

November 5, 2021

Mr. Richard C. Visek
Deputy Legal Adviser and
Designated Agency Ethics Official
Office of the Legal Adviser
U.S. Department of State
Washington, D.C. 20520

Re: Ethics Undertakings

Dear Mr. Visek:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Portuguese Republic. It is my responsibility to understand and comply with commitments outlined in this agreement.

SECTION 1 – GENERAL COMMITMENTS

As required by the criminal conflicts of interest law at 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the particular matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me:

- Any spouse or minor child of mine;
- Any general partner of a partnership in which I am a limited or general partner;
- Any organization in which I serve as an officer, director, trustee, general partner, or employee; and
- Any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

In the event that an actual or potential conflict of interest arises during my appointment, I 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 addition, I will recuse myself from participation on a case-by-case basis in any particular matter involving specific parties in which I determine that a reasonable person with knowledge of the relevant facts would question my impartiality in that matter, unless I am first authorized to participate, pursuant to the impartiality regulations at 5 C.F.R. Part 2635, Subpart E.

I understand that a heightened prospect of a conflict of interest could exist as to companies that maintain a presence in Portugal, because they may be more likely than other

companies to seek official assistance from or make contact with the Embassy or otherwise be affected by policies and engagement implemented by the Embassy. I will remain alert to the possible need for recusal where appropriate.

I have managed accounts, and I will direct the account managers to obtain my 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. § 2640.201(a), obligations of the United States, or municipal bonds. I will monitor whether the account managers are following this direction regarding prior approval.

I will receive a live ethics briefing from a member of the ethics office after my confirmation but not later than 15 days after my appointment pursuant to the ethics program regulation at 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will submit my Certification of Ethics Agreement Compliance which documents my compliance with this ethics agreement.

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.

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).

SECTION 2 – DIVESTITURES

As soon as practicable but not later than 90 days after my confirmation, I will divest my interests in the entities listed in Attachment A. With regard to each of these entities, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of the entity until I have divested it, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I have verified that I will be able to carry out the divestitures within the timeframe described above.

I understand that I 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 I receive a Certificate of Divestiture, I 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. I understand that I must timely submit my request for a Certificate of Divestiture to allow for adequate time for OGE to process the Certificate of Divestiture, and in order to divest assets within the agreed upon timeframe.

I (including my spouse and dependent children if applicable) will not repurchase any asset I was required to divest without consulting with my agency ethics official and the U.S. Office of Government Ethics.

SECTION 3 – INVESTMENT FUNDS

You have advised me that, at this time, I do not need to divest my interests in the following funds:

- Elah Fund I L.P.
- KD Capital 2015, LP
- Star America Infrastructure Fund, LP
- Wexford Partners 9, LP
- Wexford Partners 10, LP
- Wexford V Advisors LLC

At this time, these funds do not pose likely conflicts of interest. However, you have explained that there is a heightened risk of a conflict of interest if any of these funds are acquiring new holdings. I understand that I am personally responsible for avoiding conflicts of interest with respect to these funds and their holdings, and I will monitor the investment information made available to me regarding these funds and consult as appropriate with the Office of the Legal Adviser for Ethics and Financial Disclosure at the Department of State. If in the future the holdings of any of these funds are determined to pose a conflict with the performance of my official duties, then I may be directed to divest my interest in such funds. In that event, I will do so within 90 days of such order, unless I am unable to divest within 90 days pursuant to the terms of the investment fund. In that situation, I will divest at the earliest opportunity allowed under the terms of the investment fund. With regard to each of these funds, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of the fund or its underlying holdings, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). Finally, with respect to each fund that does not qualify as an excepted investment fund, pursuant to 5 C.F.R. § 2634.310(c), I will also timely file periodic transaction reports (OGE Form 278-T) for all covered transactions involving holdings of the fund.

