



U.S. Department of Justice

Washington, D.C. 20530

SEP 11 2018

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

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 David Lloyd Anderson. President Trump has nominated Mr. Anderson to serve as United States Attorney for the Northern District of California.

We have conducted a thorough review of the enclosed report and have counseled Mr. Anderson on the ethics rules. 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 United States Attorneys 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. Anderson on the applicable conflict-of-interest laws and regulations and, in particular, on the application of 18 U.S.C. § 208.

As required by 18 U.S.C. § 208 and the provisions of 5 C.F.R. § 2635.401 et seq., Mr. Anderson 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 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. Anderson 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. Anderson will consult with the Executive Office for United States Attorneys (EOUSA), General Counsel's Office, and will follow the procedures outlined in the United States Attorneys' Procedures, (USAP) 3-2.170.001, et seq. As stated in the attachment to this Ethics Agreement, Mr. Anderson understands and agrees to comply with the conflict of interest statute and regulations, and to follow the procedures set forth in this agreement.

Upon confirmation, Mr. Anderson will resign from his position as a Partner with Sidley Austin LLP. Pursuant to his partnership agreement, Mr. Anderson will receive a final partnership distribution. This payment will be based solely on the firm's earnings through the date of his withdrawal from the partnership and will be paid before he assumes the duties of his position. He will also receive a refund of his capital account before he assumes the duties of his position. Mr. Anderson has a deferred compensation plan. Pursuant to his partnership agreement, Mr. Anderson will receive a lump sum payment from his deferred compensation plan calculated up to the date of his withdrawal from the firm prior to assuming his duties. Mr. Anderson will not participate personally and substantially in any particular matter involving specific parties in which he knows Sidley Austin LLP is a party or represents a party for a period of one year from the date of his withdrawal from the firm, unless he is first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). In addition, he will not participate personally and substantially in any particular matter involving specific parties in which he knows a former client of his is a party or represents a party for a period of one year after he last provided service to that client, unless he is first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

Mr. Anderson will divest his interest in the Sidley Firm Directed Portfolio during the Sidley Austin retirement plan's next election period. 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 this portfolio or its underlying assets until he has divested it, unless he first obtains a 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).

Within 90 days of Mr. Anderson's confirmation, Mr. Anderson will divest his interests in the Blackrock Health Sciences Opportunity Fund and the Vanguard Energy ETF. With regard to each of these entities, Mr. Anderson 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 any holding of the entity that is invested in the respective sector until he has divested it, 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).

Mr. Anderson understands that he may be eligible to request a Certificate of Divestiture for qualifying assets and that a Certificate of Divestiture is effective only if obtained prior to divestiture. Regardless of whether he receives a Certificate of Divestiture, he will ensure that all divestitures discussed in this agreement occur within the agreed upon timeframes and that all proceeds are invested in non-conflicting assets.

Mr. Anderson has been advised that the duties of the position of United States Attorney may involve particular confidential matters identified by the United States Attorney's Office (USAO) that may affect his financial interests. EOUSA has determined that it is not necessary at this time for Mr. Anderson to divest any other financial interests because his recusal from particular matters in which these interests pose a conflict of interest will not substantially limit his ability to perform the essential duties of the position of United States Attorney. Immediately upon

confirmation, EOUSA will prepare recusals for all particular matters in which Mr. Anderson will not be granted a waiver or will not qualify for a regulatory exemption.

Mr. Anderson's spouse is employed by Pacific Media Workers Guild in a position for which she receives a fixed annual salary and consulting fees. His spouse is also employed by the San Francisco Recreation and Parks Commission in a position for which she receives a stipend. For as long as Mr. Anderson's spouse continues to work for Pacific Media Workers Guild or the San Francisco Recreation and Parks Commission, he will not participate personally and substantially in any particular matter involving specific parties in which he knows either entity is a party or represents a party, unless he is first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

If Mr. Anderson 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), or obligations of the United States.

The USAO has conducted a conflict review, and has found no additional conflicts of interest. Should additional conflicts arise, the USAO will seek the necessary waiver(s) or recusal(s) of the nominee immediately upon his confirmation. An appropriate screening mechanism will be identified and immediately upon appointment of the new United States Attorney, all necessary USAO personnel will be advised in writing of all matters in which the new United States Attorney may not participate. The notification will specifically list the matters and identify the Acting United States Attorney for those matters.

Mr. Anderson will meet in person with the United States Attorney's Office ethics advisor during the first week of his service in the position of United States Attorney for the Northern District of California in order to complete the initial ethics briefing 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 the Executive Office for United States Attorneys, General Counsel's Office, in writing when he has completed the steps described in this ethics agreement.

Mr. Anderson 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.

Finally, Mr. Anderson understands that as an appointee he is 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.

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,



Lee J. Loftus
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 for Administration and Designated Agency Ethics Official on Sept. 11, 2018, and I agree to comply with the conflict of interest statute and regulations, and to follow the procedures set forth in the agreement. In addition, I understand that as an appointee I am 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.

David Lloyd Anderson

David Lloyd Anderson

Sept. 11, 2018

Date