

**From:** [Schultz, James D. EOP/WHO](#)  
**To:** [Roberts, Blake](#)  
**Cc:** [Heather A. Jones](#)  
**Subject:** RE: 278 Review  
**Date:** Wednesday, March 29, 2017 12:27:27 PM

---

Confirmed. J

JAMES D. SCHULTZ

Senior Associate Counsel and Special Assistant to the President  
Office of the White House Counsel

(b)(6) (o)

(b)(6) (m)

---

**From:** Roberts, Blake [mailto:Blake.Roberts@wilmerhale.com]  
**Sent:** Wednesday, March 29, 2017 12:24 PM  
**To:** Schultz, James D. EOP/WHO (b)(6)  
**Cc:** hajones@oge.gov  
**Subject:** 278 Review

Jim – Following up on our conversation, can you confirm that you consent to OGE communicating directly with us with respect to their review of Jared’s 278e?

Thanks,  
Blake

**Blake Roberts | WilmerHale**  
1875 Pennsylvania Avenue NW  
Washington, DC 20006 USA  
+1 202 663 6920 (t)  
+1 202 663 6363 (f)  
blake.roberts@wilmerhale.com

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**From:** [Roberts, Blake](#)  
**To:** [Heather A. Jones](#)  
**Cc:** [Deborah J. Bortot](#); [Monica M. G. Ashar](#); [Yood, Jamie](#)  
**Subject:** RE: 278  
**Date:** Thursday, March 30, 2017 10:26:30 AM

---

Heather – Thank you so much. We can talk at noon, if that still works for you. We can use my dial-in: (b)(6) .

---

**From:** Heather A. Jones [mailto:hajones@oge.gov]  
**Sent:** Thursday, March 30, 2017 9:14 AM  
**To:** Roberts, Blake <Blake.Roberts@wilmerhale.com>  
**Cc:** Deborah J. Bortot <djbortot@oge.gov>; Monica M. G. Ashar <mmgashar@oge.gov>  
**Subject:** 278

Blake-

We have some preliminary comments on the report. We can have a call between 9:30 and 10, 12 and 2 or after 3:30. Just let us know what works for you.

Thanks,  
Heather

Heather Jones  
(202) 482-9316  
Office of Government Ethics

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**From:** [Deborah J. Bortot](#)  
**To:** [Monica M. G. Ashar](#); [Heather A. Jones](#)  
**Subject:** RE: 278 Call  
**Date:** Wednesday, April 12, 2017 9:21:58 AM

---

Monica,

Could you coordinate with Blake?

Thanks,  
Deb

---

**From:** Monica M. G. Ashar  
**Sent:** Wednesday, April 12, 2017 9:14 AM  
**To:** Deborah J. Bortot; Heather A. Jones  
**Subject:** RE: 278 Call

Me, too.

---

**From:** Deborah J. Bortot  
**Sent:** Wednesday, April 12, 2017 8:50 AM  
**To:** Monica M. G. Ashar; Heather A. Jones  
**Subject:** FW: 278 Call

I can do 10:00 on

---

**From:** Roberts, Blake [<mailto:Blake.Roberts@wilmerhale.com>]  
**Sent:** Tuesday, April 11, 2017 6:50 PM  
**To:** Monica M. G. Ashar; Heather A. Jones; Deborah J. Bortot  
**Cc:** Jennings, Molly  
**Subject:** 278 Call

All,

Can we schedule a quick call for tomorrow regarding Jared's 278e? We are free in these windows:  
9:00-10:30, 11:30-1:00, 2:00-3:00, and after 3:30.

Thanks,  
Blake

**Blake Roberts | WilmerHale**  
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**From:** [Roberts, Blake](#)  
**To:** [Monica M. G. Ashar](#); [Heather A. Jones](#); [Deborah J. Bortot](#)  
**Cc:** [Jennings, Molly](#)  
**Subject:** RE: 278 Call  
**Date:** Wednesday, April 12, 2017 5:04:20 PM  
**Attachments:** [Proprietary and Confidential.FOIA Exempt\(b\)\(4\)and\(b\)\(6\).spreadsheet.xlsx](#)  
[\(b\)\(3\), \(4\), \(6\) - Org Chart \(updated\) \(002\) Redacted.pdf](#)  
[\(b\)\(3\), \(4\), \(6\) - Org Chart - 278 Redacted.pdf](#)

Attachments withheld in full - (b)(3), (4), (6)

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All,

Following up on our call this morning, I am attaching two charts and a spreadsheet. The charts are illustrative examples of how individual projects might be structured. In these projects, (b)(4), (6)

The spreadsheet lists the entities that fall underneath the assets that currently appear in Part 6 of the 278e. Can we schedule a call to discuss tomorrow after you have had an opportunity to discuss and consult with others there? We're happy to address any follow-up questions you before consulting with others, of course.

Thanks,  
Blake

---

**From:** Roberts, Blake  
**Sent:** Tuesday, April 11, 2017 6:50 PM  
**To:** Monica M. G. Ashar <[mmgashar@oge.gov](mailto:mmgashar@oge.gov)>; [hajones@oge.gov](mailto:hajones@oge.gov); [djbortot@oge.gov](mailto:djbortot@oge.gov)  
**Cc:** Jennings, Molly <[Molly.Jennings@wilmerhale.com](mailto:Molly.Jennings@wilmerhale.com)>  
**Subject:** 278 Call

All,

Can we schedule a quick call for tomorrow regarding Jared's 278e? We are free in these windows: 9:00-10:30, 11:30-1:00, 2:00-3:00, and after 3:30.

Thanks,  
Blake

**Blake Roberts | WilmerHale**  
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**From:** [Roberts, Blake](#)  
**To:** [Stefan C. Passantino \(b\) \(6\)](#); [David J. Apol](#)  
**Subject:** Book  
**Date:** Friday, April 14, 2017 10:59:30 AM

---

**From:** [Seth Jaffe](#)  
**To:** [David J. Apol](#)  
**Cc:** [Matthew A. Marinec](#)  
**Subject:** RE: call?  
**Date:** Wednesday, May 10, 2017 12:37:00 PM

---

Dave,

FYI: Per instructions, I called and left a message for her to call me or you back.

Seth

---

**From:** Walter M. Shaub  
**Sent:** Wednesday, May 10, 2017 12:14 PM  
**To:** David J. Apol  
**Cc:** Seth Jaffe  
**Subject:** Fw: call?

Can you call her?

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

---

**From:** Gorelick, Jamie <[Jamie.Gorelick@wilmerhale.com](mailto:Jamie.Gorelick@wilmerhale.com)>  
**Sent:** Wednesday, May 10, 2017 12:02 PM  
**To:** Walter M. Shaub  
**Subject:** call?

