



U.S. Department of Justice

Washington, D.C. 20530

May 13, 2022

Emory A. Rounds, III
Director
Office of Government Ethics
Suite 500
1201 New York Avenue, NW
Washington, DC 20005-3919

Dear Mr. Rounds:

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 Mr. David C. Davis. President Biden has nominated Mr. Davis to serve as the United States Marshal for the Southern District of Illinois. We have conducted a thorough review of the nominee's report and have counseled him on the government ethics rules. The purpose of this letter is to describe the steps that Mr. Davis will take to avoid any actual or apparent conflict of interest in the event that he is confirmed for the aforementioned position. Mr. Davis understands that it is his responsibility to understand and comply with commitments outlined in this agreement.

Although it is not possible to provide for all of the specific circumstances which might give rise to a financial conflict of interest because the work of the United States Marshal for the Southern District of Illinois involves a wide variety of matters involving specific parties, and it is not possible to predict where conflicts will arise until specific parties are identified, we have counseled Mr. Davis on the applicable conflict of interest laws and regulations and, in particular, on the application of the criminal conflicts of interest law at 18 U.S.C. § 208.

SECTION 1 – GENERAL COMMITMENTS

As required by the criminal conflicts of interest law at 18 U.S.C. § 208(a), Mr. Davis will not participate 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 particular matter, unless he first obtains a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualifies for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). He understands that the interests of the following persons are imputed to him:

- His spouse or any minor child of his;
- Any general partner of a partnership in which he is a limited or general partner;
- Any organization in which he serves as 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 the event that an actual or potential conflict of interest arises during his appointment, Mr. Davis will consult with an agency ethics official and take the measures necessary to resolve the conflict, such as recusal from the particular matter or divestiture of an asset.

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. Davis will consult with the United States Marshals Service ethics officials. As stated in the attachment to this Ethics Agreement, Mr. Davis understands and agrees to comply with the conflict of interest laws and regulations, and to follow the procedures set forth in this agreement.

If Mr. Davis 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 regulatory exemption for diversified mutual funds and unit investment trusts at 5 C.F.R. § 2640.20l(a), obligations of the United States, or municipal bonds.

Mr. Davis will receive a live ethics briefing from United States Marshals Service ethics officials after his confirmation but not later than 15 days after his appointment pursuant to the ethics program regulation at 5 C.F.R. § 2638.305. Within 90 days of his confirmation, Mr. Davis will submit his Certification of Ethics Agreement Compliance to United States Marshals Service ethics officials, which documents his compliance with this ethics agreement.

Mr. Davis understands that as an appointee he will be required to sign the Ethics Pledge (Exec. Order No. 13989) and that he will be bound by it. Among other obligations, he will be required to recuse from particular matters involving specific parties involving his former employer or former clients for a period of two years after he is appointed, with the exception of Federal, state and local governments.

Mr. Davis will not modify this ethics agreement without my approval and the approval of the U.S. Office of Government Ethics pursuant to the ethics agreement requirements contained in the financial disclosure regulation at 5 C.F.R. § 2634.803(a)(4).

SECTION 2 – EMPLOYMENT RELATED INTERESTS AND AUTHORIZATIONS

Upon confirmation, Mr. Davis will resign from his position with the Illinois State Police, Metropolitan Enforcement Group of Southwestern Illinois. For a period of one year after his resignation, Mr. Davis will have a “covered relationship” under the impartiality regulation at 5 C.F.R. § 2635.502 with the Illinois State police and the Metropolitan Enforcement Group of Southwestern Illinois. Pursuant to 5 C.F.R. § 2635.502(d), the agency will grant him a written authorization to participate personally and substantially in particular matters involving specific parties in which Mr. Davis knows the Illinois State Police and/or the Metropolitan Enforcement Group of Southwestern Illinois is a party or represents a party.

Mr. Davis will retain his position as managing member of Gracix LLC, which does not currently conduct any activity. This entity will remain inactive during his appointment. He 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 Gracix LLC.

SECTION 3 – SPOUSE EMPLOYMENT

Mr. Davis' spouse is employed by Maryville University in a position for which she receives a fixed annual salary. Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for as long as Mr. Davis' spouse continues to work for Maryville University, Mr. Davis will not participate personally and substantially in any particular matter involving specific parties in which he knows that Maryville University is a party or represents a party, unless he is authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

SECTION 4 – PUBLIC POSTING

Mr. Davis has been advised that this ethics agreement and the Certification of Ethics Agreement Compliance will be posted publicly, consistent with the public information law at 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 enclosed report presents no conflicts of interest under applicable laws and regulations and that you may so certify to the Senate Judiciary Committee.

Sincerely,

**ARTHUR
GARY**

Digitally signed by
ARTHUR GARY
Date: 2022.05.13
16:20:49 -04'00'

Arthur E. Gary
Deputy Assistant Attorney General
for Policy, Management and Budget and
Alternate Designated Agency Ethics Official

Enclosure

NOMINEE STATEMENT

I have read the Ethics Agreement signed by Arthur E. Gary, Deputy Assistant Attorney General for Policy, Management and Procurement and Alternate Designated Agency Ethics Official on May 13, 2022, and I agree to comply with the commitments outlined in this agreement. In addition, in the event that an actual or potential conflict of interest arises during my appointment, I will consult with the United States Marshals Service ethics officials and take the measures necessary to resolve the conflict, such as recusal from the particular matter or divestiture of an asset. I will not modify this ethics agreement without your approval and the approval of the U.S. Office of Government Ethics pursuant to the ethics agreement requirements contained in the financial disclosure regulation at 5 C.F.R. § 2634.803(a)(4). I (including my spouse and dependent children if applicable) also will not repurchase any asset I was required to divest without my consultation with United States Marshals Service ethics officials and the U.S. Office of Government Ethics. Finally, I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order No. 13989) and that I will be bound by it. Among other obligations, I will be required to recuse from particular matters involving specific parties involving my former employer or former clients for a period of two years after I am appointed, with the exception of federal, state and local government.



David C. Davis

Date: May 13, 2022