Fein told the witness that the president of TCA, Lincoln McCurdy, had a conversation with Representative Schmidt about TALDF representing her in the matter.

10. The witness first met Representative Schmidt in the spring of 2009 at a meeting in her office. He was in her office to meet with her then Chief of Staff, Barry Bennett. The witness told the OCE that Mr. Bennett was the main point of contact for Representative Schmidt’s office.

11. During the spring of 2009, the witness began drafting an outline of a complaint against Mr. Krikorian to be filed with the Ohio Election Commission (“OEC”), and then waited for approval from Representative Schmidt and TCA. TCA approved the draft complaint in February 2009.

12. The witness stated that it was his impression that TALDF was waiting to file the complaint because Representative Schmidt was seeking approval from the House Ethics Committee. The witness told the OCE that he believed ethics approval was needed to determine if Representative Schmidt could be a plaintiff in a matter and if the legal services could be provided at no charge.

13. The witness stated that at the time, February 2009, TALDF expected no money from Representative Schmidt.

14. TALDF filed the complaint with the OEC in April 2009 after Mr. Bennett told Mr. Fein that ethics approval had been received. Conversations about ethics issues did not continue after this point.

15. There was no written retainer agreement outlining scope of representation for Representative Schmidt. TALDF does not usually enter into written agreements with clients except in one case.

16. After the OEC issued its decision, Mr. Fein then told the witness to gather his invoices for the legal services because Representative Schmidt may reimburse for the expenses. However, Representative Schmidt’s office never requested the invoices.
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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

17. Once fully engaged in the legal matters, TALDF often interacted with Representative Schmidt’s Chief of Staff.

18. The witness’ involvement in the other matters concerning Representative Schmidt began to diminish. He told the OCE that in connection with the OEC complaint, the TALDF assisted Representative Schmidt with legal matters related to Mr. Krikorian’s attempt at appealing the decision, an amicus brief, and a defamation suit.

19. According to the witness, TALDF understood that all of these legal services were provided on a pro bono basis.

20. He also explained that the defamation suit had been contemplated since the initial conversation about filing the OEC complaint. The suit was not filed until 2010 because TALDF was monitoring Mr. Krikorian’s response to the OEC decision.

21. The witness did not assist Representative Schmidt with the complaint that her campaign filed against Mr. Krikorian before the Federal Election Commission in 2009.

22. The witness was shown an email concerning “Lawyer Hours on Jean Schmidt Related Litigation”, (Schmidt_0015). He explained that the hours included in the email were estimated projections of hours that he would spend on the legal matters. He told the OCE that these hours did not reflect actual hours worked.

This memorandum was prepared on March 31, 2011, based on the notes that the OCE staff prepared during the interview with the witness on March 28, 2011. I certify that this memorandum contains all pertinent matter discussed with the witness on March 28, 2011.

Kedric L. Payne
Investigative Counsel
EXHIBIT 5
February 11, 2011

Omar S. Ashrawy  
Staff Director and Chief Counsel  
Office of Congressional Ethics  
425 3rd Street, SW, Suite 1110  
Washington, DC 20024

Re: January 27, 2011 Request for Information

Dear Mr. Ashrawy:

Pursuant to your January 27, 2011 Request for Information, enclosed find a CD containing the following documents (in Tiff format):

<table>
<thead>
<tr>
<th>Dates Number</th>
<th>Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>DCB_OCE - 0001 through 0002</td>
<td>DCB February 11, 2011 Cover Letter</td>
</tr>
<tr>
<td>DCB_OCE - 0003 through 0008</td>
<td>Brief Description of Legal Matters</td>
</tr>
<tr>
<td>DCB_OCE - 0007</td>
<td>Request for Information Certification</td>
</tr>
<tr>
<td>DCB_OCE - 0008 through 0009</td>
<td>Ledger History</td>
</tr>
<tr>
<td>DCB_OCE - 0010 through 00095</td>
<td>Redacted Copies of Invoices</td>
</tr>
</tbody>
</table>

On February 2, 2011, I spoke with Investigative Counsel Kedric Payne, who stated that your office is only interested in our redacted bills and the evidence of what we were paid for our legal services. Thus, we have redacted from the bills produced the detailed description of the work performed.

While there are many pleadings, transcripts and exhibits that are in the public record in the cases in which I have represented Jean Schmidt, my understanding is that you are not seeking those documents, but only the documents showing the cost and payment for the legal services provided by us.

DCB_OCE - 0001

11-6574_0020
Please let me know if I can be of further assistance to your office.

Very truly yours,

[Signature]

Donald C. Brey
BRIEF DESCRIPTION OF LEGAL MATTERS

Since 2008, Donald C. Hreby and his law firm have appeared on behalf of Jean Schmidt before: (1) the Ohio Elections Commission (and administrative appeals from the OEC); (2) federal court; and, (3) Ohio Common Pleas Court. All of these appearances related to Jean Schmidt’s efforts to protect herself against David Krikorian’s decision to knowingly and recklessly disseminate falsehoods about Jean Schmidt.

1. The Ohio Elections Commission False Statement Cases.

Two days before the November 4, 2008, general election (at which Jean Schmidt was standing for reelection to Congress), David Krikorian disseminated fliers – including at the parking lots of the church where Jean Schmidt worshiped – in which Krikorian said that Jean Schmidt was “taking money from a foreign government [Turkey] that is killing our soldiers”, that “Jean Schmidt has taken $30,000 in blood money from Turkish government sponsored political action committees to deny the slaughter of 1.5 million Armenian men, women and children by the Ottoman Government during World War II”, and that “This information is public record and can be found on the Federal Elections Commission data base” [as this statement references facts that support the statements that Turkish government sponsored political action committees donated $30,000].

Jean Schmidt filed two Complaints before the Ohio Elections Commission regarding these statements, pursuant to Ohio Revised Code Section 3517.21(B)(10), which makes it a violation to “[p]ost, publish, circulate, distribute, or otherwise disseminate a false statement concerning a candidate, either knowing the same to be false or with reckless disregard of whether it was false or not, if the statement is designed to promote the election, nomination, or defeat of the candidate”. The Complaint in OEC Case No. 2009-E-003 was filed on April 29, 2009. The
Complaint in OEC Case No. 2009E-012 was filed on July 21, 2009. The two cases were consolidated and tried together.

The two consolidated Ohio Elections Commission cases were hard fought. David Krikorian was represented by experienced Ohio election and first amendment lawyers, as well as by prominent lawyers based in Los Angeles and Washington, D.C. After months of discovery (including depositions in Ohio, Washington D.C. and Kentucky), motions, procedural arguments and two full days of trial, the Ohio Elections Commission unanimously found that each of the above quoted statements were false and that there was clear and convincing evidence that David Krikorian had lied by making them in violation of R.C. 3517.21(B)(10). That is, the Ohio Elections Commission unanimously found, by clear and convincing evidence, that David Krikorian falsely accused Joan Schmidt of directly or indirectly receiving money from the Turkish government, either knowing that these statements were false, or with reckless disregard of their truth or falsity (which is the standard of New York Times v. Sullivan (1964), 376 U.S. 254).

David Krikorian's administrative appeals of these two Ohio Elections Commission cases to the Franklin County Common Pleas Court (Schmidt v. Krikorian Franklin County C.P. Case Nos. 09CV-11-17707 and 09CV-11-17709) were subsequently dismissed, and David Krikorian chose to forgo any appeal of the February 25, 2010, Judgment Entry of the Franklin County Court of Common Pleas dismissing his appeal from the Ohio Elections Commission's findings that he lied about Joan Schmidt.

2. **Krikorian's Federal Court Action**

Instead, David Krikorian filed a federal lawsuit (Krikorian v. Ohio Elections Commission et al. Southern Dist. Ohio Case No. 1:10-CV-103) in which David Krikorian challenged the Ohio
Elections Commission’s right to make findings against him for lying about Jean Schmidt. Originally, David Krikorian filed his federal lawsuit in the Northern District of Ohio under a different case number. But this transparent attempt to “forum shop” resulted in the Northern District promptly transferring the matter to the Southern District of Ohio.

This federal court action was, in effect, an attempt to use the federal courts to void the Ohio Elections Commission’s findings that David Krikorian had knowingly and recklessly lied about Jean Schmidt. While David Krikorian did not name Jean Schmidt as a party, we filed amicus curiae briefs on behalf of Jean Schmidt responding to the merits of David Krikorian’s claims, and urging the court to dismiss Krikorian’s lawsuit on Younger abstention grounds.

On October 19, 2010, Judge Susan Dlott dismissed David Krikorian’s federal lawsuit.

3. The Ohio Common Pleas Court Defamation Action

In an ideal world, after the Ohio Elections Commission Complaints were filed, or at least after the Ohio Elections Commission found probable cause that David Krikorian had lied, David Krikorian would have ceased his lies about Jean Schmidt receiving money from the Turkish government or its agents. Unfortunately, Jean Schmidt’s hopes that the Ohio Elections Commission cases would deter David Krikorian from continuing his defamations of Jean Schmidt were dashed by David Krikorian’s decision to repeatedly state that he “stand[s] by all of the statements that [he] made” about Jean Schmidt, that Jean Schmidt “is a paid puppet of the Turkish government involved in their denial campaign to suppress the truth about the Armenian genocide”, that “Schmidt is bought and paid for by the Turkish lobby”, that “the Turkish government is behind those contributions” and the like. Thus, on June 8, 2010, about a month before the statute of limitations would have expired on the earliest of Krikorian’s republished statements, a defamation complaint was filed in State Court regarding these defamatory
statements. *Schmidt v. Krikorian*, Clermont County (Ohio) Common Pleas Court Case No. 2010-CVC-1217 is a continuation of the two Ohio Elections Commission cases and the Federal case in that it also involves efforts by Jean Schmidt to obtain redress for David Krikorian's lies about her or efforts by David Krikorian to continue to publish those lies with impunity.
EXHIBIT 6
LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - All Filers Are Required to Complete This Page

1. Registrant Name [ ] Organization/Lobbying Firm  [ ] Self-Employed Individual

George J. Hochbrueckner & Associates, Inc.

2. Address  [ ] Check if different than previously reported

Address1  Private Road, Edgemere Park
Address2  P.O. Box 637

City  Laurel  State  NY  Zip Code  11948  Country  USA

3. Principal place of business (if different than line 2)

City  State  Zip Code  Country

4a. Contact Name  [ ] Telephone Number  [ ] E-mail

Mr. George Hochbrueckner  (573) 598-____

4b.  [ ] International Number  [ ]

5. Senate IDF

18275-1002142

6. House IDF

322940637

7. Client Name  [ ] Sole  [ ] Check if client is a state or local government or instrumentality

Tested Catalog of America

8. Year  2008  1. Q1  (1/1-3/31)  [ ] Q2  (4/1-6/30)  [ ] Q3  (7/1-9/30)  [ ] Q4  (10/1-12/31)  [ ]

9. Check if this filing amends a previously filed version of this report

10. Check if this is a Termination Report  [ ] Termination Date  12/31/2008  [ ]

11. No Lobbying Involvement

INCOME OR EXPENSES - YOU MUST complete either Line 12 or Line 13

12. Lobbying

INCOME relating to lobbying activities for this reporting period:

Less than $5,000  [ ] $5,000 or more  [ ] $10,000 or more

Provide a good faith estimate, rounded to the nearest $10,000, of all lobbying-related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

EXPENSE relating to lobbying activities for this reporting period:

Less than $5,000  [ ] $5,000 or more  [ ] $10,000 or more

14. REPORTING  Check box to indicate expense accounting method. See instructions for description of options.

[ ] Method A. Reporting amounts using 12A definitions only
[ ] Method B. Reporting amounts under section 443(b)(3) of the Internal Revenue Code
[ ] Method C. Reporting amounts under section 443(b)(3) of the Internal Revenue Code

Signature  [ ]  Date  01/13/2009

Printed Name and Title  George J. Hochbrueckner, President

Page 1 of 2

11-6574_0027
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Add additional pages as needed.

15. General issue area code

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>EDU</td>
<td>Education</td>
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</tbody>
</table>

16. Specific lobbying issues

- Turkish-American issues.

17. Name(s) of Congress and Federal agencies

- Check if None

18. Name of each individual who acted as a lobbyist in this issue area

<table>
<thead>
<tr>
<th>First Name</th>
<th>Last Name</th>
<th>Suffix</th>
<th>Current Official Position (if applicable)</th>
<th>New</th>
</tr>
</thead>
<tbody>
<tr>
<td>George</td>
<td>Hochbrueckner</td>
<td></td>
<td>U.S. Congressman 1987-1994</td>
<td></td>
</tr>
</tbody>
</table>

19. Interest of each foreign entity in the specific issues listed on line 16 above

- Check if None

Printed Name and Title

George J. Hochbrueckner, President
EXHIBIT 7
February 14, 2011

Omar S. Ashmawy
Staff Director and Chief Counsel
Office of Congressional Ethics
425 5th Street, SW, Suite 1110
Washington, D.C. 20515

Re: REQUEST FOR INFORMATION

Dear Mr. Ashmawy:

My response to your January 27, 2011 Request for Information in the time frame 2008-present is as follows:

1. TALDF has provided legal services to Representative Joan Schmidt concerning a Complaint she filed with the Ohio Elections Commission under Ohio law alleging intentional misstatements of fact to affect the outcome of her congressional race in 2008 by opponent David Krikorian. The case was adjudicated over two days of hearings in 2009 in favor of Schmidt on three counts of intentional false statements.

2. TALDF provided legal services to Schmidt in the appeal of the OEC’s decisions to the Ohio Court of Common Pleas, which concluded in her favor.

3. TALDF provided legal services to Schmidt as amicus curiae in opposing David Krikorian’s suit against the Ohio Elections Commission in 2010 in the United States District Court for the Northern and Southern Districts of Ohio challenging the constitutionality of the OEC and its three rulings against Krikorian. The U.S. District Court for the Southern District of Ohio ultimately dismissed the suit.

4. TALDF has provided legal services to Schmidt in her pending defamation suit against David Krikorian and the Krikorian for Congress Committee in the Ohio Court of Common Pleas, Clermont County. Various motions remain outstanding.

5. The costs of TALDF’s legal services, enumerated above and provided by me, are attached as Exhibit 1.

Please alert me if you need anything further.
Sincerely,

[Signature]

BRUCE FEIN
Senior Counsel
TALDF
EXHIBIT 8
INVOICE
January 29, 2008
Lincoln McCurdy

Re: Legal Services

January 7: 8 hrs.

Cost per hr: $400.00

Please make payable to Bruce Fein & Associates, Inc.
February 25, 2009

INVOICE

Lincoln McCurdy

Turkish Coalition of America

RE: Legal Services

Feb. 9-8hrs.
Feb. 13- hrs.
Feb. 19- hrs.

Cost per hr: $400.00

Please make check payable to Bruce Fein & Associates, Inc.

Many thanks,

Bruce
INVOICE

Lincoln McCurdy

RE: Legal Services (March 2009)

March 9 8 hrs.
March 13 6 hrs.
March 19 4 hrs.

Cost per hour $400.00

Please make check payable to Bruce Fein & Associates, Inc.

Many thanks.

Bruce
INVOICE

Lincoln McCurdy

RE: Legal Services (April 2009)

April 4: 8 hrs.

April 10: 3 hrs.

Cost per hour: $400.00
Turkish American Legal Defense Fund

INVOICE
Lincoln McCurdy
RE: Legal Services (April 28-May 2009)

May 6: 1 hr.

May 13-12 hrs. |

May 14: 12 hrs.

May 15: 8 hrs.

May 18: 3 hrs.

May 27: 4 hrs.

Cost per hour: $400.00

Please make check out to Bruce Fein & Associates, Inc.

Many thanks.

Bruce
INVOICE

Lincoln McCurdy

Re: Legal services (June 2009)

1. June 4-5-10 hrs


5. June 17-2 hrs.

11. June 29-8 hrs.

Cost per hour $400.00

Please make check payable to Bruce Fein & Associates, Inc.

Many thanks.

Bruce
Lincoln McCurdy

RE: Legal Services-July 2009

July 1-12 hrs

July 9-8 hrs.
July 10-8 hrs.

July 17-8 hrs.

July 27-4 hrs.

Cost per hour: $400.00

Please make check payable to Bruce Fein & Associates, Inc.
INVOICE

Lincoln McCurdy

Re: Legal Services (August 2009)

August 6-8 hrs.
August 7-4 hrs.
August 8-8 hrs.

August 10-4 hrs.
August 12-4 hrs.
August 14-8 hrs.

August 21-5 hrs
August 22-8 hrs.
August 23-8 hrs.
August 24-8 hrs.

August 28-8 hrs.
August 30-4 hrs.
August 31-8 hrs.

Cost per hour: $400.00

Please make check payable to Bruce Fein & Associates, Inc.

Many thanks.
Bruce
TURKISH AMERICAN LEGAL DEFENSE FUND

INVOICE

Lincoln McCurdy

RE: Legal Services [Sept. 2009]

Sept. 1-8 hrs.
Sept. 2-8 hrs.
Sept. 3-8 hrs.

Sept. 24-8 hrs.
Sept. 26-8 hrs.

Sept. 28-8 hrs.
Sept. 29-8 hrs.
Sept. 30-8 hrs.

Cost per hour $400

Please make check payable to Bruce Fein & Associates, Inc.

Many thanks.

Bruce
INVOICE

Lincoln McCurdy
Turkish Coalition of America

RE: Legal Services (October 2009)

Oct. 1 12hrs.

Cost per hour: $400.00

Please make check out to Bruce Felin & Associates, Inc.

Many thanks.

Bruce

84
TURKISH AMERICAN LEGAL DEFENSE FUND

INVOICE
Lincoln McCurdy
RE: Legal Services

November 29-4 hrs.

November 30-2 hrs.

December 9-8 hrs.

December 10-4 hrs.

December 19-8 hrs.

December 20-8 hrs.
December 22-6 hrs.

Cost per hour: $400.00
INVOICE
Lincoln McCurdy

RE: Legal Services (January 2010)

January 18
8 hrs.

January 21
8 hrs.

January 23
8 hrs.

January 24
8 hrs.

January 26
8 hrs.

January 28
6 hrs.

January 29
2 hrs.

Cost per hour: $450.00

Please make check to Bruce Fein & Associates, Inc.
TURKISH AMERICAN LEGAL DEFENSE FUND

INVOICE

Lincoln McCurdy

Re: Legal Services (Feb. 2010)

February 1:

-4 hrs.

February 2:

-4 hrs.

February 3:

-7 hrs.

February 9:

-4 hrs.

February 10:

-6 hrs.

February 11:

-8 hrs.

February 16:

15 minutes.

February 16: 1

-20 minutes.
February 17: 25 minutes.
February 18: 30 minutes.
Feb. 18: 15 minutes.
February 18: 4 hrs.
February 19: 10 hrs.
February 20: 8 hrs.
February 21: 20 minutes.
February 21: 90 minutes
February 25: 1 hr.
February 26: 20 minutes.
Cost per hour: $400.00


6.

Cost per hour: $400.00
Turkish American Legal Defense Fund Billing Statement
April 2010

5. April 16:
  2 hrs.

7. April 19:
  4 hrs.

8. April 20:
  4 hrs.

10. April 22:
  4 hrs.

11. April 23:
  2 hrs.

12. April 26:
  4 hrs.

14. April 28:
  8 hrs.

Cost her hour: $400.00
TURKISH AMERICAN LEGAL DEFENSE FUND BRUCE FEIN BILLING STATEMENT
MAY 2010

1. May 4, 2010: 

2. May 5, 2010: 

3. May 6, 2010: 

4. May 10, 2010: 

5. May 12, 2010: 

6. May 13, 2010: 

7. May 14, 2010: 

8. May 19, 2010: 

9. May 20, 2010: 

10. May 24, 2010: 

11. May 26, 2010: 

12. May 28, 2010: 

Cost per hour: $400.00
Turkish American Legal Defense Fund

Bruce Fein's July, 2010 Billing Statement

July 7:
1 hr.

Cost per hour: $400.00

Please make check to: Bruce Fein & Associates, Inc.
<table>
<thead>
<tr>
<th>Date</th>
<th>Hours</th>
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<tbody>
<tr>
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<td>Sept. 27</td>
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<td>Sept. 29</td>
<td>4</td>
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Cost per hour: $400.00
TURKISH AMERICAN LEGAL DEFENSE FUND
BRUCE FEIN'S BILLING STATEMENT FOR OCTOBER 2010

3. October 11:  
   - 8 hrs.

4. October 12:  
   - 8 hrs.

5. October 19:  
   - 6 hrs.

6. October 20:  
   - 6 hrs.

10. October 27:  
   - 1 hr.

11. October 28:  
   - 8 hrs.

Cost per hour: $400.00
Bruce Fein's Billing Statement for the Turkish American Legal Defense Fund
November 2010

November 1: 8 hrs.
November 2: 8 hrs.
November 14: 5 hrs.
November 15: 5 hrs.
November 16: 6 hrs.
November 18: 1 hr.

Cost per hour: $400.00
Bruce Fein's Turkish American Legal Defense Fund Billing Statement

December 2010

December 14: 2 hrs.

Cost per hour: $400.00

TALDF_0028
11-6574_0057
February 17, 2011

Mr. Omar Ashnawy, Staff Director and Chief Counsel
Office of Congressional Ethics
United States House of Representatives
425 3rd Street, SW
Suite 1110
Washington, DC 20024

P.O. Box 895
Washington, DC 20515-0895

Re: Request for Information; Legal Services to Rep. Joan Schmitt

Dear Mr. Ashnawy:

Enclosed please find all information in my possession relevant to your request for information of January 27, 2011.

I spoke on January 28, 2011 with Investigative Counsel Kedric Payne, who stated that your office is interested in evidence of what my firm or I was paid for legal services on Rep. Schmidt’s behalf. Thus, we have redacted from the invoices produced descriptions of the work performed. As the invoices also include information pertaining to numerous matters unrelated to Rep. Schmidt, such information has also been redacted. The invoices tally 87.5 hours of legal services on Rep. Schmidt’s behalf, billed at an hourly rate of $325. Please understand that I have done additional, though not substantial, work on Rep. Schmidt’s matters but have not yet submitted invoices for payment.

I will also submit this information via electronic mail in a pdf file to Mr. Payne, as he and I discussed by telephone earlier today.

Please advise me if I can be of further assistance to your office.

Sincerely,

David Saltzman
Brief Description Of Legal Matters on Behalf of Rep. Jean Schmidt

Since 2008, David Saltzman and his law firm have provided legal services on behalf of Jean Schmidt in her actions before: (1) the Ohio Elections Commission (and administrative appeals from the OEC); (2) federal court; and, (3) Ohio Common Pleas Court. All of these related to Jean Schmidt's efforts to protect and preserve her reputation against falsehoods disseminated by David Krikorian, twice a congressional candidate in Ohio's second district.

1. The Ohio Elections Commission False Statement Cases.

Two days before the November 4, 2008, general election (at which Jean Schmidt was standing for reelection to Congress), David Krikorian disseminated fliers – including at the parking lots of the church where Jean Schmidt worshipped – in which Krikorian stated that Jean Schmidt was "taking money from a foreign government [Turkey] that is killing our soldiers", that "Jean Schmidt has taken $30,000 in blood money from Turkish government sponsored political action committees to deny the slaughter of 1.5 million Armenian men, women and children by the Ottoman Government during World War II", and that "This information is public record and can be found on the Federal Elections Commission data base" [as this statement purports to reference facts that support the statements that Turkish government sponsored political action committees donated $30,000].

Rep. Jean Schmidt filed two Complaints before the Ohio Elections Commission regarding these statements, pursuant to Ohio Revised Code Section 3517.21(B)(16), which makes it a violation to "[p]romote, publish, circulate, distribute, or otherwise disseminate a false statement concerning a candidate, either knowing the same to be false or with reckless disregard of whether it was false or not, if the statement is designed to promote the election, nomination, or defeat of the candidate". The Complaint in OEC Case No. 2009E-003 was filed on April 29,
2009. The Complaint in OEC Case No. 2009E-012 was filed on July 21, 2009. The two cases were consolidated and tried together.

The two consolidated Ohio Elections Commission cases were hard fought. David Krikorian was represented by experienced Ohio election and first amendment lawyers, as well as by prominent lawyers based in Los Angeles and Washington, D.C. After months of discovery (including depositions in Ohio, Washington D.C. and Kentucky), motions, procedural arguments and two full days of trial, the Ohio Elections Commission unanimously found that each of the above quoted statements regarding Rep. Schmidt were false and that there was clear and convincing evidence that David Krikorian had lied by making them in violation of R.C. 3517.21(B)(10). That is, the Ohio Elections Commission unanimously found, by clear and convincing evidence, that David Krikorian falsely accused Rep. Jean Schmidt of directly or indirectly receiving money from the Turkish government, either knowing that these statements were false, or with reckless disregard of their truth or falsity (which is also the standard for public figure defamation in New York Times v. Sullivan, 376 U.S. 254 (1964)).

David Krikorian’s administrative appeals of these two Ohio Elections Commission cases to the Franklin County Common Pleas Court (Schmidt v. Krikorian, Franklin County C.P. Case Nos. 09CV-11-17707 and 09CV-11-17709) were subsequently dismissed, and David Krikorian chose to forgo any appeal of the February 25, 2010, Judgment Entry of the Franklin County Court of Common Pleas dismissing his appeal from the Ohio Elections Commission’s findings that he lied about Jean Schmidt.

2. Krikorian’s Federal Court Action

Instead, David Krikorian filed a federal lawsuit (Krikorian v. Ohio Elections Commission et al. Southern Dist. Ohio Case No. 1:10-CV-103) in which he challenged the Ohio Elections
Commission’s right to make findings against him for lying about Rep. Jean Schmidt. Originally, David Krikorian filed his federal lawsuit in the Northern District of Ohio under a different case number. But this transparent attempt to “forum shop” resulted in the Northern District promptly transferring the matter to the Southern District of Ohio.

This federal court action was, in effect, an attempt to use the federal courts to void the Ohio Elections Commission’s findings that David Krikorian had knowingly and recklessly made false statements about Rep. Jean Schmidt. While David Krikorian did not name Rep. Schmidt as a party, we filed amicus curiae briefs on his behalf responding to the merits of David Krikorian’s claims, and urging the court to dismiss Krikorian’s lawsuit on Younger abstention grounds (Younger v. Harris, 401 U.S. 37 (1971)).


3. The Ohio Common Pleas Court Defamation Action

In an ideal world, after the Ohio Elections Commission Complaints were filed, or at least after the Ohio Elections Commission found probable cause that David Krikorian had lied, David Krikorian would have ceased his lies about Rep. Jean Schmidt receiving money from the Turkish government or its alleged agents. Unfortunately, Jean Schmidt’s hopes that the Ohio Elections Commission ruling and written reprimands would deter David Krikorian from continuing his defamations were dashed by David Krikorian’s decision to repeatedly state that he “stand[s] by all of the statements that [he] made” Rep. Schmidt, that she “is a paid puppet of the Turkish government involved in their denial campaign to suppress the truth about the Armenian genocide”, that “Schmidt is bought and paid for by the Turkish lobby”, that “the Turkish government is behind those contributions” and the like. Thus, on June 8, 2010, about a month
before the statute of limitations would have expired on the earliest of Krikorian's republished statements, Rep. Schmidt filed a defamation complaint in State Court regarding these statements. 

_Schmidt v. Krikorian_, Clermont County (Ohio) Common Pleas Court Case No. 2010-CVC-1217 is a continuation of the two Ohio Elections Commission cases and the Federal case in that it also involves efforts by Jean Schmidt to obtain redress for David Krikorian's lies about her or efforts by David Krikorian to continue to publish those lies with impunity.
EXHIBIT 10
To: Mr. G. Lincoln McCurdy  
Turkish Coalition of America, Inc.

Re: TALDF Fees for September 1 - December 15, 2008

INVOICE

David S. Saltzman  
Saltzman & Eviach, PC

For: [Redacted]

Time: __ hrs. @ $325/hr. = $[Redacted] (Atty. David Saltzman)

Expenses: [Redacted]

AMOUNT DUE THIS INVOICE: [Redacted]

Please remit via mail to the Saltzman & Eviach PC at 655 15th St., N.W., Suite 225-F, Washington, DC 20005, or via telegraphic transfer as follows:

[Redacted]

David S. Saltzman
To: Mr. G. Lincoln McCurdy
Turkish Coalition of America, Inc.

Re: TALDF April 1, 2009 – June 30, 2009

INVOICE

David S. Saltzman
Saltzman & Eviach, PC

For: (Apr 1 - Apr 30: [blank])
   (1.5 hrs.) (May 1 - May 31: [blank])
   (1.0 hrs.) (June 1 - June 30: [blank])

Time: [blank] hrs. @ $325/hr. = $[blank] (Any, David Saltzman)
Expenses: [blank] ($5.00).

AMOUNT DUE THIS INVOICE: [blank]

Please remit via mail to the Saltzman & Eviach PC at 655 15th St., N.W., Suite 225-F, Washington, DC 20005, or via telegraphic transfer as follows:

[Signature]

David S. Saltzman

Salt_008
11-6574_0066
To: Mr. G. Lincoln McCurdy  
Turkish Coalition of America, Inc.  
Re: TALDF July 1, 2009 – Sept. 30, 2009  

---

**INVOICE**

<table>
<thead>
<tr>
<th>David S. Saltzman</th>
<th>U.S. Soc. Sec. No.</th>
<th>DC Bar No. 436291</th>
</tr>
</thead>
<tbody>
<tr>
<td>Saltzman &amp; Evinch, PC</td>
<td>Firm's Employer Identification No.</td>
<td></td>
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**For:**
- **Jul 1 - Jul 31:** 10 hrs.  
- **Aug 1 - Aug 31:** 5 hrs.  
- **Sept 1 - Sept 30:** 32 hrs.  

**Time:**  
- 10 hrs. @ $325/hr. = $3,250 (Asst. David Saltzman)  

**Expenses:**  

**AMOUNT DUE THIS INVOICE:**

Please remit via mail to the Saltzman & Evinch PC at 655 15th St., N.W., Suite 225-F, Washington, DC 20005, or via telegraphic transfer as follows:

---

David S. Saltzman
To: Mr. G. Lincoln McCurdy
Turkish Coalition of America, Inc.


INVOICE

David S. Saltzman
Saltzman & Evins, PC

For: (Oct 1 - Oct 31: __ hrs.)  (12 hrs)

(Nov 1 - Nov 30: __ hrs.)

(Dec 1 - Dec 31: __ hrs.)

Time: __ hrs. @ $325/hr. = $____ (Any. David Saltzman)

Expenses: $0.10

AMOUNT DUE THIS INVOICE: $____

Please remit via mail to the Saltzman & Evins PC at 655 15th St, N.W., Suite 325-F, Washington, DC 20005, or via telegraphic transfer as follows:

Salt_010

11-8574_0068
To: Mr. G. Lincoln McCurdy  
Turkish Coalition of America, Inc.

Re: TALDF Jan. 1, 2010 – March 31, 2010

# INVOICE

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For: (January: [hours])

(February: [hours])

(March: [hours])

(0.5 hrs.)

(1.9 hrs.)

Time: [hours] @ $325/hr. = $[amount] (Attys. David Saltzman)

Expenses: (none)

# AMOUNT DUE THIS INVOICE: $[amount]

Please remit via mail to the Saltzman & Evich PC at 655 15th St., N.W., Suite 225-F, Washington, DC 20005, or via telegraphic transfer as follows:

[space for telegraphic transfer information]

Salt_012

11-5574_0070
To: Mr. G. Lincoln McCurdy  
 Turkish Coalition of America, Inc.  

Re: TALDF April 1 – June 30, 2010

---

### INVOICE

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<th>U.S. Soc. Sec. No.</th>
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<td>DC Bar No. 436201</td>
<td>Firm's Employer Identification No.</td>
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**For:**  
- **(April):** [Redacted] hrs.  
- **(May):** [Redacted] hrs.  
- **(June):** [Redacted] hrs.

**Time:** [Redacted] hrs. @ $325/hr. = $[Redacted] (Atty. David Saltzman)

**Expenses:** (none)

**AMOUNT DUE THIS INVOICE:**

[Redacted]

Please remit via mail to the Saltzman & Evisch PC at 655 15th St., N.W., Suite 225-P, Washington, DC 20005, or via telegraphic transfer as follows:

---

[Signature]

David S. Saltzman

---

Salt_014  
11-8574_0072
EXHIBIT 11
<table>
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<th>Description</th>
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<td>Schmidt v. Krikorian</td>
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<tr>
<td>Payments received since last invoice</td>
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<tr>
<td>PAST DUE BALANCE (Disregard if Paid)</td>
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<td>Total Fees</td>
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<tr>
<td>TOTAL NEW CHARGES</td>
<td>$915.00</td>
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<tr>
<td>TOTAL BALANCE DUE ON ACCOUNT</td>
<td>$915.00</td>
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</table>

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES OVER 30 DAYS FROM DATE OF INVOICE.

RETURN THIS PAGE WITH PAYMENT

DCB_OCE - 60010

11-6574_0076
January 15, 2009
Billed through 12/31/2008
Invoice Number 112358
Our Staff 13202 00024

TURKISH AMERICAN LEGAL DEFENSE FUND
COD BRUCE PULN
RESIDENT SCHOLAR
1025 CONNECTICUT AVE., N.W., SUITE 1000
WASHINGTON, DC 20036

REDACTED

Schmidt v. Krikorian

Balance forward as of Invoice January 1, 1900 $0.00
Payments received since last invoice (0.00)
Past Due Balance (Disregard if Paid) $0.00

SUMMARY OF BILLED AMOUNTS

DCB BREY, DONALD C. 3.00 hrs 305.00 /hr $915.00
3.00 hrs $915.00

TOTAL PROFESSIONAL SERVICES $915.00
TOTAL OF NEW CHARGES FOR THIS INVOICE $915.00
TOTAL BALANCE DUE ON ACCOUNT $915.00

DCB_OCE - 0011

11-6574_0077
February 13, 2009  
Billing  01/31/2009  
Invoice#  114023  
Our File  13292  
00024

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<tr>
<td>Total Balance Due on Account</td>
<td>$915.00</td>
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DUE UPON RECEIPT

Late Payment Fee (1.5% per month) charged on all unpaid balances over 30 days from date of invoice.

Return this page with payment.
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<th>Amount</th>
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<td>TOTAL OF NEW CHARGES FOR THIS INVOICE</td>
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<td>PLUS PAST DUE BALANCE (Disregard If Paid)</td>
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<tr>
<td>TOTAL BALANCE DUE ON ACCOUNT</td>
<td>$915.00</td>
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Effective January 1, 2009, the firm increased the price of photocopies from $1.15 to $1.18. This price captures only our actual cost and applies to black and white and color copies.
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<th>Description</th>
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<tr>
<td>TURKISH AMERICAN LEGAL DEFENSE FUND</td>
<td></td>
</tr>
<tr>
<td>C/O BRUCE FEIN</td>
<td></td>
</tr>
<tr>
<td>RESIDENT SCHOLAR</td>
<td></td>
</tr>
<tr>
<td>1025 CONNECTICUT AVE., N.W., SUITE 1000</td>
<td></td>
</tr>
<tr>
<td>WASHINGTON, DC 20036</td>
<td></td>
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<tr>
<td>Schmidt v. Krikorian</td>
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<tr>
<td>BALANCE FORWARD</td>
<td>$915.00</td>
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DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES OVER 30 DAYS FROM DATE OF INVOICE.

RETURN THIS PAGE WITH PAYMENT.

DCB_OCS - 0014

11-6574_0080
123

CHESTER WILLCOX & SAXBE L.L.P.
Attorneys and Counselors at Law
Telephone 614-672-6300  65 East State Street Suite 1000, Columbus, Ohio 43215-4233
F.B.I. No. 51-442499

March 17, 2009
Billed through 02/28/2009
Invoice Number 114189
Our File 13202 00024

REDACTED

TURKISH AMERICAN LEGAL DEFENSE FUND
C/O BRUCE PENN
RESIDENT SCHOLAR
1025 CONNECTICUT AVE., N.W., SUITE 1000
WASHINGTON, DC 20036

Schmitt v. Krikorian

Balance forward as of Invoice  February 13, 2009  $915.00
Payments received since last Invoice  (0.00)
Past Due Balance (Disregard If Paid)  $915.00

SUMMARY OF BILLED AMOUNTS

DCG  DREY, DONALD C.,

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<td>$65.00</td>
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TOTAL PROFESSIONAL SERVICES  $65.00
TOTAL OF NEW CHARGES FOR THIS INVOICE  $65.00
PLUS PAST DUE BALANCE (Disregard If Paid)  $915.00
TOTAL BALANCE DUE ON ACCOUNT  $980.00

DCB_008 - 0015

11-6574_0081

123
April 13, 2009
Billing  03/31/2009
Invoice#  114895  DCB
Our File  13282  00024

TURKISH AMERICAN LEGAL DEFENSE FUND
C/O BRUCE FEIN
RESIDENT SCHOLAR
1624 CONNECTICUT AVE., N.W., SUITE 1000
WASHINGTON, DC 20036

Schmidt v. Kriforian

<table>
<thead>
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<tbody>
<tr>
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<td>13.73</td>
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<td>$1,183.73</td>
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<tr>
<td>TOTAL BALANCE DUE ON ACCOUNT</td>
<td>$2,163.73</td>
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</table>

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES OVER 30 DAYS FROM DATE OF INVOICE.

RETURN THIS PAGE WITH PAYMENT

DCB_DCB  -  0016

11-6574_0082
CHESTER WILLCOX & SAXBE L.L.P.
Attorneys and Counsels at Law
Telephone 444  65 East State Street Suite 1000, Columbus, Ohio 43215-4213
T.J.L. No. 31-442469

April 13, 2009
Billed through 03/31/2009
Invoice Number 114096
Our file# 13022  00024

REDACTED

Schmidt v. Krikorian

Balance forward as of Invoice March 17, 2009 $880.00
Payments received since last invoice (0.00)
Past Due Balance (Disregard if Paid) $880.00

DCB_OCE - 0017

11-6574_0083
### SUMMARY OF BILLED AMOUNTS

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<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>TOTAL PROFESSIONAL SERVICES</td>
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<td>LATE PAYMENT CHARGE ON PAST DUE BALANCE</td>
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<tr>
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DCB_OCB - 001.8

11-6574_0084
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<tr>
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<td>Total Fees</td>
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<td>Total Expenses</td>
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<td>Total New Charges</td>
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<td>$3,074.57</td>
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</table>

Due upon Receipt

Late Payment Fee (1.5% per month) charged on all unpaid balances over 30 days from date of invoice.

Return this page with payment.
<table>
<thead>
<tr>
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<tr>
<td>Past Due Balance (Disregard if Paid)</td>
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</table>

**EXPENSES**

<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>04/30/2009 PHOTOCOPY SERVICE @ .18</td>
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**TOTAL DISBURSEMENTS**

$56.34
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<tr>
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TOTAL PROFESSIONAL SERVICES: $1,322.50
TOTAL EXPENSES INCURRED: $38.34
TOTAL OF NEW CHARGES FOR THIS INVOICE: $1,360.84
PLUS PAST DUE BALANCE (Disregard if Paid): $1,183.73
TOTAL BALANCE DUE ON ACCOUNT: $3,074.57
### Chester Willcox & Saxbe LLP

**Address:**
65 East State Street Suite 1000, Columbus, Ohio 43215-4313

**Fax:** 614/221-4912

**Date:**
June 15, 2008

**Billing:**
05/31/2008

**Invoice #:**
117002 DCB

**Our File:**
13292 00024

---

**Turkish American Legal Defense Fund**

**C/O Bruce Fein**

**Resident Scholar**

**1025 Connecticut Ave., N.W., Suite 1000**

**Washington, DC 20036**

---

**Schmidt v. Krikorian**

<table>
<thead>
<tr>
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<tbody>
<tr>
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<tr>
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<td>(0.00)</td>
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<tr>
<td>Past Due Balance (Disregard if Paid)</td>
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<tr>
<td>Total Balance Due on Account</td>
<td>$8,816.62</td>
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**Due Upon Receipt**

**Late Payment Fee (1.5% per month) charged on all unpaid balances over 30 days from date of invoice.**

**Return this page with payment**

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**DCB OCE - 0022**

**11-6574_0088**
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REDACTED

Schmidt v. Krikorian

Balance forward as of Invoice May 15, 2009 $3,074.57

Payments received since last invoice (0.00)

Past Due Balance (Disregard if Paid) $3,074.57
REDACTED

EXPENSES
05/31/2009 PHOTOCOPY SERVICE @ $1.18

TOTAL DISBURSEMENTS

$4.50

SUMMARY OF BILLED AMOUNTS

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<td>$5,720.00</td>
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TOTAL PROFESSIONAL SERVICES

5,720.00

TOTAL EXPENSES INCURRED

4.50

LATE PAYMENT CHARGE ON PAST DUE BALANCE

17.55

TOTAL OF NEW CHARGES FOR THIS INVOICE

$5,742.65

PLUS PAST DUE BALANCE (Disregard if Paid)

$3,074.57

TOTAL BALANCE DUE ON ACCOUNT

$8,817.22
<table>
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<tbody>
<tr>
<td>Balance Forward</td>
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</tr>
<tr>
<td>Past Due Balance (Disregard if Paid)</td>
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<tr>
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<td>$10,918.57</td>
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Due upon receipt

Late payment fee (1.5% per month) charged on all unpaid balances over 30 days from date of invoice.

Return this page with payment

DUB_OCS - 0025

11-6574_0091
CHESTER WILLCOX & SAXBE L.L.P.

June 15, 2009
Billed through 06/30/2009
Invoice Number 117109
Cur fl# 13292 00024

Schmidt v. Krikorian

Balance forward as of invoice June 15, 2009 $8,816.62
Payments received since last invoice (3,074.57)
Past Due Balance (Disregard if Paid) $5,742.05

DCB_OCB - 0026

11-6574_0092
EXPENSES
06/30/2009 DELIVERY CHARGE 14.00
06/30/2009 PHOTOCOPY SERVICE @ $.18 92.52
TOTAL DISBURSEMENTS $106.52

SUMMARY OF BILLED AMOUNTS

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<td>$5,070.00</td>
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TOTAL PROFESSIONAL SERVICES $5,070.00
TOTAL EXPENSES INCURRED 106.52
TOTAL OF NEW CHARGES FOR THIS INVOICE $5,176.52
PLUS PAST DUE BALANCE (Disregard if Paid) $5,742.05
TOTAL BALANCE DUE ON ACCOUNT $10,918.57

DCB_DCE - 0027

11-6574_0093
## CHESTER WILLCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

Telephone 614-469-3000  Fax 614-221-4012

85 East State Street Suite 1000, Columbus, Ohio 43215-4213

August 14, 2009
Billing Date 07/31/2009
Invoice Number 117035 DGB
Our File # 13262 00024

TURKISH AMERICAN LEGAL DEFENSE FUND
C/O BRUCE FEIN
RESIDENT SCHOLAR
1025 CONNECTICUT AVE., N.W., SUITE 1000
WASHINGTON, DC 20036

Schmitt v. Krikorian

<table>
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<th>Description</th>
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<tr>
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DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES OVER 30 DAYS FROM DATE OF INVOICE.

RETURN THIS PAGE WITH PAYMENT

DCB_OCE - 0028

11-5574_0094
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<td>Date</td>
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**SUMMARY OF BILLED AMOUNTS**

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<td>$24,353.15</td>
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DCB_OCE - 0031

11-6574_0097
CHESTER WILLCOX & SAXBE
ATTORNEYS & COUNSELORS AT LAW

Telephone 614-221-4213
65 East State Street Suite 1000, Columbus, Ohio 43215-4213 Fax 614/221-4212

September 10, 2009
Billing 08/31/2009
Invoice # 116573 DCB
Our File # 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND
C/O BRUCE FEIN
RESIDENT SCHOLAR
1025 CONNECTICUT AVE., N.W., SUITE 1000
WASHINGTON, DC 20036

Schmitt v. Krikorian

<table>
<thead>
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<tbody>
<tr>
<td>BALANCE FORWARD</td>
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<tr>
<td>Payments received since last invoice</td>
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<tr>
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DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES OVER 30 DAYS FROM DATE OF INVOICE.

RETURN THIS PAGE WITH PAYMENT

DCB_OCB - 0032

11-6574_0098
CHESTER WILLCOX SAXBE
ATTORNEYS & COUNSELORS AT LAW
65 East State Street Suite 1000, Columbus, Ohio 43215-4213
FIN 31-4422499

REDACTED

Schmidt v. Krilorian

Balance forward as of invoice August 14, 2009 $35,271.72
Payments received since last invoice (10,918.57)
Past Due Balance (Disregard if Paid) $24,353.15

DCB_OCE - 0033

11-6574_0099
REDACTED
REDACTED
EXPENSES
08/31/2009 HOTEL/MEALS WHILE TRAVELING 368.79
08/31/2009 MILEAGE 145.20
08/31/2009 PHOTOCOPY SERVICE @ $.18 809.10
08/31/2009 WESTLAW RESEARCH 21.02

TOTAL DISBURSEMENTS $1,345.01

SUMMARY OF BILLED AMOUNTS

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TOTAL PROFESSIONAL SERVICES 36,617.00
TOTAL EXPENSES INCURRED 1,345.01
LATE PAYMENT CHARGE ON PAST DUE BALANCE 51.01
TOTAL OF ALL CHARGES FOR THIS INVOICE $38,273.02
PLUS PAST DUE BALANCE (Disregard If Paid) $24,353.15
TOTAL BALANCE DUE ON ACCOUNT $62,626.17
Schmidt v. Krikorian

BALANCE FORWARD $62,016.17
Payments received since last invoice (0.00)
PAST DUE BALANCE (Disregard If Paid) $62,016.17
Total Fees 30,132.50
Total Expenses 4,038.59
Late Payment Charge 383.54
TOTAL NEW CHARGES $34,534.63
TOTAL BALANCE DUE ON ACCOUNT $97,150.80

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES OVER 30 DAYS FROM DATE OF INVOICE.

