

Please forward this message to Don McGahn's associate, in case she can get a message through.

Walt

From: Walter M. Shaub
Sent: Saturday, November 19, 2016 6:32 PM
To: (b) (6) Don McGahn
Subject: RE: contact with Office of Government Ethics

Don,

My staff and one of your associates tried several times this week to schedule a telephone call or a meeting to discuss your work as counsel to the Presidential transition team. I still think you would benefit from such a discussion --all the more so in light of news reports today that additional cabinet announcements are imminent. I am not sure whether you are aware that announcing the cabinet without first coordinating with OGE is unprecedented and creates unnecessary risk for both the President-elect and the prospective nominees. The same is true for prospective White House appointees. As of today, however, OGE has not been involved in the process as to any of these individuals.

In this regard, it is important to understand that OGE is not the enforcement mechanism; OGE is the prevention mechanism. OGE's role in this process protects both the President-elect and the prospective nominees. In the past, prospective nominees have quietly walked away from nominations after learning what effect the ethics rules will have on their personal finances. Candidates with illiquid investments, capital commitments, carried interests, leveraged interests, contractual arrangements, trusts, unvested interests, or entanglements with employers or businesses are particularly at risk. In addition, transition teams have quietly walked away from well-regarded prospective nominees after reviewing the FBI's background investigation report and completing extensive supplemental vetting activities.

OGE stands ready to help you with the ethics part of the process, and my staff can put you in touch with those responsible for the other parts of the process. Prior to the election, we worked with the non-partisan Partnership for Public Service and several other agency service providers to train members of the campaign's transition team. The first of many formal and informal sessions began in April and continued through October. With the reported departure of those in leadership positions, the process we put in place has broken down. At present, we have no reliable lines of communication with the transition team --a circumstance that is also unprecedented. During past transitions, OGE provided extensive support through daily

communications regarding reviews, including some blind reviews, of draft financial disclosure reports of prospective nominees prior to announcement. My recommendation would be to follow this tradition by making no further announcements of intended cabinet nominees and White House appointees prior to coordinating with OGE.

This transition team is under no obligation to follow the tradition, but I would be remiss if I failed to emphasize that the tradition evolved as a result of hard lessons. Again, my goal here is to protect the President-elect, the prospective nominees, and the executive branch ethics program by preventing real and apparent ethics issues.

If you contact me (Blackberry number: (b) (6)), we can set up plans for bringing you and your team up to speed on the process and establishing reliable lines of communication. You might also want to review OGE's Transition Guide, the Nominee Ethics Guide, and the Appendix to our Nominee Ethics Guide for more background. We delivered additional hard copies to your office this week, and they are available online on OGE's website: <https://www.oge.gov/web/oge.nsf/Resources/PRESIDENTIAL+TRANSITION>.

Please let me help you accomplish the goals of the President-elect's transition team with regard to nominations and appointments.

Walt

Walter M. Shaub, Jr.

Director

U.S. Office of Government Ethics

1201 New York Avenue, NW, Suite 500

Washington, DC 20005-3917

Telephone: 202.482.9292

Email: walter.shaub@oge.gov

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To: (b) (6) Don McGahn
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Telephone: 202.482.9292

Email: walter.shaub@oge.gov

From: Walter M. Shaub
Sent: Friday, November 18, 2016 5:29 PM
To: (b) (6) Don McGahn
Subject: contact with Office of Government Ethics

Don,