Walt –

I know that we are scheduled to have a call, but I need a very quick conversation regarding the certificate of divestiture process, if you have one minute.

Many thanks.

Jamie

**Jamie S. Gorelick | WilmerHale**  
1875 Pennsylvania Avenue NW  
Washington, DC 20006 USA  
+1 202 663 6500 (t)  
+1 202 663 6363 (f)  
[jamie.gorelick@wilmerhale.com](mailto:jamie.gorelick@wilmerhale.com)

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**From:** [Gorelick, Jamie](#)  
**To:** [David J. Apol](#)  
**Cc:** [Seth Jaffe](#)  
**Subject:** Re: CD question  
**Date:** Wednesday, May 10, 2017 2:38:47 PM

---

Thanks, David. I will call you.

Sent from my BlackBerry 10 smartphone.

---

**From:** David J. Apol  
**Sent:** Wednesday, May 10, 2017 2:26 PM  
**To:** Gorelick, Jamie  
**Cc:** Seth Jaffe  
**Subject:** CD question

---

Jamie,

Walt indicated that you had a question about the CD process. Either Seth Jaffe or I would be happy to go over that with you. You call me at (b) (6) or Seth at 202 482 9303 if you want to discuss it.

Thanks.

David Apol  
General Counsel

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**From:** [Roberts, Blake](#)  
**To:** [Heather A. Jones](#); [Deborah J. Bortot](#)  
**Cc:** [Jennings, Molly](#)  
**Subject:** 278-T Questions  
**Date:** Thursday, May 11, 2017 10:20:52 PM

---

Heather and Deb,

Can we chat tomorrow about some 278-T questions that we need to resolve by Monday? The basic question is (b)(5), (6)

- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

[Redacted]

[Redacted] Please let us know when you're free to discuss.

Thanks,  
Blake

**Blake Roberts | WilmerHale**  
1875 Pennsylvania Avenue NW  
Washington, DC 20006 USA  
+1 202 663 6920 (t)  
+1 202 663 6363 (f)  
[blake.roberts@wilmerhale.com](mailto:blake.roberts@wilmerhale.com)

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**From:** [Roberts, Blake](#)  
**To:** [David J. Apol](#); [Heather A. Jones](#); [Deborah J. Bortot](#)  
**Subject:** Call Monday/Tuesday  
**Date:** Sunday, May 14, 2017 10:21:48 PM

---

Dave, Heather and Deb,

I hope you all have had a great weekend. If one of you has time, I have a couple of questions that I'd like to talk through briefly tomorrow. One is a relatively straightforward 278 question. The other is more open-ended and pertains to (b)(5), (6). My schedule is very flexible, so just let me know when could work for one of you.

Thanks,  
Blake

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[blake.roberts@wilmerhale.com](mailto:blake.roberts@wilmerhale.com)

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**From:** [Monica M. G. Ashar](mailto:Monica.M.G.Ashar)  
**To:** ["Roberts Blake"](mailto:Blake.Roberts@wilmerhale.com)  
**Cc:** [Heather A. Jones](mailto:Heather.A.Jones)  
**Subject:** RE: Kushner 278 Report: Questions and Comments  
**Date:** Friday, June 02, 2017 12:03:39 PM  
**Attachments:** [image001.png](#)

---

That works for us. We'll give you a call then.

---

**From:** Roberts, Blake [<mailto:Blake.Roberts@wilmerhale.com>]  
**Sent:** Friday, June 02, 2017 11:54 AM  
**To:** Monica M. G. Ashar  
**Cc:** Heather A. Jones  
**Subject:** RE: Kushner 278 Report: Questions and Comments  
Monica – Let's do 3:30, if that still works for you. Thanks!

---

**From:** Monica M. G. Ashar [<mailto:mmgashar@oge.gov>]  
**Sent:** Friday, June 2, 2017 8:51 AM  
**To:** Roberts, Blake <[Blake.Roberts@wilmerhale.com](mailto:Blake.Roberts@wilmerhale.com)>  
**Cc:** Heather A. Jones <[hajones@oge.gov](mailto:hajones@oge.gov)>  
**Subject:** RE: Kushner 278 Report: Questions and Comments

Blake,

We're available for a call today at 1:00, as well as at 3:30. Do either of those times work for you?

Thanks,

Monica

Monica Ashar  
Assistant Counsel  
U.S. Office of Government Ethics  
1201 New York Avenue, NW, Suite 500  
Washington, DC 20005  
Phone: (202) 482-9282

---

**From:** Roberts, Blake [<mailto:Blake.Roberts@wilmerhale.com>]  
**Sent:** Thursday, June 01, 2017 5:10 PM  
**To:** Monica M. G. Ashar  
**Subject:** RE: Kushner 278 Report: Questions and Comments  
Monica,

Thanks very much for these comments. We will work to address them right away, and ensure they are reflected in Ivanka's 278e. I suspect we may have questions about some of your comments after we look through them in depth – could we set up a call for tomorrow to discuss them?

