



U.S. Department of Justice

Washington, D.C. 20530

MAR 21 2019

Mr. 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 Timothy J. Downing. President Trump has nominated Mr. Downing to serve as United States Attorney for the Western District of Oklahoma.

We have conducted a thorough review of the enclosed report and have counseled Mr. Downing 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. Downing 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. Downing 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. Downing 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. Downing 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. Downing understands and agrees to comply with the conflict of interest statute and regulations, and to follow the procedures set forth in this agreement.

Mr. Downing left his position as a Representative with the Oklahoma House of Representatives in November, 2018. In February 2019, Mr. Downing began his position as Counselor to the Secretary of State for Oklahoma. Upon confirmation, Mr. Downing will resign from his position as Counselor to the Secretary of State for Oklahoma. For a period of one year after his resignation from the Office of the Secretary of State for Oklahoma, he will have a "covered relationship" under 5 C.F.R. § 2635.502 with the State of Oklahoma. Pursuant to 5 C.F.R. § 2635.502(d), Mr. Downing will seek written authorization to participate in particular matters involving specific parties in which the State of Oklahoma is a party or represents a party. However, during his appointment to the position of United States Attorney, Mr. Downing will not participate personally and substantially in any particular matter involving specific parties in which he previously participated in his capacity as Counselor to the Secretary of State for Oklahoma.

Mr. Downing's spouse is employed by Crossroads Church in a position for which she receives a fixed annual salary. For as long as Mr. Downing's spouse continues to work for Crossroads Church, he will not participate personally and substantially in any particular matter involving specific parties in which he knows Crossroads Church is a party or represents a party, unless he is first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

Mr. Downing 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. Downing to divest his 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. Downing will not be granted a waiver or will not qualify for a regulatory exemption.

If Mr. Downing 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. Downing 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 Western District of Oklahoma in order to complete the initial ethics briefing required under 5 C.F.R. §

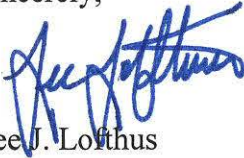
2638.305. Within 90 days of his confirmation, he will document his compliance with this ethics agreement by notifying the Executive Office for United States Attorneys, General Counsel's Office, in writing when he has completed the steps described in this ethics agreement.

Mr. Downing 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. Downing 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,

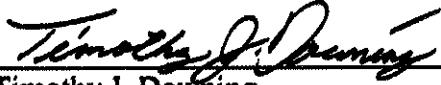


Lee J. Lothaus
Assistant Attorney General
For Administration and
Designated Agency Ethics Official

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 March 21, 2019, 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.


Timothy J. Downing

March 21, 2019
Date