SECTION 4 – RESIGNATIONS

Upon confirmation, I will resign from my positions with the following entities:

- RJI Charitable Foundation
- JEL Management Trust
- Family Trust #1
- Family Trust #2
- Family Trust #3
- Jeffery Levine Revocable Trust
- Meridian International Center

- New Museum
- Smithsonian National Portrait Gallery

Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for a period of one year after my resignation from each of these entities, I will not participate personally and substantially in any particular matter involving specific parties in which I know that entity is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

SECTION 5 – RETENTION OF TRUSTEE POSITION

I will retain my position as a trustee of the Randi Levine Revocable Trust. I will not receive any fees for the services that I provide as a trustee during my appointment to the position of Ambassador to Portugal. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of the Randi Levine Revocable Trust, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

SECTION 6 – SPOUSAL EMPLOYMENT

My spouse is the Chairman of Douglaston Development, LLC; Levine Builders; and Clinton Management, LLC (collectively d/b/a the Douglaston Companies). He also holds positions and equity in the following companies:

- Douglaston Companies I LLC
- J.E. Levine Builder, Inc.
- L.B. West Construction, Inc.
- New Cassel Construction Corp.
- Leewood-Seaview LLC
- LBDD Resource, Inc.
- The Hampton Group, Inc.
- Primestyle Development, Inc.
- Senior Living Services, LLC
- Senior Living Home Care, LLC
- JEL London Holdings, LLC
- JELB Crossroads, LLC
- JEL Douglaston, LLC
- JELB 45, Inc.
- JELB Bluegrass, LLC
- JELB 2605 GC, LLC
- JELB 50th Street, LLC
- JELB Fifth Avenue, LLC
- JELB Fort Greene, LLC
- JELB Crossroads I, LLC
- JELB East 102nd Street, LLC

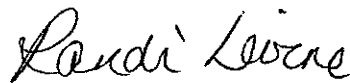
- JELB ECA, LLC
- JELB Grand Concourse, LLC
- JELB New Cassel, LLC
- JELB N. 5th Street, LLC
- JELB N. 4th Participants, LLC
- JELB HK, LLC
- JELB Northside, LLC
- JELB Webster, LLC
- JELB Seaview C, LLC
- JELB Seattle, LLC
- JELB OHM Participants, LLC
- JELB Webster II, LLC
- JELB West 23rd Street, LLC
- JELB White Plains Road, LLC
- JELB Crossroads II, LLC
- JEL Management Trust
- JEL Webster Senior Retail, LLC
- JELB Webster Senior Development, LLC

I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of any of these entities, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1).

SECTION 7 – PUBLIC POSTING

I have 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.

Sincerely,



Randi Levine

Attachment A: Investments to be divested

Stock

Abbott Laboratories (ABT)
AbbVie, Inc. (ABBV)
ACCENTURE PLC IRELAND CL A (ACN)
Airbus SE (EADSY)
Akamai Technologies, Inc. (AKAM)
Alibaba Group Holding Limited (BABA)
Alphabet Inc. (GOOGL and GOOG)
Amazon.com, Inc. (AMZN)
AmerisourceBergen Corporation (ABC)
Amgen Inc. (AMGN)
Apple Inc. (AAPL)
Arista Networks, Inc. (ANET)
ASTRAZENECA PLC SPON ADR (AZN)
AT&T, Inc. (T)
Bank of America Corp. (BAC)
Bank of New York Mellon Corporation (BK)
BECTON DICKINSON & CO (BDX)
Berkshire Hathaway Inc. (BRKB)
Biogen Inc. (BIIB)
Bio-Rad Laboratories, Inc. (BIO)
Boston Scientific Corp. (BSX)
BRISTOL MYERS SQUIBB CO (BMY)
CDW Corp. (CDW)
Cerner Corp. (CERN)
Charles River Laboratories International, Inc. (CRL)
Chevron Corporation (CVX)
Cigna Corp. (CI)
Cisco Systems, Inc. (CSCO)
Citrix Systems, Inc. (CTXS)
COOPER COMPANIES INC (COO)
Corning, Inc. (GLW)
Corteva, Inc. (CTVA)
Danaher Corp. (DHR)
DaVita, Inc. (DVA)
Dominion Energy, Inc. (D)
Dow, Inc. (DOW)
DTE Energy Co. (DTE)
DXC Technology Co. (DXC)
DYNATRACE INC (DT)
Ecolab, Inc. (ECL)