Thanks,

Blake

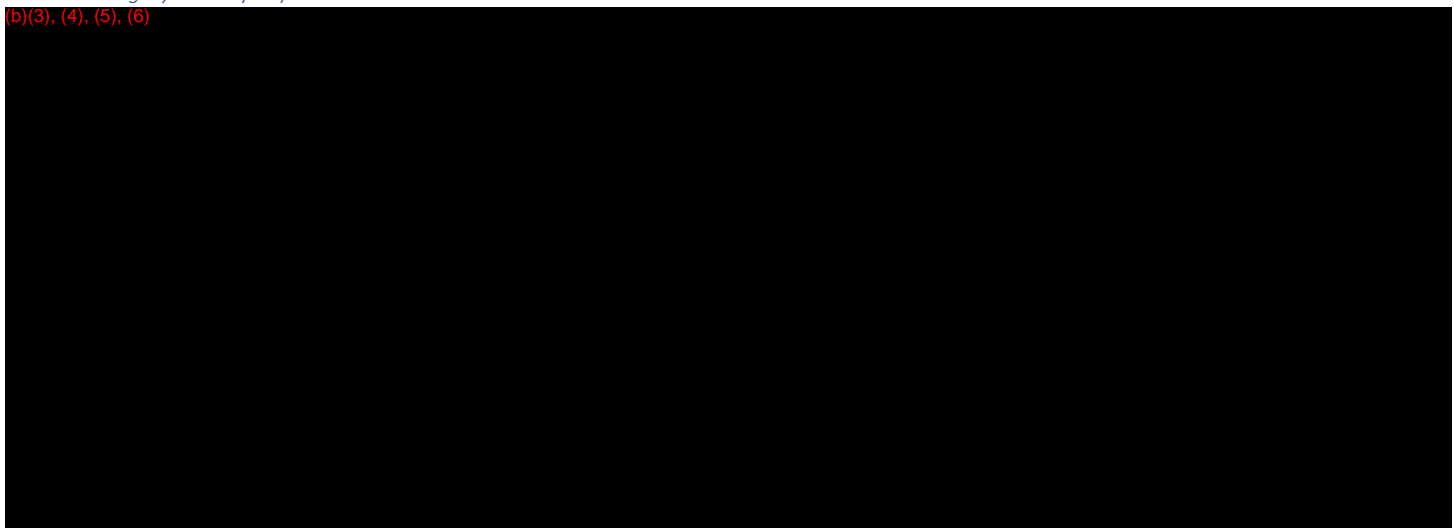
---

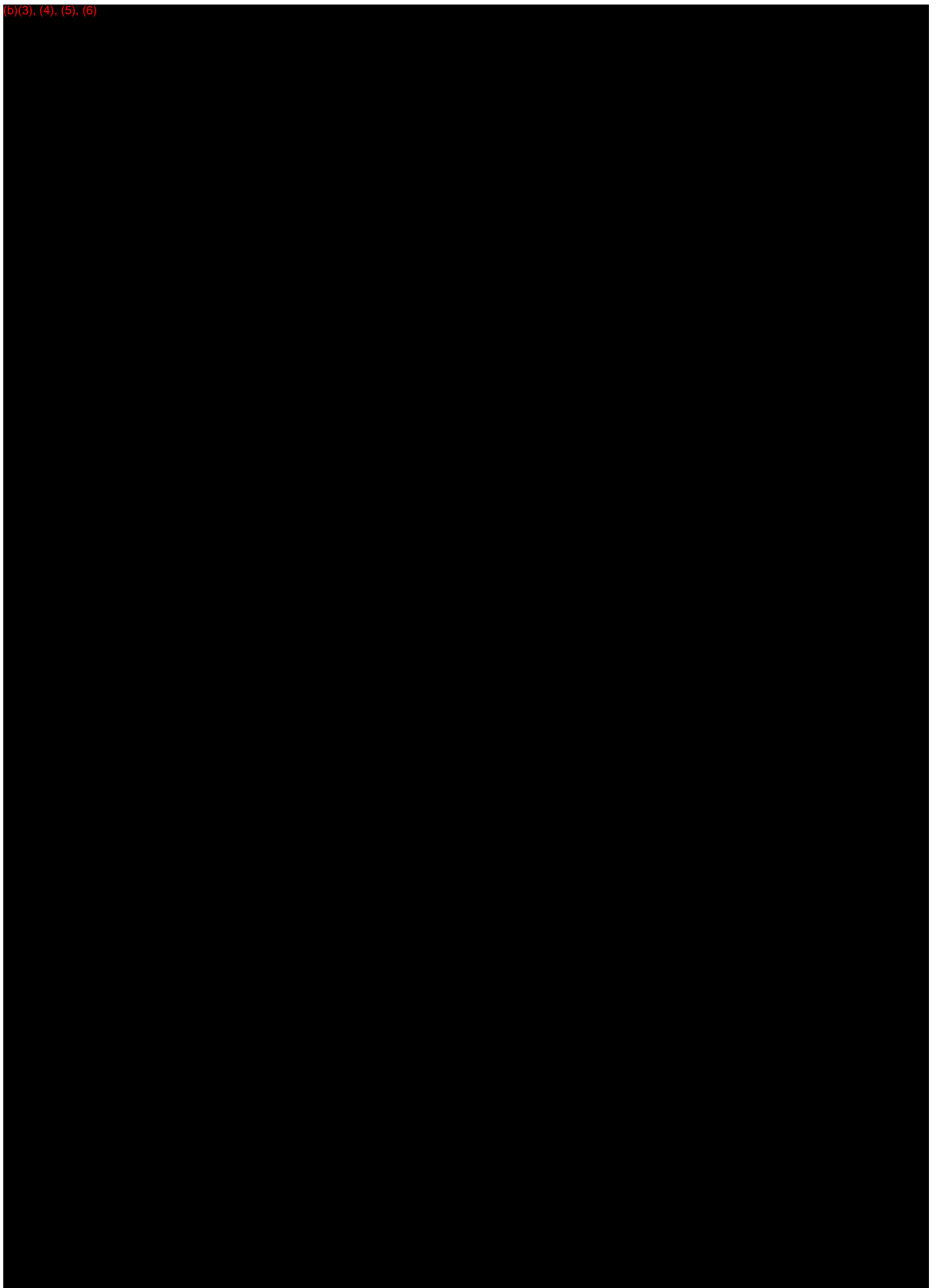
**From:** Monica M. G. Ashar [<mailto:mmgashar@oge.gov>]  
**Sent:** Thursday, June 1, 2017 5:03 PM  
**To:** Roberts, Blake <[Blake.Roberts@wilmerhale.com](mailto:Blake.Roberts@wilmerhale.com)>  
**Subject:** Kushner 278 Report: Questions and Comments