RETURN THIS PAGE WITH PAYMENT

DCB_OCS - 0037

11-6574_0103
CHESTER WILLCOX & SAXBE
ATTORNEYS & COUNSELORS AT LAW
PH. (614) 65 East State Street Suite 1000, Columbus, Ohio 43215-4213 FAX 31-4422498

October 15, 2009
Billed through 08/30/2009
Invoice Number 119254
Out # 13232 00024

REDACTED

Schmidt v. Krikorian

Balance forward as of Invoice September 10, 2009 $82,616.17
Payments received since last invoice (0.00)
Past Due Balance (Disregard If Paid) $82,616.17

DCB_OCE ~ 0038

11-6574_0104
**EXPENSES**

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<th>Amount</th>
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<tbody>
<tr>
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<td>Hotel/Meals While Travelling</td>
<td>1,291.17</td>
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<tr>
<td>09/30/2009</td>
<td>Photocopy Service @ $.18</td>
<td>1,218.80</td>
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<td>09/30/2009</td>
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<td>1,366.55</td>
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<td>09/30/2009</td>
<td>Westlaw Research</td>
<td>164.07</td>
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**TOTAL DISBURSEMENTS**

$4,038.59
<table>
<thead>
<tr>
<th>Name</th>
<th>Hours</th>
<th>Rate</th>
<th>Amount</th>
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<tbody>
<tr>
<td>BREY, DONALD C.</td>
<td>66.30</td>
<td>325.00</td>
<td>$21,618.00</td>
</tr>
<tr>
<td>WATTERS, ELIZABETH J.</td>
<td>11.50</td>
<td>295.00</td>
<td>$3,425.50</td>
</tr>
<tr>
<td>SCOTT, DEBORAH A.</td>
<td>27.50</td>
<td>100.00</td>
<td>$2,750.00</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>105.30</strong></td>
<td></td>
<td><strong>$30,793.50</strong></td>
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</table>

**TOTAL PROFESSIONAL SERVICES**  
$30,793.50

**TOTAL EXPENSES INCURRED**  
$4,038.69

**LATE PAYMENT CHARGE ON PAST DUE BALANCE**  
$363.54

**TOTAL OF NEW CHARGES FOR THIS INVOICE**  
$34,255.63

**PLUS PAST DUE BALANCE (Disregard if Paid)**  
$83,816.17

**TOTAL BALANCE DUE ON ACCOUNT**  
$98,071.76
<table>
<thead>
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<tbody>
<tr>
<td>Balance Forward</td>
<td>$97,150.80</td>
</tr>
<tr>
<td>Payments received since last invoice</td>
<td>(0.00)</td>
</tr>
<tr>
<td>Past Due Balance (Disregard if Paid)</td>
<td>$97,150.80</td>
</tr>
<tr>
<td>Total Fees</td>
<td>5,315.50</td>
</tr>
<tr>
<td>Total Expenses</td>
<td>5,388.81</td>
</tr>
<tr>
<td>Late Payment Charge</td>
<td>938.72</td>
</tr>
<tr>
<td>Total New Charges</td>
<td>$11,641.03</td>
</tr>
<tr>
<td>Total Balance Due on Account</td>
<td>$108,791.83</td>
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</table>

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES OVER 30 DAYS FROM DATE OF INVOICE.

PLEASE RETURN THIS PAGE WITH PAYMENT
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
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</tr>
<tr>
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<td>Past Due Balance (Disregard if Pld)</td>
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</tr>
</tbody>
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**EXPENSES**

<table>
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<tr>
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<td>MEALS</td>
<td>46.60</td>
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<td>10/31/2009</td>
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<td>TRANSCRIPT</td>
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<td>WESTLAW RESEARCH</td>
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<td></td>
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<td><strong>$5,388.61</strong></td>
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**SUMMARY OF BILLED AMOUNTS**

<table>
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<th>Hours</th>
<th>Rate</th>
<th>Amount</th>
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<tr>
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<td>15.80</td>
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<td>$5,138.00</td>
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<tr>
<td>EJW</td>
<td>0.40</td>
<td>295.00</td>
<td>$118.00</td>
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<tr>
<td>DEA</td>
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<td></td>
<td>10.70</td>
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**TOTAL PROFESSIONAL SERVICES**

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<tr>
<td>TOTAL PROFESSIONAL SERVICES</td>
<td>5,315.50</td>
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<tr>
<td>TOTAL EXPENSES INCURRED</td>
<td>6,388.61</td>
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<tr>
<td>LATE PAYMENT CHARGE ON PAST DUE BALANCE</td>
<td>926.72</td>
</tr>
<tr>
<td>TOTAL OF NEW CHARGES FOR THIS INVOICE</td>
<td>$11,641.03</td>
</tr>
<tr>
<td>PLUS PAST DUE BALANCE (Disregard if Paid)</td>
<td>$97,150.80</td>
</tr>
<tr>
<td><strong>TOTAL BALANCE DUE ON ACCOUNT</strong></td>
<td><strong>$108,791.83</strong></td>
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</table>
Schmidt v. Kiliciar:

<table>
<thead>
<tr>
<th>Description</th>
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<tr>
<td><strong>BALANCE FORWARD</strong></td>
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<tr>
<td>Payments received since last invoice</td>
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<td>PAST DUE BALANCE (Dilregard if Pald)</td>
<td>$108,761.83</td>
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<tr>
<td>Total Fees</td>
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<tr>
<td>Total Expenses</td>
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<tr>
<td><strong>TOTAL BALANCE DUE ON ACCOUNT</strong></td>
<td>$112,351.01</td>
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DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES OVER 30 DAYS FROM DATE OF INVOICE.

PLEASE RETURN THIS PAGE WITH PAYMENT

DCB_OCB - 0045

11-6574_0111
Schmidt v. Krikelian

Balance forward as of invoice November 13, 2009 $108,791.83
Payments received since last invoice (0.00)
Past Due Balance (Disregard if Paid) $108,791.83

EXPENSES
11/30/2009 OVERNIGHT DELIVERY 16.73
11/30/2009 PHOTOCOPY SERVICE @ $.18 3.96
11/30/2009 TRANSCRIPT 1,179.20

TOTAL DISBURSEMENTS $1,199.99

DCB_DCE - 0046

11-6574_0112
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<td>Total Expenses Incurred</td>
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<td>Late Payment Charge on Past Due Balance</td>
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<td>$1,446.22</td>
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<td>Total of New Charges for This Invoice</td>
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<td>$3,559.18</td>
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<tr>
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DCB_OCE - 0047

11-6574_0113
January 15, 2010
Billing 12/31/2009
Invoice # 121316 DCB
Our File # 13282 00024

TURKISH AMERICAN LEGAL DEFENSE FUND
C/O BRUCE FEIN
RESIDENT SCHOLAR
1025 CONNECTICUT AVE., N.W., SUITE 1000
WASHINGTON, DC 20036

Schmidt v. Kirkorian

BALANCE FORWARD $112,351.01
Payments received since last invoice (112,351.01)
PAST DUE BALANCE (Disregard if Paid) $0.00
Total Fees 1,202.50
Total Expenses 1.26
TOTAL NEW CHARGES $1,203.76

TOTAL BALANCE DUE ON ACCOUNT $1,203.76

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES OVER 30 DAYS FROM DATE OF INVOICE.

PLEASE RETURN THIS PAGE WITH PAYMENT

DCB_OCE - 0048

11-6574_0114
# Schmidt v. Krikorian

<table>
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<tr>
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<tr>
<td>Past Due Balance (Disregard If Paid)</td>
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**EXPENSES**

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
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<tr>
<td>12/31/2009 PHOTOCOPY SERVICE @ $.18</td>
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DCS_OCE - 0049

11-6574_0115
SUMMARY OF BILLED AMOUNTS

<table>
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<th>BREY, DONALD C.</th>
<th>3/70 hrs</th>
<th>325.00 /hr</th>
<th>$1,202.50</th>
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<tr>
<td></td>
<td></td>
<td>3.70 hrs</td>
<td></td>
<td>$1,202.50</td>
</tr>
</tbody>
</table>

TOTAL PROFESSIONAL SERVICES: $1,202.50
TOTAL EXPENSES INCURRED: $1.20
TOTAL OF NEW CHARGES FOR THIS INVOICE: $1,203.76
TOTAL BALANCE DUE ON ACCOUNT: $1,203.76
Chester Willcox & Saxbe

February 12, 2010
Billing: 01/31/2010
Invoice #: 15495 DGB
Our File #: 13292 00024

Turkish American Legal Defense Fund
C/O Bruce Fein
Resident Scholar
1023 Connecticut Ave., N.W., Suite 1000
Washington, DC 20036

Schmidt v. Krikorian

Balance Forward $1,203.76
Payments received since last invoice (0.00)
PAST DUE BALANCE (Disregard if Paid) $1,203.76
Total Fees 10,164.50
Total Expenses 291.64
TOTAL NEW CHARGES $10,456.14
TOTAL BALANCE DUE ON ACCOUNT $11,659.90

Due upon receipt

Late payment fee (1.5% per month) charged on all unpaid balances over 30 days from date of invoice.

Please return this page with payment

DCB_OCS - 0951

11-6574_0117
Schmidt v. Krikorian

Balance forward as of Invoice January 15, 2010 $1,203.78
Payments received since last Invoice 0.00
Past Due Balance (Disregard If Paid) $1,203.78
EXPENSES
01/31/2010 DELIVERY CHARGE 50.00
01/31/2010 PHOTOCOPY SERVICE @ $.18 233.64
TOTAL DISBURSEMENTS 283.64

SUMMARY OF BILLED AMOUNTS

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<th>HRS</th>
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<td>LW WATTERS, ELIZABETH J.</td>
<td>0.40</td>
<td>295.00</td>
<td>$118.00</td>
</tr>
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<td>DAS SCOTT, DEBORAH A.</td>
<td>5.70</td>
<td>200.00</td>
<td>$1,140.00</td>
</tr>
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<td>CDM MURPHY, CHRISTOPHER B., - Law Clerk</td>
<td>5.90</td>
<td>110.00</td>
<td>$659.00</td>
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<tr>
<td></td>
<td>34.60</td>
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<td>$10,164.50</td>
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TOTAL PROFESSIONAL SERVICES 10,164.50
TOTAL EXPENSES INCURRED 283.64
TOTAL OF NEW CHARGES FOR THIS INVOICE 10,456.14
PLUS PAST DUE BALANCE (Disregard If Paid) 1,203.76
TOTAL BALANCE DUE ON ACCOUNT 11,659.90
### CHESTER WILCOX & SAXBE

ATTORNEYS & COUNSELORS AT LAW

Telephone 614-221-4213
69 East State Street Suite 1000, Columbus, Ohio 43215-4213
Fax 614/221-4212

<table>
<thead>
<tr>
<th>Date</th>
<th>Billing</th>
<th>Invoice#</th>
<th>Our File#</th>
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<tr>
<td>March 12, 2010</td>
<td>02/21/2010</td>
<td>122678</td>
<td>00024</td>
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</table>

TURKISH AMERICAN LEGAL DEFENSE FUND
c/o BRUCE FEIN
RESIDENT SCHOLAR
1026 CONNECTICUT AVE., N.W., SUITE 1000
WASHINGTON, DC 20036

---

Schmidt v. Krikorian

<table>
<thead>
<tr>
<th>Item</th>
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<tbody>
<tr>
<td>Balance Forward</td>
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<tr>
<td>Payments received since last invoice</td>
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<tr>
<td>Past Due Balance (Disregard if Paid)</td>
<td>$11,658.90</td>
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<tr>
<td>Total Fees</td>
<td>9,535.50</td>
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<tr>
<td>Total Expenses</td>
<td>310.68</td>
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<tr>
<td>Late Payment Charge</td>
<td>15.00</td>
</tr>
<tr>
<td>Total New Charges</td>
<td>$9,864.44</td>
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<tr>
<td>Total Balance Due on Account</td>
<td>$21,524.34</td>
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</table>

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES OVER 30 DAYS FROM DATE OF INVOICE.

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PLEASE RETURN THIS PAGE WITH PAYMENT

DCB_000E - 0055

11-6574_0121
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REDACTED

Schmid v. Krikorian

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<tbody>
<tr>
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</tr>
<tr>
<td>Past Due Balance (Disregard If Paid)</td>
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<td>$11,655.90</td>
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</table>
REDACTED
REDACTED

EXPENSES
02/23/2010  U.S. DISTRICT COURT; Invoice # 1:10-cv-00103; FILING FEE PRO HAC VICE  200.00
02/28/2010  DELIVERY CHARGE  32.50
02/28/2010  LEXIS RESEARCH  7.41
02/28/2010  OUTSIDE PHOTOCOPY SERVICE  64.62
02/28/2010  OUTSIDE PHOTOCOPY SERVICE  3.10
02/28/2010  WESTLAW RESEARCH  3.25

TOTAL DISBURSEMENTS  $310.88

SUMMARY OF BILLED AMOUNTS

DCB  Brey, Donald C.
28.70 hrs  325.00/hr  $9,327.50

JHB  Beehler, Jason H.
1.30 hrs  100.00/hr  $130.00
30.00 hrs  64.62/hr  $1,938.50

TOTAL PROFESSIONAL SERVICES  9,535.50
TOTAL EXPENSES INCURRED  310.88
LATE PAYMENT CHARGE ON PAST DUE BALANCE  18.08
TOTAL OF NEW CHARGES FOR THIS INVOICE  $9,864.44
PLUS PAST DUE BALANCE (Disregard if Paid)  $11,659.00
TOTAL BALANCE DUE ON ACCOUNT  $21,523.44

DCB_DCE - 0058

11-6574_0124
April 16, 2010
Billing   03/31/2010
Invoice#  122392    DCB
Our File # 13392    00034

TURKISH AMERICAN LEGAL DEFENSE FUND
C/O BRUCE FEIN
RESIDENT SCHOLAR
1025 CONNECTICUT AVE., N.W., SUITE 1000
WASHINGTON, DC 20036

Schmidt v. Krikorian

BALANCE FORWARD $21,524.34
Payments received since last invoice (21,524.34) $0.00
PAST DUE BALANCE (Disregard if Paid) $0.00

Total Fees 2,632.50
Total Expenses 122.12
TOTAL NEW CHARGES $2,754.62

TOTAL BALANCE DUE ON ACCOUNT $2,754.62

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES OVER 30 DAYS FROM DATE OF INVOICE.

PLEASE RETURN THIS PAGE WITH PAYMENT

DCB_OCS - 0059
11-6574_0125
Schmidt v. Krikorian

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<thead>
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<th>Amount</th>
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<td>Past Due Balance (Disregard if Paid)</td>
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EXPENSES

<table>
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<td>03/31/2010</td>
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TOTAL DISBURSEMENTS $122.12
### SUMMARY OF BILLED AMOUNTS

**DCB**  
BREY, DONALD C.

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May 14, 2010
Billing 04/30/2010
Invoice# 124114 DCB
Our File # 13282 00024

TURKISH AMERICAN LEGAL DEFENSE FUND
C/O BRUCE FEIN
RESIDENT SCHOLAR
1025 CONNECTICUT AVE., N.W., SUITE 1000
WASHINGTON, DC 20036

Schmidt v. Krikorian

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>BALANCE FORWARD</td>
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<td>Payments received since last invoice</td>
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<td>PAST DUE BALANCE (Disregard if Paid)</td>
<td>$2,754.82</td>
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<tr>
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<td>1,173.50</td>
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<tr>
<td>Total Expenses</td>
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<td>TOTAL NEW CHARGES</td>
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DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES OVER 30 DAYS FROM DATE OF INVOICE.

PLEASE RETURN THIS PAGE WITH PAYMENT

DCB_OCS - 0062

11-6574_0128
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<td>Past Due Balance (Disregard If Paid)</td>
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**REDACTED**
**EXPENSES**

04/30/2010 PHOTOCOPY SERVICE @ $.18

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**TOTAL DISBURSEMENTS**

$20.70

**SUMMARY OF BILLED AMOUNTS**

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<td>Schmidt v. Krikorian</td>
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<td><strong>Balance Forward</strong></td>
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<td><strong>Total New Charges</strong></td>
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<td><strong>Total Balance Due on Account</strong></td>
<td>$3,888.79</td>
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**Due Upon Receipt**

Late payment fee (1.5% per month) charged on all unpaid balances over 30 days from date of invoice.

Please return this page with payment.
Chester Willcox & Saxbe
Attorneys & Counselors at Law

RG (614) 228-5300
65 East State Street Suite 1000, Columbus, Ohio 43215-4213
Ph: 614-464-2999

June 11, 2010
Billed through 05/12/2010
Invoice Number 124674
Our Ref# 13262 00024

TURKISH AMERICAN LEGAL DEFENSE FUND
CID BRUCE FEE
RESIDENT SCHOLAR
1225 CONNECTICUT AVE., N.W., SUITE 1009
WASHINGTON, DC 20036

REDACTED

Schmidt v. Kilicosan

Balance forward as of invoice May 14, 2010 $3,948.82
Payments received since last invoice (2,764.62)
Past Due Balance (Disregard if Paid) $1,194.20

EXPENSES
05/31/2010 LEXIS RESEARCH 5.05

DCB_OCE - 0066

11-6574_0132
EXPENSES
05/31/2010 PACER RESEARCH SERVICE 18.80
05/31/2010 PHOTOCOPY SERVICE @ $0.18 26.82
TOTAL DISBURSEMENTS $51.27

SUMMARY OF BILLED AMOUNTS

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<td>1 Avr</td>
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TOTAL PROFESSIONAL SERVICES 2,600.00
TOTAL EXPENSES INCURRED 51.27
LATE PAYMENT CHARGE ON PAST DUE BALANCE 41.32
TOTAL OF NEW CHARGES FOR THIS INVOICE $2,692.59
PLUS PAST DUE BALANCE (Disregard if Paid) $1,194.20
TOTAL BALANCE DUE ON ACCOUNT $3,886.79

DCB_DCE - 0067

11-6574_0133
CHESTER WILLCOX & SAXBE
ATTORNEYS & COUNSELORS AT LAW
Telephone 614-757-6878  85 East State Street Suite 1000, Columbus, Ohio 43215-4213  Fax 614/221-4012

July 15, 2010
Billing 08/20/2010
Invoice# 125668 DCB
Cur File # 13292 00024

TURKISH AMERICAN LEGAL DEFENSE FUND
C/O BRUCE FEIN
RESIDENT SCHOLAR
1025 CONNECTICUT AVE., N.W., SUITE 1000
WASHINGTON, DC 20036

Schmidt v. Krikorian

BALANCE FORWARD $3,888.79
Payments received since last invoice (1,104.23)
PAST DUE BALANCE (Disregard if Paid) $2,684.56
Total Fees 2,405.00
Total Expenses 495.74
TOTAL NEW CHARGES $2,900.74
TOTAL BALANCE DUE ON ACCOUNT $5,593.33

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES
OVER 30 DAYS FROM DATE OF INVOICE.

PLEASE RETURN THIS PAGE WITH PAYMENT

DCB_OCE - 0068

11-6574_0134
Schmidt v. Krikorian

Balance forward as of Invoice: June 11, 2010 $3,866.79
Payments received since last invoice: (1,194.20)
Past Due Balance (Disregard if Paid): $2,672.59

DCB_OCE - 0069

11-6574_0135
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DCB_OCE - 0070

11-6574_0138
**Chester Willcox & Saxbe**

*Attorneys & Counselors At Law*

Telephone 614-221-4012  
Fax 614/221-4012

65 East State Street Suite 1000, Columbus, Ohio 43215-4213

**August 13, 2010**

**Billing**  
07/31/2010

**Invoice #**  
126852 DCS

**Our File #**  
132922 00024

**Turkish American Legal Defense Fund**

Co-Principal Fein

Resident Scholar

1025 Connecticut Ave., N.W., Suite 1020

Washington, D.C. 20036

Schmidt v. Krikorian

**Balance Forward**  $5,553.33

Payments received since last invoice  ($5,552.01)

Adjustments Applied  ($41.32)

**Past Due Balance (Disregard if Paid)**  $0.00

Total Fees  877.50

Total Expenses  4.06

**Total New Charges**  $882.46

**Total Balance Due on Account**  $882.46

**Due Upon Receipt**

Late payment fee (1.5% per month) charged on all unpaid balances over 30 days from date of invoice.

**Please return this page with payment**

DCR_OCE - 0671

11-6574_0137
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<td>A/R adjustments made since last invoice</td>
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### EXPENSES

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<tr>
<td>07/31/2010</td>
<td>PACER RESEARCH SERVICE</td>
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DCB_OCE - 0072

11-6574_0138
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**SUMMARY OF BILLED AMOUNTS**

- **TOTAL PROFESSIONAL SERVICES**: $977.50
- **TOTAL EXPENSES INCURRED**: $4.96
- **TOTAL OF NEW CHARGES FOR THIS INVOICE**: $982.46
- **TOTAL BALANCE DUE ON ACCOUNT**: $982.46
### Schmidt v. Krikorian

<table>
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<td>Total Fees</td>
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<td><strong>TOTAL NEW CHARGES</strong></td>
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<tr>
<td><strong>TOTAL BALANCE DUE ON ACCOUNT</strong></td>
<td><strong>$1,061.90</strong></td>
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DUE UPON RECEIPT

**LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES OVER 30 DAYS FROM DATE OF INVOICE.**

PLEASE RETURN THIS PAGE WITH PAYMENT
CHESTER WILCOX & SAXBE
ATTORNEYS & COUNSELORS AT LAW

PH (614) 222-1633
60 East State Street Suite 1000, Columbus, Ohio 43215-4213
FIN 31-4422445

TURKISH AMERICAN LEGAL DEFENSE FUND
C/O BRUCE FEIN
RESIDENT SCHOLAR
1125 CONNECTICUT AVE., N.W., SUITE 1000
WASHINGTON, DC 20036

Schmidt v. Krikorian

Balance forward as of invoice August 13, 2010 $882.46
Payments received since last invoice (0.00)
Past Due Balance (Disregard if Paid) $882.46

EXPENSES

09/31/2010 CONFERENCE CALL 49.44

TOTAL DISBURSEMENTS $49.44

DCB_OCR - 0075

11-6574_0141
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<td>0.40 hrs</td>
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<td>$130.00</td>
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<p>| <strong>TOTAL PROFESSIONAL SERVICES</strong> | 130.00 |
| <strong>TOTAL EXPENSES INCURRED</strong>    | 49.44  |
| <strong>TOTAL OF NEW CHARGES FOR THIS INVOICE</strong> | $179.44 |
| <strong>PLUS PAST DUE BALANCE (Disregard if Paid)</strong> | $882.46 |
| <strong>TOTAL BALANCE DUE ON ACCOUNT</strong> | $1,061.90 |</p>
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<tr>
<th>Description</th>
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<td>BALANCE FORWARD</td>
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<td>Payments received since last invoice</td>
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<td>TOTAL BALANCE DUE ON ACCOUNT</td>
<td>$10,413.99</td>
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DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES OVER 30 DAYS FROM DATE OF INVOICE.

PLEASE RETURN THIS PAGE WITH PAYMENT

DC18_OCB - 0077

11-6574_0143
Schmidt v. Krikorian

Balance forward as of invoice September 13, 2010 $1,061.90
Payments received since last invoice (882.46)
Past Due Balance (Disregard if Paid) $179.44
REDACTED

EXPENSES
09/30/2010 HOTEL/MEALS WHILE TRAVELING 235.50
09/30/2010 MILEAGE 165.50
09/30/2010 PHOTOCOPY SERVICE FOR THE MONTH @ $.18 87.66
09/30/2010 OUTSIDE PHOTOCOPY SERVICE 2.50

TOTAL DISBURSEMENTS $491.52

DCB_OCE - 0079

11-6574_0145
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<td>EJM</td>
<td>Watters, Elizabeth J.</td>
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**Total Professional Services:** $9,753.00  
**Total Expenses Incurred:** $481.52  
**Total of New Charges For This Invoice:** $10,234.52  
**Plus Past Due Balance (Disregard if Paid):** $179.44  
**Total Balance Due on Account:** $10,413.96
**Chester Willcox & Saxbe, Attorneys & Counselors at Law**

November 11, 2016

Biling #1031,0010
Invoice # 129728 DCB
Our File # 3292 00024

---

**Turkish American Legal Defense Fund**

C/O Bruce Fein

Resident Scholar

1025 Connecticut Ave., N.W., Suite 1000

Washington, DC 20036

---

Schmidt v. Krikorian

**Balance Forward**

$10,413.96

Payments received since last invoice

(10,413.96)

**Past Due Balance (Disregard if Paid)**

$0.00

---

Total Fees

11,358.50

Total Expenses

199.30

**Total New Charges**

$11,557.80

---

**Total Balance Due on Account**

$11,557.80

---

**Due Upon Receipt**

Late payment fee (1.5% per month) charged on all unpaid balances over 30 days from date of invoice.

---

**Please return this page with payment**

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DCB_DCE 0082

---

11-6574_0147
November 11, 2010
Billed through 10/31/2010
Invoice Number 128728
Out Ref 1232 00024

REDACTED

Schmidt v. Krikorian

Balance forward as of invoice October 14, 2010 $10,413.96
Payments received since last invoice (10,413.96)
Past Due Balance (Disregard If Paid) $0.00
REDACTED
EXPENSES

10/31/2010  PHOTOCOPY SERVICE FOR THE MONTH @ $.18  
10/31/2010  TRANSCRIPT  
10/31/2010  WESTLAW RESEARCH

TOTAL DISBURSEMENTS  

$199.30
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<td>EJW Watters, Elizabeth J.</td>
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<td>CSB Murphy, Christopher B. - Law Clerk</td>
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**Total Professional Services:** $11,358.50

**Total Expenses Incurred:** $100.30

**Total of New Charges for this Invoice:** $11,457.80

**Total Balance Due on Account:** $11,457.80
December 10, 2010
Billing     11/30/2010
Invoice#    120453    DCB
Our File #  13292    00024

TURKISH AMERICAN LEGAL DEFENSE FUND
C/O BRUCE FEIN
RESIDENT SCHOLAR
1025 CONNECTICUT AVE., N.W., SUITE 1000
WASHINGTON, DC 20036

Schmidt v. Krikorian

BALANCE FORWARD    $11,567.80
Payments received since last invoice (0.00)
PAST DUE BALANCE (Disregard if Paid) $11,567.80
Total Fees        18,666.50
Total Expenses    1,331.36
TOTAL NEW CHARGES $20,019.86

TOTAL BALANCE DUE ON ACCOUNT $31,587.66

DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES OVER 30 DAYS FROM DATE OF INVOICE.

PLEASE RETURN THIS PAGE WITH PAYMENT

DCB_OCE - 0086

11-6574_0152
Schmidt v. Krikosian

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December 10, 2010

Billed through: 11/30/2010

Invoice Number: 128483

Out Date: 12/31/2010

REDACTED
REDACTED
**EXPENSES**

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<td>MILEAGE</td>
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<td>11/30/2010</td>
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DCB_OCE - 0090

11-6574_0156
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**SUMMARY OF BILLED AMOUNTS**

- **TOTAL PROFESSIONAL SERVICES**: $18,889.20
- **TOTAL EXPENSES INCURRED**: $1,331.38
- **TOTAL OF NEW CHARGES FOR THIS INVOICE**: $20,220.58
- **PLUS PAST DUE BALANCE (Dilregard if Paid)**: $11,657.89
- **TOTAL BALANCE DUE ON ACCOUNT**: $31,877.66
January 17, 2011
Billing: 12/31/2010
Invoice: 130584
Our File #: 13292
_000004

TURKISH AMERICAN LEGAL DEFENSE FUND
C/O BRUCE FEIN
RESIDENT SCHOLAR
1025 CONNECTICUT AVE., N.W., SUITE 1000
WASHINGTON, DC 20036

Schmidt v. Krikorian

<table>
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<th>Description</th>
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<td>Payments received since last invoice</td>
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<tr>
<td>TOTAL BALANCE DUE ON ACCOUNT</td>
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DUE UPON RECEIPT

LATE PAYMENT FEE (1.5% PER MONTH) CHARGED ON ALL UNPAID BALANCES OVER 30 DAYS FROM DATE OF INVOICE.

PLEASE RETURN THIS PAGE WITH PAYMENT

DCB_OCE - 0092

11-6574_0158
TURKISH AMERICAN LEGAL DEFENSE FUND
C/O BRUCE FEIN
RESIDENT SCHOLAR
1025 CONNECTICUT AVE., N.W., SUITE 1000
WASHINGTON, DC 20036

Schmidt v. Krikorian

Balance forward as of invoice December 10, 2019 $31,577.66
Payments received since last invoice (0.00)
Past Due Balance (Disregard if Paid) $31,577.66
REDACTED

EXPENSES
12/31/2010 LEXIS RESEARCH 3.41
12/31/2010 OVERNIGHT DELIVERY 14.39
12/31/2010 PHOTOCOPY SERVICE FOR THE MONTH @ $.18 72.72

TOTAL DISBURSEMENTS $90.52

DCB_OCE - 0094

11-6574_0160
SUMMARY OF BILLED AMOUNTS

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TOTAL PROFESSIONAL SERVICES 4,830.00
TOTAL EXPENSES INCURRED 00.00
LATE PAYMENT CHARGE ON PAST DUE BALANCE 473.66
TOTAL OF NEW CHARGES FOR THIS INVOICE $5,394.18
PLUS PAST DUE BALANCE (Disregard if Paid) $31,577.66
TOTAL BALANCE DUE ON ACCOUNT $36,971.84
EXHIBIT 12
CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Representative Schmidt’s Chief of Staff
REVIEW No.: 11-6574
DATE: April 6, 2011
LOCATION: 425 3rd St., SW
Washington, DC 20024
TIME: 2:00 p.m. to 2:55 p.m. (approximately)
PARTICIPANTS: Kedric L. Payne
Paul J. Solis

SUMMARY: The OCE requested an interview with Representative Schmidt’s Chief of Staff, who is now her former Chief of Staff, on April 6, 2011, and he consented to an interview. Representative Jean Schmidt, who is a Member of the United States House of Representatives and represents the 2nd District of Ohio. Representative Schmidt’s Chief of Staff made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. He signed a written acknowledgement of the warning, which will be placed in the case file in this review.

2. The witness is currently a partner at BKM Consulting, which provides various services to political campaigns.

3. He has been employed there since approximately May 2010, which is when he left his employment with Representative Schmidt.

4. He became employed with Representative Schmidt shortly after she was elected in 2005. He served as her Chief of Staff from that time until he left in 2010. As Chief of Staff, the witness supervised all functions of the congressional office.

5. Prior to working for Representative Schmidt, the witness worked for at least three other House Members including Representative Kevin DeWine.

6. The witness told the OCE that he volunteered for Representative Schmidt’s campaign committee, but the campaign never employed him.

7. The witness first met David Krikorian in Representative Schmidt’s office in 2006 or 2007. The witness told the OCE that Mr. Krikorian came to the office claiming he was the President of the Ohio Armenian Association.
8. Mr. Krikorian came to the office to ask Representative Schmidt to support the Armenian genocide resolution. During the meeting with Representative Schmidt, Mr. Krikorian became belligerent because Representative Schmidt would not commit to voting for the resolution.

9. The witness told the OCE that in 2008 Mr. Krikorian campaigned against Representative Schmidt and constantly attacked her in the Armenian media.

10. During the week before the election in November 2008, Mr. Krikorian put pamphlets on cars at Representative Schmidt’s church. The pamphlets criticized Representative Schmidt and included allegations that she accepted “blood money” from the Turkish government. These types of statements occurred after the election as well.

11. As a result of Mr. Krikorian’s pamphlets and other statements that he made about Representative Schmidt, the witness and Representative Schmidt began considering possible legal actions against Mr. Krikorian following the election in November 2008. The witness told the OCE that he and Representative Schmidt took no action until January 2009.

12. In January 2009, Mr. Krikorian continued to make public statements about Representative Schmidt.

13. The witness was familiar with the Ohio Election Commission (“OEC”) and its ability to adjudicate false statements partly because Mr. Krikorian had filed complaints against Representative Schmidt with the OEC.

14. During the first quarter of 2009, Bruce Fein called the witness and said that he wanted to help Representative Schmidt pursue legal action against Mr. Krikorian and said he worked for the Turkish American Legal Defense Fund (“TALDF”). The witness knew Bruce Fein from his work with Representative DeWine. Mr. Fein then visited Representative Schmidt’s office to meet.

15. The witness told the OCE that Mr. Fein suggested that the legal fee arrangement should be a contingency fee. Mr. Fein suggested that Representative Schmidt could sue Mr. Krikorian for millions of dollars based on his statements about her.

16. The witness was not certain whether the services could be provided under a contingency fee based on House ethics rules and federal election law. He contacted the Federal Election Commission (“FEC”), the House General Counsel’s Office, and the House Committee on Ethics to get approval of the arrangement for legal services.
17. The witness explained to the OCE that Mr. Fein “never” talked about providing legal services at no charge and “definitely wanted to do a contingency fee.” Mr. Fein was the first person to suggest a contingency fee.

18. The witness knew Mr. Fein because Mr. Fein had previously worked for Representative Mike DeWine. The witness had worked for Representative DeWine’s campaign.

19. The witness also knew Lincoln McCurdy of the Turkish Coalition of America ("TCA"). Mr. McCurdy had visited the witness in Representative Schmidt’s office to lobby him on the Armenian genocide resolution. He met Mr. McCurdy in 2007 or 2008.

20. The witness never discussed the possibility of filing a complaint against Mr. Krikorian with Mr. McCurdy.

21. Although he was waiting for ethics approval on the legal fees, he did not instruct Bruce Fein to delay filing the complaint with the OEC. The witness stated that at the time he did not know who would pay for the services, but Representative Schmidt wanted to go to court. The witness told the OCE that if the legal services were not approved by the Committee on Ethics he expected that Representative Schmidt would use personal funds to pay for the legal services.

22. The FEC told him that campaign funds could be used to pay for the legal services if the Committee on Ethics approved such use.

23. The witness contacted the Committee on Ethics and had numerous conversations with the staff about how to draft a letter requesting approval of the legal services.

24. The witness asked whether Representative Schmidt could pay for legal expenses with campaign money or have a contingency fee agreement. These conversations lasted several weeks to months.

25. The Committee on Ethics explained to him the possibility of establishing a legal expense fund. At that time, the witness’ personal understanding was that legal expense funds had never been used other than for defense issues. However, the Committee on Ethics’ counsel told him that she thought the fund could be used for Representative Schmidt’s situation as well.

26. The witness told the OCE that the Committee on Ethics counsels told him not to accept any bill for the legal services during this time.

27. The witness’ first formal request for Committee on Ethics approval of the legal fees is in a letter dated September 17, 2009 (Schmidt_0029). He drafted the letter to the
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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

Committee on Ethics on behalf of Representative Schmidt requesting approval of the legal fees.

28. When asked why there was a time lapse between the first meeting with Mr. Fein and the September 17, 2009 request, the witness stated that he was waiting for the Committee on Ethics to provide him with the final language for the request letter.

29. In response to the letter, the Committee on Ethics asked the witness for information about the amount of hours the attorneys had worked on the legal matters.

30. As a result, the witness wrote a letter to the Committee on Ethics, dated October 8, 2009 (Schmidt_0031), explaining that the attorneys had worked “just shy of 200 hours”.

31. The witness also provided the Committee on Ethics with a letter from Bruce Fein to Representative Schmidt stating that the attorneys agreed to represent her on a contingency fee basis. The witness does not know when this letter about the contingency fee was written.

32. The witness told the OCE that he believes on January 21, 2010, he sent a letter or email to the Committee on Ethics to amend the request for approval of a contingency fee. He said that the Committee on Ethics advised him that the approval of the legal services could happen quicker if he removed the request for a contingency fee.

33. He explained that the TALDF attorneys provided legal services for the appeal of the OEC matter as part of the representation in filing the complaint with the OEC.

34. TALDF submitted an amicus brief on behalf of Representative Schmidt in federal court in Ohio without the witness knowing that the brief was going to be filed. He was not alerted to the filing until after it had been done.

35. Although the witness received the advisory opinion from the Committee on Ethics in February 2010, he was not involved in establishing a legal expense fund. He does not know why the request for approval of legal expense fund was not sent to the Committee on Ethics until July 2010. He explained that he was no longer employed with Representative Schmidt by July 2010.

This memorandum was prepared on April 7, 2011, based on the notes that the OCE staff prepared during the interview with the witness on April 6, 2011. I certify that this memorandum contains all pertinent matter discussed with the witness on April 6, 2011.

Kedric L. Payne
Investigative Counsel

OFFICE OF CONGRESSIONAL ETHICS

11-5574_0166
EXHIBIT 13
MEMORANDUM OF INTERVIEW

IN RE: Representative Jean Schmidt
REVIEW No.: 11-6574
DATE: March 31, 2011
LOCATION: 2464 Rayburn HOB
Washington, DC 20515
TIME: 10:40 a.m. to 11:40 a.m. (approximately)
PARTICIPANTS: Kedric L. Payne
Paul J. Solis
Joe Jansen

SUMMARY: Representative Jean Schmidt is a Member of the United States House of Representatives and represents the 2nd District of Ohio. The OCE requested an interview with Representative Schmidt on March 31, 2011, and she consented to an interview. Representative Schmidt (the “witness”) made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. She signed a written acknowledgement of the warning, which will be placed in the case file in this review.

2. The witness told the OCE that she decided that she wanted to file a complaint with the Ohio Election Commission (“OEC”) against Mr. Krikorian in November 2008. This decision was the result of an extended period of time of Mr. Krikorian making public statements criticizing the witness. At that point the witness felt she had to do something about Mr. Krikorian’s statements.

3. She knew Bruce Fein from her years of serving in Congress. Mr. Fein was aware of Mr. Krikorian’s public statements about the witness. He offered the legal services of the Turkish American Legal Defense Fund (“TALDF”) to assist the witness with the complaint against Mr. Krikorian. She could not recall how or when these discussions with Mr. Fein began.

4. The witness has known Lincoln McCurdy, president of the Turkish Coalition of America (“TCA”), for about four or five years from his work on Capitol Hill. The witness stated that she did not have a discussion with Mr. McCurdy about TALDF’s legal representation but does not know whether her previous Chief of Staff had such discussions.
5. The witness was familiar with the TCA through the Congressional Turkish Caucus, which she joined.

6. The witness told the OCE that TALDF did not offer to provide the legal services to her for free. She discussed with Mr. Fein the possibility of a contingency fee, but this option was not pursued. She is not sure why it was not pursued and she does not recall when these conversations occurred.

7. The witness stated that, between her and TALDF, she was the first to discuss paying for the legal services.

8. The parties also discussed the possibility of having the witnesses' campaign committee pay for the legal services or establish a legal expense fund.

9. When asked if she instructed the TALDF attorneys to delay filing the OEC complaint, the witness stated that she did not.

10. The witness stated that Mr. Fein selected the local counsel, Donald Brey. She told the OCE that she knew of Mr. Brey for many years from his work with the Ohio Republican Party. She told the OCE that she did not recommend him and was surprised to learn that he was local counsel.

11. The witness continues to work with the Committee on Ethics to establish a legal expense fund, but the issue has not been finalized because the Committee on Ethics is uncomfortable with the trustee that she initially selected.

12. She told the OCE that ethics advice concerning payment for the TALDF legal expenses was first requested during the summer of 2009. Her then Chief of Staff, Barry Bennett, informally asked for this advice. The advice was requested in order to determine whether everything was right and proper with accepting TALDF legal services.

13. Later in September 2009, a formal written request was submitted to the Committee on Ethics. When asked why she waited until September 2009 to make the formal request, the witness stated that it just felt like the right time to do it.

14. The witness received an advisory opinion from the Committee on Ethics in February 2010. When asked why there was a delay between her receipt of the advisory opinion and her July 2010 request for approval of a legal expense trust, the witness stated that she and Mr. Bennett were trying to select a trustee.

15. Concerning the later legal actions taken by TALDF on her behalf, the witness stated that TALDF continued to be her legal counsel because she did not want to change attorneys.
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unless necessary. The witness stated that there was an understanding that she would pay for all of the legal services rendered.

16. Mr. Bennett was the primary point of contact between the witness' office and TALDF.

This memorandum was prepared on April 4, 2011, based on the notes that the OCE staff prepared during the interview with the witness on March 31, 2011. I certify that this memorandum contains all pertinent matter discussed with the witness on March 31, 2011.

Kedric L. Payne
Investigative Counsel
EXHIBIT 14
TURKISH AMERICAN LEGAL DEFENSE FUND

ISSUES & CASES

TALDF REQUESTS CRIMINAL INVESTIGATION IN OHIO
ARMENIAN AMERICAN VERBAL THUGGERY PROVOKES CRIMINAL INVESTIGATION REQUEST

Washington, DC - November 3, 2008 - The Turkish American Legal Defense Fund today requested the Attorney General of Ohio, Nancy H. Rogers, to open a criminal investigation under Ohio law into signature Armenian verbal slandering employed by Armenian American independent candidate David Krikorian against Representative Jean Schmidt. The Congresswoman represents the 2nd district of Ohio, and is running for re-election. The criminal lies under that Krikorian recently splattered against Ms. Schmidt are emblematic of the religiously and ethnically targeted campaign tactics that Armenian Americans celebrate, directly or indirectly, against congressional candidates who refuse to salve their narrow, closed-minded, fanatical anti-Turkish agenda. Ohio’s Revised Code makes criminal intentional falsehoods calculated to impact elections. Other candidates for Congress who have been similarly victimized by Armenian American verbal slandering in the 2008 election cycle include Steve Cohen (Tenn.), Virginia Foxx (N.C.), Charles Halfen (Calif.), Robert Wedler (Fla.), and Jill Hargenthaler (M.I.).

Krikorian’s criminal lies about the Congresswoman and her campaign supporters are posted on the Internet at krikorianforcongress.com. The Armenian America’s posting in substance falsely accuses Congresswoman Schmidt of bigotry and Turkish Americans who have made campaign contributions for her of paying bribes, i.e., that she bargained for campaign contributions from Turkish Americans in exchange for a promise to take official actions in Congress in opposition to perennial “Armenian genocide” resolution in the House of Representatives: “Representative Jean Schmidt has taken $30,000 in blood money to deny the genocide of Christian Armenians by Muslim Turks.”

Contrary to the Krikorian’s lies, there was no quid pro quo or any irregularity whatsoever in the campaign contributions for Congresswoman Schmidt. As is customary in political campaigns, contributors make financial contributions to candidates who support the policy positions of which they approve. In fact, Armenian Americans and their political action committees scrupulously confine their contributions to candidates who support or pledge to support “Armenian genocide” resolutions.

Congresswoman Schmidt’s opposition to the Armenian genocide resolution is readily explained by historical facts. Her conclusions accord with renowned Middle East scholar Bernard Lewis of Princeton University, who has been consulted by the White House under President George W. Bush, and others of comparable academic prestige. The Congresswoman, based on her independent research does not believe the tragic events of World War I, in which both Armenians and Turks were killed in harrowing numbers, constituted genocide—an accusation that has never been proven in a court of law. She further maintains that the historical question is not appropriate for Congress to legislate.

The Turkish American Legal Defense Fund has written a letter to Attorney General Rogers urging a criminal investigation and prosecution of David Krikorian under Ohio campaign and false statement laws, Ohio Revised Code, section 351.72 and section 2921.11(A)(1), respectively. To paraphrase attorney Joseph Welch’s rebuke to Communist witch hunting Senator Joe McCarthy, have Armenian Americans no sense of decency, at long last? Have they let no sense of decency?

http://www.taldf.org/ohio.html

11-6574_0172
TALDF will oppose any assault from any quarter on the right of Turkish Americans to participate fully in the American political process, including voicing their opinions on issues impacting Turkish-American relations or otherwise.

http://www.taldf.org/ohio.html

11-6574_0173
EXHIBIT 15
Jean Schmidt
Schmidt for Congress
8280 Montgomery Rd., Ste. 204
Cincinnati, OH 45236

v.

Mr. David Krikorian
8133 Camargo Woods Court
Cincinnati, OH 45243-2206

COMPLAINT

I, Jean Schmidt, file this Complaint under Ohio Revised Code Section 3517.153 and aver the following under oath:

1) I have represented the Second Congressional District of Ohio in the United States Congress since January 2007.

2) I campaigned for re-election in 2008.

3) David Krikorian, running as an independent, was one of my opponents in the general election held on November 4, 2008.

4) Each of the false statements enumerated below were designed to promote his candidacy for Congress and to defeat my re-election bid.

5) I have never received a donation in order "to Deny the Genocide of Christian Armenians by Muslim Turks." I have never accepted anything of value in return for being influenced in the performance of an official act (including inaction), which would be a federal crime under 18 U.S.C. 201.

6) On his 2008 campaign website (http://www.krikorianforcongress.com/kenopoly.php) Mr. Krikorian asserted: "Representative Jean Schmidt Has Taken $30,000 in Blood Money to Deny the Genocide of Christian Armenians by Muslim Turks." Exhibit 1.

7) Mr. Krikorian's statement quoted in paragraph 6 above was intentionally falsely stated facts in at least two respects in violation of Ohio Revised Code Section 3517.21(A)(10).
8) I have never "denied" an Armenian genocide. My position as a Member of Congress has consistently been that the subject is not a fit question for Congress; and, that based on my knowledge of the historical record I cannot, at present, characterize the tragic events of 1915 in World War I as an Armenian "genocide," which has a very strict meaning. As a Member of Congress, I have never voted on an Armenian genocide resolution. I support the formation of an international independent commission of experts to resolve the matter definitively.