Elanco Animal Health, Inc. (ELAN)
Exelon Corp. (EXC)
Exxon Mobil Corp. (XOM)
F5 Networks, Inc. (FFIV)
Facebook, Inc. CL A (FB)
Fortinet, Inc. (FTNT)
Gilead Sciences, Inc. (GILD)
Goldman Sachs Group Inc (GS)
Halliburton Co. (HAL)
Hewlett-Packard Enterprise Co. (HPE)
IDEXX Laboratories, Inc. (IDXX)
Illumina, Inc. (ILMN)
Intel Corp. (INTC)
Intellia Therapeutics, Inc. (NTLA)
Intuitive Surgical, Inc. (ISRG)
JOHNSON & JOHNSON COM (JNJ)
JPMORGAN CHASE & CO (JPM)
Juniper Networks, Inc. (JNPR)
L3 HARRIS TECHNOLOGIES INC (LHX)
Lam Research Corp. (LRCX)
Lennox International Inc. (LII)
LILLY ELI & CO (LLY)
Lockheed Martin Corp. (LMT)
Marathon Oil Corp. (MRO)
Marathon Petroleum Corp. (MPC)
MARVELL TECHNOLOGY INC (MRVL)
Mastercard Incorporated (MA)
McKesson Corp. (MCK)
Medtronic Plc (MDT)
MERCADOLIBRE INC (MELI)
MERCK & CO INC COM (MRK)
Microsoft Corporation (MSFT)
NetApp, Inc. (NTAP)
Nordson Corporation (NDSN)
Northrop Grumman Corp. (NOC)
NOVARTIS AG SPON ADR (NVS)
Novo Nordisk A/S (NVO)
OCCIDENTAL PETROLEUM CRP (OXY)
Oracle Corp. (ORCL)
ORGANON & CO (OGN)
PALANTIR TECHNOLOGIES INC CL A (PLTR)
Pfizer Inc. (PFE)
PPG Industries, Inc. (PPG)
QUALCOMM, Inc. (QCOM)
RAYTHEON TECHNOLOGIES (RTX)

RAYTHEON TECHNOLOGIES CORP (RTX)
REGENERON PHARMACEUTICALS INC (REGN)
Roche Holding AG (RHHBY)
salesforce.com, inc. (CRM)
Sempra Energy (SRE)
Sherwin-Williams Co. (SHW)
Snap-On, Inc. (SNA)
Square, Inc. (SQ)
TE Connectivity Ltd. (TEL)
Teladoc Health, Inc. (TDOC)
Teledyne Technologies, Inc. (TDY)
Tencent Holdings Limited (TCEHY)
The Scotts Miracle-Gro Company (SMG)
The Walt Disney Co. (DIS)
The Williams Cos., Inc. (WMB)
Thermo Fisher Scientific, Inc. (TMO)
TWILIO INC CL A (TWLO)
Twitter, Inc. (TWTR)
UnitedHealth Group, Inc. (UNH)
Verizon Communications, Inc. (VZ)
Vertex Pharmaceuticals, Inc. (VRTX)
VISA INC CL A (V)
Waters Corp. (WAT)
WELLS FARGO & CO NEW (WFC)
West Pharmaceutical Services, Inc. (WST)
Zebra Technologies Corporation (ZBRA)
Zimmer Biomet Holdings, Inc. (ZBH)
Zoetis, Inc. (ZTS)
Zoom Video Communications, Inc. (ZM)

Private Investment Funds

Alliancebernstein Delaware Business Trust
Hawkeye Capital Institutional, LP
Peace Capital LLC