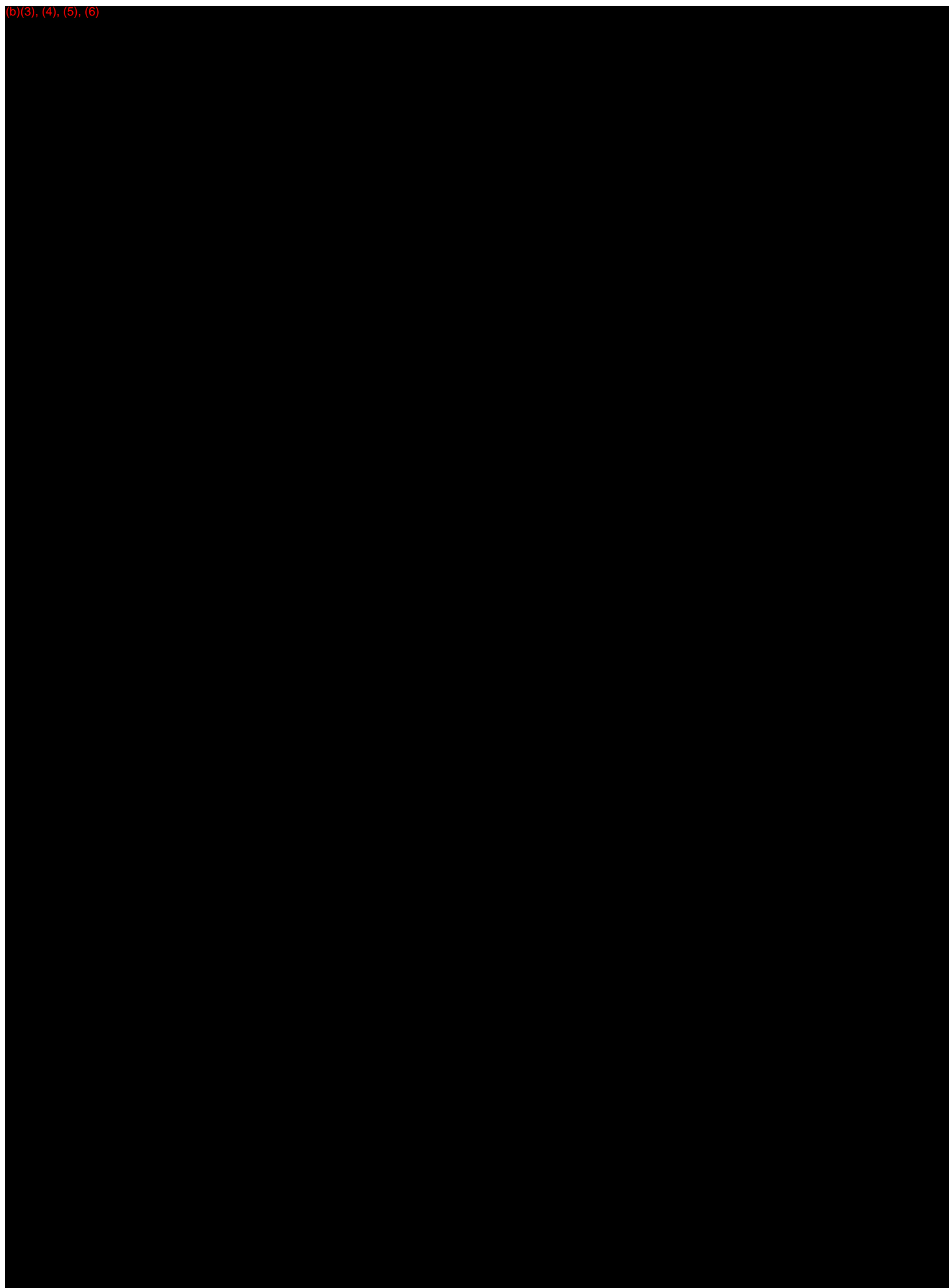
Blake,

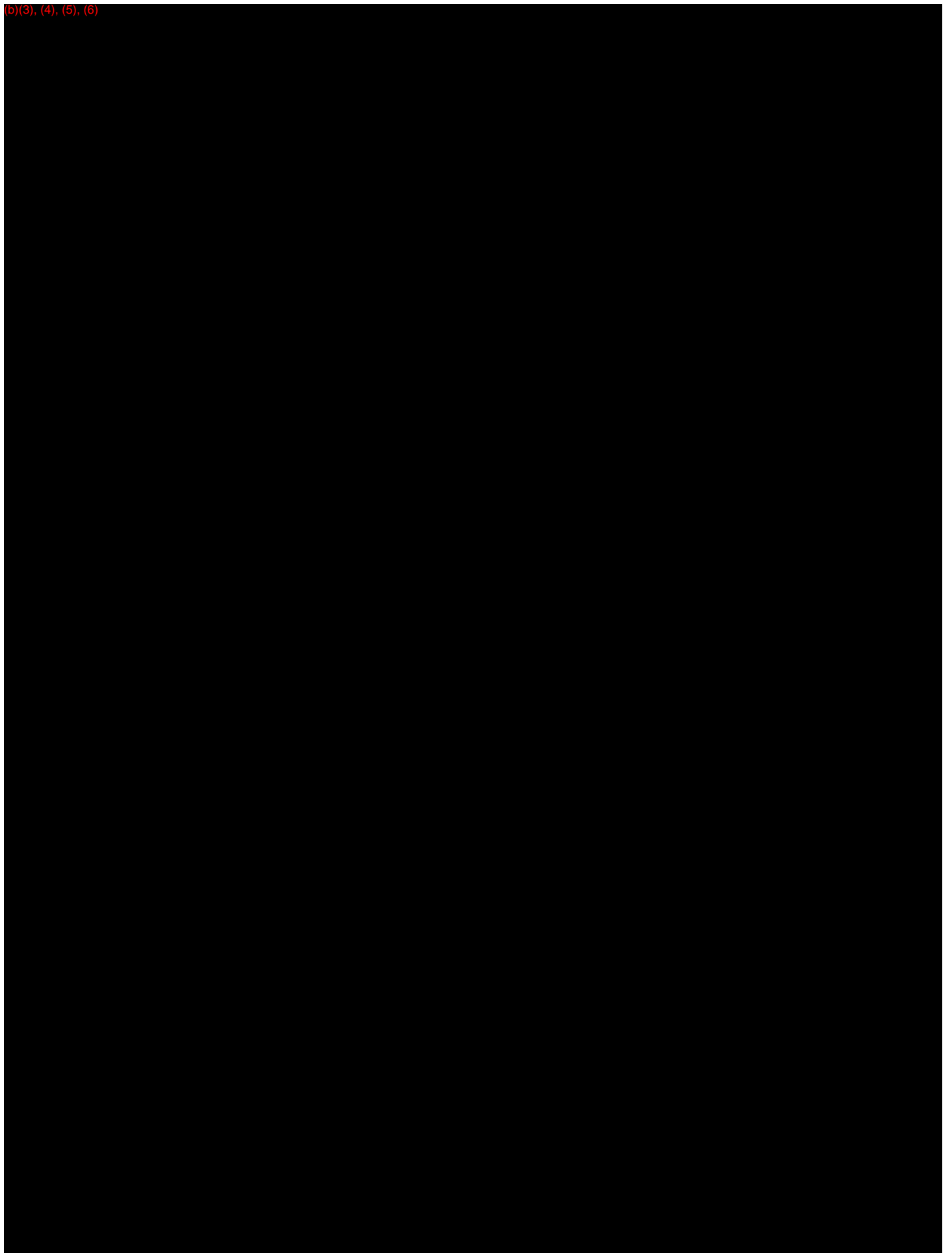
Below are my questions and comments on the current version of Mr. Kushner's New Entrant 278 report (last updated in *Integrity* on May 24):

(b)(3), (4), (5), (6)











Monica Ashar  
Assistant Counsel  
U.S. Office of Government Ethics  
1201 New York Avenue, NW, Suite 500  
Washington, DC 20005  
Phone: (202) 482-9282

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**From:** [Walter M. Shaub](#)  
**To:** [Heather A. Jones](#)  
**Date:** Tuesday, June 13, 2017 6:26:49 PM

---

(b)(3), (4), (6)



**From:** [Deborah J. Bortot](#)  
**To:** "[Roberts, Blake](#)"  
**Subject:** RE: Meeting  
**Date:** Tuesday, June 20, 2017 8:28:07 AM

---

Blake,

I'll let Walt and the team know.