9) Mr. Krikorian’s campaign website undermines his own false accusation. The website recounts a statement in my office on March 29, 2007, which does not deny genocide, but expresses agnosticism: “At this time [Jean Schmidt] does not have enough information to characterize these deaths as genocide especially when those responsible are long dead.” The website also quotes from a statement made in my office on May 11, 2007, in which I do not deny genocide, but make a different point about the exacting standards of proof counseling hesitation before leaping to a conclusion: “The United Nations describes genocide as carrying out acts intended to ‘destroy, in whole or in part, a national, ethnic, racial, or religious group.’ In this instance, it was very difficult to know intent.”


11) Paragraph 2 of the letter asserts: “I demand [Jean Schmidt’s] immediate withdrawal from this race and her apology to the people of the United States of America for the crime she has committed against our American soldiers and humanity by denying the undisputed facts of the Armenian Genocide.”

12) As elaborated in paragraphs 8 and 9 of this Complaint, I have not “denied” the Armenian Genocide. In addition, the “facts” are not “undisputed.” Reputable American scholars who question the appropriateness of the genocide label for the tragic events of 1915-1916 include famous Middle East expert Bernard Lewis of Princeton University, the late Stanford Shaw of U.C.L.A., Justin McCarthy of the University of Louisville, Guenter Lewy of the University of Massachusetts, Norman Gitikowitz of Princeton University, Brian G. Williams of the University of Massachusetts, David Fronkin of Boston University, Avigdor Levy of Brandeis University, Michael M. Gunter of Tennessee Tech, Pierre Oberling of Hunter College, the late Roderic Davidson of George Washington University, Michael Radu of Foreign Policy Research Institute, and military historian Edward J. Erickson. Outside of the United States yet more scholars have endorsed a contragenocide analysis of the history of the Ottoman Armenians, among them Gilles Veinstein of the College de France, Stefano Trincone of the University of Chieti, Augusto Sinagra of the University of Roma-Sapienza, Norman Stone of Birkent University, and the historian Andrews Margo of the University of London).
13) Paragraph 3 of the November 2, 2008 letter repeats the false assertion that Jean Schmidt “den[ies]” the Armenian Genocide.

14) Paragraph 4 of the November 2, 2008 letter further repeats the false assertion that Jean Schmidt insinuates “den[ies]...the Christian Armenian Genocide at the hands of the Muslim Ottoman Empire.” It also largely repeats the doubly-false statement in Krikorian’s website for the reasons set forth in paragraphs 8 and 9 of this Complaint: “Jean Schmidt has taken $100,000 in blood money from Turkish sponsored political action committees to deny the daughter of 1.5 million Armenian men, women, and children by the Ottoman Turkish Government during World War I.” In addition, the statement makes the false assertion that I received campaign contributions from “Turkish government sponsored” political action committees. No political action committee that donated to my campaign was “Turkish government sponsored.” True copies of the affidavits of Lincoln McCurdy and Denil Karsan, Treasurer and President of Turkish Coalition USA PAC and Turkish American Heritage PAC, respectively, are attached as Exhibit 3.

15) Paragraph 7 of the November 2, 2008 letter again falsely accuses me of “deny[ing]” the “Armenian genocide” for the reasons set forth in paragraphs 8 and 9 of this Complaint.

16) Paragraph 10 of the November 2, 2008 letter falsely asserts: “Jean Schmidt has taken $30,000 in blood money from Turkish government sponsored political action committees and Turkish people in 2008 in exchange for helping them to cover-up the mass murder of 1.5 million Christians. This information is public record and can be found on the Federal Election Commission database at http://www.FEC.gov.” Exhibit 4.

17) As set forth in paragraph 5 of this Complaint, I have never accepted a political contribution in return for being influenced in the performance of an official act (including inaction).

18) As set forth in paragraph 14, I did not receive any campaign contributions from political action committees “sponsored” by the Turkish government.

19) The website http://www.FEC.gov does not substantiate that political action committees that made contributions to me were sponsored by the Turkish government, nor does it identify campaign donors by ancestry. In other words, the website does not corroborate that “Turkish people” made donations to my 2008 congressional campaign.

20) It would be a crime under federal law for the Turkish government (or any foreign national) to fund a political action committee that made donations to a federal candidate seeking election to Congress, among other federal offices. 2 U.S.C. 437 (g)(d), 441e.

21) It would be a crime under federal law for “Turkish people” to make contributions to federal political campaigns for Congress, among other federal offices, if the donor were not an American citizen or permanent resident alien. 2 U.S.C 437 (g)(d), 441e(b).
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22) Paragraph 14 of the November 2, 2008 letter repeats the false accusation that Jean Schmidt has "denied" the Armenian genocide for the reasons set forth in paragraphs 8 and 9 of this Complaint. Exhibit 2.

23) I debated Mr. Krikorian on three occasions during the 2008 campaign. In none of those debates did he assert that I had solicited or received $30,000 from Turkish Americans, Turkish people, or Turkish political action committees for being influenced in the performance of my official duties as a Member of Congress regarding Armenian genocide resolutions.

24) I have spoken to Mr. Krikorian face-to-face on 1 occasion in my congressional office. In that meeting he did not accuse me of receiving campaign contributions in return for being influenced in the performance of my official duties as a Member of Congress.

25) Neither Mr. Krikorian nor his agents ever inquired of me, my staff, or my campaign committee as to whether I had made any promises or commitments to being influenced in the performance of my official duties about the Armenian genocide resolution in return for campaign contributions from "Turkish people" or "Turkish government sponsored political action committees."

26) In Mr. Krikorian's email exchanges with Ben LaRocco of my staff, it was related to him that my knowledge of the facts and the currently available evidence had not convinced me of the Armenian genocide claim. Exhibit 5.

Wherefore, Jean Schmidt for Congress requests that the Commission conduct a hearing and issue a finding that David Krikorian violated Ohio Revised Code Section 3517.21(A)(10) during the 2008 general election campaign in the Second Congressional District of Ohio by knowingly making false statements of fact as set forth in this Complaint, to issue a public reprimand, and to grant such other relief that the Commission find just and equitable in the circumstances.

Further affidavit sayeth not.

Jean Schmidt

[Signature]

District of Columbia

On this

personally appeared before me and acknowledged that he/she executed the foregoing instrument.

[Signature]

Maurita P. Hardy

My commission expires October 31, 2011

DKSub_0027

11-6574_0178
IN THE OHIO ELECTIONS COMMISSION

JEAN SCHMIDT
Schmidt for Congress
8280 Montgomery Road, Suite 204
Cincinnati, Ohio 45236

Complainant,

vs.

DAVID KRIKORIAN
8132 Camargo Woods Court
Cincinnati, Ohio 45243-2206

Respondent.

Case No. 2009E-012

COMPLAINT

Jean Schmidt, being first duly sworn, deposes and says as follows:

1. I have represented the Second Congressional District of Ohio in the United States Congress since January 2007.

2. I was a candidate for reelection in 2008.

3. Respondent, David Krikorian, was one of the candidates opposing me in the campaign for member of Congress from Ohio’s Second Congressional District, which was decided at the November 4, 2008, general election.

4. On or about November 2, 2008, as part of his campaign, Respondent David Krikorian drafted and disseminated the letter attached hereto as Exhibit A.

5. Exhibit was designed to influence the result of the election by urging my defeat and by promoting the election of another candidate.

6. Exhibit A contains the following false statement:

   “I ask the people of Ohio’s second congressional district to ask themselves if our Representative should be taking money from a foreign government that is killing our soldiers.”

RECEIVED

JUL 2 1 2009

OHIO ELECTIONS COMMISSION

DKSub_0046
11-6574_0180
7. The above quoted statement is not the only falsehood contained in the attached Exhibit A. Other false statements in the attached Exhibit A, are the subject of pending Ohio Elections Commission Case No. 2006-E-003.

8. The above quoted sentence falsely accuses me, Jean Schmidt, of “taking money from a foreign government that is killing our soldiers”. The context is clear.

9. The above quoted statement is false.

10. David Krikorian either knows that the above quoted statement is false or has made this false statement with reckless disregard of its truth or falsity.

11. Moreover, the sentence immediately following the above quoted statement states that “The linked flyer is being widely distributed across the second district in the last days of this campaign season to expose Jean Schmidt as a betrayer of American history and her Christian faith.” The linked flyer to which Exhibit A refers is attached hereto as Exhibit B. Thus, the recipients of Exhibit A will understand that Jean Schmidt has taken $36,000 in blood money from a foreign government that is killing our soldiers.

10. Neither I nor my Campaign Committee have ever “tak(en) money from a foreign government”, let alone from “a foreign government that is killing our soldiers”.

11. It is a violation of R.C. 3517.21(I)(10) to:

"Post, publish, circulate, distribute, or otherwise disseminate a false statement concerning a candidate, either knowing the same to be false or with reckless disregard of whether it was false or not, if the statement is designed to promote the election, nomination, or defeat of the candidate."

12. David Krikorian has violated R.C. 3517.21(I)(10)
WHEREFORE, Complainant requests that Respondent be found in violation of R.C. 3517.21(B)(10), and that he be appropriately sanctioned.

Further Affiant sayeth nought.

Sworn to before me and subscribed in my presence, this ___ day of July, 2009.

Notary Public

Saundra D. Bean
Notary Public, District of Columbia
My Commission Expires 7/14/2013
EXHIBIT 17
November 13, 2009
Case No. 2009K-003
Schmidt, et al. v. Krikorian
Page 1 of 3

BRUCE FEIN
BRUCE FEIN & ASSOCIATES, INC
1025 CONNECTICUT AVE.
WASHINGTON, DC 20036

Please be advised that on 10/1/2009 after careful consideration of the evidence, the Ohio Elections Commission adopted the following finding(s) in the above referenced matter:

THE COMMISSION ALLOWED THE FOLLOWING STATEMENTS TO BE WITHDRAWN BY THE COMPLAINANT:

1.) "Representative Jean Schmidt has taken $30,000 in blood money to deny the Genocide of Christian Armenians by Muslim Turks.
2.) I demand her [Jean Schmidt] immediate withdrawal from this race and her apology to the people of the United States of America for the crimes she has committed against our American soldiers and humanity by denying the undisputed facts of the Armenian Genocide.
3.) ... Jean Schmidt’s denial of the Armenian Genocide...
4.) ... Jean Schmidt’s insane denial of the Christian Armenian Genocide at the hands of the Muslim Ottoman Empire.
5.) The facts of the Armenian Genocide are universally accepted by nations around the world, prominent scholars and statesmen and 40 U.S. states including Ohio. The only deniers of this great tragedy which led to the Holocaust of the Jews by Nazi Germany are the Turkish Government and certain member of the United States Congress including Jean Schmidt.

THE COMMISSION FOUND NO VIOLATION OF R.C. §3517.21(B)(10) AS TO THE FOLLOWING STATEMENT AS IT RELATES TO THE REFERENCE IN THIS STATEMENT TO THE ASSERTION THAT "Turkish people gave $30,000 TO Jean Schmidt and/or to Schmidt for Congress campaign committee:

8.) This information is public record and can be found on the Federal Elections Commission database at http://www.FEC.gov.

(At this statement references note this report for evidence that Turkish people gave $30,000.)
AN ADMINISTRATIVE DISMISSAL WAS DECLARED AS TO THE STATEMENT:

7.) "Jean Schmidt has taken $30,000 in blood money from Turkish government sponsored political action committees and Turkish people in 2008 in exchange for helping them to cover-up the mass murder of 1.5 million Christians."

THE COMMISSION FOUND A VIOLATION OF R.C. §3517.21(B)(10) BY CLEAR AND CONVINCING EVIDENCE AS TO THE STATEMENT:

5.) "Jean Schmidt has taken $30,000 in blood money from Turkish government sponsored political action committees to deny the slaughter of 1.5 million Armenian men, women and children by the Ottoman Turkish Government during World War I."

THE COMMISSION FOUND A VIOLATION OF R.C. §3517.21(B)(10) BY CLEAR AND CONVINCING EVIDENCE AS TO THE FOLLOWING STATEMENT AS IT RELATES TO THE REFERENCE IN THIS STATEMENT TO THE ASSERTION THAT "Turkish government sponsored political action committees gave $30,000 to Jean Schmidt and to Schmidt for Congress campaign committee":

8.) This information is public record and can be found on the Federal Elections Commission database at [http://www.FEC.gov](http://www.FEC.gov).

AS A PENALTY FOR THE VIOLATIONS FOUND BY THE COMMISSION IN THIS CASE, THE COMMISSION DETERMINED THAT THERE WAS GOOD CAUSE PRESENT NOT TO REFER THE MATTER FOR FURTHER PROSECUTION BUT INSTEAD TO ISSUE A LETTER OF PUBLIC REPRIMAND.

If the decision in this case involves the imposition of a specific fine amount, all fine and filing requirements must be complied with no later than 30 days after the date of this letter. Payment should be made payable and sent to the Ohio Elections Commission at the above address.
If the disposition of this case involves a daily fine amount, you must contact the office in which you file your campaign finance reports and file the required report. In addition, you must file a notarized statement with the Commission in order to have the daily fine reconsidered. The filings and affidavit must be received within 30 days after the date of this letter. All properly notarized affidavits must include a statement above the notary public’s signature that the document was sworn to and subscribed in the presence of the notary public and the date on which it was done.

If the decision in this case does not involve the imposition of a fine, there is no further action required of you by the Commission.

If the decision in this case is adverse to you, this case may be appealed pursuant to Ohio Revised Code §119. A Notice of Appeal must be filed in 15 days. The Notice must be filed with the Commission and also at the Clerk’s office for the Franklin County Court of Common Pleas.

In all cases, please use the OEC Case No. listed at the top of this letter when corresponding with Commission. If you have any question, please feel free to contact the Commission staff at (614) 466-****.

Very truly yours,

Philip C. Richter
Staff Attorney
Ohio Elections Commission  
21 West Broad Street, Suite 600 
Columbus, Ohio 43215 
614-466-7307 
www.state.oh.us/cic

November 13, 2009  
Case No. 20096-012  
Schmidt, et al. v. Krikorian

BRUCE FEIN  
BRUCE FEIN & ASSOCIATES, INC  
1025 CONNECTICUT AVE.  
WASHINGTON, DC 20036

Please be advised that on, 10/1/2009 after careful consideration of the evidence, the Ohio Elections Commission adopted the following finding(s) in the above referenced matter:

THE COMMISSION FOUND A VIOLATION OF R.C. §3517.21(D)(10) BY CLEAR AND CONVINCING EVIDENCE AS TO THE STATEMENT:

"Ask the people of Ohio's second congressional district to ask themselves if our Representative should be taking money from a foreign government that is killing our soldiers?"

AS A PENALTY FOR THE VIOLATION FOUND BY THE COMMISSION IN THIS CASE, THE COMMISSION DETERMINED THAT THERE WAS GOOD CAUSE PRESENT NOT TO REFER THE MATTER FOR FURTHER PROSECUTION BUT INSTEAD TO ISSUE A LETTER OF PUBLIC REMOND.

If the decision in this case involves the imposition of a specific fine amount, all fine and filing requirements must be complied with no later than 30 days after the date of this letter. Payment should be made payable and sent to the Ohio Elections Commission at the above address.

If the disposition of this case involves a daily fine amount, you must contact the office in which you file your campaign finance reports and file the required report. In addition, you must file a notarized statement with the Commission in order to have the daily fine reconsidered. The filings and affidavit must be received within 30 days after the date of this letter. All properly notarized affidavits must include a statement above the notary public's signature that the document was sworn to and subscribed in the presence of the notary public and the date on which it was done.

If the decision in this case does not involve the imposition of a fine, there is no further action required of you by the Commission.

If the decision in this case is adverse to you, this case may be appealed pursuant to Ohio Revised Code §119. A Notice of Appeal must be filed in 15 days. The Notice must be filed with the Commission and also at the Clerk's office for the Franklin County Court of Common Pleas.

In all cases, please see the OEC Case No. listed at the top of this letter when corresponding with Commission. If you have any question, please feel free to contact the Commission staff at (614) 466-7300.

Very truly yours,  
Philip C. Kichter  
Staff Attorney

DKSub_0096  
11-6574_0187
EXHIBIT 18
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Total: $6,011.11
EXHIBIT 19
IN THE COURT OF COMMONPLEAS
OF CLERMONT COUNTY, OHIO

JEAN SCHMIDT
Schmidt for Congress
8280 Montgomery Road, Suite 204
Cincinnati, Ohio 45236

Plaintiff,

v.

DAVID KRIKORIAN
8132 Camargo Woods Court
Cincinnati, Ohio 45243-2206

and

KRIKORIAN FOR CONGRESS
CAMPAIGN COMMITTEE
215 Main Street
Milton, OH, 45150

Defendants.

COMPLAINT

Plaintiff Jean Schmidt hereby files her complaint against Defendants David Krikorian and the Krikorian for Congress campaign committee and alleges as follows:

NATURE OF THE CASE

1. The Complaint alleges causes of action for defamation and seeks compensatory and punitive damages. Defendants' defamatory statements accused Plaintiff, in various respects, of complicity in campaign finance crimes, bribery, perjury, or obstruction of justice. They were published with ill-will or spite towards Plaintiff and with knowledge of their falsity or with reckless disregard of whether they were false or not. Defendants are serial defamers in the political domain, which justifies a stiff deterrent in punitive damages to prevent chronic contamination of the electoral process.
JURISDICTION AND VENUE

2. The court enjoys subject matter jurisdiction over these tort actions under R.C. Chapter 2305.01. Venue is proper in Clermont County under Civil Rule 3(B)(3) and (6) because it is where Defendants conducted activity which gave rise to Plaintiff's claims for relief or where all or part of the claims for relief arose.

PARTIES

3. Plaintiff, Jean Schmidt, was a political trailblazer as the first woman to represent southern Ohio in the U.S. House of Representatives. She holds a B.A. in Political Science from the University of Cincinnati. Plaintiff Schmidt has dedicated over 35 years to laboring for the Clermont county Republican Party. Before entering national politics, Plaintiff served for eleven years as a township trustee and for five years in the Ohio House of Representatives. She has been a Member of Congress representing the second district of Ohio in the House of Representatives since she triumphed in a special election in 2005. Plaintiff Schmidt defeated Defendant Krikorian, then an independent, in the 2008 congressional election. She is a candidate again in 2010, seeking a fourth term in Congress. She is a member of the Republican Party.

4. Defendant, David Krikorian, is either the current or former managing member of Parody Productions, LLC, a Cincinnati based producer and distributor of novelty playing cards. In 2009, the Ohio Elections Commission voted to publicly reprimand Defendant Krikorian for malicious falsehoods he published about the Plaintiff on the eve of the 2008 election. He is a senior member and former Chairman of the Armenian National Committee of Ohio, a local branch of the Armenian National Committee of America (ANCA). It is the United States arm of the Armenian Revolutionary Federation, a foreign political party based in the Republic of
Armenia and which also holds seats in the national assembly of Lebanon. Krikorian currently resides at 8132 Camargowoods Ct., Cincinnati, Ohio 45243.

5. During the Ohio Elections Commission hearings in 2009, Defendant David Krikorian acknowledged that he is responsible for the actions of the campaign committee entitled “Krikorian for Congress,” a Co-Defendant in this case. During Defendant’s 2010 campaign, “Krikorian for Congress” was headquartered at 215 Main Street, Milford, OH, 45150. Its treasurer is Nathan Bailey. Hereinafter, Defendant David Krikorian and Krikorian for Congress shall be referred to together as “the Defendant.”

**BACKGROUND**

6. Most Americans of Armenian ancestry take pride in their heritage without disparaging those of other national or ethnic backgrounds. However, certain hate groups have assumed the terms “Armenian” and “Armenian American” in a way that is unrepresentative of the character of most Americans of Armenian ancestry. These self-styled Armenian American leaders and organizations have a long history of accusing any person who declines to endorse the thesis that the W. Armenian tragedy during World War I constitutes the crime of genocide of being a paid dupe of the Government of Turkey or complicit in the alleged genocide itself.

7. Most Armenian Americans do not intimidate, harass, threaten, or resort to violence against persons, organizations, or countries that dispute the Armenian genocide thesis. Nothing in this Complaint is intended to malign or cast aspersions on Armenian Americans as a group or to attribute to them the conduct and character of the hate groups and terrorist organizations that have chosen to label themselves “Armenian” or “Armenian American”.

8. Two prominent Armenian terrorist organizations, the Armenian Secret Army for the Liberation of Armenia (“ASALA”) and the Justice Commandos of the Armenian Genocide
("JCAG"), the former still extant in Lebanon, were labeled by the FBI as the most dangerous terrorist organizations in the United States in the 1970s and 1980s. They have committed scores of terrorist acts on U.S. soil against Turkish officials, persons of Turkish descent, and persons whom they believed disputed their one-dimensional understanding of Turkish Armenian history. ASALA and JCAG are responsible for 16 killings in North America, including five Turkish diplomats, one law enforcement officer, and ten civilians. Even U.C.L.A. Professor Stanford Shaw's home was firebombed in retaliation for his academic research on the issue.

9. Other, less violent, hate groups and hate group adherents have used different types of intimidation tactics to achieve their goals, including character assassination.

10. The first time Defendant Krikorian met Plaintiff Schmidt was in Plaintiff's congressional offices, prior to the 2008 election cycle. Defendant Krikorian demanded that Plaintiff Schmidt become a co-sponsor of a resolution condemning the government of Turkey and branding as "genocide" the war crimes committed in the Ottoman Empire a century ago. When Plaintiff Schmidt declined to immediately become a sponsor of such a resolution and said she that she would need to study the issue first, Defendant Krikorian began screaming at her, calling her names, and threatening to ruin her politically. The interview ended soon thereafter.

11. During the 2008 election cycle, Defendant Krikorian ran against Schmidt and Democratic nominee Victoria Wulsin, as an Independent and as a self-styled Reagan conservative. He placed third in the contest.

12. On the eve of the 2008 general election, Defendants publicly disseminated materials accusing Plaintiff Schmidt of being a paid dupe, which she is not. These campaign materials falsely accused Plaintiff Schmidt of taking money from the Turkish Government and from Turkish Government political action committees to deny the Armenian holocaust, and
falsely stated that this information was a matter of public record on the Federal Elections Commission’s website.

13. Plaintiff Schmidt bravely held her ground and refused to be intimidated into co-sponsoring the anti-Turkey resolution despite Mr. Krikorian’s threats and despite her knowledge of the history of terrorism by certain self-styled Armenian groups in the United States.

14. In October 2009, the Ohio Elections Commission found that Defendant Krikorian had lied about Plaintiff Schmidt and voted to issue three public reprimands to Defendant Krikorian for the malicious falsehoods that he published about Plaintiff Jean Schmidt on the eve of the 2008 election.

15. After the 2008 election, Defendant Krikorian became a member of the Democratic Party and entered the 2010 race for the seat held by Representative Schmidt. During his 2010 primary campaign, Defendant Krikorian was censured by state and local leaders of his own party for making disparaging comments about the Asian-Indian name of his opponent, Mr. Yalamanchili. On May 4, 2010, Defendant Krikorian was defeated in the 2010 Democratic Primary by Surya Yalamanchili.

STATEMENT OF FACTS

16. In 2009, Plaintiff filed two complaints against Defendant David Krikorian before the Ohio Elections Commission for several counts of malicious false statements about Plaintiff intended to influence the outcome of the 2008 election for the second congressional district of Ohio under Ohio Revised Code 3517.21(B)(10). On the eve of ballots in November 2008, Defendant distributed a flyer and an attached letter to voters in his district containing the following statements with factual connotations: (a) Jean Schmidt has taken $30,000 in blood money from Turkish government sponsored political action committees to deny the slaughter of
1.5 million Armenian men, women and children by the Ottoman Turkish Government during World War I (Schmidt v. Krikorian, OEC 2008E-003, 591-606); (b) This information (Turkish government sponsored political action committees gave $30,000 to Jean Schmidt or the Schmidt for Congress campaign committee) is public record and can be found on the FEC database at http://www.FEC.gov (Schmidt v. Krikorian, OEC 2008E-003, 615-624); and, (c) I ask the people of Ohio’s second district to ask themselves if our Representative should be taking money from a foreign government [Turkey] that is killing our soldiers (Schmidt v. Krikorian, OEC 2008E-012, 627-630).

17. On October 1, 2009, The Ohio Elections Commission ruled that the three allegations referred to above were false according to clear and convincing evidence; and, that Defendant Krikorian either knew they were false or acted with reckless disregard of whether they were false or not when he published them. (Schmidt v. Krikorian, OEC 2008E-003, 2008E-012, 606, 627, 630). The Ohio Elections Commission determined that Defendant Krikorian had knowingly lied about Plaintiff Schmidt in his effort to defeat her in the election, in violation of Ohio’s election laws. The Ohio Elections Commission voted to issue letters of reprimand to Defendant Krikorian for making these false statements of fact as reflected in Exhibits 1 and 2 attached hereto.

18. Defendant Krikorian appealed the Ohio Election Commission’s decision. The appeals were dismissed, making the OEC’s rulings final judgments, which trigger the doctrines of res judicata and collateral estoppel.

19. The respective chairmen of the Democratic Party chapters in Hamilton and Clermont counties recently publicly condemned Defendant Krikorian’s patent racial or ethnic bigotry. According to published reports, Krikorian pejoratively commented about Surya
Yalamanchili, his then opponent in the 2010 Democratic Primary campaign, before a veterans group in Clermont County. He uttered words to the effect that anyone with a name like that was unselectable. The two chairmen reacted with a letter characterizing the remark as "at best insensitive and at worst ... racist." They proclaimed their agreement with the views of Republican Party Plaintiff Schmidt: "[W]e have heard from several sources that you have made fun of Surya Yalamanchili's name. Now, for once, we find ourselves in agreement with the comments of Jean Schmidt in the comments she makes in the attached letter. Like you, Surya has put great energy into his campaign, and like you, he has won many friends along the way. It is deeply disturbing to us that you would use his name, which is obviously derived from his ethnic heritage, against him in a denigrating manner, especially given how strongly you value and celebrate your own heritage."

20. Plaintiff Schmidt earlier expressed her views on Defendant's sneering at Mr. Yalamanchili's name and ancestry in a separate letter to Defendant. She wrote: "The purpose of this letter is to give you fair warning that I will not stand by and allow you to use racism to smear your opponent's name as was reported to me by those attending a recent speech you gave. I was recently presented a report on a presentation you made to a veteran's group in Clermont County. Your remarks there were offensive to all who find even the hint of racism appalling. During your presentation you referred to your opponent repeatedly by dramatically and phonetically pronouncing his name. Poking fun at his heritage was appalling enough but your next comment was way over the line. You stated, according to those veterans present, 'Now do you really thing a guy with a name like that has a chance at ever being elected?' Mr. Krikorian, I do not think that the residents of Ohio's Second Congressional District are racists. I am shocked by your behavior. Further, I will not allow your prejudice to go unanswered. You owe Mr. Yalamanchili
and the Indian-American community an apology. Though I doubt that one is forthcoming given your history. Please conduct yourself in a manner fitting the office you seek. Racism has no place in the debate, period. Please be assured that I will continue to speak up about such conduct should it continue. I know you are new to the Democratic Party but I would venture to guess that such behavior will be particularly offensive.”

21. When MSNBC’s liberal commentator Keith Olbermann named Defendant Krikorian “the worst person in the world” for this behavior on April 30, 2010, Defendant resorted to his soundtrack that his detractors are invariably financially compromised. Yalamsanchili had been employed as a brand manager at Procter & Gamble, Inc. Krikorian had seen an ad paid for by Procter & Gamble, Inc. during Mr. Olbermann’s Countdown show. Defendant instantly charged: “Keith Olbermann is a buffoon for not checking his sources, for not even bothering to check. But here’s one thing I will state for the record: Last night’s program was sponsored by Procter & Gamble’s Oil of Olay brand, which is the exact brand that Surya Yalamsanchili worked for. So how did they cover that story last night? Because I’m sure that Keith Olbermann is not reading the Cincinnati press. So our folks think that the Oil of Olay brand people – Procter and Gamble in particular – were advancing their former employee. And that’s how it got in there. [...] I think [Olbermann] was reading from his script. So somehow that got put in there. And how did it get put in there? Well, look at the relationship between the story and the show’s sponsor. I think it’s pretty clear how it got in there.”

22. Mr. Olbermann responded: “To flesh this out a bit: a) no advertiser “sponsors” the show. We have commercials, but b) I don’t even see the ads on the show in the studio. We could be sponsored by Crosley Radio and I wouldn’t know. And c) we checked – which

\[1\] Interview with John Wellington Ennis on http://thinkprogress.org/2010/05/03/krikorian-conspiracy/.
evidently Mr. Krikorian didn’t know -- and we ran no Olay ads on Friday, none from Procter & Gamble. A caveat: local cable operators do get a few minutes an hour to sell. It’s possible somewhere on Friday an Olay of Olay spot ran during Countdown in a given city. But those spots usually go to smaller advertisers, and even if they don’t, we aren’t told about them, would never know who they were, and get no money from them.” He later added: “OK, now I’m told by an online viewer that P&G ads popped up before the show content on-line.”

23. Defendant Krikorian has publicly declared his passion to promote United States and international acceptance of the thesis that “genocide of Christian Armenians by Muslim Turks” occurred in 1915. Defendant perceives any disserter from his view as a morally bankrupt enemy. Each of the malicious defamatory false statements published by Defendant about Plaintiff and chronicled below were born of these twin motivations.

24. The criminal and defamatory accusations that Defendant Krikorian has serially leveled against Plaintiff Schmidt are part of a larger endeavor to resort to violence, accusations of crime, or intimidation against persons who challenge any part of their thesis. The endeavor is led in large measure by the Armenian National Committee of America (“ANCA”). Defendant Krikorian has recently served as the chairman of the ANCA’s Ohio branch, where he remains a senior member.

25. ANCA’s apologia for Armenian terrorism under the banner of the Genocide thesis finds its high water mark in former ANCA Chairman Mourad Topalian. In 1999, the United States indicted Topalian, then an Ohio resident, for terrorist-linked hate crimes. He allegedly possessed machine guns and stored more than 100 pounds of high explosives near a gasoline station adjacent to a day care center in Bedford, Ohio. His indictment connected him to four

2 Available at http://cincinnati.com/blogs/politics/2010/05/03/krikorian-reemed-worst-person/
terrorist attacks in the United States: the bombing of the Turkish Mission at the United Nations Plaza on October 12, 1980; the bombing at the Turkish Consulate in Beverly Hills on November 20, 1981; and, both the attempted bombing of the offices of the Honorary Turkish Consul General in Philadelphia and his assassination on October 22, 1982. The indictment also charged Topalian with training Armenian youths at a summer camp in the use of submachine guns and exploding booby traps, stealing munitions, and dispatching individuals to Beirut for training with international terrorists.

26. After Topalian pled guilty to several of the above charges, including those related to the storage of weapons and unstable explosives in Bedford, ANCA-Western Region laurelled him with a "Freedom Award" for his dedication to advancing the Armenian Cause. At the September 24, 2000 banquet in his honor, the master of ceremonies declared, "For more than three decades, Mourn Topalian has been one of the most active, visible, and consistent public advocates for the Armenian Cause. Against powerful opposition and at great personal sacrifice, he has advanced the cause of liberty and justice for the Armenian nation and championed the increased involvement of Armenian Americans in the American political process." Some ten weeks later, the late U.S. District Judge Ann Aldrich, N.D. Ohio, sentenced him to 37 months imprisonment.

27. Defendant Krikorian has tactfully defended or excused Mourn Topalian by his failure to speak out against him, just as silence by Muslim leaders in the United States after the attacks of 9/11 would indicate acquiescence or endorsement of the terrorist abomination. Defendant Krikorian has never voiced disapproval of Mourn Topalian or of

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terrorism undertaken to bring publicity or avenge the alleged historical grievance of the Armenian people.

28. Defendant Krikorian served as chairman of ANCA's Ohio branch until his entry into politics and remains a senior ANCA member. ANCA published an effusive statement of political support for Defendant on May 6, 2010. Among other things, ANCA's press release stated:

Armenian American Congressional Candidate David Krikorian - a staunch advocate of first amendment speech and an outspoken opponent of genocide denial - garnered 38% of the Democratic primary vote in Ohio's second district - succumbing to baseless attacks by Republican incumbent Rep. Jean Schmidt and Democratic opponents, levied just days prior to the primary vote, reported the Armenian National Committee of America (ANCA).

"David's commitment to running a positive, grassroots campaign reflecting the views and values of Ohio's 2nd Congressional district were met with incumbent Armenian Genocide denier - Rep. Jean Schmidt's false accusations and political scheming - designed to knock out her toughest Democratic opponent from the November general elections," said ANCA Eastern Region Chairman, Steve Mesrobian. "Local Democratic Party leaders followed Schmidt's disinformation campaign in lockstep and in the process did a grave disservice to Ohio 2nd district voters."

Rep. Schmidt, a perennial dueling of the Turkish lobby for her opposition to Congressional legislation affirming the Armenian Genocide, has consistently targeted Krikorian - most notably bringing charges before the Ohio Election Commission in 2009 to cover up references to Turkish American campaign contributions ostensibly submitted in return for her denial of the Armenian Genocide. . . .

29. Plaintiff Schmidt's prior complaints and the three public reprimands issued to Defendant Krikorian by the Ohio Elections Commission in the resolution of cases OEC 2009E-

003 and OEC 2009E-012 were insufficient to deter his implacable campaign of defamation against Plaintiff.

30. On July 2, 2009, Asbarez.com, the online version of the Asbarez newspaper, the self-described official publication of the Armenian Revolutionary Federation of the Western United Central Committee, published an interview with Defendant Krikorian in an article entitled, "Geragos to Represent David Krikorian Against Genocide Denier." The interviewer asked Defendant Krikorian about his accusations against Plaintiff Schmidt during the 2008 congressional campaign. Defendant Krikorian asserted as fact, among other things, that "Sho's [Jean Schmidt is] threatened by my campaign and is using the OEC [Ohio Elections Commission] to hide her positions and hide who's funding her campaigns." Defendant Krikorian also asserted as fact "Just like she [Jean Schmidt] voted to bailout Wall Street while accepting thousands of dollars from the banking industry, she continues to deny genocide while accepting money from Turkish interest PACs."

31. The statements referenced in paragraph 30 assert or imply the following acts of moral turpitude or crimes that can be proven true or false: (a) that Plaintiff has hidden and continues to hide the sources of her campaign funding in violation of the Federal Elections Campaign Act, 2 U.S.C. 434, 441e, 441f, 437g(d); (b) that Plaintiff has knowingly accepted money from a political action committee funded by Turkish nationals in violation of federal campaign finance laws, 2 U.S.C. 441e, 441f, 437g(d); and, (c) that Plaintiff has accepted bribes in the form of campaign contributions from Wall Street and Turkish interest PACs in exchange for official acts in violation of 18 U.S.C. 201(b)(2).

32. The statements referenced in paragraph 30, individually and taken in the context of the entire interview published by Askareez.com on July 2, 2009, are defamatory because they falsely impugn to the Plaintiff corruption, deceit and the commission of criminal offenses in a manner intended to ruin the reputation and esteem of Plaintiff professionally and personally. They were factual assertions published by Defendant with ill-will or spite towards Plaintiff, and with knowledge of their falsity or with a reckless disregard of whether they were false or not.

33. During the interview published on July 2, 2009, by Askareez.com, Defendant Krikorian further declared: "I stand by everything my campaign did during the 2008 election."

34. By making the statement referenced in paragraph 33, Defendant Krikorian republished the factual assertions already deemed false and made with knowledge of their falsity or with a reckless disregard of whether they were false or not by the Ohio Elections Commission in 2009 under Ohio Revised Code 3517.21(B)(10). The OEC concluded that the following three assertions were published by Defendant with knowledge of their falsity or with a reckless disregard for whether they were false or not by clear and convincing evidence: (a) Jean Schmidt has taken $30,000 in blood money from Turkish government sponsored political action committees to deny the slaughter of 1.5 million Armenian men, women and children by the Ottoman Turkish Government during World War I (Schmidt v. Krikorian, OEC 2009E-003, 591-606); (b) This information (Turkish government sponsored political action committees gave $30,000 to Jean Schmidt and/or to the Schmidt for Congress campaign committee) is public record and can be found in the FEC database at http://www.FEC.gov (Schmidt v. Krikorian, OEC 2009E-003, 615-628); and, (c) I ask the people of Ohio's second congressional district to ask themselves if our Representative should be taking money from a foreign government that is killing our soldiers (Schmidt v. Krikorian, OEC 2009E-012, 627-630). Krikorian's appeals of
the OEC's verdicts have been dismissed, and the verdicts are now final and definitive adjudications to be given collateral estoppel effect in this litigation regarding the falsity of the statements and their publication with knowledge of their falsity or with reckless disregard of whether they were false or not. See Exhibits 1 and 2 attached hereto.

35. The statement referenced in paragraph 33 is defamatory because it accuses Plaintiff Schmidt of violations of 2 U.S.C. 434, 441c, 441f, 437g(d), 5 U.S.C. 7342(b), and the Emoluments Clause of the United States Constitution, Article I, section 9, clause 8.

36. The allegations made by Defendant in 2008 were intended exclusively for voters in the second district of Ohio. The readership of Asbarez.com, however, is not confined to residents of a specific geographical location. By reiterating his three intentional lies about Plaintiff to the readers of Asbarez.com, Defendant effectively republished them before the entirety of the English-speaking world. The statement referenced in paragraph 33 independently damaged Plaintiff's reputation, and was understood by its readers to incorporate, among other things, the three intentional defamatory lies Krikorian had made about Schmidt adjudicated by the OEC in 2009.

37. During an August 27, 2009 interview published by The Armenian Reporter online newspaper in an article entitled "In congressional run, David Krikorian is banking on the people: Says he's 'underwhelmed' with Armenian-American support so far,"7 Defendant Krikorian spoke out again against Plaintiff Schmidt, making two more defamatory allegations that can be proven true or false with knowledge of their falsity or with reckless disregard of whether they were false or not and with ill-will or spite towards Plaintiff.

38. Defendant Krikorian said: "What I can't call [the funds Rep. Schmidt received from Turkish interests], some $29,500, "blood money"? Of course it is "blood money"! You have got a representative who is taking money from a foreign lobby. Schmidt said in her deposition that she had no idea why she was the largest recipient of money from the Turkish lobby, just think how stupid that sounds." Defendant Krikorian also asserted as fact that: "...the Turkish government in behind those contributions and it is my right to feel that way and it is my right to say so."

39. The statements referenced in paragraph 38 are defamatory because they accuse Plaintiff Schmidt of the following acts of moral turpitude or crime: (a) that Plaintiff accepted campaign funding from the Turkish government in criminal violation of 2 U.S.C. 441e, 437g(d); (b) that Plaintiff has hidden and continues to conceal the source of campaign contributions in criminal violation of the Federal Elections Campaign Act, 2 U.S.C. 434, 441f, 437g(d); (c) that Plaintiff is guilty of accepting money in exchange for an official act in criminal violation of 18 U.S.C. 201(b)(2), and (d) that Plaintiff is guilty of perjury under Ohio Revised Code section 2921.11.

40. The statements referenced in paragraph 38 impugn to Plaintiff Schmidt corruption, fraud, and the commission of criminal acts in a manner intended to ruin the reputation and esteem of Plaintiff professionally and personally. They are factual assertions, published by Defendant with ill-will or spite towards Plaintiff and with knowledge of their falsity or with reckless disregard of whether they were false or not.

41. In his interview with The Armenian Reporter published on August 27, 2009, Defendant Krikorian also asserted as fact that: "...Schmidt is bought and paid for by the Turkish lobby and people don't like it when their representatives sell out like that."
42. In the statement referenced in paragraph 41, Defendant Krikorian accuses Plaintiff Schmidt of accepting money in exchange for official acts in violation of 18 U.S.C. 201(b)(2).

43. The statement referenced in paragraph 41 is defamatory because it imputes to Plaintiff Schmidt corruption and the commission of criminal acts in a manner intended to ruin the reputation and esteem of Plaintiff professionally and personally. It is a factual assertion, published with ill-will and spite towards Plaintiff and with knowledge of its falsity or with reckless disregard of whether it was false or not.

44. An interview with Defendant Krikorian published by The Armenian Mirror-Spectator on August 28, 2009¹, contains two more defamatory statements. Defendant Krikorian asserted as fact, among other things, with regard to Schmidt’s deposition under oath in the pending case of Schmidt v. Krikorian before the OEC, that “she (Plaintiff Schmidt) suggested that she had no idea that she was the leading recipient of Turkish lobby money in ’08… She said that she never spoke of the Armenian Genocide resolution at any of the Turkish lobby fundraisers held on her behalf, which from my perspective is laughable… She’s a liar; she’s not credible. I think it’s obvious that two weeks after receiving $11,000 of Turkish lobby money she joins the Turkish caucus —— and claims there’s no quid pro quo. She’s an embarrassment to the district and to the country.”

45. The statements referenced in paragraph 44 contain the assertion that can be proven true or false that Plaintiff Schmidt accepted bribes and illegal campaign contributions from the Turkish government in violation of 18 U.S.C. 201(b)(2) and 2 U.S.C. 441e, 437g(d);

¹ This is available at http://www.armenianspectator.com/?p=1710.
and that she committed perjury and obstruction of justice in her deposition in Schmidt v. Krikorian in violation of Ohio Revised Code sections 2921.11 and 2921.32.

46. The statements referenced in paragraph 44 assert or imply the following acts of moral turpitude or crimes: (a) that Plaintiff has intentionally concealed the source of campaign contributions in criminal violation of the Federal Elections Campaign Act, 2 U.S.C. 434, 441f, 437g(f); (b) that Plaintiff has accepted bribes, a criminal offense under 18 U.S.C. 201(b)(2); (c) that Schmidt perjured herself and obstructed justice in her deposition in Schmidt v. Krikorian in violation of Ohio Revised Code sections 2921.11 and 2921.32; and, (d) that due to Plaintiff's alleged criminality, Plaintiff is a shameless human being unfit for public office.

47. The statements referenced in paragraph 44 are defamatory because they impute to Plaintiff Schmidt corruption, fraud, and the commission of criminal acts in a manner intended to ruin the reputation and esteem of Plaintiff professionally and personally. They are factual assertions, published by Defendant with ill-will or spite towards Plaintiff and with knowledge of their falsity or a reckless disregard for whether they were false or not.

48. In his interview with The Armenian Mirror-Spectator published on August 28, 2009, Defendant Krikorian also asserted as fact: "She was basically programmed by the Turkish lobby for that sworn deposition and it's a shame to see a sitting congressional representative act in the way she acted yesterday."

49. The statement referenced in paragraph 48 accuses Plaintiff Schmidt of perjury and obstruction of justice as a puppet of the Turkish lobby in violation of Ohio Revised Code sections 2921.11 and 2921.32.

50. The statement referenced in paragraph 48 is defamatory because it imputes to Plaintiff acts of deceit, corruption, and criminality. It is a factual assertion made by Defendant.
with ill-will or spite towards Plaintiff and with knowledge of its falsity or a reckless disregard for whether it was true or false.

51. In a televised interview with Armenian-American activist Peter Mansurian (a partisan journalist for Horizon Armenian Television and Director of the ANCA-Western Region Board of Directors) in September of 2009, Defendant Krikorian asserted as fact, among other things, the following: "I stand by the statements that I made, that my opponent in the last election, the current representative of Ohio's second congressional district, is a paid puppet of the Turkish government involved in their denial campaign to suppress the truth about the Armenian genocide."

52. The statement of fact that can be proven true or false referenced in paragraph 51 is that Plaintiff receives money from the Government of Turkey in exchange for official acts regarding the perennial Armenian genocide resolutions introduced in the U.S. Congress. The statement is defamatory because it accuses Plaintiff of bribery in violation of 18 U.S.C. 201(b)(2) and of illegal receipt of money from a foreign government in violation of the Emoluments Clause of the Constitution and 5 U.S.C. 7342(b).

53. The statement referenced in paragraph 51 was published by Defendant with ill-will or spite towards Plaintiff and with knowledge of its falsity or with reckless disregard of whether it was false or not.

54. The harm that the online publication of such a pernicious accusation can inflict upon the reputation of Plaintiff is both obvious and difficult to overcome. At present, over 11,000 viewers have accessed this video on Youtube.com alone. The video is nearly impossible to remove from circulation.

5 Available at http://www.youtube.com/watch?v=En7thLV46IA&feature=related
55. Neither Defendant Krikorian nor any member of Krikorian for Congress had ever inquired of Plaintiff Schmidt, her staff, or her campaign committee as to the truth of Krikorian's accusations of criminality or otherwise. See paragraph 25 of the attached Exhibit 3.

56. Plaintiff Schmidt has never "denied" that the Ottoman Armenian tragedy during World War I might constitute the crime of genocide. Her position as a Member of Congress has consistently been that the subject is not a fit question for Congress; and, that based on her knowledge of the historical record she cannot, at present, characterize the tragic events of 1915 in World War I as an Armenian "genocide," which has a very strict legal meaning under the Genocide Convention of 1948 and the U.S. criminal code, 18 U.S.C. 1091. As a member of Congress, she has never voted on a resolution calling these historical events genocide. She supports the formation of an international independent commission of experts to resolve the matter definitively. See Exhibit 3, paragraph 8; Exhibit 4, page 1.

57. Plaintiff Schmidt has never accepted anything of value in return for the performance of an official act (or the choice not take an official action), which would be a federal crime under 18 U.S.C. 201(b)(2). See Exhibit 4, paragraphs 5 & 14; Exhibit 4, pages 1-3.

58. It would be a crime under federal law for the Turkish government (or any foreign national) to fund a political action committee that made donations to a federal candidate seeking election to Congress, among other federal offices. 2 U.S.C. 437 (g)(6), 441c.

