



U.S. Department of Justice

Washington, D.C. 20530

David J. Apol  
Acting Director and  
General Counsel  
Office of Government Ethics  
1201 New York Avenue, NW  
Suite 500  
Washington, DC 20005-3919

FEB 26 2018

Dear Mr. Apol:

In accordance with the provisions of Title I of the Ethics in Government Act of 1978, as amended, I am forwarding the financial disclosure report of Brian A. Benczkowski. President Trump has nominated Mr. Benczkowski to serve as Assistant Attorney General, in the Criminal Division of the U.S. Department of Justice.

We have conducted a thorough review of the enclosed report. The conflict of interest statute, 18 U.S.C. § 208, requires that Mr. Benczkowski recuse himself from participating personally and substantially in any particular matter in which he knows that he has a financial interest directly and predictably affected by the matter, or in which he knows that a person whose interests are imputed to him has a financial interest directly and predictably affected by the matter, unless he first obtains a written waiver, pursuant to Section 208(b)(1), or qualifies for a regulatory exemption, pursuant to Section 208(b)(2). Mr. Benczkowski understands that the interests of the following persons are imputed to him: his spouse; minor children; any general partner of a partnership in which he is a limited or general partner; any organization in which he serves as an officer, director, trustee, general partner or employee; and any person or organization with which he is negotiating or has an arrangement concerning prospective employment. In determining whether a particular matter has a direct and predictable effect on his financial interests or on those of any other person whose interests are imputed to him, Mr. Benczkowski will consult with Department of Justice ethics officials.

Upon confirmation, Mr. Benczkowski will resign from his position with Kirkland & Ellis. In 2018, the firm will fund a contribution to his retirement plan from a portion of the bonus amount awarded and earned at the end of 2017. For a period of one year after his resignation, Mr. Benczkowski will have a "covered relationship" under 5 C.F.R. § 2635.502 with Kirkland & Ellis. Pursuant to 5 C.F.R. § 2635.502(d), Mr. Benczkowski will seek written authorization to participate in particular matters involving specific parties in which Kirkland & Ellis is a party or represents a party when it is determined, in coordination with the Deputy Attorney General and the Departmental Ethics Office, that his participation in that particular matter is so central or critical to the performance of his duties as Assistant Attorney General of the Criminal Division

that his disqualification would materially impair the ability of the Criminal Division to carry out its mission. In such circumstances Mr. Benczkowski also will seek a waiver of the provisions of paragraph 6 of the Ethics Pledge under Executive Order 13770 with regard to with Kirkland & Ellis. However, during his appointment to the position of Assistant Attorney General of the Criminal Division, Mr. Benczkowski will not participate personally and substantially in any particular matter involving specific parties in which he previously participated in while with Kirkland & Ellis.

Mr. Benczkowski's spouse is a partner at West Front Strategies, LLC, a lobbying firm. Mr. Benczkowski will not participate personally and substantially in any particular matter that to his knowledge has a direct and predictable effect on the financial interests of West Front Strategies, LLC, unless he first obtains a written waiver, pursuant to 18 U.S.C. § 208(b)(1). Mr. Benczkowski also will not participate personally and substantially in any particular matter involving specific parties in which he knows a client of his spouse is a party or represents a party, unless he is first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). In addition, for the duration of his appointment to the position of Assistant Attorney General, Criminal Division, Mr. Benczkowski's spouse has agreed to not communicate directly with the Department of Justice, Criminal Division, on behalf of West Front Strategies, LLC, or any client.

If Mr. Benczkowski has a managed account or otherwise uses the services of an investment professional during his appointment, he will ensure that the account manager or investment professional obtains his prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the exemption at 5 C.F.R. § 2640.201(a), obligations of the United States, or municipal bonds.

He will meet in person with Department ethics officials during the first week of his service in the position of Assistant Attorney General, Criminal Division in order to complete the initial ethics briefing required under 5 C.F.R. § 2638.305. If circumstances do not permit a first-week meeting, he will meet with Department ethics officials not later than 15 days after his appointment as required under 5 C.F.R. § 2638.305. Within 90 days of his confirmation, he will document his compliance with this ethics agreement by notifying Department ethics officials in writing when he has completed the steps described in this ethics agreement.

Mr. Benczkowski understands that as an appointee he will be required to sign the Ethics Pledge (Exec. Order No. 13770) and that he will be bound by the requirements and restrictions therein in addition to the commitments he has made in this ethics agreement.

Mr. Benczkowski has been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Based on the above agreements and counseling, I am satisfied that the report presents no conflicts of interest under applicable laws and regulations and that you can so certify to the Senate Judiciary Committee.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lee J. Lofthus". The signature is fluid and cursive, with the first name "Lee" and last name "Lofthus" clearly distinguishable.

Lee J. Lofthus  
Assistant Attorney General  
For Administration and  
Designated Agency Ethics Official

Enclosure

NOMINEE STATEMENT

I have read the attached Ethics Agreement signed by Lee J. Lofthus, Assistant Attorney General and Designated Agency Ethics Official, on February 26, 2018 and I agree to comply with the conflict of interest statute and regulations, and to follow the procedures set forth in the agreement. I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order No. 13770) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this ethics agreement.

  
\_\_\_\_\_  
Brian A. Benczkowski

2/26/18  
\_\_\_\_\_  
Date