Thanks,  
Deb

---

**From:** Roberts, Blake [mailto:[Blake.Roberts@wilmerhale.com](mailto:Blake.Roberts@wilmerhale.com)]  
**Sent:** Monday, June 19, 2017 8:44 PM  
**To:** Deborah J. Bortot  
**Subject:** RE: Meeting

Deb,

We can meet with Walt and team Friday at 2 p.m. I can send a calendar invite if that would be helpful – whom should I include on it?

Thanks,  
Blake

---

**From:** Roberts, Blake  
**Sent:** Monday, June 19, 2017 5:11 PM  
**To:** [djbortot@oge.gov](mailto:djbortot@oge.gov)  
**Subject:** Meeting

Deb – Following up on my earlier call, the times we could meet tomorrow are 9:30-11:30 and 5:30-7:30. Could anything within those ranges work on your end?

Thanks,  
Blake

**Blake Roberts | WilmerHale**  
1875 Pennsylvania Avenue NW  
Washington, DC 20006 USA  
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[blake.roberts@wilmerhale.com](mailto:blake.roberts@wilmerhale.com)

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**From:** [Deborah J. Bortot](mailto:Deborah.J.Bortot)  
**To:** [Heather A. Jones](mailto:Heather.A.Jones); [Monica M. G. Ashar](mailto:Monica.M.G.Ashar)  
**Subject:** FW: Meeting  
**Date:** Tuesday, June 20, 2017 8:28:42 AM

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---

**From:** Roberts, Blake [mailto:Blake.Roberts@wilmerhale.com]  
**Sent:** Monday, June 19, 2017 8:44 PM  
**To:** Deborah J. Bortot  
**Subject:** RE: Meeting

Deb,

We can meet with Walt and team Friday at 2 p.m. I can send a calendar invite if that would be helpful – whom should I include on it?

Thanks,  
Blake

---

**From:** Roberts, Blake  
**Sent:** Monday, June 19, 2017 5:11 PM  
**To:** [djbortot@oge.gov](mailto:djbortot@oge.gov)  
**Subject:** Meeting

Deb – Following up on my earlier call, the times we could meet tomorrow are 9:30-11:30 and 5:30-7:30. Could anything within those ranges work on your end?

Thanks,  
Blake

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**From:** [Heather A. Jones](#)  
**To:** (b)(6) - Rebecca Barnes Sarraille email  
**Cc:** [Deborah J. Bortot](#); [Walter M. Shaub](#); [Monica M. G. Ashar](#)  
**Subject:** RE: On behalf of Jamie Gorelick  
**Date:** Friday, June 23, 2017 1:53:46 PM

---

Rebecca-

I'm sorry. I misread the e-mail. He can take the call at 4 pm on Tuesday.

Thanks,  
Heather

---

**From:** Heather A. Jones  
**Sent:** Friday, June 23, 2017 1:39 PM  
**To:** (b)(6) - Rebecca Barnes Sarraille email  
**Cc:** Deborah J. Bortot; Walter M. Shaub; Monica M. G. Ashar  
**Subject:** FW: On behalf of Jamie Gorelick

Rebecca-

The Director is available at 4 pm on Monday for a call. I have copied Deb Bortot and Monica Ashar on this message in case you need to change the time. They are also working on the matter. I will be out of the office all of next week.

Thanks,  
Heather

---

**From:** Walter M. Shaub  
**Sent:** Friday, June 23, 2017 12:29 PM  
**To:** Heather A. Jones  
**Subject:** FW: On behalf of Jamie Gorelick

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](mailto:walter.shaub@oge.gov)

---

**From:** Barnes-Sarraille, Rebecca [mailto:(b)(6)]  
**Sent:** Friday, June 23, 2017 12:01 PM  
**To:** Walter M. Shaub  
**Subject:** On behalf of Jamie Gorelick

Dear Mr. Shaub,

Jamie would like to speak with you on Monday or Tuesday if possible, later in the day Eastern time as (b)(6). We have a tentative time scheduled for Monday at 1:00 p.m., but we are hoping to

move this call to sometime between 2:00 and 5:00 p.m. Heather from your office was kind enough to give me a call previously, although I do not have her direct line.

With kind regards,  
Rebecca

**Rebecca M Barnes-Sarraille | WilmerHale**

1875 Pennsylvania Avenue NW

Washington, DC 20006 USA

(b) (6) (t)

+1 202 663 6363 (f)

(b) (6)

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**From:** [Deborah J. Bortot](#)  
**To:** ["Roberts, Blake"](#)  
**Cc:** [Monica M. G. Ashar](#)  
**Subject:** rescheduling meeting  
**Date:** Tuesday, June 27, 2017 8:10:17 AM

---

Blake,

Walter asked me to reach out to you to reschedule last week's meeting. Are you available this Wednesday (6/28) in the afternoon or this Thursday (6/29)?

Thanks,  
Deb



**From:** [Walter M. Shaub](#)  
**To:** "[Barnes-Sarraille, Rebecca](#)"; [Heather A. Jones](#); [Deborah J. Bortot](#)  
**Subject:** RE: On behalf of Jamie Gorelick - Call Today  
**Date:** Tuesday, June 27, 2017 2:52:28 PM

---

Sure. Let's do 10:00 a.m. Tell Jamie to say hi to (b) (6)

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](mailto:walter.shaub@oge.gov)

---

**From:** Barnes-Sarraille, Rebecca [mailto:(b) (6)]  
**Sent:** Tuesday, June 27, 2017 1:31 PM  
**To:** Walter M. Shaub; Heather A. Jones; Deborah J. Bortot  
**Subject:** On behalf of Jamie Gorelick - Call Today

Dear All, good afternoon.

I apologize, as I am not sure whom to forward this to. Jamie is in (b) (6) this week and indicated that her dinner meeting will run long. May we try and reschedule this call to tomorrow morning – 9:00 or 10:00 a.m. ET?

Kind regards,  
Rebecca

**Rebecca M Barnes-Sarraille | WilmerHale**

1875 Pennsylvania Avenue NW  
Washington, DC 20006 USA

(b) (6) (t)

+1 202 663 6363 (f)

(b) (6)

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**From:** [Deborah J. Bortot](#)  
**To:** ["Roberts, Blake"](#)  
**Cc:** [Monica M. G. Ashar](#)  
**Subject:** RE: rescheduling meeting  
**Date:** Thursday, June 29, 2017 10:50:28 AM

---

Blake,

Let's keep it at 2:00 tomorrow.