59. It would be a crime under federal law for Turkish people to make contributions to federal political campaigns for Congress, among other federal offices, if the donor were not an American citizen or permanent resident alien. 2 U.S.C. 437 (g)(4), 441c(b).

60. The defamatory statements enumerated herein are individually and collectively ruinous to Plaintiff professionally, locally, nationally, and abroad. They have each proximately
caused Plaintiff general and special damages in the form of permanent and irreparable injury to her reputation.

61. As a direct and proximate result of the defamatory remarks published by Defendant Kirkorian, many Ohio citizens were led to believe that Plaintiff Schmidt was guilty of criminally accepting campaign contributions from a foreign government, that she was guilty of bribery, perjury and obstruction of justice, and that her loyalty was to the Republic of Turkey in lieu of the United States. Plaintiff Schmidt's public image has been irreparably damaged.

62. As a direct and proximate result of the defamatory remarks published by Defendant referenced in this complaint, Plaintiff Schmidt is now disliked by many who feel as strongly about the genocidal interpretation of Ottoman Armenian history as does Defendant Kirkorian, as well as by those who now believe that she took money from instrumentalties of the Turkish government as a quid pro quo. Defendant's defamatory statements have proximately caused Plaintiff stress, emotional distress, and mental pain and suffering.

63. The statements referenced herein stigmatize the Plaintiff as being guilty of crimes of moral turpitude and disloyalty to the United States. They have diminished and will continue to diminish her opportunities to speak, to write, to publish, to be interviewed, and to influence public opinion and views on United States-Turkey relations and the history of Ottoman Armenians.

64. Defendants made the statements referenced herein with actual malice and wrongful and willful intent to harm the Plaintiff. The statements were made with reckless disregard for their truth or falsity or with knowledge of their falsity and with wanton and reckless disregard of the reputation and rights of the Plaintiff. Defendants lacked reasonable ground for
making the statements enumerated herein. Indeed, Defendants knew their statements were lies when they made them.

65. Plaintiff Schmidt is entitled to punitive damages in order to deter the use of intentionally false criminal accusations against candidates to mislead the electorate and to inhibit or confound full and fair debate about Ottoman Armenian history both in and out of Congress.

The United States Supreme Court elaborated on the evils of intentional lies to the democratic process in *Garrison v. Louisiana*, 379 U.S. 64, 75 (1964):

> Although honest utterance, even if inaccurate, may further the fruitful exercise of the right of free speech, it does not follow that the lie, knowingly and deliberately published about a public official, should enjoy a like immunity. At the time the First Amendment was adopted, as today, there were those unscrupulous enough and skillful enough to use the deliberate or reckless falsehood as an effective political tool to unseat the public servant or even topple an administration. Cf. Riseman, Democracy and Defamation: Fair Game and Fair Comment I, 42 Col. L. Rev. 1085, 1088-1111 (1942). That speech is used as a tool for political ends does not automatically bring it under the protective mantle of the Constitution. For the use of the known lie as a tool is at once at odds with the premises of democratic government and with the orderly manner in which economic, social, or political change is to be effected. Calculated falsehood falls into that class of utterances which "are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality..." *Chaplinsky v. New Hampshire*, 315 U.S. 568, 572.

66. Krikorian's impenitence after receiving three reprimands from the OEC for intentional lies about Plaintiff is transparent. He has unsuccessfully brought suit in the United States District Court for the Southern District of Ohio seeking a legal sanction to continue to defame Plaintiff with intentional lies. *David Krikorian v. Ohio Elections Commission et al.*, Case No. 1:10-cv-00103, (attempting to argue that the First Amendment provides a blanket immunity for all speech during a political campaign). Punitive damages are imperative to deter
Defendant from continuing to harass, intimidate, and vex Plaintiff with knowing falsehoods to the detriment of Plaintiff, the democratic process and the voters of Ohio.

COUNT I — DEFAMATION PER SE

67. Plaintiff incorporates by reference into this count the preceding allegations of this complaint.

68. During the interview published on July 2, 2009, Defendant Krikorian asserted as fact: “She’s [Jean Schmidt is] threatened by my campaign and is using the OEC to hide her positions and hide who’s funding her campaigns.”

69. It can be proven true or false whether Plaintiff has hidden the sources of her campaign contributions. Defendant’s statement accuses Plaintiff of criminality in violation of the Federal Elections Campaign Act, 2 U.S.C. 434, 441f, 437g(f). The statement was published with ill-will or spite towards Plaintiff and with knowledge of its falsity or with a reckless disregard for whether it was false or not.

70. The publication of this statement caused general and special damages to the Plaintiff. Defendants knew, anticipated, foresaw, and intended that the statement would be read by persons throughout the United States and the world and would damage the reputation of the Plaintiff. The statement has adversely affected the Plaintiff’s professional credibility, speaking, writing, interview, media, and fund-raising opportunities, causing Plaintiff Schmidt psychological trauma and suffering and monetary losses.

COUNT II — DEFAMATION PER SE

71. Plaintiff incorporates by reference into this count the preceding allegations of this complaint.
72. During the interview published on July 2, 2009, Defendant Krikorian asserted as fact: “Just like she (Jean Schmidt) voted to bailout Wall Street while accepting thousands of dollars from the banking industry, she (Jean Schmidt) continues to deny genocide while accepting money from Turkish interest PACs.”

73. Defendant’s statement accuses Plaintiff of knowingly accepting money from a political action committee funded by Turkish nationals in violation of federal campaign finance laws, 2 U.S.C. 441(e)(1)(C); and, of accepting bribes in the form of campaign contributions from Wall Street and Turkish interest PACs in exchange for official acts in violation of 18 U.S.C. 201(b)(2).

74. This statement was published by Defendant with ill-will or spite towards Plaintiff and with knowledge of its falsity or with reckless disregard for whether it was false or not.

75. The publication of this statement caused general and special damages to the Plaintiff. Defendants knew, anticipated, foresaw, and intended that the statement would be read by persons throughout the United States and the world and would damage the reputation of the Plaintiff. The statement has adversely affected the Plaintiff’s professional credibility, speaking, writing, interview, media, and fund-raising opportunities, causing Plaintiff Schmidt psychological trauma and suffering and monetary losses.

**COUNT II: DEFAMATION PER SE**

76. Plaintiff incorporates by reference into this count the preceding allegations of this complaint.

77. During the interview published on July 2, 2009, by Arsalrez.com, Defendant Krikorian declared: “I stand by everything my campaign did during the 2008 election.”
78. By making this statement, Defendant republished the factual assertions already deemed false and made with knowledge of their falsity or with reckless disregard of whether they were false or not by the Ohio Elections Commission in 2009 under Ohio Revised Code 3517.21(B)(10). The OEC concluded that the following three statements had factual connotations and were published by Defendant with knowledge of their falsity or with a reckless disregard for whether they were false or not by clear and convincing evidence: (a) Jean Schmidt has taken $30,000 in blood money from Turkish government sponsored political action committees to deny the slaughter of 1.5 million Armenian men, women and children by the Ottoman Turkish Government during World War I (Schmidt v. Krikorian, OEC 2009E-003, 591-606); (b) This information (Turkish government sponsored political action committees gave $30,000 to Jean Schmidt and/or to the Schmidt for Congress campaign committee) is public record and can be found on the FEC database at http://www.FEC.gov (Schmidt v. Krikorian, OEC 2009E-003, 615-628); and, (c) I ask the people of Ohio’s second congressional district to ask themselves if our Representative should be taking money from a foreign government that is killing our soldiers (Schmidt v. Krikorian, OEC 2009E-012, 621–630). See the attached Exhibits 1 and 2.

79. Krikorian’s appeals of the OEC’s verdicts have been dismissed, and the verdicts are now final and definitive adjudications to be given collateral estoppel effect in this litigation as to the falsity of Defendant’s allegations and their publication with malice.

80. The statement referenced in paragraph 77, in context, accuses Schmidt of taking money from a foreign government in violation of 5 U.S.C. 7342(b) and the Emoluments Clause of the U.S. Constitution, Article I, section 9, clause 8; of bribery in violation of 18 U.S.C. 201(b)(2); and, of receiving illegal campaign contributions in violation of 2 U.S.C. 441e,
437g(d). These accusations of crime against Plaintiff were published with ill-will or spite toward Plaintiff and with knowledge of their falsity or with reckless disregard of whether they were false or not.

81. The publication of the statements caused general and special damages to the Plaintiff. Defendants knew, anticipated, foresaw, and intended that the statements would be read by persons throughout the United States and the world and would damage the reputation of the Plaintiff. The statements have adversely affected the Plaintiff's professional credibility, speaking, writing, interview, media, and fund-raising opportunities, causing Plaintiff Schmidt psychological trauma and suffering and monetary losses.

COUNT IV – DEFAMATION PER SE

82. Plaintiff incorporates by reference into this count the preceding allegations of this complaint.

83. During an August 27, 2009 interview published by The Armenian Reporter in an article entitled "In congressional run, David Krikorian is banking on the people: Says he's 'underwhelmed' with Armenian-American support so far," Defendant Krikorian made the following statement with a defamatory factual assertion that could be proven true or false: "What I can't call [the funds Rep. Schmidt received from Turkish interest], some $29,500, "blood money"? Of course it is "blood money"! You have got a representative who is taking money from a foreign lobby. Schmidt said in her deposition that she had no idea why she was the largest recipient of money from the Turkish lobby. Just think how stupid that sounds." Defendant Krikorian also asserted as fact that: "the Turkish government is behind those contributions and it is my right to feel that way and it is my right to say so."
84. The statements referenced in paragraph 83 are defamatory because they accuse Plaintiff Schmidt of the following acts of moral turpitude or crime: (a) that Plaintiff accepted campaign funding from the Turkish government in criminal violation of 2 U.S.C. 441e, 437g(d); (b) that Plaintiff has hidden and continues to conceal the source of campaign contributions in criminal violation of the Federal Elections Campaign Act, 2 U.S.C. 434, 441f, 437g(b); and, (c) that Plaintiff is guilty of accepting money in exchange for an official act in criminal violation of 18 U.S.C. 201(b)(2).

85. The statements referenced in paragraph 83 are defamatory because they impute to Plaintiff Schmidt corruption, fraud, and the commission of criminal acts in a manner intended to ruin the reputation and esteem of Plaintiff professionally and personally. They are factual assertions, published with ill-will or spite towards Plaintiff and with knowledge of their falsity or with reckless disregard of whether they were false or not. Defendant was placed on specific notice that these statements were false during the discovery processing of OEC hearings held to resolve cases 2009E-003 and 2009E-012. See Exhibit 4 attached hereto.

86. The publication of the statements caused general and special damages to the Plaintiff. Defendants knew, anticipated, forewore, and intended that the statements would be read by persons throughout the United States and the world and would damage the reputation of the Plaintiff. The statements have adversely affected the Plaintiff’s professional credibility, speaking, writing, interviewing, media, and fund-raising opportunities, causing Plaintiff Schmidt psychological trauma and suffering and monetary losses.

COUNT V - DEFAMATION PER SE

87. Plaintiff incorporates by reference into this count the preceding allegations of this complaint.
88. During an August 27, 2009 interview published by The Armenian Reporter in an article entitled “In congressional run, David Krikorian is banking on the people: Says he’s ‘underwhelmed’ with Armenian-American support so far,” Defendant Krikorian asserted as fact: “... Schmidt is bought and paid for by the Turkish lobby and people don’t like it when their representatives sell out like that.”

89. Defendant Krikorian’s statement accuses Plaintiff Schmidt of accepting money in exchange for official acts in violation of 18 U.S.C. 201(b)(2). It is defamatory because it imputes to Plaintiff Schmidt corruption and the commission of criminal acts in a manner intended to ruin the reputation and esteem of Plaintiff professionally and personally. The statement was published with ill-will or spite towards Plaintiff, and with knowledge of their falsity or with reckless disregard of whether they were false or not. Defendant was placed on specific notice that these statements were false during the discovery processing ch OEC hearings held to resolve cases 2009E-003 and 2009E-012. See Exhibit 4 attached hereto, pages 1-3.

90. The publication of this statement caused general and special damages to the Plaintiff. Defendants know, anticipated, foresaw, and intended that the statement would be read by persons throughout the United States and the world and would damage the reputation of the Plaintiff. The statement has adversely affected the Plaintiff’s professional credibility, speaking, writing, interview, media, and fund-raising opportunities, causing Plaintiff Schmidt psychological trauma and suffering and monetary losses.

COUNT VI – DEPAMATION PER SE

91. Plaintiff incorporates by reference into this count the preceding allegations of this complaint.
92. In his August 28, 2009 interview with The Armenian Mirror-Spectator, Defendant Krikorian asserted as fact, among other things, that “She’s (Plaintiff Schmidt is) a liar; she’s not credible. I think it’s obvious that two weeks after receiving $11,000 of Turkish lobby money she joins the Turkish caucus — and claims there’s no quid pro quo. She’s an embarrassment to the district and to the country.”

93. The statement contains the assertion that can be proven true or false that Plaintiff Schmidt accepted bribes and illegal campaign contributions from the Turkish government in violation of 18 U.S.C. 201(b)(2) and 2 U.S.C. 441e, 437g(d), and that she committed perjury and obstruction of justice in her deposition in Schmidt v. Krikorian in violation of Ohio Revised Code sections 2921.11 and 2921.32.

94. The statement referenced in paragraph 92 asserts or implies the following acts of moral turpitude or crimes: (a) that Plaintiff has intentionally concealed the source of campaign contributions in criminal violation of the Federal Elections Campaign Act, 2 U.S.C. 434, 441f, 437g(d); (b) that Plaintiff has accepted bribes, a criminal offense under 18 U.S.C. 201(b)(2); (c) that Schmidt perjured herself and obstructed justice in her deposition in Schmidt v. Krikorian in violation of Ohio Revised Code sections 2921.11 and 2921.32; and, (d) that due to Plaintiff’s alleged criminality, Plaintiff is a shameful human being unfit for public office.

95. The statement referenced in paragraph 86 is defamatory because it imputes to Plaintiff Schmidt corruption, fraud, and the commission of criminal acts in a manner intended to ruin the reputation and esteem of Plaintiff professionally and personally. They are factual assertions, published by Defendant with ill-will or spite towards Plaintiff and with knowledge of their falsity or a reckless disregard for whether they were false or not. Defendant was placed on
specific notice that these statements were false during the discovery process in the OEC hearings held to resolve cases 2009E-003 and 2009E-012. See Exhibit 4 attached hereto, pages 1-3.

96. The publication of this statement caused general and special damages to the Plaintiff. Defendants knew, anticipated, foretold, and intended that the statement would be read by persons throughout the United States and the world and would damage the reputation of the Plaintiff. The statement has adversely affected the Plaintiff's professional credibility, speaking, writing, interview, media, and fund-raising opportunities, causing Plaintiff Schmidt psychological trauma and suffering and monetary losses.

COUNT VII – DEFAMATION PER SE

97. Plaintiff incorporates by reference into this count the preceding allegations of this complaint.

98. In his August 28, 2009 interview with The Armenian Mirror-Spectator, Defendant Krikorian asserted as fact, among other things, that "She (Plaintiff Schmidt) was basically programmed by the Turkish lobby for that sworn deposition and it's a shame to see a sitting congressional representative act in the way she acted yesterday."

99. The statement is defamatory because it accuses Plaintiff Schmidt of perjury and obstruction of justice in violation of the Ohio Revised Code sections 2921.11 and 2921.32 in a manner intended to ruin the reputation and esteem of Plaintiff professionally and personally.

100. The statement was published with ill-will or spite towards Plaintiff and with knowledge of its falsity or with reckless disregard of whether it was false or not. Defendant was placed on specific notice that these statements were false during the discovery process in the OEC hearings held to resolve cases 2009E-003 and 2009E-012. See Exhibit 4 attached hereto, page 5.
101. The publication of this statement caused general and special damages to the Plaintiff. Defendants knew, anticipated, foresew, and intended that the statement would be read by persons throughout the United States and the world and would damage the reputation of the Plaintiff. The statement has adversely affected the Plaintiff's professional credibility, speaking, writing, interview, media, and fund-raising opportunities, causing Plaintiff Schmidt psychological trauma and suffering and monetary losses.

COUNT VIII – DEFAMATION PER SE

102. Plaintiff incorporates by reference into this count the preceding allegations of this complaint.

103. In an interview with Armenian-American activist Peter Mersian in September of 2009, Defendant Krikorian stated the following: “I stand by the statements that I made, that my opponent in the last election, the current representative of Ohio’s second congressional district, is a paid puppet of the Turkish government involved in their denial campaign to suppress the truth about the Armenian genocide.”

104. The statement of fact that can be proven true or false is that Plaintiff receives money from the Government of Turkey in exchange for official acts regarding the perennial Armenian genocide resolutions introduced in the U.S. Congress. The statement is defamatory because it accuses Plaintiff of bribery in violation of 18 U.S.C. 201(b)(2) and of illegal receipt of money from a foreign government in violation of the Emoluments Clause of the Constitution and 5 U.S.C. 7342(h).

105. The statement was published by Defendant with ill-will or spite towards Plaintiff and with knowledge of its falsity or with reckless disregard of whether it was false or not. Defendant was placed on specific notice that these statements were false during the discovery
process in the OEC hearings held to resolve cases 2009E-003 and 2009E-012. See Exhibit 4 attached hereto.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, as follows:

(a) Compensatory damages in the amount of $500,000 on each Count;
(b) Punitive damages in the amount of $350,000 on each Count;
(c) Pre-judgment and post-judgment interest on each Count; and,
(d) Such other and further relief to which Plaintiff may be entitled.

Respectfully submitted,

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EXHIBIT 20
Q. Can you please state your name and address for the record.

A. DREW BARRY BLOTITE, 803 Patrick Street, Alexandria, Virginia 22314.

Q. And what role do you hold with Senator Alexander's congressional office?

A. I'm the chief of staff.

Q. Okay. And this might seem rudimentary, but is that the top staff position in that office?

A. Yes.

Q. And you oversee all the operations of that office?

A. Chief of staff.

Q. I'm sorry. Have you ever had your composition taken before?

A. Yes.

Q. Okay. When you weren't, you need to say yes or no. Oh-h-h-h and hi-h-h-h...
A. I don't recall an exact date so to when.

Q. I never heard of it. I remember the press clips of President Bush asking Speaker Hastert to not have a vote, but I don't even remember when that was. It was a Washington Post story, so that was probably it.

Q. And did you have any understanding of the Armenian Genocide just from school or from your studies prior to that, or did all of your knowledge and understanding of that come after this issue started appearing in Congress and after that request of Bush to Speaker Hastert not to have that vote?

A. Yeah, probably not that, at least.

Q. Can you tell me what Mr. Schumach's position is with respect to the resolution because Congress to acknowledge the Armenian Genocide?

A. No.

Q. You don't know what her position is?
Q. A nonprofit organization?
A. Uh-huh.

Q. And why did they invite you to Turkey in August of '08?
A. They invited me to meet with the new prime minister of Turkey, Abdullah Gul, and his delegation of chiefs of staff.

Q. And what did you do while you were there?
A. I toured the country, met with government officials, met with, you know, business leaders, you know, got a feel for what it's like to live in Turkey.

Q. And so it was on that trip that you met a reporter that solicited an editorial from you?
A. Yeah. One of our visits as I remember was with local reporters.

Q. And this particular editorial was written to coincide with the trip that President Obama took to Turkey; is that right?
A. Yes. It was published to coincide with President Obama's trip to Turkey.

Q. So Mr. Schmidt testified that you participated on the lead in drafting that piece, is that right?
A. Correct.

Q. And did anybody else on your staff work on that, or was that something you wrote?
A. I think I wrote with him most of it.

Q. Okay. And at the time it was written, you did not know or contemplate that it would be published in -- to coincide with President Obama's visit?
A. I had no idea what day they would publish it.

Q. Did you know that President Obama was going to Turkey at the time you were writing it?
A. I knew that he was going. I don't know that I knew the dates, but I knew that he was going to be his first big trip.

Q. So you knew that it was a possibility that they would use it as counterbalance to President Obama's trip?
A. I knew that it was a possibility and I knew that it wasn't a possibility, I guess. I didn't know.
Q. On the -- you and she, she said, I discovered this, and then you ended up writing it:

A. Yeah. Basically you.

Q. Did she approve the final draft of this?

A. Yes.

Q. Okay. And then the closing paragraph says, "What happened in 1915 must not be forgotten.

A. Of course.

Q. What is it that -- as you're -- this is

A. Of course.

Q. And what is it that happened in 1915

A. Of course.

Q. -- that she was referring?
Q. Have you seen this document before?
A. No.
Q. Why don't you take a minute to read it and I will ask you some questions about it.
A. In a previous deposition this was identified as a publication of the [redacted] and everything that he, Pate, at least participated at some point in drafting some version of it. My question is the third paragraph -- I'm sorry, the fourth paragraph it took about Mrs. Schmidt's position on the [redacted] and the resolutions pending in Congress.
A. Uh-huh.
Q. The first sentence says, "Consensus..." Schmidt has on numerous occasions voiced her opposition to such resolutions and maintains that the historical question is not appropriate for Congress to legislate," to you, is that?
A. Yes.
Q. Does that accurately reflect Mrs. Schmidt's position as of November the 4th of 2003?
A. Well, it doesn't really state her position. It says -- it makes a statement which says --
Q. Well, it says --
A. -- that "...on numerous occasions she voiced her opposition..." I don't remember any of those.
Q. So let's just stop there. To your knowledge, is that statement true or not?
A. I don't think it's wholly true.
Q. Is it partially true?
A. I -- I didn't know in November 4, 2003, to tell you the truth. I mean, I just didn't have a conversation with her then, so I didn't know what -- I mean, this issue wasn't really -- as you well know, this was a huge issue of concern in southeast Ohio. I just didn't remember talking to her about it.
Q. Do you know why someone would say that if it's not true?
A. You're asking -- no, I don't know why
people say a lot of things.
Q. And then the next statement, "The Congresswoman, based upon her independent
research, does not believe the tragic events of
World War II, in which both Americans and Turks
were killed in a horrific manner, constitute
"genocide"..." Do you see that?
A. Uh-huh.
Q. So to paraphrase the assessment, it says:
The Congresswoman does not believe that those
events, which we refer to as the Armenian
"genocide," constitute genocide. Do you see that?
A. Yes.
Q. Does that accurately reflect
Mrs. Schmidt's position as of January 26 -- I'm
sorry, November 6th of 2004?
A. Again, I don't know. I didn't have
that conversation with her in November of 2004. I
just don't remember talking to her about it.
Q. Did she... I'm sorry. Go ahead.
A. I don't remember talking to her
about it.
Q. Okay. Now that accurately reflects her
position as of today?
play word games, but I mean, that's a perfectly reasonable position to have in my view. Sorry. I believe it was the same position your ambassador manager had.

Q. When you went to Turkey, either time in August of 98 or in April or May of '98 --
A. Uh-huh.
Q. -- did you talk to anyone close to the Armenian genocide issue?
A. I may have. Certainly no one from the government. I mean, I only remember one government meeting and it was at the Foreign Ministry, and we were much more interested in the PM and the Israeli peace process.
Q. Are you aware that it's a crime for Turkish citizens to talk about the Armenian genocide?
A. Yes.
Q. Do you --
A. Yes, I would not consider myself familiar with Turkish law.

MR. FISHER: Okay, I re-phrase the objection. Are you instructing him not to answer?
MR. FISHER: Well, I'm not instructing him not to answer, but I just want to make clear --
MR. FISHER: You were clear, you said it four times.
MR. FISHER: -- that my objection is in foundation.

MR. FISHER: Yeah, we got that part.

MR. FISHER: Okay.
3. Do I --
4. I would not consider myself familiar with Turkish law.
5. Now, tell me how Mrs. Schmidt's campaign is run. I asked her this question, and she said that essentially you're in charge of running the campaign in that light?
6. Well, we have a campaign manager. Her name is Barbara Dyer in the last election.
7. Really. She told me there was no campaign manager.
8. If you look at the FEC reports, which I'm sure you have, you will see that Sara Dyer was the campaign manager.
J. Are you aware of any statement of Mark T. Schaefer? I don't think there is one. I think there may be a statement of Mark T. Schaefer. It's not clear exactly what that means.

Q. Yes, he's just referring to the statement of Mark T. Schaefer.

J. And have you reviewed that statement?

Q. Yes.

J. And what did you find in the statement of Mark T. Schaefer?

Q. I found that it was quite accurate, although the transcript will vary in some ways. But if you have a question, you certainly may have a question rather than stating the testimony.

Q. Have you read Mr. Schaefer's deposition transcript?

A. Yes.

Q. In what form did you read the deposition transcript?

A. In hard copy.

Q. Have you reviewed the deposition transcript?

A. Yes.

Q. Have you reviewed Mr. Schaefer's deposition transcript?

A. Yes. I was referring to the deposition transcript.

Q. Did you review Mr. Schaefer's deposition transcript?

A. Yes.

Q. And did you review it in the same form?

A. Yes, it was in hard copy as well.
transcript. If there's some reason why you need
what particular question and answer, we can sort
that out.

Q. And so you would receive campaign
related e-mails at those two addresses?

A. No.

Q. You have a congressional office e-mail
address?

A. I do.

Q. And do you receive any campaign-related
e-mails at that address?

A. Not on purpose, but every now and then.

Q. And then do you log into the -- I think
you said it's kerryjohnstone account?

A. Yes.

Q. ... do you log into that from the
congressional office?

A. Yes.

Q. How is it that you then --

A. I don't really -- I can't log-in
remotely. Maybe you can, I haven't figured it out
how to do it.
Q. Did you receive phone calls from Paul Greenberg at the Congressional office?
A. I'm --
Q. Did you receive phone calls from Paul Greenberg at the Congressional office?
A. I'm sure I got personal calls, yes, on my Blackberry, my personal Blackberry.
Q. Uh-huh. But not at the Congressional office?
A. Well, I don't know where I was physically, but I'm sure I got -- it would be odd that I didn't get one while I was there one day.
Q. What about calls through the Congressional office phone system?
A. Everybody's instructed not to call me though that manner. Again, that means a crazy person can't call you, and they do.
Q. Okay. And then who is Jennifer Pinkston?
A. She is the scheduler in the office.
Q. She's the scheduler in the Congressional office?
A. Uh-huh.
Q. Would you work more than five hours a week, let's say, during the primary season of the campaign or campaign-related matters?
A. I wasn't aware. I don't have a schedule.
Q. When we say "worked," you interact with Phil Greenberg?
A. Yeah.
Q. You interacted with Sara Willey?
A. Uh-huh.
Q. Who else would you interact with on campaign-related matters?
A. The polters, the "political guy," all of those kind of people.
Q. And what interactions would you have with -- who is your point person the campaign?
A. Race, Voice, D.C.
Q. Any other people you would interact with there?
A. It depends. Probably Brian Trimboli, but he has several people that work for him, so it could have been any of them.

Q. Okay. And then the TV guy, meaning the people who are writing and creating your TV commercials?
A. Uh-huh.
Q. And what interactions would you have with them?
A. I would talk to them, I mean, about scripts, maybe about some ideas and production schedules and all that kind of stuff.
Q. And when you did those activities, are you doing them from the Congressional office --
A. No.
Q. -- or do you have some other office or a place where you do that?
A. Yeah. The way the National Republican Congressional Committee is set up is there's a panel of a number of offices that you can go over and check at any time with a computer and a phone in there, or you could just stay at home and go in as hours.
Q. I didn't ask what you can do. I asked you --
A. That's what I did. Sort of those.
Q. You would never handle any
Q. And you do that on a regular basis?
A. No.
Q. Okay. Now, did you have the opportunity to be -- to become aware of the fact that Mr. Schmidt was raising significant amounts of money from Turkish NGOs and from Turkish American individuals during the course of the 2008 Congressional campaign?
A. I would answer no because I don't think those amounts are significant.
Q. What was the total amount of money you raised during the 2008 --
A. I don't know. I don't know. I've seen the numbers that you guys throw around, but I don't -- even those numbers are not significant in my eyes.
Q. I'm sorry. You need to let me finish my questions before you answer if you don't mind.
A. I'm sorry. Now stop so I thought you were finished.
Q. What was the total amount of money you raised during the 2008 Congressional campaign?
A. No clue.
Q. Well, you best told me you were
involved with setting goals and making sure you
set those goals. What were those goals?
A. I don't know. I don't remember.
Q. Okay. And the $94,000 figure that we
-- that] had been brought up as the subject of this
campaign you say is not a significant amount of
money to raise for Mr. Schmidt?
A. Not in, you know, a million-dollar
race, no. It's not.
Q. Are you aware of the fact that she is
the nominee; the recipient of contributions from
Turkish Pake and Turkish American individuals in
the nation?
A. Yes.
Q. Okay. Do you know why she would
attract so much money from Turkish Pake and
Turkish American sources?
A. Answering.
Q. Why?
A. Because Mr. Pake, or Pake, has made her
money.
Q. And tell us how that is.
A. Because he's made her a political
donor and he calls her all of these names, and
it's all published out there and people see it.
Q. Is Ms. Schmidt a good wifeabee person?
A. No, I'm saying.
Q. Are you aware of the two (unregistes
that Mrs. Schmidt had with -- with Turkish donors
in the course of the 2004 campaign?
A. Which individuals are you speaking of?
Q. There was one at Yale University and
February of 2004 and the second one in New York
City in May of 2004.
A. I have an objection. Mr. Dvorak. This
is an excellent question.
Q. Mrs. Schmidt's -- let's see if I can find it once.
-- I don't -- those names got taken off of this
document.
A. Has, FERRIS: Do you have the two pages
with the money names on the first page?
THE WITNESS: This does?
A. FERRIS: Yeah, let me see it.
Yes, we do have a couple of a
of that.
A. About twice it takes.
1. A. I assume for the purpose of assisting 
2. Jean's campaign.
3. Q. And why would Parish groups want to 
4. get involved to support Jean's campaign?
5. A. I assume because she's been vilified by 
6. the Armenian, but I have no idea.
7. Q. That's the second time you've told me 
8. that. What vilification came from Armenians 
9. and/or Mr. Krikorian and his campaign prior to 
10. Judiciary of '88 and May of '89?
11. A. I don't -- I don't know. I mean, I --
12. it was something in his campaign and the ARCHA 
13. literature.
14. Q. What's the ARCHA literature?
15. A. ARMENIAN NATIONAL -- I don't know what
16. the acronym stands for.
17. Q. On ARMCHA, Mr. Krikorian consistently 
18. were writing about Mrs. Avedisian in a negative 
19. light as it related to the Armenian National 
20. Caucus February of '88 and May of '88.
21. A. I believe so.
22. Q. And can you reference any specific 
23. document that would support that?
ANC in the office and got all hot and had this,
you know, exchange and it's been, you know -- I
understand it's a cause near and dear to his
heart, and I appreciate his term. But, you
know, he's a little misguidedly in my view.

Q. But why would the visit to the
Congressional office spur Turkish donations?
A. I don't understand that.
Q. Because they were talking about it. We
never put out a press release about, you know,
Armenian Genocide. It was, you know, irrelevant
to our district almost. I mean --
Q. Okay, well, while we've got the donor
list in front of us, why don't we look at it real
quickly. Who is Talin Ayvazian?
A. I believe -- I don't know what his role
is, but I know that he're involved in YUS.
Q. Have you met him?
A. I've met him once.
Q. Has he also been the host of a
fundraiser of Mrs. Schmidt? "I'm sorry, a
termination for Mrs. Schmidt?"
A. For Mrs. SCHMIDT
Q. Uh-huh.
district. Why would all of these people who live in Mr. Bohm's district have such a great interest in his case?

A. I don't know. I don't know, you'd have to ask them that question.

Q. Let's talk about the complaint that was brought in this matter. Mr. Fedeli certified at length I guess you made some kind of a filing with the House Ethics Committee that would allow the Turkish American Legal Defense Fund to fund this legal action against Mr. Michelini; is that right?

A. There's no -- the ethics doesn't have any say so in that over FEC rules.

Q. Well, I won't say they filed, I'm just telling you --

A. You said we made a filing. No, there's no such filing was made.

Q. I'm just telling you what Mr. Fedeli told me. Mr. Fedeli tells us that the reason -- it's on

just try to relate to you in summary what Mr. Fedeli said. He said shortly after the November 2008 election he promised legal action against --

Mr. Primiani for trying to get his candidacy

prosecuted by the attorney general of the state of Indiana in the Carroll County prosecutor, both of which were unsuccessful.

A. Oh-huh.

Q. He said the reason for the delay in April of '75 of filing this complaint was that in the meantime they were awaiting an opinion from the House Ethics Committee that would allow the Turkish American Legal Defense Fund to fund the legal action against Mr. Michelini. That essentially summarizes what Mr. Fedeli told me.

A. Oh-huh.

Q. Do you have anything about that?

A. No.

Q. You made no filing, no attempt to --

A. The House Ethics Committee dealt with the House, not with the campaign.

Q. Well, how does this deal with the campaign?

A. With the -- this happened in the course of the campaign. The -- the conversation where this

-- filed, dealing with the campaign, not the House of Representatives.
Q. And there's no ethical issue associated with Turkish American Legal Defense Funds paying for Ms. Schmidt's legal fees?
A. No, but that I'm aware of.
Q. Okay. And you've neither sought nor received any clearance or approval from the House Ethics Committee to allow that to proceed?
A. No, not that I'm aware of.
Q. Okay. Whose idea was it to bring this complaint to begin with?
A. Congressman Schmidt's.
Q. Explain that to me.
A. It was her idea to begin doing this.
Q. And at some point she related that to you?
A. Yes.
Q. And when was that?
A. I think soon after it happened, soon after the letters were put on the Catholic churches -- care in the pasting lots in Catholic churches. She was apprehensive and I was aware of it.
Q. Okay. And then at some point you retained legal counsel to represent Mrs. Schmidt?
and then you can object, okay?

Q. Do there now exist a written letter
between you and Mr. Grey and/or you and Mr. Klein?

MR. GREY: Objection. I instruct the
witness not to answer.

Q. Okay. Were you involved in the
negotiation of that engagement letter?

MR. GREY: Objection. I instruct the
witness not to answer.

Q. Okay. How was Lorette
involved? Who participated in the
drafting of the complaint?

MR. GREY: Objection. I instruct the
witness not to answer.

MR. FISHER: Okay. On what basis?

MR. GREY: Proceed.

MR. FISHER: The client in Mrs.
Schmidt.

Mrs. GREY: Right.

MR. FISHER: And he is attorney is
Mr. Fisch, I'm asking Mr. Bennett, what's neither
of those people and is not an attorney, so tell me
what involvement that he had in the drafting of
the complaint.

MS. GREY: Mr. Bennett --

MR. FISHER: I'm asking Mr. Bennett, what's
neither of those people and is not an attorney, so tell me
what involvement that he had in the drafting of
the complaint.
up?

MR. DAVIS: We have a disagreement about
a question of privilege.

MR. ROSE: Privilege, okay.

MR. DAVIS: We're now imposing Jerry
Bennett. Jerry Bennett is chief of staff of Jean
Schmidt's congressional office, and he is also the
person who filed the campaign manager and in
ultimately responsible for the campaign, which he
does, you know, at least according to his
testimony on his own time or on his own BlackBerry
and other sorts of things. The questions -- I
think there are about three of them that I
objected and instructed the witness not to answer
on the grounds of privilege, and they're also the
belief work product protection and also talk about
of the standard that we agreed upon at the
beginning with Ms. Sibiski's deposition of --
either it has been heard on specific allegations
of the complaint. It's not going to be explored
and looked into. The --

MR. ROSE: Okay.

MR. KREK: The questions deal with who
-- communications and directing of the complaint

that we filed. "We" being Bruce Fein and Demoley.
Filing as bastards of Jean Schmidt in connection with
our representation of her as an individual and a
representative of the campaign committee.

Clark Finney can express his views. My
understanding which may be a misunderstanding in
that we think we can object as to communications
with Jean Schmidt but not with -- with Jerry
Bennett.

MR. FINNEY: Yeah, Phil, the complaint
is brought in the name of Jean Schmidt. I've
asked the question of there was an engagement
letter that was -- whereby Mr. Fein was retained
on behalf of either Ms. Schmidt or the campaign
committee, the knowledge we're not going to tell
you. Mr. Bennett is the chief of staff of the
congressional office, not of the campaign. He's
testified that someone else was the hired campaign
manager for the campaign. And I've seen him say
that was that the complaints were drafted and what
role he had in it. He is neither the attorney for
Mrs. Schmidt. To my knowledge, he's not an
attorney at law. And he's not -- he doesn't have
any official role with the campaign, but more...
Importantly Mrs. Schmidt is the complainant in this matter, and I'm just asking what can be had in the drafting of the complaint and has someone is instructing him not to answer.

MR. BRAY: Fair. It's not unusual for a named party that may not be the one that you do represent as counsel in the election.

Complaints, but may not be the only entity or persons you represent. You know, for example, whenever an entity files something, they have to file it through a named party who is -- who signs as affidavit. You know, that's how it works. Sometimes, you know, we name that party as a party to the complaint, sometimes we don't, you know, for various reasons.

But Mr. Schwartz has testified that he is the person who files, on behalf of the campaign, the campaign manager who is accountable to him. That he doesn't require him to a day-to-day basis, but he does concern himself on the big picture, on television ads and other advertisements and so on, and he -- and he makes decisions about that. You know, he doesn't do the implement, but he makes sure that there's a reimbursement plan and -- and

makes sure that the plans are met. Mr. -- the person who is the named person that would represent the complaint committee to any commission with -- with

attacks relative to this, and that was or -- the basis of our communication.

You know, there's -- you know, that creates an attorney-client privileged relationship, and you can't breach that relationship on the ground that he has another job on behalf of the office. I mean, I don't know what he did do anything -- there was some questions about what -- whether he did any of that political stuff by virtue of his status as chief of the office, and I believe his answers were generally no.

MR. PINNEY: Well, I think what we would look -- well, do you have what we took those notes? I think it's a pretty -- single issue. I don't want to argue it over and over. And the reality is, he's a congressional state, not a campaign state, yet he participated in the drafting of the complaint and I want to know what his role is. There's no

privileged issue.
MR. BRIKIAN: That unless -- unless it's going to be, you know, strictly relevant to one of the allegations at hand, we're not going to go into it. And I think that's what's happening here.

MR. FINNEY: Still, I really don't want to talk these things to death. I want to get home tonight to --

MR. RICHES: Well, I understand. And I don't want to necessarily want to get involved with it either. I mean I'm -- if the assertions are relating to Mr. Finney statements about,

you know, the blood money, all that kind of stuff, what the -- the source of who prepared what and their involvement in preparing the complaint now may to do with information relating to those statements.

MR. FINNEY: Well, first of all, because we intend to go after the parties involved for frivolous complaint at that hearing, and I want to talk about how it is that these statements were made and what people knew about them. Ms. --

there's a key article that was written by Mr. Fein in which he basically says that Mr. Finney is an Armenian genocide denier and yet -- I'm sorry.
MR. BELL: That is absolutely false and has been denied by every witness who's --

MR. FURRER: Well, I can read you the statements if you want, Phil, but I don't want to waste your time.

MR. BOWDER: Well, what does that have to do with Harry Bennett here?

MR. FURRER: Because I want to move how those statements came to be made and what the background is on them, what he knows about them.

Because it turns out Mrs. Schuld and during -- you may remember three years ago when we took Mrs. Schuld's deposition and she refused to show up at the Ethics Committee hearing for her false statements charges. She didn't remember anything. She didn't know anything. When I took her deposition this year, she told the same thing.

I don't know: I have no idea. My chief of staff handled it, and she deferred at least 10 different times to Harry Bennett saying he handled it, he would know. And so I'm asking him these questions instead of her because she's the one that deferred to him.

MR. BELL: Mr. Bennett, she will testify to him. I think about five times, twenty in an investigation. But maybe it was more than five and less than twenty, who knows? But he's here to testify about what he now about the allegations to the complaint. In terms of drafting the complaint, that's irrelevant to those allegations. And in terms of his hope that he will somehow prove that there is something wrong, there's nothing there. And besides, you can't get him off the attorney-client privilege to try to prove some other case on -- to say that that -- that even -- that is irrelevant to the case at hand.

MR. BELL: Again, I'll just say one more time, this is a congressional staff, not a campaign staff, and he certainly isn't Mrs. Schuld and he's not her attorney. These are as privileges.

MR. BELL: Anyone in the campaign was accessible to him. We volunteered for the campaign; he's testifying to that. He testified that he hired the campaign manager who did the day yesterday but was concerned about him.

MR. FURRER: Did you have --
MR. RICHARDS: We're over at enough afiend here. And what's the question that's being objected to again?

MR. PINKER: I'm just now trying to get to the inner workings of the drafting of the complaint and how did it come about. And I wanted to ask him about statements, then, in the complaint and how those were written and created.

MR. RICHARDS: Which goes to the heart of communications between counsel and client in preparing the document that was ultimately filed.

MR. PINKER: I think it's all kind of telescopic, but I'm just trying to grant that privilege at this point. I -- I'm -- it's not clear to me how that gets to the nature of Mr. Kline's statements. I'm not getting the linkage there.

MR. PINKER: Well, that's fine, Phil. We'll get to it at the hearing, it's no problem. I really don't want to labor it.

MR. SPEI: Thank you, Phil.

MR. RICHARDS: Have a good day, gentlemen.

MR. PINKER: Phil, if we have anything more tonight, is there a number we can call you.
VerDate Mar 15 2010 05:45 Aug 10, 2011 Jkt 067754 PO 00000 Frm 00305 Fmt 6659 Sfmt 6602 E:\HR\OC\HR195.XXX HR195
Insert offset folio 303 here HR195.277
A. I guess I don’t see where you somewhere starts with “at this time.”

Q. Okay, if it doesn’t start, it -- if you start after the word “though,” which is the second sentence of the bigger paragraph.

A. Okay. So it’s a truncated -- okay.

Well, no, that’s not an accurate quote at all.

The first one in this document is not accurate.

It’s changed.

Q. Because there’s no ellipsis there?

A. Well, there’s -- there’s -- he left out a big part of the sentence plus the first word, yet he quotes it as if it’s an entire sentence and capitalizes “At.” That’s incorrect.

Q. Out --

A. In college he would get an F.

Q. But you would -- yeah, because you’re -- you’re base has never lied in any campaign statement, correct?

A. I’m familiar with the F is in college.

We’ll just leave it at that.

Q. But you acknowledge on the fourth page that that’s a statement of Dan Draper of Mr. Schindler’s defense is that right?

A. The fourth -- you’re going to have to help me. Where are you referring to now?

Q. The fourth page of Exhibit 18, whatever she’s marked that.

A. This -- this is an email from Dan --

Q. You would acknowledge that that is an email from Dan Draper to Mr. Schindler --

A. Yes.

Q. -- dated 3-29-07. Is that right?

A. Correct. And it’s not accurately reflected in this document.

Q. Okay. And then the second one if you go to the third page of that exhibit, there’s an email from Mr. Lebowitz there.

A. This one comes to the -- it’s an sentence lifted out of context. But, sure, that one sentence seemed to be typed correctly.

Q. Okay. And then May 11th, 2007, which I think is in the -- let’s see if I can find that one. Do you want to find that one, Dan? Or is it --

Q. I’m not making that. I think it’s in your answer.

MR. SCHINDLER: Oh, was it --

[MR. SUMMER: I am not.]

MR. SCHINDLER: I don’t see it in here.
Q. Okay. But at least for the -- so there are the statements that you've given us which Mr. Kirby had your client of a certain 60th birthday party? Is that right?
A. Well, we think that the lead in bold and the big black square would probably be the first one I'd like to talk about.
Q. And it is assuming her of a certain because why?
A. That she has taken $30,000 in blood money to buy the gewgaw of Chilakasi Armenians by Husam Bars.
Q. And the complaints about the statement is made for different times that Mr. Schacht says there's never denied the Armenian Genocide. That is what's troubling about that statement?
A. No. What's troubling about the statement is she has taken a total of $30,000 to pay something.
Q. So the meaning is not what's written?
A. No, I would -- I would disagree with that something, too.
Q. Okay.
A. The value --
They're American donations.

Q. Exactly?
A. Yes.

Q. Let's go to the document that starts with that. It's in front of you. If you go to the -- I don't know if they're copied on both sides in this document. I hope so.
A. Yes.
Q. Do --

MR. RINNEY: I'm sorry. What document are we looking at?

Q. Page 5 of that.
A. It looks like this. It's not numbered.
I don't know what it is.

MR. RINNEY: That's not numbered. We need to number that page.

A. A short speech is taken.

---

Thereupon, defendant's exhibit A is marked for purposes of identification.

---

Q. Do the ninth page of that, which would be on the tenth piece of paper.
A. Yes.
Q. Was Mr. Abramoff lying when he sent those e-mails?
A. I think that's Mr. Greenberg's
abuse of power. If you have knowledge that there are,
in fact, foreign contributions, you should report
them, or if you let me know, I will.

Q. Would this be a good time to take a short recess?
Mr. WINE: Let's take a break.

Q. Can you tell me all the contacts that
your office has had with the Turkish -- with
organizations for the Turkish government or with
Turkish government officials?
A. Well, I can only tell you about the
cases that I participated in. I don't have dates, but
I think you've got those. Livingston took
eyour cue. It seems like he brought them. If I
remember right, he brought the ambassador with
him.

Q. And when was that?
A. I don't -- I know you've got
the dates. I don't -- we give you the schedule. I

Q. Representing the Congressional campaign.
You're the one that alleged that Mr. Arturan has not -- was
wrong in saying that she has taken $35,000 of this
money from Turks. How you're saying that you
don't know how much it is. Which is it?
A. Are you ready for an answer?
Q. Yes.
A. Thank you. I don't know what the
amount is. You've got all of the donations. You
can certainly tally them up. I believe your
mathematical skills are at least as good as mine.
I mean, some of them are Turkish donations, which is what
he wants to call them. He wants to imply that
we've raised money from a foreign government, and
he did over and over and over again in worked
in doing something, which is a crime.
Q. Okay. But your own campaign refers to
those as Turkish contributions.
A. But our campaign has no -- has not --
Mr. -- in the two e-mails that you've pointed out,
Mr. Abramoff has sometimes used them as Turkish
contributions.
I don't know what it is off the top of my head. If you want me to dig through, I'll try to find it.

