



U.S. Department of Justice

Washington, D.C. 20530

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

APR 17 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 Cheryl A. Lydon. President Trump has nominated Ms. Lydon to serve as United States Attorney for the District of South Carolina.

We have conducted a thorough review of the enclosed report and have counseled Ms. Lydon 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 Ms. Lydon 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.*, Ms. Lydon will not participate personally and substantially in any particular matter in which she knows that she has a financial interest directly and predictably affected by the matter, or in which she knows that a person whose interests are imputed to her has a financial interest directly and predictably affected by the matter, unless she first obtains a written waiver, pursuant to Section 208(b)(1), or qualifies for a regulatory exemption, pursuant to Section 208(b)(2). Ms. Lydon understands that the interests of the following persons are imputed to her: her spouse; minor children; any general partner of a partnership in which she is a limited or general partner; any organization in which she serves as an officer, director, trustee, general partner or employee; and any person or organization with which she is negotiating or has an arrangement concerning prospective employment. In determining whether a particular matter has a direct and predictable effect on her financial interests or on those of any other person whose interests are imputed to her, Ms. Lydon 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' Manual, Section 3-2.170 *et seq.* As stated in the attachment to this Ethics Agreement, Ms. Lydon understands and agrees to comply with the conflict of interest statute and regulations, and to follow the procedures set forth in this agreement.

Mr. Lydon is the sole proprietor of her law practice, which does business as the Law Office of Sherri A. Lydon. Upon confirmation, Ms. Lydon will cease providing services to her clients and she will refer them to other legal counsel for any ongoing legal matters. Ms. Lydon will complete all such referrals before she assumes the duties of United States Attorney. If she agrees to accept any payments for referrals, she will consult with our office regarding the applicability of 18 U.S.C. § 209 before she receives such payment. Upon confirmation, her law firm will cease engaging in any business, including the representation of clients. During her appointment to the position as United States Attorney, the law firm will remain dormant and will not advertise. She will not perform any services for the firm, except that she will comply with any requirements involving legal filing, taxes and fees that are necessary to maintain the law firm while it is in an inactive status. As United States Attorney, Ms. Lydon will not participate personally and substantially in any particular matter that to her knowledge has a direct and predictable effect on the financial interests of the Law Office of Sherri A. Lydon. All amounts owed to her by any of her clients will be fixed before she assumes the duties of United States Attorney, and she will not participate personally and substantially in any particular matter that to her knowledge has a direct and predictable effect on the ability or willingness of any of her clients to pay these amounts. In addition, she will not participate personally and substantially in any particular matter involving specific parties in which she knows a former client of hers is a party or represents a party for a period of one year after she last provided service to that client, unless she is first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

Ms. Lydon 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 her financial interests. EOUSA has determined that it is not necessary at this time for Ms. Lydon to divest her financial interests because her recusal from particular matters in which these interests pose a conflict of interest will not substantially limit her 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 Ms. Lydon will not be granted a waiver or will not qualify for a regulatory exemption.

If Ms. Lydon relies on a *de minimis* exemption under 5 C.F.R. § 2640.202 with regard to any of her financial interests in securities, she will monitor the value of those interests. If the aggregate value of interests affected by a particular matter increases and exceeds the *de minimis* threshold, she will not participate personally and substantially in the particular matter that to her knowledge has a direct and predictable effect on the interests, unless she first obtains a written waiver pursuant to 18 U.S.C. § 208(b)(1).

If Ms. Lydon has a managed account or otherwise uses the services of an investment professional during her appointment, she will ensure that the account manager or investment professional obtains her 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.

Ms. Lydon's spouse is a member of McAngus, Goudelock & Courie, LLC, a position for which he receives a fixed annual salary and a bonus tied to his performance. For as long as Ms. Lydon's spouse continues to be a member of McAngus, Goudelock & Courie, LLC, she will not participate personally and substantially in any particular matter that to her knowledge has a direct and predictable effect on her spouse's compensation or employment with McAngus, Goudelock & Courie, LLC. She will also not participate personally and substantially in any particular

matter involving specific parties in which she knows McAngus, Goudelock & Courie, LLC, or a client of her spouse, is a party or represents a party, unless she is first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

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 her 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.

Ms. Lydon will meet in person with the United States Attorney's Office ethics advisor during the first week of her service in the position of United States Attorney for the District of South Carolina in order to complete the initial ethics briefing required under 5 C.F.R. § 2638.305. Within 90 days of her confirmation, she will document her compliance with this ethics agreement by notifying the Executive Office for United States Attorneys, General Counsel's Office, in writing when she has completed the steps described in this ethics agreement.

Ms. Lydon 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, Ms. Lydon understands that as an appointee she is required to sign the Ethics Pledge (Exec. Order No. 13770) and that she will be bound by the requirements and restrictions therein in addition to the commitments she 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. 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 for Administration and Designated Agency Ethics Official on April 17, 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.

Cheryl A. Lydon
Cheryl A. Lydon

April 17, 2018
Date