Thanks,  
Deb

---

**From:** Roberts, Blake [<mailto:Blake.Roberts@wilmerhale.com>]  
**Sent:** Thursday, June 29, 2017 10:12 AM  
**To:** Deborah J. Bortot  
**Cc:** Monica M. G. Ashar  
**Subject:** RE: rescheduling meeting

Deb,

My colleague unfortunately can't do 10 or 11 tomorrow. We could do later that afternoon, or anytime on July 5, or before 1 p.m. on July 6.

Thanks,  
Blake

---

**From:** Deborah J. Bortot [<mailto:djbortot@oge.gov>]  
**Sent:** Thursday, June 29, 2017 9:16 AM  
**To:** Roberts, Blake <[Blake.Roberts@wilmerhale.com](mailto:Blake.Roberts@wilmerhale.com)>  
**Cc:** Monica M. G. Ashar <[mmgashar@oge.gov](mailto:mmgashar@oge.gov)>  
**Subject:** RE: rescheduling meeting

Blake,

Could we do 10:00 or 11:00 tomorrow instead of 2:00?

Thanks,  
Deb

---

**From:** Roberts, Blake [<mailto:Blake.Roberts@wilmerhale.com>]  
**Sent:** Tuesday, June 27, 2017 10:51 AM  
**To:** Deborah J. Bortot  
**Cc:** Monica M. G. Ashar  
**Subject:** RE: rescheduling meeting

Yes – thank you. We will plan to come over then. Thanks very much.

---

**From:** Deborah J. Bortot [<mailto:djbortot@oge.gov>]  
**Sent:** Tuesday, June 27, 2017 10:46 AM  
**To:** Roberts, Blake <[Blake.Roberts@wilmerhale.com](mailto:Blake.Roberts@wilmerhale.com)>  
**Cc:** Monica M. G. Ashar <[mmgashar@oge.gov](mailto:mmgashar@oge.gov)>  
**Subject:** RE: rescheduling meeting

Does this Friday at 2:00 work?

---

**From:** Roberts, Blake [<mailto:Blake.Roberts@wilmerhale.com>]  
**Sent:** Tuesday, June 27, 2017 10:21 AM  
**To:** Deborah J. Bortot  
**Cc:** Monica M. G. Ashar  
**Subject:** RE: rescheduling meeting

Deb,

Thanks for following up. Could Friday afternoon after 1:00 p.m. work? My colleague Chris Babbitt, whom I would like to have attend, is not available Wednesday or Thursday. Please let me know if that could work.

Thanks,  
Blake

---

**From:** Deborah J. Bortot [<mailto:djbortot@oge.gov>]  
**Sent:** Tuesday, June 27, 2017 8:10 AM  
**To:** Roberts, Blake <[Blake.Roberts@wilmerhale.com](mailto:Blake.Roberts@wilmerhale.com)>  
**Cc:** Monica M. G. Ashar <[mmgashar@oge.gov](mailto:mmgashar@oge.gov)>  
**Subject:** rescheduling meeting

Blake,

Walter asked me to reach out to you to reschedule last week's meeting. Are you available this Wednesday (6/28) in the afternoon or this Thursday (6/29)?

Thanks,  
Deb

---

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email.

---

**From:** [Roberts, Blake](#)  
**To:** [Deborah J. Bortot](#)  
**Subject:** RE: Meeting today  
**Date:** Friday, June 30, 2017 9:46:33 AM

---

Will do – sorry to be doing this the Friday afternoon before a long weekend!

---

**From:** Deborah J. Bortot [mailto:djbortot@oge.gov]  
**Sent:** Friday, June 30, 2017 8:41 AM  
**To:** Roberts, Blake <Blake.Roberts@wilmerhale.com>  
**Subject:** Meeting today

Blake,

Give me a call today when you get here at 202-482-9227 and I will meet you downstairs.

Thanks,  
Deb

---

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---

**From:** [Roberts, Blake](#)  
**To:** [Walter M. Shaub](#)  
**Cc:** [Deborah J. Bortot](#); [David J. Apol](#)  
**Subject:** RE: Quick Call  
**Date:** Friday, July 07, 2017 1:27:26 PM

---

Walt – Due to our client and others being at (b) (6), we have not yet had an opportunity to clarify things with the reporter as we discussed yesterday. We still plan to do that and my understanding from Jamie is that there is no immediate deadline due to a story or interview. I wanted to give you a heads-up because I think the reporter is about to send you an email that purport to summarize our discussions with her. That summary is not accurate in several respects and reflects neither our past conversations nor the one planned for the future. I am writing because I did not want you to think it was an accurate summary and react on that basis.

Please call me if you would like to discuss.

Thank you again,  
Blake

---

**From:** Roberts, Blake  
**Sent:** Thursday, July 6, 2017 7:36 PM  
**To:** 'Walter M. Shaub' <wmshaub@oge.gov>  
**Subject:** RE: Quick Call

Walt – Can we have a quick call tonight to follow up on our earlier discussion? I want to run the email I plan to send by you to make sure it addresses your interests. I can talk anytime.

Thanks,  
Blake

---

**From:** Walter M. Shaub [<mailto:wmshaub@oge.gov>]  
**Sent:** Thursday, July 6, 2017 4:24 PM  
**To:** Roberts, Blake <[Blake.Roberts@wilmerhale.com](mailto:Blake.Roberts@wilmerhale.com)>  
**Cc:** Babbitt, Christopher <[Christopher.Babbitt@wilmerhale.com](mailto:Christopher.Babbitt@wilmerhale.com)>  
**Subject:** RE: Quick Call

We have an urgent need to talk. I'm calling now.

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](mailto:walter.shaub@oge.gov)

---

**From:** Roberts, Blake [<mailto:Blake.Roberts@wilmerhale.com>]  
**Sent:** Thursday, July 06, 2017 10:51 AM  
**To:** Walter M. Shaub  
**Cc:** Babbitt, Christopher  
**Subject:** Quick Call

Walt – Do you have time for a quick call? I can be free whenever you are.

Thanks,  
Blake

**Blake Roberts | WilmerHale**  
1875 Pennsylvania Avenue NW  
Washington, DC 20006 USA  
+1 202 663 6920 (t)  
+1 202 663 6363 (f)  
[blake.roberts@wilmerhale.com](mailto:blake.roberts@wilmerhale.com)

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---

**From:** [Roberts, Blake](#)  
**To:** [Walter M. Shaub](#); [David J. Apol](#); [Deborah J. Bortot](#)  
**Subject:** RE: Quick Call  
**Date:** Friday, July 07, 2017 3:43:50 PM

---

Walt – Could you be available today for a follow up call on our prior conversation? Should not take too long. Thanks – Blake

---

**From:** Roberts, Blake  
**Sent:** Thursday, July 6, 2017 7:36 PM  
**To:** 'Walter M. Shaub' <[wmshaub@oge.gov](mailto:wmshaub@oge.gov)>  
**Subject:** RE: Quick Call

Walt – Can we have a quick call tonight to follow up on our earlier discussion? I want to run the email I plan to send by you to make sure it addresses your interests. I can talk anytime.