Q. Was it that year or last year?

A. No, it was last year or the year before I think.

Q. And what they talk about the genocide in that time? Were you in the meeting?

A. Yes, I was in that meeting.

Q. Was Mrs. Ebenstein in the meeting?

A. I can't remember if she was there.

Q. Okay. Who else was in the meeting besides you and Mrs. Livingston and the ambassador?

A. There may not have been anybody else.

Q. Okay. And did they talk about the Armenian Genocide resolution at that time?

A. I don't remember them doing so, but I just don't remember. I remember talking about the PKK.

Q. The PKK.

A. Yes.

Q. And what is that?

A. It's a terrorist organization in the Kurdish portion of Iraq.

Q. And what did they talk to you about the
A. I don't know. I don't remember.

Q. Okay. What other contacts have you had with the government of Turkey or foreign sources for Turkey?

A. I've met with the foreign ministry while I was in Turkey this last trip.

Q. And did Mrs. Schmidt meet with them as well?

A. Yes.

Q. Okay. And who was that?

A. I can't hear any of my head.

Q. Okay. What else?

A. I've met with different parliamentarians when I was in Turkey.

Q. Which time, both times?

A. Both times.

Q. Okay. Go ahead.

A. Different parties. I think that's about it. I mean, I don't know who they were... They have to file the reports, you know. They don't have to tell you, as I don't know.

Q. They --

A. Don't remember any other --

Q. "They" being the Turkish --
Q. And what year would that have been in?
A. '89 or '90.
Q. 2007 or 2008?
A. Uh-huh.
Q. And under what circumstances were you introduced to him?
A. He actually introduced himself to me.
Q. Okay. And was this former aide in F.C.C.?
A. No.
Q. And what kind of contacts have you had with Lincoln McCurdy since that time?
A. Periodic. Usually just, you know, brief conversation every now and then.
Q. And why would you be speaking with him about matters of his family?
A. Uh, yes. Uh, yes. He's the father of the president.
Q. Would it be matters on the floor of the Senate or would it be congressional matters or other matters?
A. Uh, I think it was more on the floor of the Senate, but we would have some contact on congressional matters.
Q. The 2005 trip?
A. Uh-huh. Lots of conversations about that.
Q. Okay. Who went on that trip from your staff?
A. Me.
Q. Anyone else?
A. From our staff, no.
Q. So, just you and Mrs. Do ничil?
A. Uh-huh.
Q. Have you or anyone from your staff or Mrs. Schmidt ever visited District Microwave or been to Massachusetts to visit Taizin Aguul?
A. Not that I'm aware of. But I have no knowledge of that happening.
Q. Did Mrs. Schmidt or any member of her staff ever make promises in exchange for campaign contributions?
A. Not that I'm aware of.
Q. Did Mrs. Schmidt ever accept any gifts from the government of Turkey?
A. No.
Q. During her trip to Turkey, did she accept any meals or lodging or any other gifts from the Turkey government?
A. No.

Q. Were you aware of the actions of the government of Turkey at the beginning of the invasion of Iraq when they opened their arms to American troops for passage on the grounds that its purposes of the invasion, when the Turkish government denied that?
A. HHW: Objection to the grounds of relevancy. 2003 versus 2004. You can answer if you want to.
Q. I've read those accounts.
Q. You have read those accounts. Would you -- would you say that the actions of the
Turkish government over American lives because of their refusal to allow us the use of their ground for purposes of the invasion?

Q. Would you say it made the prosecution of the American war effort more difficult?

MR. WASS: Objection, relevancy. Go on.

Q. The invasion went pretty fast.

A. No. The first time you had a chance to deal with David Dances?

Q. You know, I don't know that I've ever seen David Dances to tell you the truth.

A. He has. Dances's attorney in this case?

Q. It's one of them, I believe.

A. Is he also the attorney for the campaign committee?

Q. I would assume.

A. Who maintains the database of the Schmidt for Congress campaign, particularly that of campaign contributions?

A. Phil Greenberg.
Q. The maintained the database prior to Mr. Greenberg taking over?
A. Yes, I believe so.
Q. And what was it, just an Excel spreadsheet?
A. No. It's a fairly sophisticated campaign reporting software.
Q. Do you know who Mr. Sollecito met with when he was in Turkey in terms of government officials?
A. As I recall, the only -- well, it seems like we met with some parliamentarians. I'm not crystal clear on it. But she certainly was at the foreign ministry with the assistant minister of state -- of North and South America. We had lunch there.
Q. Have you ever heard of Rehakallah Sollecito?
A. The name sounds familiar, but I -- you know --
Q. You don't know who that is?
A. I don't know who that is.
Q. Do you know if any of the organizations that have been cited in this case with would start with the Turkish American Coalition and

Q. If any of those organizations received money from the Turkish government?
A. I would say that they don't. I'm sorry.
Q. And why would you say that?
A. Because it would be illegal for them to do so, and no one has made those arrangements.
Q. What about the Turkish American Legal Defense Fund?
A. I don't know.
Q. What about the -- let's see, Association of -- Assembly of Turkish Associations?
A. Never heard of them.
Q. Why don't we take a few minutes with my client to make sure, and we'll wrap up.
A. In short recess is taken.

MR. FINNER: Back on the record. I don't have any further questions for this witness.
MR. BRIT: I have no questions for the witness. I would advise the witness to read the transcript. She can either type up the transcript without you reading it, or you can have an
ordinarily be read it and make any corrections if
something is typed up incorrectly. I would suggest
that you do the latter.

THANK YOU: All right, I'll read it.

Therefore, the following proceedings
concluded at 9:31 p.m.

STATE OF OHIO
Count of Franklin

I, John M. Bell, a Notary Public in and for the
State of Ohio, do hereby certify the within named
Harry J. Benoit was by me first duly sworn to
testify to the whole truth to the above mentioned
testimony that was by me reduced to writing-
in the presence of said witness, herewith
transmitted by me; the foregoing is a true record
of the testimony as given and this deposition was
taken at the time and place as specified in the
Vito page.

I do further certify I am not a relative,
employee or attorney of any of the parties herein,
and further I am not a relative or employee of any
attorney or counsel employed by the parties herein,
or financially interested in the action.

In witness whereof, I have hereunto set my hand
and affixed my seal in office at Columbus, Ohio, on


State of Ohio, Notary Public — State of Ohio
My commission expires August 9, 2021.
EXHIBIT 21
September 17, 2009

The Honorable Zoe Lofgren
Chairwoman
Committee on Standards of Official Conduct
Room 117-2
United States Capitol
Washington, DC 20515

Dear Chairwoman Lofgren:

The purpose of this letter is to seek guidance regarding the payment of legal fees associated with a case in which my campaign and I are now involved.

In the last few days of the most recent congressional campaign, one of my opponents distributed material that accused me of accepting a bribe of thirty thousand dollars from the Government of Turkey in exchange for denying or covering up the genocide of Armenians living in Turkey during World War I. In the same campaign materials, my opponent further alleged that I should immediately resign my office for committing this crime or be voted out of office.

In response to these outrageous allegations, I filed a complaint with the Ohio Elections Commission, which is the arm of state campaign statements under Ohio Law. Once the Commission ruled that a false statement was made, it is my intention to seek damages in Civil Court under the process set forth by the law creating the Elections Commission. I am confident that I will prevail and be awarded damages.

Therefore, the case upon which I am seeking the Committee's guidance involves the payment of attorney's fees associated with this case. Specifically, I would appreciate the Committee's comments on the the four payment options outlined below.

1. May I enter into a standard attorney contingency fee arrangement wherein my attorney would receive a portion of all damages awarded in this litigation? As you may be aware, the Internal Revenue Service does not recognize this type of agreement as a taxable benefit to the plaintiff should the plaintiff lose the litigation. Does the Bureau apply the same standard? I believe it is extremely likely that my campaign will be awarded damages in this case. Does this factor influence the Committee's consideration of this issue?
2. Should the Committee find a contingency arrangement inappropriate for legal fees incurred while the case is before the Election Commission, is it appropriate to enter into a contingency agreement for the portion of the case that comes before the Ohio Court of Claims? When the case gets to this point, it would be a near certainty that damages will be awarded. Additionally, the Internal Revenue Service does not view these legal arrangements as a taxable benefit to the plaintiff in such cases.

3. May I establish a Legal Expense Fund, under terms and conditions set by the Committee, to defend against these accusations of official misconduct?

4. And finally, can campaign funds be used to pay for the expenses associated with this litigation?

I deeply appreciate your consideration of this request. While my situation appears to be rare, I understand that many other states are considering tasks similar to the Ohio Elections Commission to adjudicate the truthfulness of statements made during a campaign. I would expect the Committee will see requests similar to mine in the near future.

[Signature]

John Schmidt
MEMBER OF CONGRESS
EXHIBIT 22
Dear Colleague:

This responds to your letter of September 17, 2009, seeking an advisory opinion regarding two options for payment of legal expenses incurred in connection with a case you filed in 2009 regarding false campaign statements. As discussed below, the establishment of a legal expense fund and the use of campaign funds are both permissible options for payment of legal expenses in connection with both past and future proceedings, subject to the limitations below.

**FACTUAL BACKGROUND**

According to your letter and additional information provided to Committee counsel, the background in this matter is as follows. In the final days of the 2008 general election campaign, one of your opponents, David Kirkorian, distributed materials accusing you of accepting a $30,000 bribe from the Government of Turkey in exchange for denying or covering up the genocide of Armenians in Turkey during World War I. The campaign materials also called for your immediate resignation from your congressional seat and/or your defeat at the polls in the 2008 general election. You were re-elected in the November 2008 general election.

In April 2009, you filed a sworn complaint against Mr. Kirkorian with the Ohio Elections Commission (Election Commission), which has jurisdiction over false campaign statements under Ohio law. See Ohio Rev. Code § 3517.21. Based on the Election Commission’s jurisdiction, you filed the complaint as a candidate with your campaign committee address. That complaint sought: (1) a finding by the Elections Commission that Mr. Kirkorian violated § 3517.21 by making false campaign statements; (2) a public reprimand; and (3) any other appropriate relief. On or about October 1, 2009, you received a finding of fact from the Elections Commission that there was clear and convincing evidence that Mr. Kirkorian made false statements with malice.

Under Ohio law, you were required to file any civil action seeking damages in the Ohio Court of Common Pleas (Ohio Court) no later than one year from the date of institution. As that

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1 Your request for guidance was amended by your staff on your behalf on January 21, 2010, due to changed circumstances since your letter was submitted.
time period has expired, you will not be filing a civil action to recover damages in this matter. However, Mr. Krikorian has filed an appeal in the Ohio Court seeking to overturn the administrative ruling by the Election Commission. Both you and the Ohio Attorney General are named parties in the appeal, and you will incur additional legal fees to participate in those proceedings. Finally, Mr. Krikorian has also filed a civil suit in federal court challenging the constitutionality of the Elections Commission ruling. You are not a named party to this federal court case and do not anticipate any involvement in that separate litigation.

You have not used your House staff or campaign staff to support this litigation. Barry Bennett, your chief of staff, is familiar with the case, but his official involvement has been limited to assisting House General Counsel with regard to discovery request responses, being deposed concerning such discovery requests, and working with the Committee to obtain guidance on the issues in your September 17, 2009, letter.

Your attorney in this matter has been Bruce Fein of the Turkish American Legal Defense Fund (TALDF). You have not signed any retainer or representation agreement with Mr. Fein, but he did provide you with a proposed contingency fee contract. Because you are not filing any civil action to recover damages, you will not be entering into the contingency fee contract with Mr. Fein. To date, Mr. Fein estimates that 200 hours have been worked by the attorneys in your case, but you have not yet been billed as you are awaiting this Committee’s guidance regarding the permissibility of the proposed options for payment of legal expenses in this matter.

According to information in public databases and Web sites, TALDF is a project of the Turkish Coalition of America (TCA). TCA is a § 501(c)(3) organization under the Internal Revenue Code, which has employed registered federal lobbyists under the Lobbying Disclosure Act in the past. It appears that TALDF issued a press release and request for a criminal investigation against Mr. Krikorian on November 3, 2008, regarding the same allegations of false campaign statements that underlie your complaint with the Elections Commission. Both TALDF and TCA issued statements regarding the favorable ruling in your case on October 2, 2009.

You seek Committee guidance regarding two options for paying legal expenses both for legal work already completed during the Elections Commission proceedings, and future legal work on your behalf in the appellate case in the Ohio Court:

1. Establishing a Legal Expense Fund under the Committee’s regulations; or
2. Using campaign funds from your principal campaign committee.

You have not yet contacted the Federal Election Committee (FEC) regarding either of these options, but intend to consult with the FEC after you receive the Committee’s opinion as to what is permissible under House rules. Each of these options are discussed separately below.

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1. Lobbying disclosure act filings reflect individuals registered to lobby on behalf of TCA in 2008, but that registration was completed as of December 31, 2008.
LEGAL BACKGROUND

1. Legal Expense Fund

Under a provision of the gift rule, a Member, officer, or employee may accept "a contribution or other payment to a legal expense fund established for the benefit of [the official] that is otherwise lawfully made in accordance with the restrictions and disclosure requirements of the Committee on Standards of Official Conduct." Under the Committee's Legal Expense Fund regulations, a Member may not receive or solicit donations to such a fund without prior approval of the Trust agreement by the Committee.3

Under the Committee's regulations, a fund may be established only when the legal expenses arise in connection with one of the following matters:

- The individual's candidacy for or election to federal office;
- The individual's official duties or position in Congress (including a matter before the Standards Committee);
- A criminal prosecution; or
- A civil matter bearing on the individual's reputation or fitness for office.4

The Committee will not grant permission to establish a fund when legal expenses arise in connection with a matter that is primarily personal in nature, such as a matrimonial action.5 The rules governing the operation of a Legal Expense Fund include:

- No contribution may be solicited for or accepted by a fund prior to the Committee's written approval of the completed trust document and the trustee;
- A fund must be established as a trust, administered by a trustee who is entirely independent of the Member and has no family, business or employment relationship with the Member;
- Trust funds can be used only to pay legal expenses, or the expenses incurred in soliciting for or administering the trust;6

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4 See Standards Committee Legal Expense Fund Regulations ¶¶ 1, 11 (June 1996), reprinted in Appendix to the 30th House Ethics Manual at 294 (LEF Regulations).
6 See Standards Committee Legal Expense Fund Regulations ¶¶ 1, 11.
The Honorable Joan Schmidt
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- A fund may not accept more than $5,000 in a calendar year from any individual or organization, but, in accordance with the gift rule, no contribution may be accepted from a registered lobbyist or foreign agent.¹⁰

- Excess funds must be returned to the contributors;¹¹ and

- A fund may not pay for legal services for anyone other than the named beneficiary except with the Committee's written permission. Written Committee permission is also required for any amendment of the trust document and any change in the trustee.¹²

Once a Legal Expense Trust agreement has been approved by the Committee, the Member must file an executed copy with the Office of the Clerk, Legislative Resource Center which is placed on the public record.¹³ In addition, Members must file quarterly reports on the public record regarding certain contributions and expenditures under the Committee's regulations.¹⁴

2. Use of Campaign Funds

The Committee has long advised Members to consult with the Committee prior to using campaign funds for legal expenses to ensure that the legal services are ones that the Member may properly pay with campaign funds. House Rule 23, clause 6 provides as follows:

A Member, Delegate, or Resident Commissioner—

(a) shall keep the campaign funds of such individual separate from the personal funds of such individual;

(b) may not convert campaign funds to personal use in excess of an amount representing reimbursement for legitimate and verifiable campaign expenditures; and

(c) except as provided in clause (b) of rule [24], may not expend funds from a campaign account of such individual that are not attributable to bona fide campaign or political purposes.

While the rule permits the use of campaign funds for “bona fide campaign or political purposes,” it does not include a definition of that phrase. The Committee has long advised that

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¹⁰ LEF Regulation § 7.
¹¹ LEF Regulation § 8-9.
¹² LEF Regulation § 7.
¹³ LEF Regulation § 11.
¹⁴ LEF Regulation § 12.
¹⁵ LEF Regulation § 13.

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The Honorable Jean Schmitz  
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Members have wide discretion to determine whether any particular expenditure would serve such purposes, provided that the Member does not convert campaign funds to personal or official uses (other than as permitted by House Rule 24, clause (b)). Put another way, the rule is not interpreted "to limit the use of campaign funds strictly to a Member's reelection campaign," but instead is interpreted "broadly to encompass the traditional politically-related activities of Members of Congress."15

In accordance with these principles, the Committee has determined that it is generally permissible under House rules for a Member to use campaign funds to pay for the Member's own legal fees which arise in connection with the Member's campaign, election, or the performance of official duties.17

ANALYSIS

1. Legal Expense Fund

The legal expenses you incurred in connection with the Elections Commission action were directly related to your candidacy for federal office in 2008 — one of the specific permissible types of actions under the Committee's Legal Expense Fund regulations. Therefore, it would be generally permissible for you to establish and solicit for a legal expense fund to pay these fees already incurred. Moreover, the legal expenses to be incurred in the Ohio Court case that appeals the Election Commission's ruling are also directly related to your candidacy for federal office in 2008. Therefore, it would be generally permissible for you to solicit for a legal expense fund to pay these current and future legal fees as well.

There is no restriction under the Committee's Legal Expense Fund Regulations that would bar the establishment of such a trust fund to pay past legal expenses, so long as no solicitation or receipt of donations occurred before the Committee's written approval of the trust agreement. Thus, before you may begin accepting or soliciting for donations to cover past and future legal expenses as described above, the Committee must approve your proposed trust agreement. If you are interested in pursuing this option, please contact the Committee with a letter seeking approval of a specific legal expense fund with a draft trust agreement and nomination of a trustee pursuant to the Committee's regulations discussed above.

2. Use of Campaign Funds

As an alternative, we conclude that it is within your discretion to use campaign funds for your legal expenses already incurred in connection with the Elections Commission action because these expenses are for a legal action arising out of your candidacy for federal office, as well as your official duties and responsibilities. Since no money damages were awarded in this case, the payment of legal expenses for this action does not implicate the prohibition on

conversion of campaign funds to personal use. It is also within your discretion to use campaign funds for your legal expenses in connection with the pending Ohio Court case that appeals the Election Commission’s ruling. The issue of these expenses is for a legal action arising out of the same facts relating to your candidacy and official duties as issue in the Election Commission action. This authority extends to expenditure of funds from your principal campaign committee for past legal expenses in connection with proceedings at the Elections Commission and for current and future legal expenses in connection with the Ohio Court case appealing the Election Commission ruling.

Finally, as a reminder, you should be cautious to avoid any appearance of special favors or additional access for TALDF or TCA based on your business relationship with these groups. TCA did employ registered lobbyists in the past, and very likely will continue to have issues before Congress. Accordingly, we advise you to keep in mind these standards of conduct during the time you are working with TALDF.

LIMITATIONS

Pursuant to the Federal Election Campaign Act, the FEC administers a separate set of restrictions on the use of campaign funds. Although our understanding is that the FEC generally permits the use of campaign funds and the establishment of legal expense funds for legal expenses arising out of a Member’s congressional campaign and official duties, interpretation of FEC regulations outside of this Committee’s jurisdiction. If you have not already done so, you should consult with the FEC to determine whether either course of conduct is permissible under the applicable law and regulations.

The response above constitutes an advisory opinion concerning the application of House Rules 33 and 35 and the Code of Ethics for Government Service. The following limitations apply to this opinion:

- This advisory opinion is issued only to Representative Jean Schmidt, the requestor of this opinion. This advisory opinion cannot be relied upon by any other individual or entity.
- This advisory opinion is limited to the provisions of the House rules and the Code of Ethics for Government Service specifically noted above. No opinion is expressed or implied herein regarding the application of any other federal, state, or local statute, rule, regulation, ordinance, or other law that may be applicable to the proposed conduct described in this letter. Resolving, without limitation, the Internal Revenue Code and the Federal Election Campaign Act.

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- This advisory opinion will not bind or obligate any entity other than the Committee on Standards of Official Conduct of the United States House of Representatives.

- This advisory opinion is limited in scope to the specific proposed conduct described in this letter and does not apply to any other conduct, including that which appears similar in nature or scope to that described in this letter.

The Committee will take no adverse action against you in regard to any conduct that you undertake, or have undertaken, in good faith reliance upon this advisory opinion, so long as you have presented a complete and accurate statement of all material facts relied upon herein, and the proposed conduct in practice conforms with the information you provided, as addressed in this opinion.

Changes or other developments in the law (including, but not limited to, the Code of Official Conduct, House rules, Committee guidance, advisory opinions, statutes, regulations or case law) may affect the analysis or conclusions drawn in this advisory opinion. The Committee reserves the right to reconsider the questions and issues raised in this advisory opinion and to rescind, modify, or terminate this opinion if required by the interests of the House. However, the Committee will rescind an advisory opinion only if relevant and material facts were not completely and accurately disclosed to the Committee at the time the opinion was issued. In the event that this advisory opinion is modified or terminated, the Committee will not take any adverse action against you with respect to any action taken in good faith reliance upon this advisory opinion so long as such conduct or such action was promptly discontinued upon notification of the modification or termination of this advisory opinion.

If you have any further questions, please contact the Committee’s Office of Advice and Education at extension 5-7103.

Sincerely,

Zoe Lofgren
Chair

Jo Bonner
Ranking Republican Member

ZL:JB:pm
EXHIBIT 23
Rehearing

By the Panel

Said to have been taken on the record

In the matter of

Case No. 20210-033

Mr. David Kyrklund

Respondent

- - - - -

DEPOSITION OF BRUCE ZEM

- - - - -

Taken at Chevron Westlake & Saba, LLP
45 East State Street, Ste. 1000
Columbus, OH 43215
August 20, 2009, 9:15 a.m.

- - - - -

Operator Reporting LLC
373 Stewart Avenue, Columbus, Ohio 43216
614-482-0809 or 609-635-1234
www.operatorreporting.com

- - - - -

APPEARANCES

ON BEHALF OF PLAINTIFF:

Cheater, Zabloty & Saba, LLP
65 East State Street, Ste. 1100
Columbus, OH 43215

ON BEHALF OF DEFENDANT:

Gereaux & Gereaux
65 South Front Street
Los Angeles, CA 90017
My Mark J. Gereaux, Rep.

ON BEHALF OF DISTRICT:

Flowers, Cappuoto, Davis & Patterson
2423 Erie Avenue
Cincinnati, OH 45208
By Christopher M. Flowers, Def.

R membrane to:}

Bruce Kyrklund
Monday Morning Session
August 31, 2009, 8:15 A.M.

Exhibit

It is stipulated by counsel in attendance that
the deposition of [name], a witness herein,
called by the defendant for cross examination, may
be taken at this time by the witness by written
agreement; that said deposition may be reduced to
writing in shorthand by the stenographer; whose notes
may thereafter be transcribed out of the presence
of the witness; that proof of the official
character and qualification of the
stenographer is withheld.

[Documents listed]

Exhibits attached to the original transcript.
MR. JAY: I -- I probably should interrupt at this point. I know I e-mailed you folks about this, but I also know that Mr. Gwage, you were not present at the deposition of Mr. Weigh and --

MR. GWAJ: Uh-huh.

MR. JAY: -- when Mr. Finney did state that this is a political matter and unless it has some bearing on the allegations, the complainants don't really go there in terms of you're not going to explore and fish into Mr. Kihoro's background for purposes of getting political fuel that Mrs. Schmidt wants to throw at him at a later date. So unless you can give me some idea why -- I think there was a question that I believed I withdrew -- that's remotely relevant to the allegations of the complaint, because the allegations that Mr. Kihoro has made about it, we're not going to answer that question or any other questions that really are not pertinent to the issues at hand. This is on page 10 of the transcript.

And he goes on and says that we're going to try to limit this to the issues at hand.
instead of giving her whatever combination she needs for her political activities. And I think okay. I think that's a fact. It is not as long as you understand it's going to be applied in both directions.

I don't think you're or to that extent, but that's my understanding of the role of the role for what we're here today on.

Q. Mr. Ford, presently, are you a -- do you know what the Turkish American Legal Defense Fund is?

A. Yes.

Q. Do you have a connection to the Turkish American Legal Defense Fund?

A. Yes, I'm a lawyer with it. It's known as TLAW in the acronym.

Q. And when you say you're a lawyer, did you form the Turkish American Legal Defense Fund?

A. No. I was asked to do the work and I still do work in communications for the Turkish Coalition of America, and they seemed to be a large supporter of First Amendment and related issues that had concerned the Turkish-American community. And...
what year that was?

A. I think it was this year, 2008, or

maybe it was late 2007.

Q. Okay. And did you --

A. Something like that.

Q. Did you form -- are there only two

principals of the -- you call it TALOF; is that

CORIOD?

A. That's correct.

Q. And are there only two principals of

TALOF?

A. Yes. If I can explain. TALOF to my

understanding is not a separate corporate entity.

It is under the umbrella of the Turkish Coalition

of America.

Q. Okay.

A. And it's paid by the Turkish Coalition

of America. It's not separately incorporated

with a separate board of directors.

Q. And are there only two principals of

TALOF?

A. There are only two lawyers who work for

it. The answers is yes if that's --

Q. And the two lawyers are you and

Mr. Saltzman?

Q. Who is Mr. Saltzman's partner?

A. I don't know.

Q. You don't know his partner?

A. As -- I wish it TALOF? No, he works

with me.

Q. Does he have a partner in his law firm?

A. What's his law firm's name?

MR. JEFF: I would object.

Q. Do you know his law firm?

MR. JEFF: I would object.

MR. GEROW: I understand you're

objecting. Are you instructing him not to answer?

MR. JEFF: I would object and ask you

to tell me, given no other reason why that's remotely

relevant to the allegations of the complaint --

MR. GEROW: Okay, we're laying a

dedication --

MR. JEFF: -- and you meaning of

monoxide and the --

MR. GEROW: When I finish -- it's all

fundamental. I'm just establishing.

Q. Who is Mr. -- who is Mr. Saltzman's
was an order. If you wanted ground rules, we were up for over an hour, you could have explained them. --

MR. BENT: We established the ground rules with you, you know --

MR. GERAGOS: I wasn't --

MR. BENT: -- in a deposition.

MR. GERAGOS: -- privy to that.

MR. BENT: You were privy to it, so --

MR. GERAGOS: Whatever you want. I'm asking --

THIS REPORTER: One at a time please.

Q. Who is Mr. Baltman's partner?

MR. BENT: I would --

Q. His law partner.

MR. BENT: I would object unless you will show me why that's --

MR. GERAGOS: How you instructing him not to answer?

MR. BENT: -- remotely relevant to the --

MR. GERAGOS: Then that would be objection relevant. That's how you do it. So if you want to make the objection relevant --

partner?

MR. BENT: Again, I will object --

MR. GERAGOS: Are you instructing him not to answer? That's all I'm asking.

MR. BENT: Well, I'd like to complete my objection.

MR. GERAGOS: Well, normally I just don't do speaking objections. It's just objection on what the grounds are, and then you can tell him to answer or not answer.

MR. BENT: Well, my objection is that the grounds are that unless you can give me some idea of --

MR. GERAGOS: I didn't agree to any ground --

MR. BENT: -- relevance --

MR. GERAGOS: I didn't agree to any ground rules, so --

MR. BENT: Well, your client --

MR. GERAGOS: I understand. I'm not here to- --

MR. BENT: -- through counsel did agree to the ground rules.

MR. GERAGOS: No, we didn't. There
MR. BELL: You know, you can make your objections the way you do. I'll make them the way you want.

Mr. SENGAGIS: You can make whatever you want.

Q. Can you answer that question?

MR. SENGAGIS: What is it?

MR. BELL: I think that if you think you are not being heard by the court rules you have a time that we can have a conversation with

Mr. Muchter.

Mr. SENGAGIS: We don't need to.

Q. How did you --

Mr. BELL: In that case, I'll instruct him not to answer.

Q. The Turkish Coalition of America, are you a member of the Turkish Coalition of America?

A. I work with the Turkish Coalition of America on communications. I don't know --

there's not a -- to my knowledge, it's not a membership organization.

Q. Did you form the Turkish Coalition of America?

A. No.
<table>
<thead>
<tr>
<th>Line</th>
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<tr>
<td>1</td>
<td>A. Occasionally, yes.</td>
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<td>2</td>
<td>Q. When you say &quot;occasionally,&quot; do you have another office address besides their?</td>
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<tr>
<td>3</td>
<td>A. I do. I have an office at -- out of a building in Wellington, Florida.</td>
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<td>4</td>
<td>Q. Out of whose?</td>
</tr>
<tr>
<td>5</td>
<td>A. Wellington, Florida.</td>
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<td>6</td>
<td>Q. So the only other actual office that's not in a home is at the same location as the Turkish American Legal Defense Fund?</td>
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<tr>
<td>7</td>
<td>A. Yes.</td>
</tr>
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<td>8</td>
<td>Q. And that's also the same location of the Turkish Coalition of America?</td>
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<tr>
<td>9</td>
<td>A. Yes.</td>
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<td>10</td>
<td>Q. Add specifically, does the location in Washington, D.C. still house any other organizations that you're aware of?</td>
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<td>11</td>
<td>A. I think that the building houses lots of different organizations, but --</td>
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<td>12</td>
<td>Q. So, I'm talking --</td>
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<td>13</td>
<td>A. -- I don't know about that.</td>
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<td>14</td>
<td>Q. I'm talking about that floor. Have you ever heard of the Assembly of Turkish Americans Associations?</td>
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<td>15</td>
<td>A. I have heard of that.</td>
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<td>16</td>
<td>Q. Okay, didn't you represent them?</td>
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<td>17</td>
<td>A. I didn't represent them. I at one time -- I worked in the same building. Do you know that they're in that building?</td>
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<td>18</td>
<td>Q. Well, when you say -- didn't you represent them in the year 2009?</td>
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<td>19</td>
<td>A. No, that's unclear to me.</td>
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<tr>
<td>20</td>
<td>Q. Did you act as the attorney for them?</td>
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<td>21</td>
<td>A. I did not act as an attorney for them, no.</td>
</tr>
<tr>
<td>22</td>
<td>Q. But you didn't file documents in the district court of those?</td>
</tr>
</tbody>
</table>
| 23   | A. I -- I do have a recollection, yes. 

Mr. Geragos, you are in that case. This was a -- the case in that case. This was a restraining proceeding in which the Coalition of Grips concerning a Matters Equitable.
Q. Right. And specifically I'm going to
ask you, did -- you are an attorney at law,

A. Correct.

Q. And at one point did you office at 9215
Sunny Hill Court in McLean, Virginia?

MR. BRED: Objection. I don't know how
that's relevant to any issue in this case.

MR. GABE: Okay. Do you want -- is
that -- are you instructing him not to answer?

MR. BRED: Unless you comply with the
ground rules and tell me --

MR. GABE: I'm not complying with
any ground rules and any of your

MR. BRED: Excuse me. I --

Q. Do you see this, Mr. Jain? Is this
your letterhead?

MR. BRED: I did not --

MR. GABE: I don't have -- I don't
-- if you have an objection, state it. If you are
just going to assert, I don't want --

MR. BRED: You have no right to
interrupt me. I'm not interrupting --

MR. GABE: I can interrupt any time.
A. Privileged.

Q. it's privileged as to whether you authored it?

A. Did you address it to a court?

Q. Federal district judge?

A. It speaks for itself.

Q. Well, I didn't ask you if it speaks for itself. Did you address it to Ann Aldrich?

A. Yes.

Q. Okay. And did you file this and have this issue to be filed in a federal district court?

A. Yes.

Q. And is there anything that you write that it's a document that you requested be considered as a recommendation?

A. Yes.

Q. Okay. And does the first paragraph say: "Now saw the Assembly of Turkish American Associations?" Yes through its counsel, Bruce Read?

A. Yes, that's what it says.

Q. Was that an accurate statement that you made?
Q. When you first met Mr. Frank and Mr. Nusty, did you ever have any recollections of them?
A. No, I did not.
Q. Okay. As of now, do you have any recollection of ever representing them?
A. No, I do not.
Q. And specifically, did you ever or did you have occasion to meet with Mr. Frank or Mr. Nusty or any of their associates in connection with any specific matter?
A. Yes, there was one occasion where I met with Mr. Nusty at a conference of lawyers in New York City.
Q. Okay. And when did that occur?
A. I believe it occurred in early 1970s.
Q. And was Mr. Frank present at that meeting?
A. Yes, he was present.
Q. And when did that occur?
A. I believe it occurred in early 1970s.
Q. And was Mr. Frank present at that meeting?
A. Yes, he was present.
Q. And what was the purpose of that meeting?
A. The purpose of the meeting was to discuss a specific case.
Q. And what was the nature of that case?
A. It involved a dispute over the ownership of certain real property.
Q. Were you really ATAA?
A. No, I was not.
Q. You didn't have anything to do with ATAA, except for some kind of a solider or adjunct?
A. That is correct.
Q. Do you know who formed ATAA then?
A. No.
Q. Was it Mr. Baltman?
A. I don't think so, but I don't know who formed it.
Q. Wasn't Mr. Baltman and his partner involved in the ATAA back then?
A. I don't know what their involvement was. I know that D avid Suisman is interested in these issues and he may have been involved. I think Dr. Schock was involved in some capacity, but I don't know whether they formed it.
Q. When you say "involved in some capacity," those are the only two people that you ever met in connection with ATAA, isn't that correct?
A. No.
Mr. KERANS: The evidence.

Mr. BREIT: I didn't ask you that. I just asked a simple question.

A. I have -- I'm trying to explain my -- I understood that.

Mr. BREIT: You can't keep a witness.

Mr. KERANS: Stop. Are you yelling at the witness?

Mr. BREIT: You have no right to interrupt the witness.

Mr. KERANS: Why don't you just relax.

Mr. BREIT: Why are you interrupting all the time? You have no right to interrupt the witness.

Mr. KERANS: Because I will conduct this deposition.

Mr. BREIT: You have no right to interrupt the witness' response.

Mr. KERANS: You have some kind of a chip on your shoulder. Please.

Mr. BREIT: You have some kind of a perception as to how you're asking questions.

Mr. KERANS: I can ask questions when you want.

Mr. BREIT: You have no right to interrupt a witness when they're testifying.

Mr. KERANS: We're not going to talk to you.

Q. Now, let me ask you a simple question.

Mr. BREIT: When he's through with answering the question.

A. I was not through with the answer.

Mr. KERANS: He's answering a question.

I didn't ask.

Mr. BREIT: I instruct the witness --

Mr. KERANS: That's fine. Instruct him to do whatever you want.

Mr. BREIT: -- not to answer any questions unless he finishes the answer to the question that you interrupted and cut him off from.

Q. Do you have a connection with something called the Lichtfield Group?
Mr. BEHRENS: We're not here to — to
get you to do anything... I'm just asking
the questions. If you want to ask me
questions, I'm here, but this... if it's
your... if it's not your thing, I'll
answer that question.

Mr. BEHRENS: That's not a question.

Mr. BEHRENS: Yes, I just want to ask
you a question... My name is Bob.

Mr. BEHRENS: I've been a registered
foreign agent for over 10 years, and I've
ngoing to continue to do...
A. I could have been. That's yours, isn't it?
B. 
Q. Okay. Do you when you said --
B. I'm -- I do not --
Q. I just asked a simple question.
B. There are years ago.
Q. Okay. I asked you if you had seen a registered foreign agent; you said one. That's incorrect, right?
B. That's -- yeah, that was --
Q. That is incorrect.
B. And you've been a registered foreign agent; for at least three other governments; isn't that correct?
B. I don't have any distinct recollection, my sincere. You're talking about years ago.
Q. Well --
B. Do --
Q. -- when you say --
B. -- you're asking me --
Q. When you say years ago, are we talking about the 1990s?
B. I remember that years ago, yes.
Q. Okay. And specifically when you
State?

Q. Do you know if -- I'm asking you if you
go to the ATRC website if there's unnecessary by
you posted on there?

A. I don't know. I have not visited the
ATRC website.

Q. Do you know who operates the ATRC?
A. No.

Q. Okay. Are you familiar with Bible
13

Edmonds?

A. The only occasion I've had to encounter
her was her deposition in August.

Q. Okay. When you --

A. In -- in this case.

Q. You attended that deposition?
A. I attended the deposition, yes, sir.

Q. And did you hear about the allegations
that she made?
A. I listened to everything she said.

Q. Okay. And do you have reason to
believe that any of those allegations are untrue?
A. I have reason to suspect all of them
are untrue.

Q. Okay. What's the reason that you

suspect that they're untrue?

A. Well, Mr. Edmonds, she made so many
allegations, you would have to start identifying
which one.

Q. I will. I will.

A. For example, the -- I'll give you an
example. One of the allegations that she made --

Q. Well, you asked me to identify and I
will do that.

A. Seven allegations. She -- she made
allegations that the following members of Congress
had taken bribes from the Turkish government:

Dennis Hostet, Tom Lantos, Dan Burton, Ney Blunt,
Robert Livingston -- let's see, what other one,
maybe -- and then there I have reason to believe
are all false.

And plus she also made the allegation
that a current member of Congress, a woman, had
attempted to be blackmailed by the PFI and some
women from a Turkish organization by showing her
she had lesbian orientation and there was
photography that were taken of her being
compromised, but she didn't give the name of this
person, there have been speculations afterwards.
because she didn't know what she was
permanently blackmailed and expanding some of her
positions in Congress. These are some examples of
things that I believe are blatant lies.
Q. Well, let's start with the Livingston.
A. Uh-huh.
Q. Are you familiar with former
Congressman Livingston?
A. Robert Livingston.
Q. Yeah.
A. I know who he is.
Q. And is he a registered foreign agent for
the government of Turkey?
A. I have never checked myself.
Q. You don't know as you sit here?
A. Do I -- do I -- she said that. I think
it -- I've heard and read published reports that
it's -- as you well know, Mr. Dasper, when you
register as a foreign agent, you file something
with the Justice Department. I think copies go to
the State Department. I have not gone to that --
these registered sites to confirm or not whether
that's true. In the public statements, public
record, newspapers, there's an indication that the
Livingston Group, at least at one time, was a
registered foreign agent for the government of
Turkey.
Q. Have you ever met with Mr. Livingston?
A. I met with Mr. Livingston. I think the
first time when he was a member of Congress, and
it was in conjunction I believe in impeachment of
William Jefferson Clinton.
Q. Okay. Well, the -- have you met with
him since then in regards to any Turkish issues?
A. Not with regard to Turkish issues.
Q. Okay. Did you have anything to do with
the Livingston Group in a delineation of events in
the Turkish parliament and a re-election that was
hosted by the Turkish Coalition of America with --
that was attended by Dean Schmidt?
A. No.
Q. You had nothing to do with that?
A. No.
Q. You weren't there?
A. No.
Q. You didn't talk to them?
A. No.
Q. And you said you've got reason to believe that Steele Edmond's allegations are a lie. In regard to Mr. Livingston being bribed?

A. Yes.

Q. Okay. And on what did you base that reasoning?

A. No. It's ordinary if you have allegations of bribery, you take them to the F.B.I., the Justice Department and you produce some proof of money passing from the government to an individual in exchange for taking a position in Congress. So the gist of her allegations were that Mr. Gephardt, that money was given to those members to shape their views on the particular Armenian resolutions pending in Congress.

Now, when I asked Steele Edmond at that opposition whether she had ever gone to Mr. Gephardt or others and claim that those crimes had occurred, she said no. And so based upon the state of the public record, the recollection of the allegations, and we knew the Justice Department. I was there for 15 years, we investigated very seriously allegations of crimes against members of Congress, and that nothing of
current state of knowledge she had gone to the
attorney general, the FBI, and reported these
incidents. She said no.

Q. Okay, I'm not asking you about that.
I'm asking you specifically: Do you have any
information that the wire taps that she listened
to or any of the investigative reports that she
translated and what she testified to independently
are false?

A. My -- I think the overwhelming
circumstantial evidence is yes. I worked with the
FBI long, many years. These are people of the
highest integrity. There was never a case where I
had ever encountered the FBI overlooking a serious
allegation of a case of bribery committed by a
member of Congress with indifference. So that if
she had that information that would be available
to the FBI -- it's a Title III wiretap -- and
nothing was done, then that gives me confidence to
a moral certainty that the crime had not been
committed.

Q. I'm not asking you --
Mr. WITH: I would also object --
Q. I'm not asking you whether you've got a
Because there was no investigation?

A. The impoundment of the proceedings of
the F.I.A. Mr. Danegaard, I worked there for 15
years.

MR. BREIT: We're going to take a break
right now.

MR. GERMANS: We've heard that four
times.

MR. BREIT: That's correct. We're going
to Phil Richter right now.

Q. We've heard that four times and
MR. BREIT: You have had an opportunity
to continue disturbing Counsel and --

Q. Specifically I'm asking you --

MR. GERMANOS: Are you going to stop the
deposition?

MR. BREIT: We are going to stop the
deposition to talk to Phil because you are using
abusive behavior over and over again, interrupting
the witness --

MR. GERMANOS: It's too bad we don't
have a videotape of this that we could see your
actions in this. The only abusive behavior is you
standing up and apparently have a visual pressure

I'm asking questions. And I'm not --
we
don't need to call Mr. Richter like expected to
the principal's office. You're either going to
produce him to answer the questions or you're not.

Q. Mr. Fain, are you going to refuse to
answer the question?

EH. BREIT: We're not doing anything
until we talk to Phil.

A. I'm waiting for my counsel.

EH. (GERMANOS): I'm not agreeing to talk
to Mr. Richter about anything.

THE COURT: Are we on the record
now?

MR. BREIT: It's up to Mr. Gerermos.

Let's stay on the record.

(Mr. Richter is called.)

EH. (GERMANOS): This is Phil Richter.

EH. BREIT: Hi, Phil, this is one way.

We're back at my office with a case of characters.

Phil. Fain is being deposed. We also have
Mr. Gerermos, who is taking his deposition, and we
have Chris Hume and another woman who's counsel
-- Tim Oland.

MR. GERMANS: Yes.
BRUCE TEAL: -- who is co-counsel with Mark Gergos and David Ritchie. Against Mr. Gergos' wishes, I called a stop because I wanted to chat with you. Mr. Gergos has repeatedly interrupted the witness, talked over the witness, talked over me. And I believe that that's improper conduct of a deposition.

MR. GERGOUS: I'm going to --
Mr. Ritchie, I don't know why he's calling you other than he seems to have run out of a chimp on his shoulder this morning. He jumps in the middle of it, he doesn't -- if I -- if I ask a question that I don't get an answer to and ask it again, he jumps in the middle. I don't even know why he's on the phone with you. Frankly, I'm trying to ask questions of Mr. Fein, and Mr. Fein is -- jumps in the middle and seems to have some kind of issue with me this morning, which I -- which I guess seems to be a continuation of the issue that he had with me when we were on the phone before. I'm at a loss to figure out why we're on the phone with you, other than he just doesn't seem to want the deposition to go forward.

MR. MORI: Phil, that's not the case.

Not continually interfering is to make personal comments towards me as he does now and how he has done throughout the deposition, which is -- I'm not a part of that, I'm not too concerned about that.

But, Bruce, how many times would you estimate he's interrupted you from answering a question?

MR. GERGOUS: You know, Phil --

Mr. Ritchie, I frankly am not going to be a party to your continued interference bearing on the deposition. We have a court reporter here. The court reporter is taking down everything that's happening. I -- I've asked him if he's going to instruct -- if he's going to object -- and similar than speaking objections to stop objections and state the grounds and either insist the answer to answer or not answer, I'm going to take every single time that's all annoying and -- and getting in on it. I don't need to go there. All I need -- we've got a record. And I would just ask that you instruct him to conduct himself appropriately at the deposition and we have a
record of it, and I don't even know why we're telling you at this point.

MR. VANEY: Well, we're telling you because he interrupts the witness when the witness is answering. He interrupts me when I say anything and then accuses me of stalling. You know, if the record shows that I'm behaving inappropriately, that's fine. I did read in the agreement that Chris Finney said on the ground rules, and I think part of the issue is he doesn't think the ground rules should apply to him.

Although that's really sort of off the point. My main concern is he has a right to ask a question, you know. I have a right to state an objection, and the witness has a right to answer the question without interruption, all of us.

MR. RICHES: It sounds reasonable to me. I'm not sure, I certainly haven't been able to witness any of the going on. It's a little tough to get in the middle of those kind of things.

MR. FINNEY: O.K., this is Chris Finney, it just seems to me that the record is going to be what the record is. Mr. Georges doesn't like how Mr. Gray is interrupting him, and Mr. Gray doesn't like how Mr. Georges is asking questions. The hearing commission will be able to sort all of that out if diversion is used for impeachment purposes or used for testimony purposes at the hearing. So as far as I'm concerned, it just ought to go forward and, you know, let the chips fall where they may.

MR. VANEY: I'm not --

MR. RICHES: Hold on there, that certainly sounds reasonable to me. But I'll admonish both sides just to -- just to make sure this thing gets done. Let's just make sure this thing moves along in an appropriate --

allow persons to answer, and neither side hopefully won't jump in when they shouldn't be jumping in both sides.

MR. BETT: All right. I appreciate it.

Do you think if we don't interrupt each other, I won't interrupt him, he won't interrupt me and the witness, and we should be able to get this done --

MR. RICHES: I hope. That works for me.
MR. SHER: Thank you, Mr. Chair.

MR. SHER: Thank you, Mr. Chair.

MR. SHER: Thank you, Mr. Chair.

