

REP. MIKE TURNER

Rep. Mike Turner (R-OH) is a third-term member of Congress, representing Ohio's third congressional district. Rep. Turner's ethics issues stem from a no-bid marketing contract that was awarded to his wife from a group that receives federal funding.

The Turner Effect

Rep. Turner's wife, Lori Turner, is president and CEO of the Turner Effect, a Dayton, Ohio based marketing firm.¹ The Turner Effect was awarded a no-bid contract by Dayton Development Coalition in 2006 to develop and market an advertising campaign.² The Dayton Development Coalition lobbies the Miami Valley congressional delegation, which includes Rep. Turner, for federal funds.³ The coalition paid the Turner Effect \$300,000 for the first part of a \$1.5 million marketing campaign.⁴

Ms. Turner said that in the past her company has turned down clients based on potential conflicts of interest with her husband.⁵ She claimed the Dayton Development Coalition contract presented no conflict of interest because her husband has no affiliation, is not a member of the coalition and that the coalition receives no federal earmarks.⁶ FedSpending.org shows, however, that the coalition received at least \$1.2 million in federal funds in fiscal year 2006.⁷ Additionally, federal lobbying records show the coalition has retained outside lobbying services since 2002 and has been registered to lobby on its own behalf in 2004, 2005, 2006 and 2008.⁸

After criticism from the local media, Ms. Turner withdrew her company from the branding campaign in February 2008, before receiving additional funds from the coalition for the

¹ <http://www.turnereffect.com> (Exhibit 1).

² Tom Beyerlein, Questions Raised About Branding Contract for U.S. Rep. Mike Turner's Wife, *Dayton Daily News*, February 10, 2008 (Exhibit 2).

³ Id.

⁴ Id.

⁵ Tom Beyerlein, Turner Says She Has Turned Down Clients Because of Ties to Husband, *Dayton Daily News*, February 20, 2008 (Exhibit 3).

⁶ Id.

⁷ Fed Spending Database, Contracts to Dayton Development Coalition (FY 2006), www.fedspending.org (Exhibit 4).

⁸ Dayton Development Corporation, Lobbying Disclosure 2004-2006, 2008, Secretary of the Senate, Office of Public Record (Exhibit 5).

second half of the campaign.⁹

Additionally, since 2002 staff, members of the board of directors of the Dayton Development Coalition and their families have donated \$100,650 to Rep. Turner's campaign committee.¹⁰

5 CFR § 2635.702(a)

A "fundamental rule of ethics" for members of the House is that they are prohibited from "taking any official actions for the prospect of personal gain for themselves or anyone else."¹¹ House members are directed to adhere to 5 C.F.R. § 2635.702(a), issued by the U.S. Office of Government Ethics for the Executive Branch, which provides:

An employee shall not use or permit use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person . . . to provide any benefit, financial or otherwise, to himself or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity.

By earmarking funds for a coalition that hires his wife, Rep. Turner has used his position to provide a financial benefit to his wife, thus running afoul of 5 C.F.R. § 2635.702(a).

In a 1999 memorandum, the House Committee on Standards of Official Conduct quoted approvingly the Code of Ethics for Government Service, which provides that government officials should "[n]ever discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not."¹² The Committee stated specifically that the provisions of the Code of Ethics for Government Service apply to House members, and that

⁹ Tom Beyerlein, Turner Leaves Branding Campaign, *Dayton Daily News*, February 20, 2008 (Exhibit 6).

¹⁰ Turner for Congress, FEC Form 3 Reports, 2002-2008 (pages listing contributions attached, Exhibit 7);
<http://www.getmidwest.com/aboutUs/trustees.cfm?sectionID=au&subNavID=1>;
<http://www.getmidwest.com/aboutUs/staff.cfm?sectionID=au&subNavID=2> (Exhibit 8).

¹¹ House Comm. on Standards of Official Conduct, "Memorandum For All Members, Officers and Employees," Prohibition Against Linking Official Actions to Partisan or Political Considerations, or Personal Gain, May 11, 1999.

¹² House Comm. on Standards of Official Conduct, "Memorandum For All Members, Officers and Employees," Prohibition Against Linking Official Actions to Partisan or Political Considerations, or Personal Gain, May 11, 1999.

formal charges may be brought against a member for violating that code.¹³

The Committee on Standards of Official Conduct should investigate whether Ms. Turner secured a contract with the Dayton Development Coalition because of her relationship with Rep. Turner and as part of an effort by the coalition to curry favor with Rep. Turner in order to receive federal earmarks. By using the powers of his office to funnel funds to an entity that hired his wife, Rep. Turner may have dispensed special favors in violation of House rules.

5 U.S.C. § 7353 and House Rules

A provision of the Ethics Reform Act of 1989, 5 U.S.C. § 7353, prohibits members of the House, officers, and employees from asking for anything of value from a broad range of people, including “anyone who seeks official action from the House, does business with the House, or has interests which may be substantially affected by the performance of official duties.”¹⁴ House Rule 23, clause 3, similarly provides:

A Member, Delegate, Resident Commissioner, or employee of the House may not receive compensation and may not permit compensation to accrue to his beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his position in the Congress.

The Committee on Standards of Official Conduct should investigate to determine if Rep. Turner accepted over \$100,000 in campaign contributions from the Dayton Development Coalition in return for earmarking federal funds in violation of 5 U.S.C. § 7353 and House Rule 23.

¹³ Id.

¹⁴ See House Comm. on Standards of Official Conduct, “Memorandum For All Members, Officers and Employees,” Rules Governing (1) Solicitation by Members, Officers and Employees in General, and (2) Political Fundraising Activity in House Offices, April 25, 1997.