Thanks,  
Blake

---

**From:** Walter M. Shaub [<mailto:wmshaub@oge.gov>]  
**Sent:** Thursday, July 6, 2017 4:24 PM  
**To:** Roberts, Blake <[Blake.Roberts@wilmerhale.com](mailto:Blake.Roberts@wilmerhale.com)>  
**Cc:** Babbitt, Christopher <[Christopher.Babbitt@wilmerhale.com](mailto:Christopher.Babbitt@wilmerhale.com)>  
**Subject:** RE: Quick Call

We have an urgent need to talk. I'm calling now.

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](mailto:walter.shaub@oge.gov)

---

**From:** Roberts, Blake [<mailto:Blake.Roberts@wilmerhale.com>]  
**Sent:** Thursday, July 06, 2017 10:51 AM  
**To:** Walter M. Shaub  
**Cc:** Babbitt, Christopher  
**Subject:** Quick Call

Walt – Do you have time for a quick call? I can be free whenever you are.

Thanks,  
Blake



**Blake Roberts | WilmerHale**

1875 Pennsylvania Avenue NW

Washington, DC 20006 USA

+1 202 663 6920 (t)

+1 202 663 6363 (f)

[blake.roberts@wilmerhale.com](mailto:blake.roberts@wilmerhale.com)

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**From:** [Roberts, Blake](#)  
**To:** [Monica M. G. Ashar](#)  
**Cc:** [Heather A. Jones](#); [Jennings, Molly](#)  
**Subject:** RE: Kushner 278 Report: Questions and Comments  
**Date:** Friday, July 07, 2017 6:17:43 PM  
**Attachments:** [image001.png](#)  
[OGE Questions 2017-07-07 \(163236787\) \(4\).DOCX](#)

Attachment withheld in full - (b)(3), (4), (5), (6)

---

Monica,

Thanks very much. I am attaching a Word document with the current status of our responses. As you will see, we have addressed nearly all of your comments, except for the filer confirmations, which we have been holding to the end, once the form is totally set. I also want to confirm that we don't have (b)(3), (4), (6) . We will chase that down as soon as possible.

Should we set up a call for early next week, after you've had a chance to review these?

Thanks,

Blake

---

**From:** Monica M. G. Ashar [mailto:mmgashar@oge.gov]

**Sent:** Friday, July 7, 2017 4:14 PM

**To:** Roberts, Blake

**Cc:** Heather A. Jones

**Subject:** RE: Kushner 278 Report: Questions and Comments

Blake,

Thanks for your message earlier today. As a start, could you send me the answers to the questions below (to the extent that we haven't already discussed a particular question or to the extent a change has not been made in *Integrity* in response to the question)?

Thanks,

Monica

Monica Ashar

Assistant Counsel

U.S. Office of Government Ethics

1201 New York Avenue, NW, Suite 500

Washington, DC 20005

Phone: (202) 482-9282

---

**From:** Monica M. G. Ashar

**Sent:** Thursday, June 01, 2017 5:03 PM

**To:** 'Roberts, Blake'

**Subject:** Kushner 278 Report: Questions and Comments

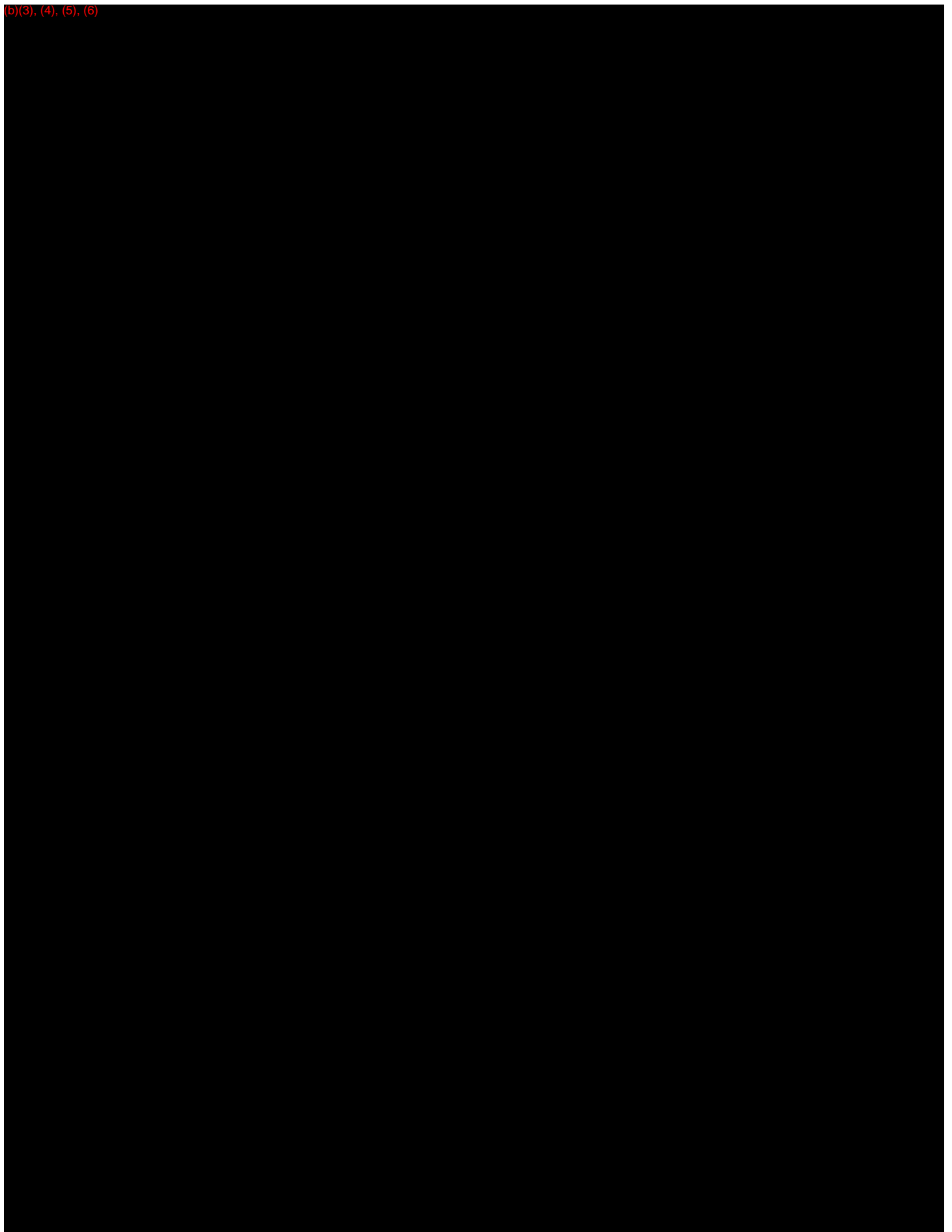
Blake,

Below are my questions and comments on the current version of Mr. Kushner's New Entrant 278 report (last updated in *Integrity* on May 24):