Okay.

MR. GERAGOTIS: I'm going to ask you again. On the specific -- specifically the testimony at the ATAA -- oh, wait a second, let's go back.

MR. SHER: Okay.

Q. You don't have any elevator other than the one you're on, right?

A. Yes.

Q. You haven't seen any documentary evidence that would relate any of the lifts to "Edmonds" allegations, have you?

A. Documentary evidence.

Q. Right. Do you understand what I'm saying?

A. Yes. I do.

Q. And documents --

A. And my evidence is circumstantial.

Q. Evidence based upon my own years. That's what it is.

Q. Okay. Now, when you say "circumstantial evidence," circumstantial evidence generally includes documentary evidence, does it not?

A. It may or may not.

Q. Okay. And it also would include things like witnesses, possibly, isn't that correct?

A. Documentary evidence or circumstantial evidence?

Q. Circumstantial evidence.

A. It could be. Could be the residue of witnesses.

Q. Okay. Well, do you have any -- have you talked to any witnesses who refute "Edmonds" allegations?

Q. Well, let's back up a bit. It didn't happen. I don't know of anyone who has said they've ever been to love

Belief or have seen Robert Livingston receive

billion from the government of Turkey, especially

because the primary allegations were that it

affected his decisions as a member of Congress.

And I'm trying to explain, Mr. Geragotis, I believe

as you know, a lawyer there's things called

circumstantial evidence, a regularity of

proceedings that happens.
Q. Right. I'm not asking that question.
A. When -- when --
Q. That's why I interrupted before. I'm asking you a specific question, okay?
A. Okay.
Q. Do you have -- have you seen any documentary evidence that refutes Kobe Edmonds' allegations?

REP. BASS: Clarification. Are you talking about just her allegations or the entire thing?
REP. EINHORN: He's the one who listed these seven allegations.
Q. Isn't that what you said?
A. Yes.
Q. Okay. And have you seen any documentary evidence that refutes those seven allegations?
A. I've seen no documentary evidence on either side of the equation.
Q. Okay. Didn't she testify that she had seen documentary evidence?
A. That's not my recollection, no.
Q. Okay. Well, you said there was a title

REPS. EINHORN: I'll restate, didn't you?
A. That doesn't mean it's documentary.
Q. That's overwhelming --
A. Well, do you have what --
Q. My recollection --
REP. EINHORN: Ms. Ginsburg, if her testimony was not that she heard values naming funds to the effect, let's give Bob Livingston a break.
Q. All right. I'm asking you didn't she testify that she had -- that she was privy to documentary evidence about members of Congress being compromised -- and I think you listed the seven. Was that not her testimony?
A. My recollection is no. We did not testify, I have documentary evidence that these members of Congress received bribes. This is not my recollection, oh, sir.
Q. Did she testify that she had circumstantial evidence that these congressmen had been --
A. I do not --
Q. -- compromised? Will you let me finish --
REP. EINHORN: Okay. Right now we're
going to stop and we're going to speak one at a
time because this record is a mess. So we sit at a
time and then the next person talks.
Q. I have to finish the question before
she can take down your answer.
A. Right.
Q. The question is: Didn't she testify
that she had been going to evidence,
circumstantial, documentary or otherwise, that led
her to make the allegations, what you call the
seven allegations?
A. My recollection of her testimony was
that she had evidence that she did not describe
its origin that these monies had taken bribes
from the government of Turkey to influence their
official actions. And, again, I have no
reconciliation she tried to characterize it or place
it in any kind of box.
Q. Well, did she also make the allegation
that the government of Turkey was using so-called
Turkish cultural or social organizations to
launder monies to -- to Congress people and others
in order to get them to change their position on
the genocide?
A. Yes.

Q. Okay. And do you know whether or not the government of Turkey has funded the Turkish Defense -- Legal Defense Fund?

A. The TDLF is paid by the Turkish Coalition of America.

Q. Do you know where the Turkish Coalition of America gets its funding?

A. I do not trace the background of the -- excuse me, could I take a pause and let me recollect my thoughts, please.

Can you repeat the question?

Q. Do you know where the Turkish Coalition of America gets its funding?

A. My understanding is it gets their predominant source of funding from its founder who is in Massachusetts, Mr. Ayazi.

Q. And who is that?

A. He's a businessperson who has taken a great interest in Turkish American issues.

Q. Okay. Do you know if the -- any of the funding comes from the government of Turkey?

A. To a moral certainty, I would say no.

Q. Okay. I'm -- I didn't ask you to a moral certainty. I'm asking you if you know.

A. You need to specify the strength of conviction, Mr. George, because I don't know whether the sun will rise in the east and set in the west tomorrow. I don't know whether you're not getting money from the government of Armenia.

There are levels of certainty that are required in answering a question like that because there's nothing that's absolutely 100 percent certain.

MR. GINGRAS: That would be objections that's not responsive.

Q. I'm not asking you for your level of certainty. I'm not asking you to speculate. Your lawyer has already objected if there's speculation. So I'm not asking about any various degrees of levels of certainty. Do you know whether the Turkish Coalition of America gets any funding from the government of Turkey?

A. You are asking more a level of speculation? Because as I explained to you, I don't know whether the sun will rise in the east and set in the west tomorrow or absolutely certainty.

Q. I didn't --

A. I will repeat that. To my knowledge --
MR. GERAGUSI: And I'll object as
nonresponsive.
A. To the best of my knowledge, the answer
is no.
Q. Okay. Have you done any looking to see
where the funding from PCA comes from?
A. I have not run an independent
investigation, hired -- hired investigators, I
have not done that.
Q. Okay. Have you done anything to look
at the checks that come in for the PCA?
A. No.
Q. Okay. Have you done anything to
examine where the -- any of the checks that are
received were -- why's doing the solicitation for
funding?
A. No.
Q. Do you know how much money the -- for
instance, since you represented the ASIA back in
the year 2000, as detailed in Exhibit B, were you
paid by the ASIA to do that?
A. I don't have a recollection. I did get
a small amount from my public communications work,
but I don't know whether I got anything paid.
asked. It was ruled upon as inadmissible during
Lynne McCrady's deposition. The complainant, if
you will read it, deals with the facts on how
it existed as of November 2, 2001, it has nothing to
do with who is or who is not paying for the
defense of --

Mr. GARRAGHS: And as we argued at the
hearing and you were overruled and this deposition
was ordered, it's circumstantial evidence of
whether or not there was money going to --

Mr. BRAY: I don't think I was
extricated on that point. If you want, we can talk
with full again and perhaps --

Mr. GARRAGHS: I don't need to go to the
principal's office,
Q. Mr. Pin, when did you first meet
Congresswoman Schakowsky?
A. My recollection is sometime after the
-- it was either November 2nd or November 10th.
FROM EXCERPTS.
Q. And that was the first time you had met
her?
A. Yes.
Q. Okay, and did you -- who introduced
Q. Okay. And were you the one who drafted the complaint?
A. No. MR. MCCORD: Objection. I instruct the witness not to answer.
Q. So is that privileged material if it's a formal complaint?
A. What?
Q. It's a formal complaint.
A. The complaint.
Q. You're saying that that's privileged.
A. My name is on the complaint as an attorney with Mr. Gray, so it speaks for itself.
Q. And did you -- did you draft that complaint?
A. MR. MCCORD: Objection. I instruct the witness not to answer. That's privileged.
Q. Okay. And did you specifically do -- you were not contacted by her or her chief of staff. correct?
A. Therefor.
Q. You and a Mr. -- is it McCord? -- discussed that matter. Is that correct?
A. My recollection is that Mr. McCord asked me to arrange to meet with Duex to discuss the legal representation.
Q. Okay. And what did you do that, did you enter into a retainer agreement?
A. MR. MCCORD: Objection. I instruct the witness not to answer.
Q. Okay. And that would have been shortly after the election you think?
A. I think it was December of 2006. There was a period of time that I was drafting -- or there was a memo by the House Ethics Committee to make certain that the representation was proper. I didn't know all the details or the parliamentary rules, so the representation agreement was submitted to the House Ethics Committee and --
A. My understanding is Joan Schmidt did or Barry Bennett did.
Q. And who told you that?
A. I think Barry did.
Q. And did you talk first with -- who was the first person you met, Barry Bennett or Joan Schmidt?
A. I think I may have met both of them.
Q. At the same time?
A. Yeah.
Q. And when you met both of them at the same time, did you tell them that you wanted to draft a complaint or file a complaint on this?
A. That's privileged material.
Q. Barry Bennett's your client?
A. No, he is -- represents the Joan Schmidt campaign committee, so we're representing Joan individually on the campaign committee.
Q. And the campaign committee is being represented by the Turkish American Legal Defense Fund?
A. Yes.
Q. And the Turkish American Legal Defense Fund, have they charged the campaign committee any money for their representation?
A. MR. BRY: I would object. I think that's privileged.
Q. Well, and it was ruled irrelevant. The answer is no. We stated that we would do this and we would not charge them legal fees.
Q. Okay. How many hours would you say that the Turkish American Legal Defense Fund has spent in processing this claim against Mr. Peterson?
A. MR. BRY: Objection, privileged.
Q. Privileged.
A. Privileged what?
Q. Privileged information.
Q. The amount of time you've spent is privileged?
A. Yes.
Q. So you're not going to answer that?
A. It's not answering.
Q. MR. BRY: It's also irrelevant.
Q. Did you travel back to Ohio today?
A. MR. BRY: Objection, irrelevant.
Q. So you see no reason the issue, sir?
A. Yes.
Election Commission rules on how to report in-kind contributions and even whether or not these would be viewed as or in-kind contribution. These happen not in the context of an election campaign. TAXI services are not for the purposes of promoting Jean's election or defeat is anything else. They're legal service, period.

Q. Okay. These legal services were to draw a complaint in this case. Do you know who

A. it's before the Chip Elections Commission.

Q. Okay. Do you providing legal services before the Ohio Elections Commission and you feel that you do not have to disclose whether that's an in-kind contribution?

A. An in-kind contribution is a campaign?

My understanding is that's not--has nothing to do with any campaign whatsoever. But I'm not an expert in election law.

Q. Okay. Is it a fair statement that you've made no disclosure?

A. I mean not an expert with the judicial
totally irrelevant is any issue in this case.

Q. And is that what you are or are not?

A. I've not -- other than the disclosure to the House Ethics Committee in connection with reviewing this arrangement, I have not filed any document with the Ohio Elections Commission other than what my name is on the complaint.

Q. Well, now you say that in connection with the House Ethics Committee.

A. Uh-huh.

Q. You didn't draft anything in terms of the House Ethics Committee, did you?

A. No. This was done -- I don't think I have authority to ask for an opinion. I think only a member of Congress does.

Q. Okay. Have you ever seen an opinion?

A. No.

Q. Okay. Did you submit any testimony?

A. No.

Q. Did you submit a declaration?

A. No.

MR. BERRY: Objection, irrelevant.

Q. Did you submit anything --
Q. Are you not going to answer?

MR. GREY: I've been instructed not to answer.

A. I'm following the advice of counsel.

Q. Okay. And specifically -- now, did you -- has the Turkish American Legal Defense Fund paid for any out-of-pocket expenses in connection with prosecuting this case?

MR. GREY: Objection. Same grounds.

Instruct the witness not to answer unless you can show me --

MR. SARTOPOULOS: Well, it'll illustrate what we said during the hearing that the -- these paying bus expenses and other things we've already agreed upon -- I would -- I would assert, is circumstantial evidence that they were doing the same before, which is the precise allegation that you've raised that Mr. Kertchler stated was false. And I made this same argument to Mr. Richter in the previous hearing in which he objected that Mr. Fein be here.

MR. GREY: I don't think that's his ruling but if I'm mistaken, I'm certainly willing to talk to Mr. Richter if I have the clarification.

Q. Now, are you going to answer whether --
MR. GERAGOS: I understand that. You represent Congressman Schmidly.

MR. BREIT: I represent Congressman Schmidly and I represent --

MR. GERAGOS: Do you represent

Mr. Voel? Is that also that you're representing

Mr. Voel here today?

MR. BREIT: I'm here on his behalf in connection with his representation of Juan Schmidly and his committee.

MR. GERAGOS: Okay. Are you his lawyer today? Because when he says on advice of counsel, is there an attorney-client relationship?

MR. BREIT: Well, there's certainly a privileged relationship when we're no co-counsel for the same client.

MR. GERAGOS: I understand that. But are you today representing him as his lawyer?

MR. BREIT: Yes.

MR. GERAGOS: Okay.

Q. Mr. Fein is that correct?

A. Yes.

Q. Is Mr. Stry your lawyer?
MR. OSAMAS: The questions that they're referring to answer are specifically.

MR. Lichten: Whether or not they've paid expenses in connection with the prosecution of this claim.

I think I had argued to you when we were on the phone -- I guess that was on either Thursday or Friday that that's our position that our circumstantial evidence that would show that there's money being given to her or to this

contributions that are being given to her which are in accord with the statement of the truth or falsity of the statement that she has taken her money -- blood money to deny the commission.

And they're refusing to answer whether -- I think the specific question that I asked was whether they paid the travel expenses for one particular witness and whether they paid other expenses for other witnesses.

MR. DEY: That's correct. When he speaks of "they," he's talking about the Turkish American Legal Defense Fund. And the other testimony has been that the Turkish American Legal Defense Fund does not take money from the Turkish government; it receives funds from the Turkish government.

I believe that Mr. Dreyfus has
his knowledge. And he's, you know, the principal of the Turkish Coalition of America.

Having said that, the payment by the Turkish American Legal Defense Fund of the
nonpayment as the service that they're offering in some fashion for her representation in this case,
doesn't -- isn't relevant, is not admissible under Ohio's evidentiary rules, is not admissible, is
not relevant under the Ohio case law, and under
the rules of the panel that we've agreed upon. If
it's not relevant to an issue in this case, it
shouldn't be inspired here.

MR. URBANO: Well, I'm very familiar
with 404(1). It's not a Federal Rule of
Evidence. And this isn't a 404(b) issue. The
404(b) is when you see some other unrelated act.
This isn't an unrelated act. The $30,000 in blood
money, which is the allegation here to deny the
genocide, I will establish that the $30,000 in
money came from the same source that the
money is being -- that is coming from -- that
financed the -- the very Turkish American
Legal Defense Fund. Which as they all come from TCA,
and TCA's money all comes from the

The state of receiving money from the Turkish government or
from Turkish government-sponsored PAC was as of
November 1, 2006. There's been no testimony by
anyone in this case. Whether she was legal.

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with 404(b). It's not a Federal Rule of
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genocide, I will establish that the $30,000 in
money came from the exact same location that the
money is being -- that is coming from -- that
financed the -- the very Turkish American
Legal Defense Fund. Which as they all come from TCA,
Turkish-sponsored PACs and from this gentleman who
sues the National Institute.

And there's already been testimony by
Mr. Ford today that he was the one who initiated
contact with Mr. Donnell and the congressional staff
that he's the one who went and offered their legal
services, that they're not charged her for the
legal services -- which by the way is a Federal
Election Commission violation and I will present
that at the hearing.

And I specifically want to find if they
are paying for the expenses in conjunction with
this decision to make legal contributions which
they're doing, which show, once again, and it will
lead into specifically two -- their drafting of
this complaint and their drafting of the -- for
position -- so-called position on the American
Genocide. And that's the precise issue that the
Commission is going to have to decide is whether
or not there's a truth or falsity to the
allegation that she is raising money in order to
deny the genocide.

Mr. NARY: Well, a couple things. The
testimony was that Bruce Ford had none of these
contacts with Jean Schmidt or with Barry Goemert
until after last November's election. The $54,000
was in present tense as of November 2, 2006.
There is no testimony that there's any connection
between -- in terms of financial contributions or
goings back and forth between the Turkish American
Legal Defense Fund and the political action
committees or one of the two political action
committees that was up there. We're not supposed
to say -- any questions he's had about the PAC and
where it gets its money, to the extent that Bruce
felt he was or anything like that. And certainly
relations between the Turkish American Legal
Defense Fund in terms of money going back and
forth in the PAC are -- are fair game. What we're
saying is questions -- and by the way, I do think
that one of the statements he made, that this is
relevant to show that there was an PAC violation
that took place this year, we don't think there is
one. This has all been through the Congressional
whistleblower. But it does show the sort of ad
hoc --

Mr. GAVIN: Wait, I do -- I do
object.
MS. BART: I did not interrupt you.
please do not interrupt me.

MS. GERAGOS: I understand --

MS. BART: I did not interrupt you.
please do not interrupt me.

MS. GERAGOS: I do object. The House Ethics -- there is no evidence of that.

MS. BART: I did not interrupt you.
please do not interrupt me.

MS. GERAGOS: I'm objecting to that.

MS. BART: Well, I had an objection.
but I waited until you finished. And I am stating it now, if I may.

I'm sorry. Where was I? Am I effectively through now, which is I think one of the purposes of this unfair practice of
interjection.

He's trying to present evidence of an SEC violation in front of the House Committee.
Commission the SEC have their own rules and regulations. If there's any basis for
anything to be presented to SEC, there's a place to present that. It's not this case. And I
think that that example shows the impropriety of

MS. GERAGOS: Having a Department of Justice
investigation.

MS. BART: Thank you. I don't think they are trying to present evidence of an
SEC violation in front of the House Committee.

This is a House Ethics Committee.

MS. GERAGOS: I object to the language.

MS. BART: The House Ethics Committee.

MR. HIGHTER: Mr. Richter, I don't understand -- I mean, I'm a little confused as to
why we've run so far ahead. I've asked a very
simple question. The simple question is: Have
you paid expenses in connection with this? I
think I argued at length the other day that that
is circumstantial evidence that she would make
contributions to she would take expenses in trade
for her position which is what they're accusing
Mr. Kricorian of both saying and what they're
saying is false. And the standard is is will the
evidence lead to relevant or admissible evidence.

That's the standard is. This clearly is
relevant, and the Commission would determine at a
hearing whether it's admissible. But the question
is a very simple one: Have you paid expenses in
connection with flying expenses in this
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this. We're not talking about bad character, good character or anything else. We're talking about
circumstantial evidence that shows that she takes
money from these organizations.

MR. JAST: There are a number of cases
dealing with evidence that are not part of
character testimony that talk about -- but
actually this is part of character because there's
-- they're trying to say that her character is
such that she would take money from -- from some
entity that was Turkish in its name, and so this
is actually in all four on character. But it
doesn't even need to be because there are a slew
of other cases in Ohio, at least, which talk about
it in connection with, you know, prior accidents
showing that it was or they were or were not
negligent because they, you know, were negligent
on another case or weren't negligent on another
case or accidents took place here or didn't take
place here.

MR. RIGHETTI: For argument's sake,
let's -- let's say -- for argument's sake, let's
say that she has taken some money in order to
pursue this at this point. How does that relate
to what occurred, you know, what, is it two months
ago?

MR. SIMANS: We would say -- we would
argue that it's the same modus operandi of her,
that it shows that she's taking -- that she took
the money before -- I mean, which is
demonstratively true, she took $30,000 before --
that she is taking money currently. She's taking
the money from the very organizations that we
allege are the ones that are providing the -- what
we call of what I call the blood money to
deny the events, and that since the election,
the very organizations that have -- since
November 2nd, the very organizations that were
giving her the money have been issuing press
releases talking about our opposition to both
resolutions and denying the genocides. And I
specifically refer to events which I will introduce
from the Turkish American Legal Defense Fund
and the TC -- TLA, which is the Turkish Coalition of
America, showing that they're putting these
statements out and claiming that she denies the
genocides. Even in their statements, they even
quote directly from the complaint in this case.
MR. HARRIS: Well, he keeps talking about the PAC and the Turkish Coalition of Americans. The head of the Turkish Coalition of Americans is also the treasurer of the PAC and therefore they both have the address where he works as the address of the PAC, which is commonly done whenever you have a treasurer. But there's -- the testimony has been sufficient that there's been no financial money going either from the Turkish Coalition of Americans to the PAC or from the PAC to the Turkish Coalition. I mean, despite McCurdy's testimony, and you know, the PAC records were that that was so. So to say that there are all the same entity is contrary to any evidence that there's been any money paid to the Turkish Coalition of America. The Turkish Legal Defense Fund, which receives money from the Turkish Coalition of America but neither receives nor gives money to the PAC, what connection that has that has with the -- with the issues at hand I believe are nonexistent.

MR. HARRIS: We just had testimony.
MR. SERGIO-LOI: I thought you were finished.

MR. BEIEN: Well, I wasn't, that is privileged information. It's irrelevant information. If they want to establish a connection with witnesses, you know, I'm not objecting to those kinds of questions. But without any connection or any good faith basis for thinking that there is a connection even, you know, they can't -- they can't please the attorney/client privilege and say how have you been preparing the case, how much time have you been spending, who's spending the money on this, that and the other thing. That is not advisable. It is privileged, and it goes to the heart of the attorney/client relationship, and it is also a violation of Ethics.

MR. SERGIO-LOI: Okay. You're once again -- are you finished?

MR. BEIEN: I am, thank you.

MR. SERGIO-LOI: Okay. Once again, the fact of whether they're paying witness expenses -- and it's somewhat ironic that they're trying to hide behind -- behind an attorney/client relationship. If Mr. Feit's organization, the Islamic American Legal Defense Fund, is paying for expenses, there certainly is no attorney/client privilege to that. And, frankly, if that -- if that turns out to be the case, it's somewhat ironic that in a Ohio elections case where you're supposed to -- and I have read the Ohio election, you know, mission statements and the reason that it was formed, and it's for transparency and truth, and now they're trying to hide the fact that the some shadowy organization has approached one of the federal-elected officials, is not only donating the line, but now in apparently paying expenses, and they're trying to hide that between -- behind an attorney/client privilege. There's no attorney/client privilege to -- behind whether you pay expenses for a client. Attorney/client privilege is grounded in a communication between the client and the lawyer. It does not cover acts of the lawyer to pay the expenses of the client. There is no communication involved in that. There's no such privilege involved in that. It's -- it's a ruse of a convenient to assert that it's an attorney/client.
Mr. GREGOS: The -- Mr. Richter, the question that I asked and the question that
they've instructed him not to answer the question. Did the Turkish American Legal Defense Fund pay for a witness who traveled to his deposition? This is the same witness who already testified that his declaration and his affidavit were prepared by the Turkish American Legal Defense Fund and that they were drafted by the Turkish American Legal Defense Fund, precisely with the costs of the issue, the -- which is the defense of Mr. Kilicarslan. Once again, if counsel wants to just keep saying that it's attorney/client privilege, I understand that that is what you know, his assertion is. But there is nothing privileged about whether somebody is paying expenses. The Turkish American Legal Defense Fund's payment of expenses for fact witnesses in a proceeding is precisely what Mr. Kilicarslan has argued and has stated publicly is going on here, that the Compassionists are taking money, blind money, to deny the genocide. And that's how we prove it. And once again, like I said, this would have been a two-minute or three-minute question and answer, and instead we've effectively spent 30 minutes on dealing with this.

BRUCE FEIN

MR. WERTS: Well, it would also go more quickly if you withdraw the question, but I think obviously we have a disagreement about whether it's appropriate to do that.

You know, he's made a number of charges here, but one of the -- the issues I would talk about is there is privilege in respect to communication with clients. There is also a privilege in terms of how the lawyer does work on behalf of the clients. There is no privilege per se between Mr. Feis and communication -- attorney/client privilege, there is no attorney/client privilege per se between Bruce Feis and any communications he had with Tarkan Demir and Mark. Having said that, well, consider what you're doing. You're alleging him to pay one of the lawyers the money and ask him to testify about his work product, plan preparation communications he had with a witness. And in some cases relevant to the case and pretty directly relevant to the case, you are discrediting -- which is also a principle in Ohio -- the rights of lawyers and clients to prepare their cases without being subject to
MR. RICHTER: Well, I would tend to agree with you there, but everything I've heard so far doesn't appear to get to the nature of the product or what was occurring between the attorney and the client, but a matter of a question of mere expenses paid for a witness or not.

I guess my inclination is to say that how much, at times, I'm not sure how relevant that would be, but the question of whether certain amounts were paid or not is -- in each of a fact question that tends to -- in my mind at least, tends to go somewhat to the issue that's -- that we're talking about here. And I wouldn't allow questions that get us, you know, what did you ask him, what did you do, how did you proceed, but, you know, did you do this for hire, and does that relate to other expenses --

MR. BERRY: Well, how do these expenses have any relation to the allegations that in November of 2008 she received 330,000 from the Turkish government-sponsored TV in and the Turkish people? 
may not be so. I understand that.

MR. BREIT: Phil, the information is not
a secret. We told them off the record I think
Keesen Demir's that we were paying for it. I
think it's utterly irrelevant to this case, and I
don't want them to get the journal's name in
the text because I think that's a relative
possibility here or a likelihood.

MR. GARAGOZ: Mr. Breit --

MR. BREIT: We're not going to waive the
privilege, and if we answer those kinds of
questions, then he can say, well, you answered
that one, therefore you have to answer the others.

MR. GARAGOZ: I guess the parties of
horribles agree so raised with that. I'm asking
the question. I will limit it to paying for the
witness expenses, I'm not going to ask him what he
discussed unless it deals with the denial of the
Serious and such matters, and I assume that Your
Honor has ruled and we can proceed so we can get
this done.

MR. BREIT: Phil, just one more
classification. We also were asking how many hours
we spent on the case with John Schmeid. I assume

that's off base.

MR. RICHTER: I don't -- yeah, I mean
with all due respect, I don't see that as being an
issue. As to whether the question as to how much
expenses -- or not how much, but whether expenses
were paid or not can certainly load -- or would
relate to the question of, you know, the
money came from what was part of Mr. Krikorian's
statement.

MR. BREIT: Okay.

MR. RICHTER: But how much time, et
cetera, to me is irrelevant to what the Commission
wants to find out about those statements.

MR. BREIT: And Phil, that's fine. We
will proceed here. But just for clarification, it's
part of your rationale based upon the -- the
representation to you that there will be valid
evidence that the Turkish Coalition of America is
receiving money from the government of Turkey?

MR. GARAGOZ: Could I --

MR. RICHTER: I think essentially the
answer to that is you know whatever is
determined out of this -- as I see it, anything
that is determined out of it here has to remain

...
Mr. Kiefer, did you pay the expenses or did the service fees for the witness work?  
A. Although I didn't write it down, it was.  
Q. And --  
A. Yes.  
Q. And who's that your understanding from?  
A. That's how the bookkeeping works.  
Q. I don't write out the check; the secretary does.  
A. Okay.  
Q. And are you the one who authorized the payment of those expenses?  
A. Yes.  
Q. And was you authorized for other expenses in connection with the prosecution of this proceeding?  
A. Transcripts.  
Q. Transcripts?  
A. The depositions. The depositions --  
Q. Mr. Kiefer, objection. Objection.
You've got to let me answer.

WITNESS: I apologize. Sorry.

MR. BERY: To the extent you're talking

about expenses incurred in connection with the
representation of Jean Schmidt, I think that's off
limits and we instruct him not to answer those.

MR. GERAGOS: Well, the -- the expenses

for -- we just had a ruling that the expenses were
not off limits. You're not saying that somehow is
the 45 seconds since we hung up that that ruling
someday changed?

MR. BERY: We can call back. My

understanding was he said --

MR. GERAGOS: We can call back -- he
said expenses.

MR. BERY: He said --

MR. GERAGOS: I realize you want to

obstruct this deposition, but we just had a
discussion --

MR. BERY: I did not interrupt you

please do not interrupt me.

MR. GERAGOS: I'm not finished.

Q. You've said that you, Mr. Fein, I'll

rephrase it.
Ms. SAYS: Don't answer any question
until he stops interrupting me.

MG. GERAGOS: You're interrupting me
with this --

Ms. SAYS: I'm interrupting you --

MG. GERAGOS: -- juvenile behavior of
yours.

Ms. SAYS: I'm interrupting --

MG. GERAGOS: Why don't you just try to
cool down and try to act like a gentleman. I'll
take your questions. If you have an objection, you
can object, okay. We don't need to just keep
calling Mr. Shores, let's just get through this,
okay? I'm not trying to interrupt you.

Ms. SAYS: Actually, you are. You are
trying to interrupt me. You do it on a regular
basis. You cut me off --

MG. GERAGOS: Okay.

Ms. SAYS: -- on a regular basis.

MG. GERAGOS: I will make an effort --

Ms. SAYS: You just did it. You just
did.

MG. GERAGOS: I don't want to spend a
lot of time doing this.

Ms. SAYS: You just -- you just --

MG. GERAGOS: That's questions the
witness.

Ms. SAYS: I want to make a response to
your assertion that I was acting improperly.

MG. GERAGOS: You're not acting
improperly, okay. If that helps you, you're
acting wonderfully. You're a great advocate. I'm
very impressed with your legal abilities. Can we
move on so I can question the witness?

MG. SAYS: Thank you for your patience.

MG. GERAGOS: It's not something at all.
I'll continue for other lawyers. Can we please
continue with the witness? I'll ask questions.
If you're not an objection, that's fine.

Ms. SAYS: When you ask a question and
make assertions about me and my conduct, and then
say I can't respond to that --

MG. GERAGOS: I'm not --

MG. SAYS: -- you're behaving
improperly.

MG. GERAGOS: I'm not going to make any
assertions about you.

Ms. SAYS: You interrupted me once a
372 again. I will show you the courtesy of letting you finish what you say, but I do expect the same courtesy. And you show a remarkable inability to do that. I mean, obviously you're very skilled with making ad hominem attacks upon me and others and falsely accusing me of whatever temperament you believe I have. Well, that's fine, but you will have to let me respond. And the response I have is that my understanding of the statement he made is that you're allowed to ask whether or not the paid expenses of theirKaren, not that they paid other expenses for or on behalf of Joan Schmidt. And by the -- the deposition or whatever of Joan Schmidt would be an expense -- n. of theirKaren would nor be an expense that would be paid theirKaren. And if you think I'm wrong about an interpretation or disagreed, tell me and we can sort that out.

Q. Mr. Kaese, have you paid any other expenses in connection with the prosecution of this claim?

MR. KAASE: Objection. I instruct the witness not to answer to the extent he's talking about expenses for Joan Schmidt. If you

are talking about expenses for other witnesses, you can answer the question.

Q. Mr. Kaese, do you understand the question?

A. Yes, I understand the question.

Q. Can you answer it?

MR. GARR: I've instructed the witness not to answer it.

MR. GARR: You just told him -- do you want me to have it read back? You just told him to answer if it was expenses in connection with the other witness.

MR. GARR: I'm sorry, I'm sorry.

MR. GARR: Do you understand -- do you remember that?

A. With regard to?

Q. Have you paid for any other witnesses expenses?

A. No, no.

Q. Okay. And the expenses that you paid for -- for Mr. Kaese, where did that money come from?

The record should reflect you are now looking at your lawyer. Are you --
A. I'm waiting to see whether he's going to object.

Q. Well, he hasn't objected.

A. By understanding came from the Turkish Coalition of America.

Q. Okay. So the Turkish Coalition of America -- when you say your understanding, was the Turkish-American Legal Defense Fund, do they have a badge of some kind of a -- a checking account?

A. Yes.

Q. Okay. So that's an organization that is an arm of the Turkish Coalition of America?

A. You might call it -- yeah. It works under the umbrella of TCA, yes, sir.

Q. Okay. So it's actually when I'm asking you who paid Demir Karsan's expenses for the travel, that would have been -- when I was referring to Turkish Coal -- or Turkish Legal Defense Fund, is actually it's Turkish Coalition of America because they're the ones who are actually writing the checks is that correct?

A. Yes, yes.

Q. Now, the Turkish Coalition of America
For purposes of identification.

Q. Do you recognize this, Mr. Hans?  
A. Yes, I'd seen this document at a previous deposition, I believe.

Q. Okay, do you know who wrote this?  
A. My recollection is I may have written this first draft, and then found a way to circulate it and get comments back.

Q. Okay, well, who do you think circulated this to?  
A. Persons at TRC.  
Q. Who are these persons at --  
A. Would be --  
Q. Did you see any?  
A. Yeah, Parish Coalition of America, that's what that abbreviation is for.  
Q. And who besides you?  
A. Mr. Burke, excuse me. Was I thinking over the last part of his name or not?  
(comments are read or repeated)  
A. David Burke, I typically would ask for his commentary. Lincoin method would get a copy of this, Fulmer Burke, I think those are the
3. Congress to legislate," Did you write that
sentence?
A. Well, I don’t have specific
recollection of using those words. I write
millions of words probably annually, and the
general idea these certainly is something that is
consistent with my -- my understanding at the
time.
Q. Okay.
A. So -- but with regard to do I
specifically recall that I used those specific words
and nobody else edited them, I couldn’t say for
certain.
Q. How about: “The Congressman, based
on his advancement knowledge, does not believe the
tragic events of World War I, in which such
Amorion and Treaty were killed in preserving
nations, constitute genocide -- an accusation that
has never been proven in a court of law.”
Q. Those are your words, aren’t they?
A. Whether they’re my precise words, I
don’t -- I don’t know for certain whether those
are my exact words. With regard to my own
understanding as a lawyer about whether or not
paragaphs, you've written in other area or in other publications, isn't that correct?

A. I'm not certain that all three of those three paragraphs, the main voices, I think it's fair to say, and I will state for the record now, that the general ideas voiced in those last three paragraphs are my opinions, my conclusions, and have articulated those three before. I believe, and after the 2008-09 elections.

Q. Right. And you have used the term "emblematic of the religiously and ethnically bigoted campaign tactics that ArmenianAmericans regularly employ...." That's something you've written in other publications, isn't that correct?

A. Yes, sir, and I believe it.

Q. I understand that.

But wasn't this linking to you to be something that was in almost whole as all was written by you, all of that?

A. It depends upon how you decide whether editing makes you the sole author or not. As I say, sometimes in putting together something that's posted on a website, there's a substantive reformatting of the entire document and oftentimes
Q. Right. I'm not asking you that.
A. So I'm not trying to quibble here. The
general ideas I think were largely, if not
exclusively, mine. The particular phrasing and
the compactness sometimes changes in the editing
process.
Q. Right. But in almost all or large part
this is your work, isn't it?
A. I think that's probably accurate.
Q. And is -- your memory is that you were
the first drafts of this as well? Isn't that
correct?
A. Yes.
Q. Okay. And if there had been something
that was inaccurate or here and it was showed to
you, you would have objected to that isn't that
correct?
A. I'm not sure what --
Q. Well, you're called the revising
scholar of one of these organizations.
A. I mean, if -- if something was here and
I -- something in the editing process, it would
got posted and it's a summary of something that I
had started out with but it was longer, I wouldn't
necessarily have looked at the final editing that
changed words or sentence length. But at least at
presentation when I look at this document, in there
something that I think is wrong in the document, I
can't -- at present look at the document and say,
oh, this is an error.
Q. Okay. And specifically the statement
that on -- "Congressman Schmidt on numerous
occasions voiced his opposition in such
reservations...." What did you know that as?
A. Well, that wasn't on any independent
talking to Jean Schmidt. This is the impression I
got from speaking with Lincoln McClung at 7th.
Prior to my representation of Jean Schmidt in this
case, which was after November 2nd, I had no
knowledge whatsoever -- I had (not) knowledge of
Jean Schmidt's position on any issues. In fact, I
didn't know who Jean Schmidt was.
Q. Okay. When the -- and you may you
don't know who she was until after November 2nd?
A. Yes.
Q. Okay. But when you talked to Lincoln
McClung, did Lincoln McClung tell you he knew who
Jean Schmidt was?
A. Yes.
Q. And prior to November?
A. No. I -- the Jean Schmidt memo and Lincoln McCarthy I don't recall coming up until after November.
Q. Yes, when Lincoln McCarthy was prior to November?
A. Correct.
Q. And did you ever discuss with Lincoln McCarthy whether he had -- knew of Jean Schmidt prior to November?
A. No.
Q. Did you ever discuss -- by the way, the Jewish Coalition of America, you said that its primary funding comes from a nonexistent -- a chat group?
A. Well, I don't know where -- I don't know where the primary funding comes from, so --
Q. Okay. And the --
A. You need to talk to someone who knows about that. I'm not actually making any inquiry.
Q. So you haven't -- as you sit here, you don't know where the funding comes from because you've made no independent inquiry?
A. Correct.
Q. Okay. You did testify before that there was a wealthy businessman who founded it is that correct?
A. Yes. And that's -- that is -- that's my understanding. But to suggest that I ran an actual investigation -- had a private investigator try to trace the funds would be incorrect. But that's my understanding.
Q. And that would be a gentleman who runs a Mittie Microways?
A. I don't know whether that's the company.
Q. Sure.
A. Yes, I have.
Q. And what's his name?
A. I think it's Feldon, I believe.
Q. Okay. How many occasions have you met him?
A. Half a dozen or so.
Q. Prior to November of 2009?
A. Yes.
Q. Okay. And you aware where he does
Q. Okay. And do you know whether any of the money from the -- from that [Redacted] Turkish Coalition of America used to pay expenses in this case?

A. I --

MR. HIGNEY: Objection, unless you're talking about expenses of -- of witnesses.

Q. Do you know -- do you know if the PAC paid those expenses in this case for the witnesses or depositions or anything that you've testified to?

MR. HIGNEY: I'm going --

A. Whether the PAC -- so, the PAC paid the expenses of the witnesses that I've identified.

Q. But you don't know -- and when you say the PAC, do you know you're talking about?

A. This, again, goes back to Mr. Waisman and [Redacted] at levels of certainty, I don't know that the Armenian government is paying you to be here, sir. I'm not an investigator. It may well be they're paying you $1 million to come here and browbeat me, but I don't know that for sure. And that's why when you make these assertions without having levels of certainty, it

Q. You're saying that's not the case?

A. I'm not saying it's the case. I'm saying it's possible, and I'm saying it's not. I'm not saying I don't know.
1. Q. Okay. And it's only you and
   Mr. Saltman, correct?
2. A. Yes.
3. Q. And you then also are a member who can
   authorize expenses at TEC, correct?
4. A. I can authorize any TEC-related
   expenses. That's my testimony.
5. Q. Okay. And who was TEC approved?
6. A. My recollection is maybe the summer --
   spring/summer of 2008.
7. Q. Of 2008?
8. A. Yeah, that's what I --
9. Q. And is this also the only matter that you
   are actively litigating?
10. A. No.
11. Q. You're actively litigating also one
    other matter that deals with the Armenian
    Genocide?
12. A. It deals with defamation, sir.
13. Q. Well, is that in regards to the
    Armenian Genocide?
14. Mm. mm. mm: Objection.
15. A. It's --
    Mm. mm: Relevance.
Q. Have you done any -- have you done any?
A. With respect to Mr. Levy, you.
Q. Okay, have you done any in regards to this case?
A. MR. DEY: Objection. You're asking how he prepared for the case. That's -- that's privileged and irrelevant.
Q. MR. GERAGOTIS: We just -- okay.
A. MR. DEY: Objection.
Q. Go no.
A. Mr. Geragos does notawan paying money to compromise scholarship, which I think your question related to.
Q. I said compromised scholarship or legislative bodies.
A. Or legislature -- have I done independent investigation --
Q. Alright.
A. -- to ascertain whether the government of Turkey and your view and conducted an inquiry and investigated under with government officials or hired investigators to trace bank accounts, I've not done that, sir.
Q. Okay. Have you done anything -- any
Q. Okay. But you did not do that in this case, did you?  
A. There is -- & it is -- it is not relevant in this case. 
Q. Okay.  
A. If we accept asking witnesses --  
MR. KRAMER: Make an objection, it's nonresponsive.  
A. I'll just answer the question.  
Q. Right. Just answer the question.  
A. The answer is --  
MR. BRENT: I'll object to the question on the grounds that it's not relevant to this case. And also to the extent that you are asking about preparation you did as counsel for the current clients. It's privileged.  
Q. Okay.  
A. And the answer is that investigation was done in conjunction with being the attorney for the client in this case.  
Q. Okay. You did answer no before your counsel objected, correct?  
A. No, counsel answered in conjunction with
Q. The specific issue of who gave money to Joe Schmidt, the Iowa Democrat -- or the Turkish Coalition contributed $5,000 to Joe Schmidt in the 2006 cycle?
A. OBJECTION. You're misrepresenting the record.
Q. The record says nothing about that. A PAC gave money, but that's not the Turkish Coalition.

Q. Does the Turkish Coalition of America have a PAC?
A. The PAC speaks for itself, sir.
Q. I'm asking you. Are you familiar with it having a PAC?
A. There is a TCA USA PAC, but the way in which the law operates, they are quite independent of the mother.
Q. Do you have a connection to the PAC?
A. No.
Q. Have you made any contributions to the PAC?
A. None.
Q. Now, the ATAA, you represented at least in 2000. How -- when was the last time you represented ATAA?

A. Oh, years ago. I think I left -- ATAA had an internal problem that chased me and I became de facto inactive I think in early 2000s. I haven't had any -- any dealings with ATAA -- I left any connection with them probably five, six, seven years ago.

Q. And specifically the ATAA, which you represented in the year 2000, correct?

A. I think the name is that the -- that's the question matter. I think that's right, sir.

Q. Right. Now, wasn't that when Ms. Edwards singled out the ATAA as an organization that was aligned with the Turkish government and was involved in covert and overt activities on behalf of the government of Turkey?

A. That's not my recollection of her testimony. I do not believe that she identified and said ATAA was a conduit of the government of Turkey, but the deposition will speak for itself, sir.

Q. Okay. Have you filed a defamation suit on behalf of either ATAA or any other organization against Ms. Edwards?

A. Not yet.

Q. Okay. And when you say "not yet," is that -- you're familiar with Ms. Edwards since when?

A. The only time I have ever met Ms. Edwards was at her deposition, and she -- I haven't seen her subsequently to that time.

Q. Okay.

A. So --

Q. Were you familiar with her and what she was saying prior to the deposition?

A. I can attest to the statement in which I have been involved with the House Judiciary Committee on state secrets privilege and
whether Congress has a legislative role in
overriding the White House privilege so it
wouldn't be in deferential to executive claims.
And it was in that context in which her name had
become known to me.
Q. Caspary. And at no -- and were you aware
of what she was saying about the Turkish
government prior to the deposition?
A. Other than fleeting remembrances in
newspaper articles, no.
Q. And did you -- and since her
deposition, have you taken any steps to file a
discovery action?
MR. GRAY: Objection. That's
irrelevant to any issue in this case. And it's
counter to -- unless you can show some grounds to
link it up, I'll instruct the witness not to
answer pursuant to the ground rules.
Q. Have you done anything to -- to follow
up with a defamation lawsuit?
Mr. BARR: I object. I instruct the
witness not to answer unless you can show some
remote relevance of that to the case.
Q. Mr. Fein, the -- you specifically i
believe said that the Turkish -- or that you are
unaware of the funding for TCA.
Q. Are you aware that one funding source
was this gentleman who is the -- is it Tavlas
Apellas?
A. Apellas.
Q. Apellas?
A. This was -- testimony I believe of this
court was not in issue in the deposition of Lincoln
McQuaid. I think you're asking whether I have done
any independent investigation, and the answer was
no.
Q. And are you aware that there's been at
least 30 million contributed by this gentleman to
TCA?
A. Do I know that number? No, I was not
aware of that.
Q. Okay. And specifically, the -- do you
know where any of the other funding came from
TCA?
A. No.
Q. Okay. And are you listed in any bank
documents for TCA?
Q. And you've talked about and written that, there should be some campaign by Turkish Americans or Turks to support those who oppose the Genocide Resolution; isn't that correct?
A. I don't believe I've ever written and suggested anybody should make a campaign or solicitation of any sort to anybody, sir.
Q. You've never written anything of that nature?
A. Not to my recollection, sir, sir.
Q. Okay. And you write extensively on the subject of the Genocide Resolution; isn't that correct?
A. I write a lot about a lot of things, sir.
Q. Well, I'm not asking you about a lot about a lot of things. I'm asking you about the Genocide Resolution.
A. I'm not sure what you mean by a lot.
Q. Do I write about it every week or every other week, sir. Do I think I write more about it than anybody else, sir. Have I written it about it periodically, yes.
Q. Yeah, well, how many times -- or how
many occasions would you say you've written about it?

A. I'd say half a dozen or two occasions over several years.

Q. Okay. Did you ever write about it before you were hired by any of those Turkish organizations?

A. No, sir.

Q. Okay. And once you were hired and put on the payroll is when you first started writing about them -- the Genocide Resolution, isn't that correct?

A. Yes, sir.

Q. And that was a no -- when about you became a resident scholar at one of these places?

A. I think it was around '99 or '00.

Q. And when you became the resident scholar is when you started writing about it.
MR. FEIN.  
A. And I have nothing but the most flovery  
effusive ideas about you, sir.  
Q. Do I'm asking you: until they became  
your paymaster or somebody who paid you or  
employed you, you'd never written a single word  
about the Armenian Genocide, isn't that correct?  
MR. BREIT: I would object again. You  
can't use the word "paymaster," he's already  
rejected that word.  
MR. CARPOS: I gave him an  
alternative.  
MR. BREIT: Unless you --  
MR. CARPOS: I gave him an  
alternative. If you would listen to the  
question --  
MR. BREIT: Well, then you've asked a  
compound question, and I object to it because it's  
a compound question.  
MR. CARPOS: It's not a compound  
question when I give a multiple definition. I  
think mr. Fein's thousands of words --  
A. I understand, sir. Let's move on with  
the definition.

