



MARYLAND GENERAL ASSEMBLY
JOINT COMMITTEE ON LEGISLATIVE ETHICS
February 22, 2018

The Honorable Thomas V. Mike Miller, Jr.
H-107 State House
Annapolis, Maryland 21401

CONFIDENTIAL

Dear President Miller:

The Joint Committee on Legislative Ethics (Committee) has reviewed the allegations of misconduct by Senator Nathaniel T. Oaks set forth in the federal criminal complaint and other related documents. In determining how to proceed, the Committee is guided by two important goals: ensuring the confidence and trust of the citizens of this State in its government officials and the General Assembly by upholding high ethical standards for members and not disrupting the ongoing federal criminal case against Senator Oaks. Out of desire to not disrupt an ongoing and imminent federal criminal trial, the Committee has determined that it cannot proceed with an investigation of potential violations of the ethics law which could lead to Senator Oaks' removal from office or censure by the Senate. However, in recognition of our duty to protect the public trust, the Committee recommends that you take an interim step of removing Senator Oaks from all of his committee assignments.

The Committee reviewed the allegations set forth in the criminal complaint, as well as other related documents. During this initial review, the Committee has identified numerous *potential* violations of the Maryland Public Ethics Law arising from the actions of Senator Oaks that resulted in the filing of federal criminal charges. These violations may include the misuse of public resources, conflicts of interest, misuse of the prestige of office, improper acceptance of gifts, failure to make required disclosures, and failure to register as a lobbyist.

In recognition that several federal agencies are the source of or have custody of a substantial amount of evidence of critical importance to the Committee's investigation, the Committee's statutory obligation to refer potential criminal matters to an appropriate prosecuting authority, and the strong desire to avoid a potential negative impact on the pending federal criminal trial, the Committee sought the opinion of the Acting United States Attorney, Stephen M. Schenning, on whether to suspend the Committee's investigation until the conclusion of the federal trial that is scheduled to begin on April 16, 2018. The Committee also requested that Mr. Schenning provide access to evidence and witnesses if he did not object to the Committee pursuing a concurrent investigation. In a letter dated February 7, 2018, Mr. Schenning advised the Committee that he believed a suspension of the Committee's investigation would be prudent.

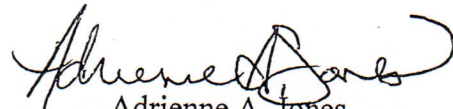
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Senator Oaks faces a maximum penalty of up to 20 years in prison if he is convicted of the charges in the criminal indictment. Furthermore, if convicted, Senator Oaks would be automatically suspended from ~~elected~~ office under Article XV, § 2 of the Maryland Constitution, and on final judgment, would be automatically removed from office. Given the seriousness of both the criminal charges and potential violations of the ethics law, the Committee has determined to suspend its investigation of Senator Oaks until the conclusion of the federal criminal trial to avoid a negative impact on the federal case. The Committee intends to resume its investigation promptly upon the conclusion of the trial.

However, the Committee is extremely concerned about the seriousness of the allegations, as well as their impact on the confidence of Maryland's citizens in their government officials and the Maryland General Assembly. Therefore, the Committee recommends that you remove Senator Oaks from all of his committee assignments pending the outcome of the federal trial and subsequent Committee actions.

Sincerely,


James E. DeGrange, Sr.
Co-Chairman


Adrienne A. Jones
Co-Chairman

JED:AAJ/SMG/dag