Q. Right.  
A. I may have written about it indirectly so  
I would not write things. Occasionally you write  
things and they don't get published. The time in some  
of published statements, correct.  
Q. Okay. And the first published  
statement that you wrote, would that have been the  
document that we previously marked as Exhibit 8?  
A. No. I think that --  
MR. BREIT: Do you have a copy of  
Exhibit A for me? I don't think I got one.  
MR. CARPOS: I don't know if I've got  
a copy, but I'll give to pursue it.  
A. I think there had been other  
publications that had been published by ACAR when  
I had addressed this issue. And I believe -- and  
I apologize, I think I forgot your question. My  
recollection is the only time I acted as an  
attorney was the sentencing of your client, Howard  
Topolansky, out of the Southern District of Ohio.  
Q. And the IRAK you had a -- had both a  
website and also published and distributes  
publishations, correct?  
A. When I was working with them, they
A. I don't know how they promoted themselves.

Q. Well, do you recall seeing promotional material?

A. No.

Q. All right. Do you remember saying or writing yourself -- I'm sorry, do you have Exhibit A?

Mr. DEFT: Oh, I do. I'm sorry.

Mr. SEREDOS: Thank you.

Q. Do you remember writing that the ATA, located at 1126 16th Street Northwest, Washington, D.C., is a District of Columbia nonprofit organization which serves as an umbrella organization to over 50 local Turkish-American organizations representing 200,000 individuals?

A. Yes, I -- I somewhat -- I remember that.

Q. You wrote that, correct?

A. Yes.

Q. Okay, was that true, a true statement at the time?
Q. I'm not asking you in your capacity as a lawyer, but as a resident scholar who's always worried about his reputation. Were you worried that you might have been compromised by the Turkish government?

A. No. Again, I'll --

Q. Again, I'll --

A. Let me --

Q. -- object on the grounds of relevancy and it goes far beyond the grounds unless you can show me some basis upon which the answer to that question is remotely relevant to the issues in this case.

A. I'll go ahead and answer. I viewed Sibley's testimony as disingenuous. Many of the things that she was saying about people that I know seemed like accusing Jesus Christ of having committed sedition from his beginning. And I wouldn't even have occurred to me to give any response to a person who I thought was send-sedited.

Q. Okay. Now, you say disingenuous.

A. Meaning that you thought that she was unhinged and that she had no connection to reality?

Q. The statements that these members of Congress knew -- Tom Lantos, who I had known for a long time and his wife, taking fellow from the Turkish government is just one example of the propagandas -- how she would say that Deniz Bayvan has a -- basically a brothel operating out of his house, those are the kinds of things that would -- led me to -- if you are asking my opinion sitting there, and that's what you're asking for, what we think she was disingenuous.

Q. Okay. And have you done anything to determine whether or not the Turkish government, in fact, has supplied money to TMA or DHA?

A. I have not made an independent investigation by living elsewhere. I certainly ask others would be in a position to know, and all of them have denied it and said similar things.

Q. Okay. And that would be who?

A. The pressure that are associated with
Q. Okay, and is there a door that enters your particular office area?
A. No. There is -- I don't know whether
Mr. Raskin was there in attending the
decomposition. I think he may have been on one
occasion, maybe Mr. Marino was the only one.
There is a door that enters into Suite 1010,
that's the 10th floor, and there are many
different rooms that all open into that suite of
offices. But there's no particular entrance door
for TCA. TACP, The United States -- I've been to the
familiar with these, Mr. Garica. You see the
offices maybe similar -- also house other
organizations that have nothing to do with TCA.
Q. And the specifics of the TCA
government infiltrating those cultural --
socalled cultural organizations, have you met
with any TCA government officials?
A. In my entire life?
Q. Yeah.
A. Occasionally on meetings with -- I
mean, there have been occasions when they
celebrate the birthday of --
Q. And also have you met with?
A. I've met very briefly with the ambassador and ---
Q. Which ambassador?
A. [Redacted] for a few minutes, and I
wasn't sure how to pronounce the name. For
example, he --- I believe he was the
proconsul; the similarity would invite them who
are familiar in Turkish issues over to the embassy
for various reasons.
Q. And how many times have you been to the
embassy?
A. Over what period of time?
Q. Ever?
A. In my entire life?
Q. Well, wait, I would assume you
seem ---
A. Maybe, maybe a half a dozen or so a
day there.
Q. The --- was that the ambassador that we
were located on [Redacted] Avenue? Did you
ever go to [Redacted]?
A. I think I went once or twice there.
Q. Okay. And what other foreign official
have you met?

A. [Redacted] was someone I had met at the
--- [Redacted] Avenue ---
Q. Okay.
A. And we met somebody in the --- I don't
know whether he was in communications.
Q. Okay. And had you ever met with any
Turkish official before I became employed by the
Agency?
A. Yes.
Q. You had?
A. Yes.
Q. Who did you meet with?
A. Well, it was [Redacted],
Q. Where?
A. [Redacted], 1986, 1987, something like
that.
Q. Well, he was instrumental in getting
you employed at CIA?
A. What do you mean by "instrumental"?
Q. Was it a meeting of minds that got you to
be employed by CIA?
A. I don't know whether you would say got
be employed by the CIA.
Q. Well, he's the one who recommended that
they hire your isn't that correct?

A. I don't know whether he did.

Q. Didn't you talk to him about it?

A. No, I didn't talk to him about it. I talked to Geral Rojas in the one who made the decision.

Q. And what was Geral Rojas's position at that point?

A. Geral Rojas's position? She was executive director at ATAR.

Q. Well, how did you meet him?

A. I don't recall.

Q. You met him through --

A. No, I don't recall the circumstances.

Q. You met him after you talked with the ambassador? Isn't that correct?

A. No.

Q. I understand you met the ambassador either in '95 or '96, is that right?

A. No, I didn't testify to that. Nashik was -- Nashik I met before I spoke to any ambassador.

Q. Well, didn't you just testify that you met the ambassador in '95 or '96?

A. No.

Q. Why don't you, because I didn't recall it either.

Q. And when -- when did you meet the ambassador?

A. Well, there were several. I don't think the ambassador who was there at the time that Nashik had first met Nashik. I don't think I ever met that ambassador. The other UNCs were Nashik, 2002, 2003.

Q. Who was the first British government official that you met?

A. Nashik fan.

Q. What year?

A. I said I think it was 2002.

Q. About 2002?

A. Yeah, could it have been 1999.

Q. And then you became hired by ATAR shortly after that, correct?

A. I don't know how shortly after that.
Q. Well, you met with him and did you discuss the fact that you wanted to be employed?
A. No.
Q. Did you discuss the fact that you were looking for a position?
A. No.
Q. And did he mention -- did you discuss ATAA with him?
A. I think he may have brought up that A -- I didn't even know ATAA existed at that time.
Q. Okay. And what did he bring it up, what did he say?
A. Well, I don't recall.
Q. You don't recall what the Turkish ambassador told you about ATAA right before you got hired by ATAA?
A. I didn't speak to the Turkish ambassador before I took in ATAA.
Q. Who did you speak to?
A. Hamik Tav.
Q. And who was Hamik?
A. I told you Hamik Tav was head of some aspect of communications.
Q. Was that your attempt at humor?
A. It's an attempt to show that your
testimony that unless you investigate and prove
the negative of everything in the world it's
reasonable to believe the negative. That what it
was an attempt to show.
Q. I don't know where that comes from.
A. From your question, sir.
Q. Well the question is, have I met
this person who was working in the embassy,
correct?
A. Yes, sir.
Q. And as far as you know, was a director
of communications, is that correct?
A. He dealt with the public relations arm
I'm not sure what his title was.
Q. Right. And then he's the one who first
mentioned this to you, correct?
A. I think that's right.
Q. And then shortly thereafter you go to
work for him?
A. May have been within six months.
Q. Okay. And didn't you ask him for help
getting a job at AT&T?
A. No.
Q. And did you refer to him when you
talked to the people at AT&T? Did you use him as
a reference?
A. I think they knew who Namik Tan was.
Q. Right.
A. And Daley Rohacs.
Q. Did you ask him as a reference?
A. I don't believe I used him as a
reference.
Q. Has it your understanding that --
A. Did he --
Q. -- that he had recommended you for the
job?
A. I do not know.
Q. Well, that wasn't your understanding as
the line?
A. I don't know whether he said anything
one way or the other.
Q. Have you ever told anybody that he was
The one who was instrumental in getting you the job?

A. No.

Q. You've never said that to anybody?

A. No.

Q. Okay. And the -- after you get the job, did you call him and thank him?

A. I don't have any recollection of that.

Q. Okay. Did you thank him in person?

A. No.

Q. Did you ever say anything to him, write a note to him, expressing your gratitude for getting you the job at AT&T?

A. I didn't have any reason to do that.

Q. Okay. Did you notice a relationship between this person -- this gentleman, the director of communications, and the AT&T?

A. I -- did I notice a relationship? I increasingly was working out of my office in the home, so I wouldn't have been privy to anything that was going on between Tom Tan and AT&T.

Q. Okay.

A. I would say I spent probably 90 percent of my time working there. Occasionally I would go into -- I think the address is listed on the filing, 11th Street or whatever.

Q. 1152 11th Street?

A. Yeah.

Q. Okay.

A. That I think was the townhouse.

Q. And did you --

A. And I -- excuse me?

Q. You said you thought the what?

A. A townhouse.

Q. Okay. And is that where you worked?

A. I had no office there. I knew that was their headquarters, and so when I would come in and talk to them, I knew about willings and I also would -- for AT&T I would go out to speak to some of the local groups where they served as an umbrella organization. So, that's where I would meet her, but I had no office there.

Q. What were some of the local groups that they were an umbrella organization for?

A. I don't recall the particular name.

They were known various organizations. There was
1. I think one of D.C. -- even in D.C. that we have
   was hard to, but there wasn't a uniform
   appreciably that was attached to local Turkish
   organizations.
2. Q. Okay. And specifically the condition
   that you write in Exhibit B, that the
   congressman based on his independent research
   does not believe the tragic events of World War I
   in which both Armenians and Turks were killed in
   harrowing numbers constitute genocide. Is that a
   denial of the Genocide in your opinion?
   MR. HOFF: Objection. You've
   mischaracterized his testimony about the
   authorship of Exhibit B.
   Q. In that denial of the Genocide?
   A. There are several ways to characterize
   a position depending upon whether you're in a
   court of law or speaking informally or in the
   context in which a question is asked. Now, if the
   question is: whether or not someone believes
   based upon their understanding that there's proof
   beyond a reasonable doubt that would lead one to
   vote as a member of a jury to convict an account
   of a particular crime with the level of certainty

that's required, proof beyond a reasonable doubt,
   that I think is an accurate statement, not only of
   Jean Caldentey view, it was the statement that was
   made by the head of Mr. David Kirkorian's campaign
   in response to a deposition question I asked him.
   Namely, he did not have enough information to
   conclude one way or the other. He couldn't reach
   a verdict of conviction.
   Q. Okay. Is there any place in here in
   this V[A] issues paper which we've marked as
   Exhibit H, anywhere where it says that
   Congressman Kirkorian on numerous occasions beyond
   a reasonable doubt to a jury in a criminal case
   denies genocide?
   A. Well, genocide is a crime, war, or you
   will know. And it's in the context in which
   issues are raised. When you are using
   credibility, it's an unencumbered to present a
   standard of proof that is customary before we
   exercise to nigirzize someone with crime.
   Q. Okay, is there -- I'm going to ask you
   this question again. Is there -- is it anywhere
   stated in here that that's the standard you're
   asking for?
A. Yes, sir.

Q. And do you think that those statements, that she does not deny the Genocide, support with the statement that you released or that you drafted in bulk or in part that was marked as Exhibit B?

A. I think that they can be reconciled along the lines that I've suggested; that is,
someone like Mr. Ehrlich's campaign manager, who says I don't have enough evidence to know one way or the other, is not going to subscribe affirmatively to the fact that there was a genocide. And that was his testimony under oath, sir. And there is consistent with saying that he -- just like his campaign manager couldn't say there was a genocide, that's the only way in which again Schmidt would make the same statement.

Q. Okay. Who was his campaign manager?
A. I believe it was Mr. Fleischer, or if I can get his deposition testimony if you want me to refresh my recollection.

MR. SERRA: That's okay.

Q. I'm puzzled as to who you're talking about. Are you talking about the campaign manager that you took the deposition of?
A. Yes, that is correct.

Q. In this case?
A. In this very case, yes, sir.

Q. And that person was David Ehrlich's campaign manager. That's your recollection?
A. He was -- I believe that -- I believe that was the title, someone who was a prominent

Figure in David Ehrlich's campaign. Whether he called himself his manager or not, he's someone who was deposed, but he worked high level in Mr. Ehrlich's campaign, yes, sir.

Q. And when you said you can reconcile, would you admit that the draft complaint or the complaint that was filed is at odds with the TCA issue here?
A. The fact is, Mr. Serra, because we thought that there could be ambiguity about this issue, that's the reason why we decided to withdraw that particular allegation and just proceed in a more straightforward way because there are a number of ways you can read that, one would be something that would be more contradictory, the other one was not. And given the ambiguity, we decided that we didn't want to push forward where the levels of proof and the importance of clarity were such that you should be able to bring this in the case, and we dropped it.

Q. And when you say the reason, are you referring to the TCA issue here, which is Exhibit B, which is in front of you?
A. That is one reason of course. I think
that during the discovery there was another
similar ambiguous statement about not suspecting
the resolution as opposed to denying the Genocide.
Q. Well, the -- when I say during your
discovery, you mean during Jesus Schneider's
deposition?
A. No. I think this was an --
Q. Because it was disavowed prior, right?
A. Right. I think this was in documentary
information. I believe at one fundraiser there had
been a document that had been sent out that was
similar, and that's what caused a re-examination
of the clarity of the evidence.
Q. All right. Now, I'm going to show you
as it looks like today's Exhibit, your previous to
Turkish daily news. Have you ever written
anything for today's Exhibit?
A. No.
Q. Have you ever seen this document?
Before I mark it, I'll ask you if you have seen
it?
A. I believe at Jesus Schneider's deposition
was the first time I saw that document.
Q. Okay. You didn't write anything that's
contained in there?
A. I had nothing -- no.
Q. Do you have anything else other
A. No.
Q. We'll mark that as Exhibit C.

Therapists, defendant's Exhibit C is marked
for purposes of identification.

Q. Wow, the -- I want to go back to what I
was asking before. You said the tension. The
Turkish was in documentary evidence, meaning that
this press release, which was released on 29
November 6th, that did not mention with the
-- as you had some trouble reconciling it with the
complaint itself in that regard?

MR. MILLS: I would object.
A. I don't know whether you'd call it --
MR. MILLS: I would object. But we
object.
I would object. This goes far beyond
anything that's relevant to the core in terms of
what's remaining.
H.R. FIMMEL: Well... hold on. Let me make sure we're clear. One of the things that we have remaining in this case and we've said this in the pleading to the Election Commission is the sanction of counsel and your client for having made repeatedly the false accusations in the four charges that you dropped.

H.R. BRET: That still doesn't make it discoverable for the hearing.

H.R. FIMMEL: That's -- how, I just want to make sure you're aware.

Q. Okay. The --

H.R. BRET: I'm sorry. I didn't mean to interrupt you. I'm wondering when we want to take a break.

H.R. OBRAH: What time is it, I'm sorry. I'm still on Pacific time, it's a quarter to 10.

H.R. FIMMEL: It's 10:15.

H.R. OBRAH: Take the break now. That's fine.

H.R. BRET: Okay.

H.R. FIMMEL: Then upon a successful return, a successful return is taken
Q. Okay. Thank you. We're back on the record. It's 2:00.

Mr. Fini, I'm going to show you a list of contributions. Take a look at that and I'm just going to pull out those two pages and just mark those two pages. Do you recognize this list?

A. No, I mean, did I have anything pulling it together, no.

Q. No. Do you recognize what it is?

A. It has a listing it looks of contributions. It's just guessing that it's political contributions, but there's no label on it. So you can tell me what it is, but I think just that page by itself.

Mr. Fini, doesn't tell me what the contributions are for.

Q. Okay.

MR. DUNLEY: He's not asking you to guess.

A. Oh.

Q. I'm not asking you to guess. It's correct.
you've previously stated, the fact?
A. Yes. The facts are the only ones that I recognize.
Q. Now, earlier you had indicated that you thought you had only registered once as a foreign agent, than I think you clarified that it maybe was three times?
A. It could have been -- it could have been.
Q. I'm going to ask you if you recognize this, which will be Defense Exhibit E. Is that your --
A. Yes.
Q. -- registration statement?

Therefore, Defendant's Exhibit E is marked for purposes of identification.

A. Yes.
Q. And that was for what?
A. SEDRMU was an organization -- it was a political party in the Dominican.
Q. Okay. And you were -- that's your name, you're the registrant pursuant to the

Foreign Agents Registration Act?
A. Yes.
Q. Okay. And whom did you -- let's see.
A. -- who did you represent, specifically?
Q. Okay, here's Exhibit F. Is that also a foreign registration statement?

Therefore, Defendant's Exhibit F is marked for purposes of identification.

A. Yes. That's Pakistan.
Q. Who did you represent?
A. The Embassy of Pakistan.
Q. Okay. And that's -- that was filled out by you in your handwriting?
A. That's what it looks like, yes, sir.
Q. Okay, and Exhibit G?

Therefore, Defendant's Exhibit G is marked for purposes of identification.

A. Yes, sir.
Q. Is that another foreign registration?
Q. And that's also by you?
A. Yes.
Q. Okay. And that's for what government?
A. The Embassy of Tunis.
Q. Okay. Now, in these four organization statements, the -- what you say you're going to do is -- let's say, for Pakistan, for instance, you're going to communicate --
MS. DERR: Excuse me. Could we get copies of these exhibits now?
MS. CHERNOFF: Done.
(A short recess is taken.)
Q. Now, on the registration of -- that's marked as Exhibit I, and that's for HAMO. You describe your -- you're supposed to receive $8,000 per month indefinitely plus out-of-pocket expenses for addressing and writing a political agenda is that correct?
A. Yes. That contract was never effectuated because changes in circumstances. That was not honored by HAMO.
Q. Okay. And the nature of your performance would be to give speeches, draft press...
Q. And then the same for the embassy of Pakistan, that what you were preparing to do was coordinating in writing orally — and members of Congress and the Executive Branch to influence United States policy to that effect?

A. Yeah, that was largely over — as far as I know, that basically is a huge issue between India and Pakistan.

Q. And you wanted to organize symposiums on issues such as terrorism and nuclear proliferation, provide legal advice, lobby key members of Congress, right?

MR. DURST: I would like to have a general objection to the relevancy of questions about this.

MR. GIBBONS: That’s fine.

A. Yes.

Q. Okay. And the same with the Embassy of Togo, the — you were going to draft informational materials, advocate governmental officials, the media and the American people, correct?
Q. Okay. And do you see why the contact information is on here? Would that be the
ambassador of Turkey? Dealer -- you can -- the
name that's spelled out on there?

MR. RENY: It would subject. The
document speaks for itself, and he's already
stated he's never seen it before, he doesn't know
anything about it.

A. Yeah.

Q. And have you heard of the Campian
Group?

A. No.

Q. Never heard of them?

A. Until today, no.

Q. Okay. And do the first time that you
are aware that there's a foreign agent
registration form for the government of Turkey
located in the same building as you on March of
this year, this is the first time you have heard?

A. Yes.

Q. Okay. And can you tell me the
activities that you do on behalf of the Turkish
coalition of American --

A. Coalition. I think it's coalition.
Q. Coalition. Okay. What?
A. Uh-huh.
Q. Would those include the fact that you've written articles, in that one of the things you do as a scholar, a political scientist?
A. Yes.
Q. Okay. Would you say that lobbying members of Congress is one of the things that you do in your role at PCRI?
A. Um.
Q. Okay. Now about speak with staff and Members of Congress and the Executive Branch: Is that something you do in your role?
A. No.
Q. Okay. And have you done that? Have you spoken with members of Congress regarding Turkey-related issues?
A. No.
Q. How about Armenian Genocide Resolution issues?
A. No.
Q. And how about the drafting of articles and influence public opinion is regards to Turkey. Have you done that?
don't know whether the specific resolution --
2 I don't know but Resolution 106 or whatever comes
3 up.
4 Q. Okay. And you've given -- you've
drafted press releases. You drafted this one that
5 we marked earlier.
6 A. I don't believe -- I don't believe,
sir, I drafted that press release. I may have
7 provided the body of it, but I certainly wasn't
8 the one who put the headlines in or posted it or
9 anything like that.
10 Q. Okay. You've already testified that
11 you did the first draft; isn't that correct?
12 A. Of the substance, but you know a press
13 release has many other elements to it.
14 Q. Do you admit to at least giving
15 speeches to college students, doing the first
draft of what I will characterize as a press
16 release or a website posting, you've written a
17 newspaper column at least for the San Francisco
18 Chronicle on that -- those are accurate?
19 A. Yes.
20 Q. Okay. Have you given broadcast
21 interviews?
A. If you're getting paid by a foreign government, there are things that are required to be registered that you don't register for if it's just private entities.

Q. And if the private entity is being funded by a foreign government, then you would feel compelled to register as a foreign agent?

A. If there is a relationship -- as you well know what the Foreign Agents Registration Act states, that if you are representing an agent of a foreign government or foreign political party, then you have to register. And if that was the return of the relationship, that this was an arm of the foreign government and form -- I mean, substance triangle over form, you would be required to register.

Q. Okay. Have you met with DEA Piper?

A. No.

Q. Okay. And you --

A. I think DEA Piper is my opponent in the antitrust case I have against Morgan node. I have met with them to discuss that antitrust suit.

Q. And nothing regarding Armenian issues or Armenia Genocide resolution issues?
Q. All right. You didn't ask Mr. Kerikson, though, did you?
A. Myself?
Q. Yes.
A. Not at present.
Q. Okay. And you said the election you thought was November 6th?
A. It was Tuesday, but I -- that's my best recollection, but it could be wrong. I don't know what the -- my -- my recollection was that Mr. Kerikson had issued his letter on Sunday or the second, and then the election was two days later, but sometime the First Tuesday in November was on a different day than the fourth.
Q. Okay. Now, the -- did you immediately meet with Congresswoman Schmidt that same day?
A. No. I think that I didn't meet her face to face until a while thereafter.
Q. Okay. Well, then when you drafted the body of this, had you met with Congresswoman Schmidt?
A. No. And the references I made were based upon what Lincoln McHenry -- my recollection of what he told me about Jean Schmidt.
Q. About what he told you about Jean Schmidt?
A. Yes. And I may have misinterpreted, but that was a foundation. If you want to know the foundation of my contribution to that letter and what it says about Jean Schmidt, it's issue supposing to Lincoln McHenry.
Q. Okay. And specifically the date upon which this was issued which was November 6th, and I just checked and I -- I hope --
A. That is right.
Q. -- my representation that that's the day of the election.
A. Yes. And I know that there was a great amount of fire to having been accused of
committing federal felonies which was literally
shocking to Mr. McCurdy the same day. And there
was a very great rush to get something put
immediately, because when you leave unanswered
acquaintances of crime, you can get a citizen pretty
tall.
Q. Did you specifically -- you put this
out and you did not represent her at that point;
A. Not correct.
Q. How did you start issuing these --
this press release and this call for a criminal
investigation and the complaint before you
represented Joan Anderson? Is that right?
A. That is right. Just because we thought
it was no outrageous. And what we learned, I
didn't know how the Ohio system worked, the
attorney general in Ohio doesn't have jurisdiction
over the actual prosecutions of the case, and in
fact I called the county prosecutor for
Hamilton County -- I forget which one -- and had a
communication forwarded to him.
Q. Okay.
A. And this was before I represented Joan

A. Right. How long after you issued this
press release -- did you file a complaint the
same day, on November 4th, the same day?
A. If it wasn't the same day, it was the
day after when we had -- we had actually writen
to the Ohio attorney general, and I -- maybe we
got copies to the county prosecutors. I didn't
know how the system worked, zero as to
jurisdictional separations between the two.
Q. And that was before you represented
her is that correct?
A. That is correct.
Q. And you specifically -- did you contact
her or did you contact her chief of staff?
A. My recollection is I contacted or had
the secretary contact the scheduling -- most
members of Congress have a scheduling person who
looks at the schedule and then arranges a time to
meet. And I think I called up to her scheduler
and tried to get on her calendar.
Q. Okay. And that was after -- getting on
her calendar, meeting with her was after you had
filed the formal complaint; is that correct?
A. With -- the complaint with the prospectus, yes.
B. And was that the same complaint that --
C. Whether the counts have been dismissed, but the
same complaint that we worked before I believe as
Exhibit A -- I'm sorry, it wasn't Exhibit A, the
same complaint thus I had showed you before. I
don't know if I worked this one. Did you at
that time when you filed the complaint, had you
drafted a declaration for Jesus Schmidt?
A. No.
Q. Okay. And did you represent to the
Elections Commission that you -- represented Jesus
Schmidt?
A. No.
Q. And did you --
A. I assume so. I -- you may have misstated,
I wasn't communicating with the elections
Commission at this point. These were just persons
who had authority to prosecute crimes. Because
Ohio I think it's a little bit unique. There it's
in the Criminal Code that can be enforced by
prosecutors. The Ohio Election Commission is a
state organization that handles cases in a
different setting. So I hadn't communicated
anything at that point to the Ohio Elections
Commission.
Q. Okay. So prior to representing here,
you had -- if I understand correctly, had filed a
complaint with the attorney general in that
context?
A. Of Ohio. That is right.
Q. Of Ohio. And then the county
prosecutor?
A. I think there was one or two cases --
I'm not sure whether I just forwarded it, because
the attorney general wrote back and said we don't
handle these kinds of prosecutions. You need to
send it to a County prosecutor.
Q. Okay. Have you produced a copy of that
letter that the attorney general wrote back to
you?
A. No.
Q. And you didn't bring it with you here
today?
A. I didn't have that. That I was asked to.
HA. Never been asked, never been
submitted.
Q. And do you have a -- do you have a copy of the original complaint that you filed with the attorney general?
A. I will go search it if that's what I'm required to do.
MR. BERRY: You're not required to do that.
MR. CURRAN: Well, I appreciate you know -- I understand your rule here, but giving
your advice while we're on the record when I'm asking him a question I take is outside of your
rule.
A. Do I have the original?
MR. BERRY: Well, in this case I would
object.
A. I just don't know. It was probably
over about a year ago. I guess I don't know.
Q. Okay. Now, when you filed that
complaint, did you represent in any way that you
-- that you had -- you were doing this on behalf
of Jean Schmitz?
A. No.
Q. Okay. Who did you say you were filing
the complaint on behalf of?
Q. Okay. And is it your memory that the.model for the statements that the Turkish Coalition of America was mentioned in this statement?

MR. BREDT: I would object. This whole line --

A. The TCA --

MR. BREDT: I would object. Please let me say my objection. I would object to this line of questioning as irrelevant.

Q. Okay. Would you -- Is this the flyer that you're talking about?

A. That's -- that's one of the flyers.

Q. Okay. Let's mark that as Exhibit 1.

It's a two-page document. I don't know if it was originally two pages. It may be response of the fact that it was two.

Now, is there anywhere in those two-page flyers that you have mentioned the Turkish Coalition of America?
Q. Okay. Can you tell me, is the TCA PAC mentioned by name in that letter?
A. I think that when you --
Q. I just asked a question simple. Is the PAC mentioned in this letter where you say that you were accused of crimes? Is there anywhere mentioned in there or the Turkish Coalition of America?
A. I'm not sure, yes --
Q. Yeah, I just --
A. -- not directly, no.
Q. So the complaint that you filed, did you misquote when you said it was because the Turkish Coalition of America was mentioned?
A. Yes, I did. And that's what I was trying to explain. It was the fact that we perceived this effort to intimidate and harass and make baseless accusations because --
Q. I don't want to interrupt, but I'm going to object that it's inapposite. I just asked you if you misquote.
A. I'll --
Q. Okay, now the Turkish Coalition of America as far as you issue was never mentioned by
Mr. Kilburn: Isn't that true?

A. Yes.

Q. Okay. And Mr. Kilburn knew

mentioned the -- what's the name of the other

group, the Turkish American Legal Defense Fund,

TAALDF.

A. TAALDF.

Q. He never mentioned them by name,

correct?

A. That is correct.

Q. Okay. Yet you still filed or requested

a criminal complaint be filed against him prior to

you representing Jean Schmidt but on behalf -- you

were doing that on the basis of TAALDF and on the

Turkish Coalition of America, correct?

A. On the -- I was writing as TAALDF's

lawyer.

Q. And your client was --

A. We didn't have a client at that --

Q. -- at that period --

A. I did not have a client at that point.

Q. Okay. So you had no client. And did

you write on the TAALDF letterhead this complaint?

A. I represented that I -- we were in the
4. No, this does not say that we're representing Dan Schussel.

Q. Okay. And you then waited until April to file -- April 29th, I believe, to file the complaint with the Ohio Elections Commission? Is that correct?

A. I think the document speaks for itself.

There was a protracted period where all of this was under review in the House. And I will say based upon what I was told, the House Ethics Committee, we could not and would not move forward until we had clearance.

Q. So it's your position or your understanding I should say that you wouldn't do anything more because the Turkish American Legal Defense Fund had no standing at that point? Was that

A. MR. Brey: I would object.

A. No. The

A. MR. Brey: I would object.

A. Sorry.

MR. Brey: You're asking for his
declaration about why he did certain things on behalf of one or both of two clients, and I just

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Q. So I'm asking --
A. She had been accused of a crime, and it's not unusual for people --
Q. And she call you?
A. -- being accused of a crime. So, she did not call me.
Q. Okay. And did she or did she -- as far as you know did her chief of staff call your office and say, hey, we need the Turkish American Legal Defense Fund to help us?
A. No.
Q. MR. GRASSO: I would object.
A. Sorry.
Q. MR. GRASSO: I would object to this entire line of questions. It's improper --
MR. GRASSO: I would too if I were you because it's outrageous what he's doing here.
MR. GRASSO: But what he's just admitted to under oath.
MR. GRASSO: Just a second --
MR. GRASSO: Or what he's just interrupted me a again.
MR. GRASSO: No, I'm not interrupting you.
MR. BEY: You interrupted me again.

MR. GERAGOS: I'm joining in your objection. I agree with you. It's outrageous that --

MR. BEY: You interrupted me.

MR. GERAGOS: -- they're shopping for a client.

MR. BEY: You interrupt me all the time and you interrupt him. You are not allowed to interrupt counsel.

MR. GERAGOS: Counsel, you can interrupt any time you want.

MR. BEY: I don't interrupt you. You interrupted. Then I will interrupt any time I want you, and I will completely try to say what I want to say until I have an opportunity to do.

MR. GERAGOS: You are supposedly representing --

MR. BEY: You are supposedly showing common courtesy to opposing counsel.

MR. GERAGOS: -- Congresswoman Schiavo as counsel.

MR. BEY: You are supposed to show courtesy to opposing counsel.

MR. GERAGOS: It's not showing you
disrespect.

MR. BEY: Yes, you are. You are showing me disrespect all the time.

MR. GERAGOS: I'm in here in your office --

MR. BEY: Because you want to talk and you don't want me to talk, and that's not legitimate.

MR. GERAGOS: I don't care if you talk.

MR. BEY: Then why did you interrupt me when I tried to talk?

MR. GERAGOS: You haven't made an objection. You just talk.

MR. BEY: I make an objection --

MR. GERAGOS: Make an objection, state the grounds.

MR. BEY: And I will interrupt you until you let me state --

MR. GERAGOS: What's the grounds?

MR. BEY: -- my grounds.

MR. GERAGOS: State it.

MR. BEY: I will state it if you let
A. Sorry, sir.

MR. GILES: Objection. He's misusing the record in terms of the solicitation. This has nothing to do with this case, and I instruct the witness not to answer communications he had in terms of developing the attorney/client relationship with Jean, which is also privileged, and the privilege belongs to her, not to him.

Q. Well, you didn't have a communication with Jean before you called her; isn't that correct?

MR. GILES: Objection. Relevancy.

Q. You made the first contact with her; isn't that correct?

MR. GILES: Objection. That's not the testimony. The testimony was --

A. My testimony is not that whatsoever. It has not that whatsoever. My testimony was that to my understanding there was some communications between Jean and Lincoln McCurdy.

Q. You just testified --

A. Could you let me finish my --

Q. -- that you didn't know the.
Q. You just testified you didn't know that.
A. I said my understanding. Now --
Q. -- did I take under oath -- from Lincoln McCurdy.
A. He told you that?
Q. He indicated, yes.
A. That he had talked to Congresswoman Dolehancy?
A. Yes.
Q. And that she had called him and said she wanted --
A. I don't know --
Q. -- to tell --
A. -- whether there were the particular words, but he would indicate that was the sense, that I was not shopping and soliciting from an interested client whatsoever. And any insinuation of the contrary is wrong.
Q. Isn't that what you just testified to before your lawyer observed?
A. No.
A. No.
Q. And when you contacted the scheduler, did you tell the scheduler that you wanted to meet with Congresswoman Schmida?
A. The background as I'll give -- to give the full answer, I was informed by Lincoln McCurry that Jean Schmidt was interested in talking about this issue because she was in close at having been accused of committing multiple felonies by Mr. David Israel. Based upon that information, and his request, I called Jean Schmidt's office and her scheduler. I did not initiate it without a prior indication that she was interested in talking. That is how the communication and the contact unfolded.
Q. Didn't you previously testify about eight weeks ago that you didn't know whether Lincoln McCurry had a conversation with her?
A. I did not testify to that, no, sir.
Q. Okay. And is it now your testimony that you did have a conversation with Lincoln McCurry; is that correct?
A. My testimony all along is Lincoln McCurry is the one who suggested that I call Jean Schmidt, yes, sir.
Q. Okay. And so he suggested -- and your testimony is he suggested that request she told him that she wanted you to call:
A. Whether he said that particular phrasing, I don't know. But he would -- he was the one who indicated that she had an interest and I should communicate that.
Q. Okay. Let's talk about a five minute break.
MR. WAT: Okay.
(A short recess is taken.)
MR. O'BRIEN and DIAL CHIEF deposition)
A. Back on the record. Yes, I just wanted to elaborate on a response to an earlier question from Mr. O'Brien about Jean's position, regarding interpolating what was on this Turkish American Legal Defense Fund posting on the Internet site of the Turkish Journal of America, and I was explaining what had transpired in my deposition. I didn't remember the gentleman's name earlier on in this proceeding. I now have before me, it's the deposition of Pratje C. Kelling.
response to a question that Mr. Frayne was asking.

THE WITNESS: It was an answer --

MR. BRY: Chris Finney has raised a

concern point. Is there anything you wish to add
to the record, and would your answer be anything
different than the -- what you've just presented
to him?

THE WITNESS: No.

MR. BRY: Okay.

THE WITNESS: Did this need to be

marked as an exhibit?

MR. BRY: Let's go ahead and mark

that.

MR. FINNIE: Is this the entire
deposition?

THE WITNESS: No. We just

expected

that. We can bring the entire deposition if

you want.

MR. FINNIE: I would object on that

basis that this is not the entire deposition.

MR. BRY: Okay. And you can ask any

follow-up about that.

MR. FINNIE: I have no follow-up.
EXHIBIT 24
July 19, 2010

The Honorable Zoe Lofgren
Chair
Committee on Standards of
Official Conduct
HT-2, The Capitol
Washington, DC 20515

The Honorable Jo Bonner
Ranking Republican Member
Committee on Standards of
Official Conduct
HT-2, The Capitol
Washington, DC 20515

Dear Chair Lofgren and Ranking Member Bonner:

I am writing to seek approval to establish the Jean Schmidt Legal Expense Trust pursuant to House Rule 25. The purpose of the proposed trust is to provide a proper means to accept transfers of money, property and services for the sole purpose of paying the legal costs that have been and will be incurred in connection with legal action directly related to my candidacy for federal office in 2008.

Enclosed, please find a draft trust agreement for your review. I have nominated Joseph J. Braun to act as Trustee. Mr. Braun is a Partner at the Strauss & Troy law firm in Cincinnati, Ohio. I have enclosed Mr. Braun's attorney profile as found on Strauss & Troy's website. In accordance with Committee rules, Joseph J. Braun has no family, business, or employment relationship with me.

Thank you in advance for your time and attention to this matter. I look forward to your response.

Sincerely,

Jean Schmidt
Member of Congress
EXHIBIT 25
August 1, 2016

The Honorable Zoe Lofgren  
Chair  
Committee on Standards of  
Official Conduct  
HY-2, The Capitol  
Washington, DC 20515

Dear Chair Lofgren:

I am writing to seek approval to establish the Jean Schmidt Legal Expense Trust pursuant to House Rule 25 and to seek the Committee’s approval to enter into a contingency fee agreement in connection with a civil lawsuit related to the legal action for which the legal expense trust is being established. The purpose of the proposed trust is to provide a proper means to accept transfers of money, property and services for the sole purpose of paying the legal costs that have been and will be incurred in connection with legal action directly related to my candidacy for federal office in 2008.

Enclosed, please find a revised draft trust agreement for your review. This revised agreement incorporates the Committee’s required alterations. Additionally, please note that I have nominated Mr. Larry Neuman to act as Trustee. This is a change from the original draft trust agreement. Mr. Neuman is Of Counsel at the Strauss & Troy law firm in Cincinnati, Ohio. I have enclosed Mr. Neuman’s attorney profile as found on Strauss & Troy’s website. He has requested that I clarify that this profile has not been updated to reflect that he is not a Partner at the firm and is not a member of the American Bar Association. In accordance with Committee rules, Larry A. Neuman has no family, business, or employment relationship with me.

As the Committee is aware, I have also filed a civil lawsuit related to the matter for which the proposed legal expense trust is being established. I am represented in this case by the same attorneys. They have proposed entering into a contingency fee agreement. Under this agreement, any award would first be used to pay legal expenses associated with the case with any remaining funds being divided on a 30-70 basis.
I would also like to make the Committee aware that my attorneys filed an Amicus Brief on my behalf when my opponent in the underlying legal action at issue here filed suit in federal court seeking to enjoin the Ohio Election Commission (OEC) and its members from enforcing against him the statute upon which my original action was based. This was a clear attack against my legal victory before the OEC. His complaint is an obvious attempt to continue, unfettered, his campaign of false statements — the same statements that the OEC found to be knowingly false — against me. Because this action challenged the favorable ruling of the OEC, it was necessary to file the Amicus Brief on my behalf. I believe the legal expenses associated with filing the Amicus Brief arose in conjunction with my candidacy for federal office in 2008. Additionally, the issues involved in the case were matters bearing upon my reputation or fitness for office. Accordingly, I am requesting permission from the Committee to pay expenses associated with filing the Amicus Brief from the Jean Schmidt Legal Expense Trust.

Thank you in advance for your time and attention to this matter. I look forward to your response.

Sincerely,

Jean Schmidt
Member of Congress
Janson, Joe

From: Heather Jansen

Sent: Thursday, August 26, 2010 12:44 AM

To: Janson, Joe

Subject: Information Request related to the Contingency Fee

Joe,

May we please got a copy of the proposed contingency fee agreement?

Thanks
Heather

Heather Jansen
Counsel
Committee on Standards of Official Conduct
U.S. House of Representatives
Washington, DC 20515
Phone: (202) 225-7103
EXHIBIT 27
CONTINGENCY AGREEMENT

The Turkish American Legal Defense Fund (TALDF) agrees to represent Congresswoman Jean Schmidt to litigate a defamation complaint against David Krikorian in Ohio state courts. The court costs of the litigation will be assumed by Ms. Schmidt. The parties agree to divide 50-50 any damages recovered through final judgment, settlement, or otherwise substantially because of the defamation litigation, but only after costs have been first recovered by Ms. Schmidt. TALDF will not otherwise be compensated by the Congresswoman.

Bruce Fein
Attorney, Turkish American Legal Defense Fund

David Saltzman
Attorney, Turkish American Legal Defense Fund

Congresswoman Jean Schmidt

August 26, 2010
EXHIBIT 28
**UNITED STATES HOUSE OF REPRESENTATIVES**  
**CALENDAR YEAR 2008 FINANCIAL DISCLOSURE STATEMENT**  
For use by Members, officers, and employees

**Name:** Rep. Jeannette H. Schmidt  
**Daytime Telephone:** 202-225 [xxx]

<table>
<thead>
<tr>
<th>Filer Type</th>
<th>Member of the U.S. House of Representatives</th>
<th>Office or Employee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report Status</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Authority Date</td>
<td>Annual (May 15)</td>
<td>Amendment</td>
</tr>
<tr>
<td>Employing Office</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

** Preliminary Information — Answer Each of These Questions **

1. Did you or your spouse have "earned" income (e.g., salaries or loy, etc.) or more than any source in the reporting period?  
   - Yes ☑  No ☐  

2. Did any individual or organization make a donation to charity in lieu of paying you for a speech, appearance, or article in the reporting period?  
   - Yes ☑  No ☐  

3. Did you, your spouse, or a dependent child receive "unearned" income of more than $200 in the reporting period or held any reportable asset worth more than $1,000 at the end of the period?  
   - Yes ☑  No ☐  

4. Did you, your spouse, or a dependent child purchase, sell, or exchange any reportable asset in a transaction exceeding $1,000 during the reporting period?  
   - Yes ☑  No ☐  

5. Did you, your spouse, or a dependent child have any reportable liability (more than $10,000) during the reporting period?  
   - Yes ☑  No ☐  

6. Did you, your spouse, or a dependent child receive any reportable gift (e.g., aggregating more than $35 and not otherwise exempt)?  
   - Yes ☑  No ☐  

7. Did you, your spouse, or a dependent child receive any reportable travel or reimbursements for travel in the reporting period (worth more than $335 from one source)?  
   - Yes ☑  No ☐  

8. Did you hold any reportable positions on or before the date of filing in the current calendar year?  
   - Yes ☑  No ☐  

9. Did you have any reportable agreement or arrangement with an entity?  
   - Yes ☑  No ☐  

Each question in this part must be answered and the appropriate schedule attached for each "Yes" response.

**Exclusion of Spouse, Dependent, or Trust Information — Answer Each of These Questions**

- **Trusts:** Details regarding "qualified blind trusts" approved by the Committee on standards of Official Conduct and certain other "accepted trusts" need not be disclosed. Have you excluded this report date of such a trust benefiting you, your spouse, or dependent child?  
  - Yes ☑  No ☐

- **Exemption:** Have you excluded from this report any other assets, "unearned" income, transactions, or liabilities of a spouse or dependent child because they meet all three tests for exemption? Do not answer "yes" unless you have first consulted with the Committee on Standards of Official Conduct?  
  - Yes ☑  No ☐
### SCHEDULE I — EARNED INCOME

List the source, type, and amount of earned income from any source (other than the filer's current employment by the U.S. Government) totaling $200 or more during the preceding calendar year. For a spouse, list the source and amount of any honoraria, list only the source for other spouse earned income exceeding $1,000. See examples below.

Excludes: Military pay (such as National Guard or Reserve pay), federal retirement programs, and benefits received under the Social Security Act.

<table>
<thead>
<tr>
<th>Source</th>
<th>Type</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Keene State</td>
<td>Approved Teaching Fee</td>
<td>$9,000</td>
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<tr>
<td>State of Maryland</td>
<td>Legislative Pension</td>
<td>$5,000</td>
</tr>
<tr>
<td>Civil War Reenactor (Civil War)</td>
<td>Spouse Speaking</td>
<td>$1,000</td>
</tr>
<tr>
<td>Ontario County Board of Education</td>
<td>Spouse Salary</td>
<td>NA</td>
</tr>
</tbody>
</table>

For payments to charity in lieu of honoraria, use Schedule II.
### SCHEDULE III—ASSETS AND "UNEARNED" INCOME

<table>
<thead>
<tr>
<th>BLOCK A</th>
<th>BLOCK B</th>
<th>BLOCK C</th>
<th>BLOCK D</th>
<th>BLOCK E</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asset and/or Income Source</td>
<td>Value of Asset</td>
<td>Type of Income</td>
<td>Amount of Income</td>
<td>Transaction</td>
</tr>
<tr>
<td>Identify (a) each asset used for investment or production of income with a fair market value exceeding $1,000 at the end of this reporting period; and (b) all other assets in sources of income which generated more than $250 in &quot;unearned&quot; income during the year. For personal property or other assets (e.g., real estate, collectibles, artworks, etc.), include the fair market value of the asset and report the income generated. For all assets and other sources of income, please specify the method used.</td>
<td></td>
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<tr>
<td>If an asset was sold during the reporting year and is included only because it generated income, the value should be &quot;None.&quot;</td>
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<td>For all real property or accounts that do not allow you to choose specific investments, you may write &quot;IRA.&quot; For all other assets, including all IRA's, indicate the type of income by checking the appropriate box.</td>
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<tr>
<td>For all real property or accounts that do not allow you to choose specific investments, you may write &quot;IRA.&quot; For all other assets, including all IRA's, indicate the type of income by checking the appropriate box.</td>
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<td>Indicate if the asset had been purchased in (a), sold (b), or (c) equal to or exceeding $1000 in reporting income.</td>
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</table>

For additional assets and unearned income, see next page.
<table>
<thead>
<tr>
<th>Asset and/or Income Source</th>
<th>Year-End Value of Asset</th>
<th>Type of Income</th>
<th>Amount of Income</th>
<th>Transaction</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A</td>
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<td>C</td>
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### SCHEDULE III — ASSETS AND "UNEARNED" INCOME

**Continuation Sheet (if needed)**

<table>
<thead>
<tr>
<th>Asset and/or Income Source</th>
<th>Year-Ended Value of Asset</th>
<th>Type of Income</th>
<th>Amount of Income</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong></td>
<td><strong>B</strong></td>
<td><strong>C</strong></td>
<td><strong>D</strong></td>
</tr>
<tr>
<td>$0 – $25,000</td>
<td>$25,001 – $50,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>$50,001 – $100,000</td>
<td>$100,001 – $200,000</td>
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<tr>
<td>$200,001 – $500,000</td>
<td>$500,001 – $1,000,000</td>
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<tr>
<td>$1,000,001 – $5,000,000</td>
<td>$5,000,001 – $10,000,000</td>
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<tr>
<td><strong>E</strong></td>
<td><strong>F</strong></td>
<td><strong>G</strong></td>
<td><strong>H</strong></td>
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<tr>
<td><strong>I</strong></td>
<td><strong>J</strong></td>
<td><strong>K</strong></td>
<td><strong>L</strong></td>
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</tbody>
</table>

**Transaction**

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United States House of Representatives
Financial Disclosure Statement for Calendar Year 2008

Jeannette H. Schmidt

Listing of real estate assets held by various family partnerships and jointly with siblings. Jean Schmidt owns 25% of all of the partnerships listed below.

(1) OT Realty Enterprises LLC
   Percentage owned: 25%
   Corner of Loveland Miamiville Rd & Branch Hill / Guinea Pike, Loveland, OH 45140
   Land leased to Walgreen Pharmacy
   Value of percentage owned - $250,000 - $500,000
   Net Income for percentage owned for 2008 - $15,000 - $50,000 (rent)

(2) OT Realty Enterprises LLC II
   Percentage owned: 25%
   Corner of Loveland Miamiville Rd & Branch Hill / Guinea Pike, Loveland, OH 45140
   Land leased to Kroger
   Value of percentage owned - $250,000 - $500,000
   Net Income for percentage owned for 2008 - $15,000 - $50,000 (rent)

(3) OT Realty Enterprises LLC III
   Percentage owned: 25%
   Corner of Loveland Miamiville Rd & Branch Hill / Guinea Pike, Loveland, OH 45140
   Land to be developed in the future
   Value of percentage owned - $50,000 - $100,000
   Net Income for percentage owned for 2008 - zero

(4) Jennifer Black Ft All
   Percentage owned: 25%
   Corner of Loveland Miamiville Rd & Branch Hill / Guinea Pike, Loveland, OH 45140
   Land adjacent to OT Realty Enterprises LLC II
   Value of percentage owned - $50,000 - $100,000
   Net Income for percentage owned for 2008 - $1,000 - $2,500 (rent)

(5) Gus Hoffman Second Family Limited Partnership
   Percentage owned: 25%
   Corner of Loveland Miamiville Rd & Branch Hill / Guinea Pike, Loveland, OH 45140
   Farm Land
   Value of percentage owned - $500,000 - $1,000,000
   Net Income for percentage owned for 2008 - $2,500 - $5,000 (farm crops)
(6) RTIJ LLC
Percentage owned: 25%
Corner of Loveland Miamiville Rd & Branch Hill / Guinea Pike, Loveland, OH 45140
Farm Land
Value of percentage owned - $1,000,000 - $5,000,000
Net Income for percentage owned for 2008 - $2,500 - $5,000 (farm crops)

(7) RTIJ LLC
Percentage owned: 25%
Moore Rd. & Bantam Rd., Clermont County OH
Vacant property
Value of percentage owned - $50,000 - $100,000
Net income for percentage owned for 2008 – zero

(8) RTIJ LLC
Percentage owned: 25%
1232 SR 28, Milford, OH 45150
Commercial Rental Property
Value of percentage owned - $50,000 - $100,000
Net Income for percentage owned for 2008 - $2,500 - $5,000 (rent)

(9) RTIJ LLC
Percentage owned: 25%
1236 SR 28, Milford, OH 45150 (SR 28 & Floyd Place)
Residential Rental Property (3 small homes & vacant lots)
Value of percentage owned - $100,000 - $250,000
Net Income for percentage owned for 2008 - $2,500 - $5,000

(10) RTIJ LLC
Percentage owned: 25%
SR 132 & Judd Rd.
Vacant Land
Value of percentage owned: $15,000 - $50,000
Net Income for percentage owned for 2008 - zero
<table>
<thead>
<tr>
<th>Asset</th>
<th>Type of Transaction</th>
<th>Date</th>
<th>Amount of Transaction</th>
</tr>
</thead>
<tbody>
<tr>
<td>S&amp;P 500 1/2</td>
<td>Sale</td>
<td>1-12-02</td>
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<tr>
<td>S&amp;P 500 1/2</td>
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<td>1-12-02</td>
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<tr>
<td>U.S. Treasury Bills</td>
<td>Sale</td>
<td>1-12-02</td>
<td>$10,000</td>
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<td>U.S. Treasury Bills</td>
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<tr>
<td>U.S. Treasury Bills</td>
<td>Sale</td>
<td>1-12-02</td>
<td>$10,000</td>
</tr>
</tbody>
</table>

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## SCHEDULE IV—TRANSACTIONS

Report any purchase, sale, or exchange by you, your spouse, or
dependents (as of the reporting year of any real property,
stocks, bonds, commodities futures, or other securities when the
amount of the transaction exceeded $1,000. Include transactions
that resulted in a loss. Provide a brief description of any exchange
transaction. Do not report a transaction between you, your spouse,
or your dependent child, or the purchase or sale of your personal
residence, unless it is rented out. If only a portion of an asset is
sold, please so indicate (i.e., "partial sale"). See example below.

<table>
<thead>
<tr>
<th>Date</th>
<th>Amount of Transaction</th>
<th>Type of Transaction</th>
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<td>X</td>
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<td>PURCHASE</td>
<td>SALE</td>
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<tr>
<td>1</td>
<td>- Place Inc. Cap Fund</td>
<td>X</td>
<td>10-12-08</td>
</tr>
<tr>
<td>2</td>
<td>- Trafalgar Inc. Inc Fund</td>
<td>X</td>
<td>2-13-08</td>
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<tr>
<td>3</td>
<td></td>
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<tr>
<td>4</td>
<td>- Growth Fund</td>
<td>X</td>
<td>10-13-08</td>
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<tr>
<td>5</td>
<td>- Wellington Fund</td>
<td>X</td>
<td>10-13-08</td>
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This page may be copied if more space is required.
## SCHEDULE VII — TRAVEL PAYMENTS AND REIMBURSEMENTS

Identify the source and list travel itinerary, dates, and nature of expenses provided for travel and travel-related expenses totaling more than $200 received by you, your spouse, or a dependent child during the reporting period. Include whether a family member accompanied the traveler at the sponsor's expense, and the amount of time, if any, that was not at the sponsor's expense. Disclosure is required regardless of whether the expenses were paid directly by the sponsor or were paid by you and reimbursed by the sponsor.

Excludes: Travel-related expenses provided by federal, state, and local governments, or by a foreign government required to be separately reported under the Foreign Gifts and Decorations Act (2 U.S.C. § 794); political travel that is required to be reported under the Federal Election Campaign Act; travel provided to a spouse or dependent child that is totally independent of his or her relationship to you.

<table>
<thead>
<tr>
<th>Source</th>
<th>Date(s)</th>
<th>City of Departure—City of Return</th>
<th>Lodging? (Y/N)</th>
<th>Food? (Y/N)</th>
<th>Was a Family Member Accompanied? (Y/N)</th>
<th>Number of Days Not at Sponsor's Expense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Example: Chicago Chamber of Commerce</td>
<td>Mar. 2</td>
<td>DC—Chicago—DC</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Aug. 6-11</td>
<td>DC—Los Angeles—Cleveland</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>2 Days</td>
</tr>
</tbody>
</table>

**Travel Identification Format:**
- **Mar. 20-24:** Chicago—Tampa—Washington, D.C.
- **Aug. 9:** DC—Miami—Cincinnati
- **Aug. 15-19:** Cincinnati—Chicago—Washington, D.C.
- **Nov. 23-24:** Chicago—Cincinnati—Washington, D.C.

This page may be copied if more space is required.
### SCHEDULE VIII—POSITIONS

Report all positions, compensated or uncompensated, held during the current calendar year as an officer, director, trustee of an organization, partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise, any non-profit organization, any labor organization, or any educational or other institution other than the United States.

**Exclude:** Positions listed on Schedule I; positions held in any religious, social, fraternal, or political entities (such as political parties and campaign organizations), and positions solely of an honorary nature.

<table>
<thead>
<tr>
<th>Position</th>
<th>Name of Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Partner</td>
<td>POT LLC (Equal Partnership)</td>
</tr>
<tr>
<td>Director</td>
<td>或 Director (Equal Partnership)</td>
</tr>
<tr>
<td>Partner</td>
<td>Lys Laboratory Senior Partner Limited Partnership (Senior Partnership)</td>
</tr>
</tbody>
</table>

### SCHEDULE IX—AGREEMENTS

Identify the date, parties to, and general terms of any agreement or arrangement with respect to: future employment; a leave of absence during the period of government service; continuation or deferral of payments by a former or current employer other than the U.S. Government; or continuing participation in an employee welfare or benefit plan maintained by a former employer.

<table>
<thead>
<tr>
<th>Date</th>
<th>Parties To</th>
<th>Terms of Agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Use additional sheets if more space is required.
EXHIBIT 29
**UNITED STATES HOUSE OF REPRESENTATIVES**  
**CALENDAR YEAR 2009 FINANCIAL DISCLOSURE STATEMENT**  
**Form A**  
For use by Members, officers, and employees

**Name:** Rep. Jeannette H. Schmidt  
**Daytime Telephone:** 202-225...

<table>
<thead>
<tr>
<th>Filer Status</th>
<th>Report Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑ Member of the U.S. House of Representatives</td>
<td>☑ Annual (May 17, 2010)</td>
</tr>
<tr>
<td>☑ Officer or Employee</td>
<td>☑ Amendment</td>
</tr>
<tr>
<td>☑ Employing Officer</td>
<td>☑ Termination Date</td>
</tr>
</tbody>
</table>

**PRELIMINARY INFORMATION — ANSWER EACH OF THESE QUESTIONS**

1. Did you or your spouse have "earned" income (e.g., salaries or leases) of $200 or more from any source or the reporting period?  
   Yes ☑ No ☑

2. Did any individual or organization make a donation to charity in to support you for a speech, appearance, or article in the reporting period?  
   Yes ☑ No ☑

3. Did you, your spouse, or a dependent child receive "unearned" income of more than $200 in the reporting period or hold any reportable asset worth more than $1,000 at the end of the period?  
   Yes ☑ No ☑

4. Did you, your spouse, or a dependent child purchase, sell, or exchange any reportable asset in a transaction exceeding $1,000 during the reporting period?  
   Yes ☑ No ☑

5. Did you, your spouse, or a dependent child have any reportable liability (more than $10,000) during the reporting period?  
   Yes ☑ No ☑

Each question in this part must be answered and the appropriate schedule attached for each "Yes" response.

**EXCLUSION OF SPOUSE, DEPENDENT, OR TRUST INFORMATION — ANSWER EACH OF THESE QUESTIONS**

**TRUSTS** — Details regarding "Qualified Blind Trusts" approved by the Committee on Standards of Official Conduct and certain other "excepted trusts" need not be disclosed. Have you excluded from this report details of such a trust benefiting you, your spouse, or dependent child?  
Yes ☑ No ☑

**EXEMPTION** — Have you excluded from this report any other assets, "unearned" income, transactions, or liabilities of a spouse or dependent child because they meet all these tests for exemption? Do not answer "yes" unless you have first consulted with the Committee on Standards of Official Conduct.  
Yes ☑ No ☑
### SCHEDULE I — EARNED INCOME

List the source, type, and amount of earned income from any source (other than the filer's current employment by the U.S. Government) totaling $200 or more during the preceding calendar year. For a spouse, list the source and amount of any honoraria; list only the source for other spouse earned income exceeding $1,000. See examples below.

**Examples:** Military pay (such as National Guard or Reserve pay), federal retirement programs, and benefits received under the Social Security Act.

<table>
<thead>
<tr>
<th>Source</th>
<th>Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>State of Maryland</td>
<td>Legislative Pension</td>
<td>$9,000</td>
</tr>
<tr>
<td>Civil War Veterans (Ont. M)</td>
<td>Spouse Speech</td>
<td>$1,000</td>
</tr>
<tr>
<td>Ontario County Board of Education</td>
<td>Spouse Salary</td>
<td>NA</td>
</tr>
</tbody>
</table>

M. C. L. STANTON M. L. OSBORNE (M. L. O)  
SPouse Salary  NA

For payments to charity in lieu of honoraria, use Schedule II.
### SCHEDULE III - ASSETS AND "UNEARNED" INCOME

<table>
<thead>
<tr>
<th>Block A: Asset and/or Income Source</th>
<th>Block B: Value of Asset</th>
<th>Block C: Type of Income</th>
<th>Block D: Amount of Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify (a) each asset held for investment or production of income with a fair market value exceeding $10,000 at the end of the reporting period, and (b) any other asset or sources of income which generated more than $3,000 in &quot;unearned&quot; income during the year. For real property or land, provide a complete address. Provide full names of living and marital funds (distributions may be treated as income if not in a trust), and (c) other assets, for which the holder had the power, alone or in combination, to dispose of, which generated more than $3,000 in &quot;unearned&quot; income during the year.</td>
<td>Indicate value of asset at close of reporting year. If you use a valuation method other than fair market value, please specify the method used.</td>
<td>Check all boxes that apply. For references to accounts or assets that do not allow you to choose specific investments, you may write &quot;all&quot; for all.</td>
<td>For unearned income, check &quot;none.&quot;</td>
</tr>
</tbody>
</table>

| Block E: Transaction | | |
|---------------------|-----------------|-----------------|-------------------|-----------------|
| Indicate if the asset is sold, leased, converted, or transferred. If Before Sale Example: | | | | |

For additional assets and unearned income, see next page.
### Schedule III — Assets and "Unearned" Income

#### Continuation Sheet (if needed)

<table>
<thead>
<tr>
<th>Asset and/or Income Source</th>
<th>BLOCK A Year-End Value of Asset</th>
<th>BLOCK C Type of Income</th>
<th>BLOCK D Amount of Income</th>
<th>BLOCK E Transaction</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A</td>
<td>B</td>
<td>C</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

This page may be copied if more space is required.
## SCHEDULE III — ASSETS AND "UNEARNED" INCOME

### Continuation Sheet (if needed)

<table>
<thead>
<tr>
<th>Asset and/or Income Source</th>
<th>Block A</th>
<th>Block B</th>
<th>Block C</th>
<th>Block D</th>
<th>Block E</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Year-End Value of Asset</td>
<td>Type of Income</td>
<td>Amount of Income</td>
<td>Transaction</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A</td>
<td>B</td>
<td>C</td>
<td>D</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Note: This page may be copied if more space is required.*
Listing of real estate assets held by various family partnerships and jointly with siblings. Jean Schmidt owns 25% of all of the partnerships listed below.

1. OT Realty Enterprises LLC
   Percentage owned: 25%
   Corner of Loveland Miamiiville Rd & Branch Hill / Guiney Pike, Loveland, OH 45140
   Land leased to Walgreen Pharmacy
   Value of percentage owned - $250,000 - $500,000
   Net Income for percentage owned for 2009 - $15,000 - $50,000 (rent)

2. OT Realty Enterprises LLC II
   Percentage owned: 25%
   Corner of Loveland Miamiiville Rd & Branch Hill / Guiney Pike, Loveland, OH 45140
   Land leased to Kroger
   Value of percentage owned - $250,000 - $500,000
   Net Income for percentage owned for 2009 - $15,000 - $50,000 (rent)

3. OT Realty Enterprises LLC III
   Percentage owned: 25%
   Corner of Loveland Miamiiville Rd & Branch Hill / Guiney Pike, Loveland, OH 45140
   Land to be developed in the future
   Value of percentage owned - $50,000 - $100,000
   Net Income for percentage owned for 2009 - zero

4. Jennifer Black & All
   Percentage owned: 25%
   Corner of Loveland Miamiiville Rd & Branch Hill / Guiney Pike, Loveland, OH 45140
   Land adjacent to OT Realty Enterprises LLC II
   Value of percentage owned - $50,000 - $100,000
   Net Income for percentage owned for 2009 - $1,000 - $2,500 (rent)

5. Gus Hoffman Second Family Limited Partnership
   Percentage owned: 25%
   Corner of Loveland Miamiiville Rd & Branch Hill / Guiney Pike, Loveland, OH 45140
   Farm Land
   Value of percentage owned - $500,000 - $1,000,000
   Net Income for percentage owned for 2009 - $2,500 - $5,000 (farm crops)
(6) RTJJ LLC
Percentage owned: 25%
Corner of Loveland Miamiville Rd & Branch Hill / Guinea Pike, Loveland, OH 45140
Farm Land
Value of percentage owned - $1,000,000 - $5,000,000
Net Income for percentage owned for 2009 - $2,500 - $5,000 (farm crops)

(7) RTJJ LLC
Percentage owned: 25%
Moore Rd. & Bantam Rd., Clermont County OH
Vacant property
Value of percentage owned - $50,000 - $100,000
Net Income for percentage owned for 2009 - zero

(8) RTJJ LLC
Percentage owned: 25%
1232 SR 28, Milford, OH 45150
Commercial Rental Property
Value of percentage owned - $50,000 - $100,000
Net Income for percentage owned for 2009 - $2,500 - $5,000 (rent)

(9) RTJJ LLC
Percentage owned: 25%
1236 SR 28, Milford, OH 45150 (SR 28 & Floyd Place)
Residential Rental Property (3 small homes & vacant lots)
Value of percentage owned - $100,000 - $250,000
Net Income for percentage owned for 2009 - $2,500 - $5,000

(10) RTJJ LLC
Percentage owned: 25%
SR 132 & Judd Rd.
Vacant Land
Value of percentage owned: $15,000 - $50,000
Net Income for percentage owned for 2009 - zero
### SCHEDULE IV—TRANSACTIONS

<table>
<thead>
<tr>
<th>Type of Transaction</th>
<th>Date</th>
<th>Amount of Transaction</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PURCHASE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SALE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>EXCHANGE</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Asset</th>
<th>Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>CITY &amp; COUNTY</td>
<td>10-10-09</td>
<td>X</td>
</tr>
<tr>
<td>WELLINGTON LARGE CAP FUND</td>
<td>9-1-09</td>
<td>X</td>
</tr>
<tr>
<td>DODGE &amp; CO. INVEST FUND</td>
<td>9-1-07</td>
<td>X</td>
</tr>
</tbody>
</table>

**Capital Gains** - A check must be placed in a capital gain in excess of $500, check the "Capital gains" box and disclose the income on Schedule IV.

**Notes**: This page may be copied if more space is required.
### SCHEDULE IV – TRANSACTIONS

<table>
<thead>
<tr>
<th>Asset</th>
<th>Date</th>
<th>Amount of Transaction</th>
</tr>
</thead>
<tbody>
<tr>
<td>S&amp;P 500 Index</td>
<td>10-12-28</td>
<td>x</td>
</tr>
<tr>
<td>- S&amp;P 500 Index Fund</td>
<td>5-15-09</td>
<td>x</td>
</tr>
<tr>
<td>- Large Cap Energy Fund</td>
<td>4-17-09</td>
<td>x</td>
</tr>
<tr>
<td>- Large Cap Growth Fund</td>
<td>4-21-09</td>
<td>x</td>
</tr>
<tr>
<td>- Large Cap Technology Fund</td>
<td>4-25-09</td>
<td>x</td>
</tr>
<tr>
<td>- Large Cap Value Fund</td>
<td>5-20-09</td>
<td>x</td>
</tr>
<tr>
<td>- Large Govt Bond Fund</td>
<td>5-24-09</td>
<td>x</td>
</tr>
<tr>
<td>- Morningstar Mid Cap Growth Fund</td>
<td>6-17-09</td>
<td>x</td>
</tr>
<tr>
<td>- Morningstar Mid Cap Value Fund</td>
<td>7-15-09</td>
<td>x</td>
</tr>
<tr>
<td>- Morningstar Mid Cap Value Fund</td>
<td>7-25-09</td>
<td>x</td>
</tr>
<tr>
<td>- Morningstar Small Cap Growth Fund</td>
<td>5-8-09</td>
<td>x</td>
</tr>
<tr>
<td>- Morningstar Small Cap Value Fund</td>
<td>6-17-09</td>
<td>x</td>
</tr>
<tr>
<td>- Morningstar Small Cap Value Fund</td>
<td>3-3-09</td>
<td>x</td>
</tr>
<tr>
<td>- Morningstar Small Cap Value Fund</td>
<td>5-7-09</td>
<td>x</td>
</tr>
</tbody>
</table>

This page may be copied if more space is required.
### SCHEDULE IV - TRANSACTIONS

<table>
<thead>
<tr>
<th>Type of Transaction</th>
<th>Date</th>
<th>Amount of Transaction</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Description:
- **Type of Transaction**: Specify the type of transaction (e.g., purchase, sale, exchange).
- **Date**: Enter the date of the transaction.
- **Amount of Transaction**: Provide the value of the transaction.

**Notes**:
- Include descriptions of any exchange transactions that exceeded $5,000.
- Transactions that exceed $5,000 must be itemized by date, description, and amount.
- The monetary amount of any exchange transaction that exceeded $5,000 must be itemized.
- Transactions must be recorded in the order in which they were incurred.
- Only income from employment and rental income is included in the report.
- Include the AFR for the year of the report and the adjusted basis of any income.
- Only one transaction is allowed per line.

---

**Capital Gains**: If a sale, transaction recorded in capital gains is entered in $500, check the "capital gains" box and indicate the amount on Schedule IV.

---

**Table Example**:

- **SP**: [Specific reporting person's name]
- **JG**: [Specific occupation or title]
- **Asset**: [Specific asset description]
- **Type of Transaction**: [Specific type of transaction]
- **Date**: [Specific date of transaction]
- **Amount of Transaction**: [Specific monetary amount]

---

This page may be copied if more space is required.
<table>
<thead>
<tr>
<th>Asset</th>
<th>Description</th>
<th>PURCHASE</th>
<th>SALE</th>
<th>Type of Transaction</th>
<th>Date</th>
<th>Amount of Transaction</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAOR_16G COOL</td>
<td>USTDA SP 500 ETV</td>
<td>X</td>
<td></td>
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<td>10-12-06</td>
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<tr>
<td></td>
<td>USTDA SP 600 ETV</td>
<td>X</td>
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<td>5.12.09</td>
<td>X</td>
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<tr>
<td></td>
<td>SUMMT 2012 TREA ETV</td>
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<td></td>
<td></td>
<td>2.27.09</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>SUMMT 2012 TREA ETV</td>
<td>X</td>
<td></td>
<td></td>
<td>5.11.09</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>SUMMT EM MMT ETV</td>
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<td></td>
<td>2.8.09</td>
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<td></td>
<td>SUMMT EM MMT ETV</td>
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<td></td>
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<td>7.10.09</td>
<td>X</td>
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<td></td>
<td>USTDA SUMMT 500 ETV</td>
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<td>5.17.09</td>
<td>X</td>
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<tr>
<td></td>
<td>USTDA SUMMT 600 ETV</td>
<td>X</td>
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<td></td>
<td>5.27.09</td>
<td>X</td>
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<tr>
<td></td>
<td>GOLD TV ETV</td>
<td>X</td>
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<td></td>
<td>10.6.09</td>
<td>X</td>
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<td></td>
<td>GOLD TV ETV</td>
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<td>X</td>
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<td>12.3.09</td>
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<td></td>
<td>BASIC 100 ETV</td>
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<td>6.1.09</td>
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<td></td>
<td>BASIC 100 ETV</td>
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<td>6.18.09</td>
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<tr>
<td></td>
<td>ENDUS ETV</td>
<td>X</td>
<td></td>
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<td>2.21.09</td>
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<td></td>
<td>ENDUS ETV</td>
<td>X</td>
<td></td>
<td></td>
<td>2.21.09</td>
<td>X</td>
</tr>
</tbody>
</table>

This space may be copied if more space is required.
### SCHEDULE IV — TRANSACTIONS

<table>
<thead>
<tr>
<th>Type of Transaction</th>
<th>Date</th>
<th>Amount of Transaction</th>
</tr>
</thead>
<tbody>
<tr>
<td>PURCHASE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SALE</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Notes:
- Report any purchase, sale, or other transaction by year, prior to January 1, 2010, involving any real property individually valued at $10,000 or more.
- Include statements for all transactions involving gifts, loans, or any other non-monetary transfer of value, including gifts in kind.
- List any financial interest in, investment in, or other relationship with any corporation or entity.
- If a transaction is subject to a formal notification requirement, include the form number and date of filing.

**Insert offset folio 471 here.**

**HR195.445**

**Page 14 of 56**
### SCHEDULE VII — TRAVEL PAYMENTS AND REIMBURSEMENTS

Identify the source and list travel itinerary, dates, and nature of expenses provided for travel and travel-related expenses totaling more than $200 received by you, your spouse, or a dependent child during the reporting period. Indicate whether a family member accompanied the traveler at the sponsor's expense, and the amount of time, if any, that was not at the sponsor's expense. Disclosure is required regardless of whether the expenses were paid directly by the sponsor or were paid by you and reimbursed by the sponsor.

Excludes: Travel-related expenses provided by federal, state, and local governments, or by a foreign government required to be separately reported under the Foreign Gifts and Decorations Act (5 U.S.C. § 7342); political travel that is required to be reported under the Federal Election Campaign Act; travel provided to a spouse or dependent child that is totally independent of his or her relationship to you.

<table>
<thead>
<tr>
<th>Source</th>
<th>Date(s)</th>
<th>City of Departure — Destination — City of Return</th>
<th>Lodging? (Y/N)</th>
<th>Food? (Y/N)</th>
<th>Was a Family Member Included? (Y/N)</th>
<th>Number of Days Not at Sponsor’s Expense</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mar. 2</td>
<td>DC — Chicago — DC</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Aug. 6-11</td>
<td>DC — Los Angeles — Cleveland</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>2 Days</td>
</tr>
<tr>
<td></td>
<td>Feb 5-7</td>
<td>DC — Baltimore — Boston</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>2 Days</td>
</tr>
<tr>
<td></td>
<td>Mar 21-31</td>
<td>DC — Las Vegas — DC</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>2 Days</td>
</tr>
<tr>
<td></td>
<td>Apr 2-14</td>
<td>Cincinnati — D.C.</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>2 Days</td>
</tr>
</tbody>
</table>

This page may be copied if more space is required.
**SCHEDULE VIII—POSITIONS**

Report all positions, compensated or uncompensated, held during the current calendar year as an officer, director, trustee of an organization, partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise, any non-profit organization, any labor organization, or any educational or other institution other than the United States.

Exclude: Positions listed on Schedule I; positions held in any religious, social, fraternal, or political entities (such as political parties and campaign organizations), and positions solely of a honorary nature.

<table>
<thead>
<tr>
<th>Position</th>
<th>Name of Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Partner</td>
<td>PSSI LLC (Family Partnership)</td>
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<td>Director</td>
<td>OT Realty Enterprises I, II, III (Family Partnership)</td>
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<td>Partner</td>
<td>CUB Investment Services Family Limited Partnership (Family Partnership)</td>
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**SCHEDULE IX—AGREEMENTS**

Identify the date, parties to, and general terms of any agreement or arrangement with respect to future employment, a leave of absence during the period of government service, continuation or deferral of payment by a former or current employer other than the U.S. Government; contribution to an employee welfare or benefit plan maintained by a former employer; or publication of a book.

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<th>Date</th>
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Use additional sheets if more space is required.
EXHIBIT 30
The Honorable Charles B. Rangel
U.S. House of Representatives
2554 Rayburn House Office Building
Washington, DC 20515

Dear Colleague:

This responds to your letter of October 25, 2010, requesting Committee guidance on seeking and accepting pro bono or reduced-fee legal representation in connection with the disciplinary proceedings currently pending against you before the Committee.

In your letter, you state, “I am asking the Committee to approve my seeking . . . counsel [at a pro bono or reduced fee basis] without me or the counsel being accused of seeking, receiving or providing such representation.” You also state, “In the alternative, the Committee can arrange for the House to pay for my counsel.” We have construed your request as a request for an advisory opinion from the Committee’s Office of Advice and Education.

While House Rules authorize the Committee to consider requests for advisory opinions, such authority is limited to “the general propriety of any current or proposed conduct” of the inquiring individual.2 Moreover, in providing written responses to requests for an opinion, the Committee has a long-established policy of addressing “the conduct only of the inquiring individual, or of persons for whom the inquiring individual is responsible as [the] employing authority.”3

Because your letter does not provide specific details about how or from whom you would seek legal representation, we cannot definitively address whether the activities described in your letter are permissible under applicable House rules, laws, regulations or other applicable standards of conduct. We can, however, offer you some general guidance on the rules and standards of conduct applicable to Members of the House that are relevant to your inquiry.

I. FACTUAL BACKGROUND

According to your letter and publicly-available materials, the background on this matter is as follows. The Committee has been conducting formal disciplinary proceedings into allegations that

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1. See House Rule 11, cl. 3(a)(3), Committee Rule 300.
2. House Rule 11, cl. 3(a)(3).
3. Committee Rule 3(d).

11-6574_0428
you violated House rules, laws, regulations, or other applicable standards of conduct. On July 22, 2010, an investigative subcommittee transmitted a Statement of Alleged Violation (SAV) to the full Committee. You are currently scheduled to appear before an adjudicatory subcommittee on November 15, 2010, for an adjudicatory hearing on the allegations charged in the SAV.

During the course of the proceedings, you were represented by the Washington, D.C., law firm of Zuckerman Spaeder. To date, this representation has generated legal bills of over $2 million. To date, you have largely used funds from your principal campaign committee to pay those expenses. However, as of October 14, 2010, Zuckerman Spaeder withdrew from serving as your counsel. As of the date of your letter, you have been unable to secure new counsel to represent you in this matter.

Your October 25, 2010, letter inquires about the permissibility of two options for securing and accepting legal assistance: (1) having the House pay for your counsel; or (2) allowing you to solicit private counsel to represent you on a pro bono (free) or reduced-fee basis. The remainder of this letter provides general guidance on each of these options in turn.

II. LEGAL AUTHORITY AND ANALYSIS

A. Counsel Paid by the House

Your first proposal is that the Committee on the House of Representatives act as a whole to pay for any further legal costs incurred in connection with the adjudication of this matter. A provision in the Committee’s rules provides a respondent in disciplinary proceedings before the Committee with the right to be represented by counsel. However, the rule also expressly provides that any such representation is “to be provided at the respondent’s own expense.” Thus, the Committee, in promulgating its rules, has weighed and rejected the option of the government paying for legal representation for individuals whom the Committee is investigating.

A federal statute also restricts the use of House funds to the purposes for which those funds were appropriated. Pursuant to this statute, any funds of the House may be used only to perform, or pay for, the official governmental duties of the Member, committee, or other office to whom the funds were appropriated. Because your legal representation for purposes of the disciplinary proceedings before the Committee is a matter wholly related to your own official duties, no funds of the House other than funds appropriated to your congressional office for the conduct of official congressional business (i.e., your Member’s Representational Allowance, or MRA) could be expended for that purpose under the statute. However, we note that the Committee on House Administration, rather than this Committee, has jurisdiction over the approval of reimbursements from your MRA.

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1 Committee Rule 26(a).
2 Id.
7 We understand that the Committee on House Administration has determined that the cost of legal representation of a Member in a Committee adjudicatory proceeding is not reimbursable from the Member’s official funds because such expenses are not considered to be “ordinary and necessary expenses” incurred by the Member... in support of the...
The Honorable Charles B. Rangel

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In sum, it appears that Committee rules, House regulations, and a federal statute would prohibit the House from providing you with legal representation for the remaining phases of the disciplinary proceedings before the Committee.\(^8\)

B. Soliciting or Accepting Free or Reduced-Fee Legal Services

The second option addressed in your letter involves you seeking private counsel to represent you on a no-cost or reduced fee basis. This proposal implicates ethics provisions governing both acceptance of gifts and solicitation of things of value.

House rules define the term "gift" to mean:

- a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other form having monetary value.
- The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.\(^9\)

The definition of gift expressly includes gifts of services. Thus, the value of legal services provided to a Member at no cost would be deemed to be a gift under the gift rule.\(^10\) Members may not accept any gift, except as specifically permitted by House rules.\(^11\)

One of the permissible exceptions to the prohibition on gifts is for contributions to a legal expense fund by someone other than a registered lobbyist or agent of a foreign principal.\(^12\) This exception provides that a Member, officer, or employee may accept "a contribution or other payment to a legal expense fund established for the benefit of a Member, ... officer, or employee of the House that is otherwise lawfully made in accordance with the restrictions and disclosure requirements of the Committee on Standards of Official Conduct."\(^9\) The Committee has expressly stated that such a fund is permissible for legal expenses that arise in connection with a matter concerning "[t]he individual's duties or position in Congress (including a matter before the Standards Committee)."\(^13\) If you did establish a valid legal expense fund in relation to this matter, you would be permitted to solicit donations to the trust of money or in-kind services (including free or discounted legal services), provided such solicitations and donations were

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Member's official and representational duties in the district from which elected are reimbursable . . . .) (emphasis added).

\(^8\) General ethics principles also may restrict the House from serving as counsel to both the Committee and counsel to the defense in this matter. See, e.g., ABA, Model Rules of Professional Conduct R. 1.7.


\(^10\) As a general matter, the amount of any discount on the cost of legal fees offered to a Member based on that individual's official status would be deemed a gift for purposes of the gift rule. See House Rule 25, cl. 5(a)(X)(A).


\(^12\) See House Rule 25, cl. 5(a)(X)(A).

\(^13\) Id.

\(^14\) 2008 House Ethics Manual at 64.
made in compliance with Committee regulations regarding legal expense trusts.\textsuperscript{15} The rules for establishing, maintaining, and providing public disclosure about such a fund are contained in the appendices to the 2008 House Ethics Manual.\textsuperscript{16}

In addition, because an important aspect of a Member’s responsibility is representing the interests of his constituents in matters in which the federal government has an interest, the Committee has determined that \textit{pro bono} assistance to participate in certain actions involving the federal government falls within the gift rule exception for contributions to legal expense funds.\textsuperscript{17} Specifically, as stated in the 2008 House Ethics Manual, a Member may accept \textit{pro bono} legal assistance, without limit, for the following purposes:

\begin{itemize}
\item To file an amicus brief in his or her capacity as a member of Congress;
\item To participate in a civil action challenging the validity of any federal law or regulation; or
\item To participate in a civil action challenging the lawfulness of an action of a federal agency, or an action of a federal official taken in an official capacity, provided that the action concerns a matter of public interest, rather than a matter that is personal in nature.\textsuperscript{18}
\end{itemize}

The Committee has permitted the acceptance of \textit{pro bono} legal services for the purposes listed above because such services would be to enable a Member to fulfill his official duties as an advocate for the greater good of his constituents due to the subject matter of the litigation.\textsuperscript{19} That principle of serving the greater good would not be met through providing legal services to defend an individual Member against allegations of misconduct by an individual Member in a disciplinary action by the Committee.\textsuperscript{20}

\textsuperscript{17} See 2008 House Ethics Manual at 65.
\textsuperscript{18} Id.
\textsuperscript{19} See id. at 64, 65; see also Black’s Law Dictionary, 8th ed. (West 1999) at 1240-41 (defining "pro bono" as "[\ldots] helping or involving uncompensated legal services performed [especially] for the public good.");
\textsuperscript{20} Because your letter does not provide specific details about how or from whom you would seek such representation, we cannot, as noted above, definitively address whether any other exceptions to the House gift rule may potentially apply in this matter. See House Rule 25, cl. 5. For example, we note that the Committee has, in the past, approved an unsolicited reduced fee arrangement offered by a law firm to a Member. However, it should be noted that the approved arrangement involved a fee arrangement regularly offered to other clients of the firm in similar circumstances. We also note that the Committee has permitted House employees to accept unsolicited \textit{pro bono} legal representation in personal matters based on the personal relationship exception to the gift rule. See House Rule 25, cl. 5.\textsuperscript{19}
The Honorable Charles B. Rangel

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In any case, a federal statute prohibits Members and House staff from soliciting anything of value. This statute gives this Committee, as the supervising ethics office for the House, the authority to issue rules or regulations providing for reasonable exceptions to this prohibition. Under this authority, the Committee has permitted Members to solicit for a legal expense fund that has been established and approved by the Committee in accordance with the Legal Expense Fund Regulations. The Committee has never approved the solicitation of pro bono legal services incurred in connection with a disciplinary matter before the Committee, unless the solicitation was for the donation of goods or services to a valid legal expense trust established for that purpose.

Based on the foregoing authority and precedent, because the subject matter of the Committee investigation concerns your conduct, rather than the actions of the federal government, it would not be permissible for you to solicit or accept pro bono or reduced-fee legal representation in connection with the ongoing disciplinary proceedings, absent the establishment of a legal expense fund for such purpose.

III. CONCLUSION

Accordingly, as explained more fully above, House and Committee rules and the applicable federal statutes would prohibit the House from paying for your legal representation. In addition, it is likely that, absent the establishment of a valid legal expense fund for that purpose, you may not solicit or accept pro bono or reduced-fee representation related to the disciplinary proceedings before the Committee. While not proposed as an option in your letter, it would be permissible for you to establish a legal expense fund to accept contributions of: (1) money that could be used to defray any legal expenses incurred in connection with the ongoing Committee disciplinary proceedings; or (2) in-kind donations of free or discounted legal services for the same purpose. As stated above, any such legal expense fund would have to be established and maintained in accordance with the Committee’s Legal Expense Fund Regulations.

IV. LIMITATIONS

The response above constitutes an advisory opinion concerning the application of House Rule 11, clause 3; House Rule 23, clause 4; House Rule 25, clause 5; Committee Rule 3; Committee Rule 26; the Legal Expense Fund Regulations, 5 U.S.C. § 7353; and 31 U.S.C. § 1301. The following limitations apply to this opinion:

* This advisory opinion is issued only to Representative Charles B. Rangel, the requester of this opinion. This advisory opinion cannot be relied upon by any other individual or entity.

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22 See id. § 7353(b)(1).
The Honorable Charles B. Rangel
Page 6

- This advisory opinion is limited to the provisions of House rules and regulations and federal statutes specifically noted above. No opinion is expressed or implied herein regarding the application of any other federal, state, or local statute, rule, regulation, ordinance, or other law that may be applicable to the proposed conduct described in this letter.

- This advisory opinion will not bind or obligate any entity other than the Committee on Standards of Official Conduct of the United States House of Representatives.

- This advisory opinion is limited in scope to the specific proposed conduct described in this letter and does not apply to any other conduct, including that which appears similar in nature or scope to that described in this letter.

The Committee will take no adverse action against you in regard to any conduct that you undertake, or have undertaken, in good faith reliance upon this advisory opinion, so long as you have presented a complete and accurate statement of all material facts relied upon herein, and the proposed conduct in practice conforms with the information you provided, as addressed in this opinion.

Changes or other developments in the law (including, but not limited to, the Code of Official Conduct, House rules, Committee guidance, advisory opinions, statutes, regulations or case law) may affect the analysis or conclusions drawn in this advisory opinion. The Committee reserves the right to reconsider the questions and issues raised in this advisory opinion and to rescind, modify, or terminate this opinion if required by the interests of the House. However, the Committee will rescind an advisory opinion only if relevant and material facts were not completely and accurately disclosed to the Committee at the time the opinion was issued. In the event that this advisory opinion is modified or terminated, the Committee will not take any adverse action against you with respect to any action taken in good faith reliance upon this advisory opinion so long as such conduct or such action was promptly discontinued upon notification of the modification or termination of this advisory opinion.

* * *

If you have any further questions, including further information on establishing a legal defense fund, please contact the Committee’s Office of Advice and Education at extension 5-7103.

Sincerely,

Zoe Lofgren
Chair

Jo Bonner
Ranking Republican Member

ZL/JB/cod

11-6574_0433
APPENDIX B
May 27, 2011

Daniel A. Schwager
Chief Counsel/Staff Director
Committee on Ethics
Washington, DC 20515-6328

Dear Mr. Schwager:

Thank you for the opportunity to respond to the Office of Congressional Ethics’ (OCE) report and findings.

Since initiating legal action in the Ohio Elections Commission, I have sought to remain in compliance with all applicable laws and House rules. Shortly after filing a complaint with the Ohio Elections Commission (OEC), my staff contacted the Committee regarding payment of legal fees. At the Committee’s urging, I decided to pursue the establishment of a legal expense trust. In so doing, I have relied heavily on the expertise of the Committee.

Throughout this process, my office has provided the Committee with all the information in our possession. If the Committee requested more information, we responded quickly and honestly to the request. At the same time, the Committee supplemented its knowledge through its own research. When questions or concerns were raised, my office responded. At all times, I have followed the Committee’s advice whenever and however given.

I look forward to continuing to work with the Committee in the same good faith manner as we seek to resolve any outstanding issues.

Pro-Bono Legal Services

Of all of the charges leveled against me over the past two years, this is the most exasperating and frustrating. I never expected anything other than me, my campaign, or my legal trust to be responsible for paying my legal bills. It has been almost two years since my office contacted the Committee. In that time, Ethics Committee Chairs have come and gone; at least three different professional staff members have been assigned to my case; I have endured an “investigation” by the Office of Congressional Ethics; and, I am still not certain that we are any closer to resolving this issue. One thing has remained constant over that time: I have complied with the Committee’s advice to not accept a bill until a responsible entity that would be liable for payment is formed. When the Ethics Committee gives me the necessary guidance and approval, I will pay these fees.

Jean Schmidt
2nd District of Ohio
2449 Rayburn House Office Building
Washington, DC 20515-1304

Congress of the United States
House of Representatives

Committee on Agriculture
Chairman, Subcommittee on Nutrition and Forestry

Committee on Transportation and Infrastructure
Chairman, Subcommittee on Transportation

Committee on Foreign Affairs
Chairman

www.house.gov/schmidt
I neither sought nor received pro-bono legal services. With all due respect to the Office of Congressional Ethics, any suggestion that I did not plan to pay for legal services runs contrary to available evidence and logic. Shortly after filing a complaint with the OEC, my staff contacted the Committee to discuss ways to pay for these legal services. I submitted a letter in 2009 seeking an advisory opinion regarding appropriate ways to pay fees and services. In 2010, I submitted letters seeking formal approval to establish a legal expense trust and guidance on the permissibility of entering into a contingency fee agreement to pay for the civil portion of these legal proceedings. Additionally, I have provided both the House Ethics Committee and OEC two separate proposed contingency fee agreements. Both proposals reference TALDF’s principal attorneys, the cases before the OEC and in Ohio state courts, and one is on Turkish American Legal Defense Fund (TALDF) letterhead and is signed by both Bruce Fein and David Silitzman.

Relevant and Material Information May Not Have Been Provided to the Committee

Any suggestion that I withheld relevant and material information from the Committee would seem to demonstrate a lack of understanding of the process that led to my 2010 request for approval of a legal expense trust. Throughout this process, my office has worked cooperatively with the Committee to provide all relevant and material information. My office relied heavily upon the Committee’s expertise in determining what information is actually relevant and material. We answered all Committee questions fully and honestly. In most instances, I understand that the Committee supplemented its knowledge by performing its own research.

The Committee was well aware of the relationship between TALDF and the Turkish Coalition of America (TCA). In fact, I suspect that the Committee knew more relevant and material information regarding this relationship than I did. According to the advisory opinion provided to my office on February 26, 2010, this was an instance where the Committee supplemented its knowledge through its own research. On page 2, the letter states, “According to information in public databases and Web sites, TALDF is a project of the Turkish Coalition of America (TCA).” Any such Web site search would have involved going to TALDF’s own site a portion of which reads, “The Turkish American Legal Defense Fund is supported by the Turkish Coalition of America (TCA), a public charitable, educational US organization which works to foster understanding of the Turkish American issues through public education . . .” (http://www.taldf.org/support.html) It goes on to direct those that want to support TALDF to send checks to TCA and that donations to TCA are tax deductible.

Further proof that the Committee was aware of the relationship between TALDF and TCA can be found on page 6 of the advisory opinion. Here, the Committee writes, “Finally, as a reminder, you should be cautious to avoid any appearance of special favors or additional access for TALDF or TCA based on your business relationship with these groups.” (emphasis added) The only business relationship I could have possibly have had with TCA would have been through its close affiliation with and support of TALDF.

As I have maintained throughout this process, I am being represented by TALDF. None of the discussions regarding payment of legal fees have involved TCA. In fact, both proposed contingency fee agreements submitted to the Committee mention only TALDF and me. I would
have learned of allegations that TCA was paying TALDF lawyers for my case directly at the same time and in the same manner as the Committee — through press reports and allegations sent by the Defendant in the Ohio cases. In this instance, again, the Committee may have actually had more information about the allegations than I did. According to an article in the Armenian Weekly it was reported that the Defendant sent letters last November to “the chief legal counsel of the Ethics Committee, the legal counsel for the Ranking Republican member Jo Bonner, as well as the legal counsel for the Ranking Democratic Chair Zoe Lofgren.”

To the extent that the allegations contained in press reports and mailings of the defendant were relevant and material, given TCA’s support of TALDF, I relied on the Committee’s advisory opinion and expertise. Despite numerous staff contacts and past experience showing that the Committee is not shy about expressing concerns when warranted, this issue was never raised -- even when my office asked whether any “substantive issues” were delaying approval of the legal expense trust.

Finally, I have not solicited or accepted donations to cover past and future legal expenses. Any payment of legal fees that may have occurred, occurred through the regular course of support that TCA provides TALDF.

I have been working with the Committee for approximately two years to resolve this matter. In the interest of time, I have not answered each and every one of the findings of the OCE. Should you need more detailed responses or clarification of any response included herein, please do not hesitate to contact me or my Chief of Staff, Joe Jansen.

Sincerely,

Jean Schmidt
Member of Congress

Cc: Ms. Kelle A. Strickland
    Mr. Thomas A. Rust
Declaration

I, Representative Jean Schmidt, declare (certify, verify or state) under penalty of perjury that the response and factual assertions contained in the attached letter dated May 27, 2011, relating to my response to the Report and Findings of the Office of Congressional Ethics, are true and correct.

Signature: [Signature]

Printed Name: Jean Schmidx

Date: May 31, 2011