(b)(3), (4), (5), (6)







(b)(3), (4), (5), (6)



Monica Ashar  
Assistant Counsel  
U.S. Office of Government Ethics  
1201 New York Avenue, NW, Suite 500  
Washington, DC 20005  
Phone: (202) 482-9282

---

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**From:** [Monica M. G. Ashar](mailto:Monica.M.G.Ashar)  
**To:** [Jennings, Molly](mailto:Jennings.Molly)  
**Subject:** RE: Additional Questions (Kushner New Entrant Report)  
**Date:** Friday, July 14, 2017 12:15:32 PM

---

Hi Molly,

I just wanted to check on the status of the changes to Mr. Kushner's report. Is the report ready for our review, or are there further edits that you're expecting to make today? Also, do you have the answers to the questions below, as well as to the "please confirm" questions?

Thanks,  
Monica

Monica Ashar  
Assistant Counsel  
U.S. Office of Government Ethics  
1201 New York Avenue, NW, Suite 500  
Washington, DC 20005  
Phone: (202) 482-9282

---

**From:** Roberts, Blake [<mailto:Blake.Roberts@wilmerhale.com>]  
**Sent:** Monday, July 10, 2017 5:57 PM  
**To:** Monica M. G. Ashar  
**Cc:** Heather A. Jones; Jennings, Molly  
**Subject:** RE: Additional Questions (Kushner New Entrant Report)

Thanks Monica – we will address these.

---

**From:** Monica M. G. Ashar [<mailto:mmgashar@oge.gov>]  
**Sent:** Monday, July 10, 2017 5:37 PM  
**To:** Roberts, Blake <[Blake.Roberts@wilmerhale.com](mailto:Blake.Roberts@wilmerhale.com)>  
**Cc:** Heather A. Jones <[hajones@oge.gov](mailto:hajones@oge.gov)>  
**Subject:** Additional Questions (Kushner New Entrant Report)

Blake,

In addition to the questions that we discussed by phone this afternoon (as well as the items that you've identified as "to be confirmed," and the entries that you are updating), below are my additional questions and other outstanding items at this time:

(b)(3), (4), (5), (6)



Monica Ashar  
Assistant Counsel  
U.S. Office of Government Ethics  
1201 New York Avenue, NW, Suite 500  
Washington, DC 20005  
Phone: (202) 482-9282

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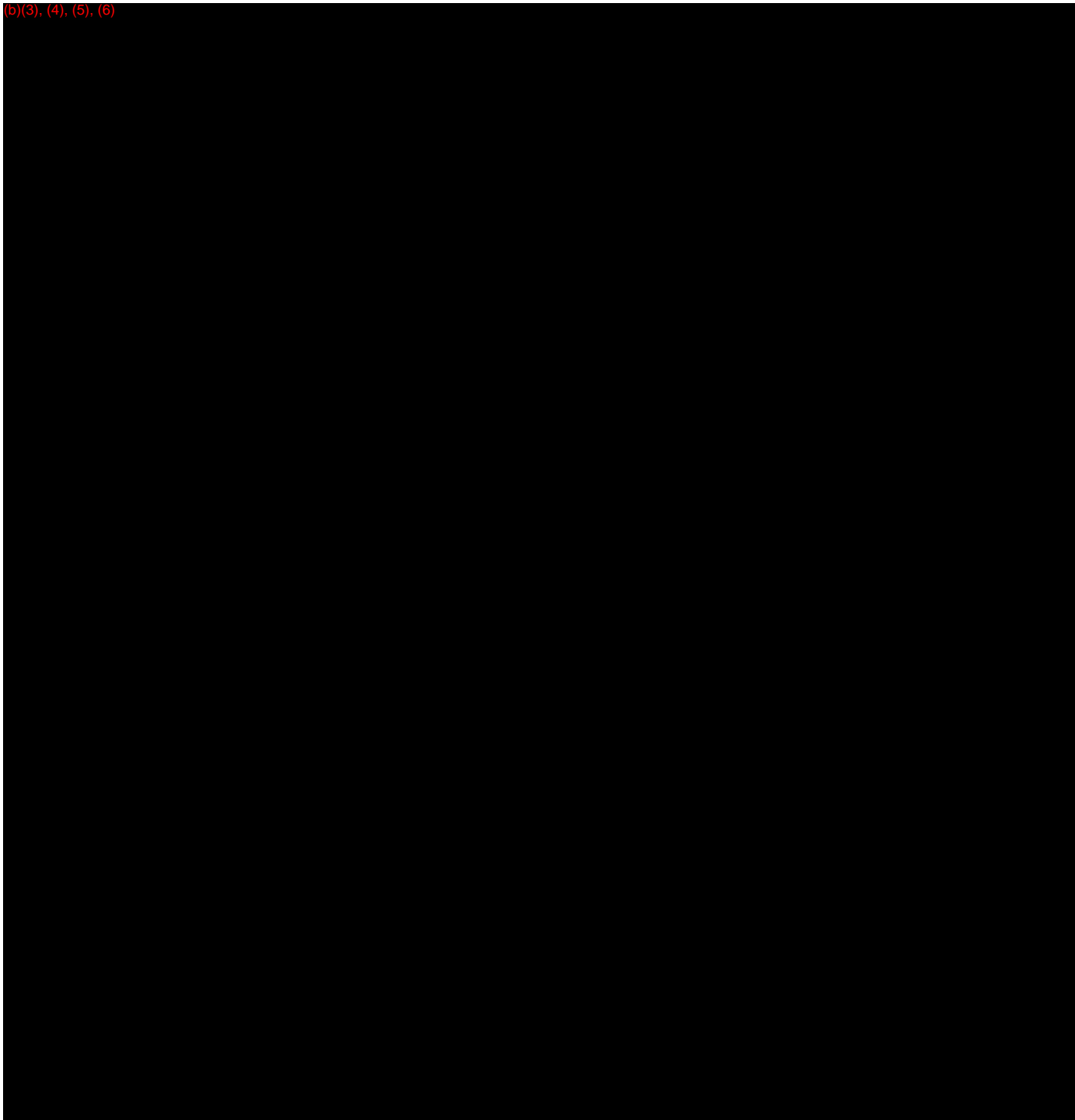
**From:** [Monica M. G. Ashar](#)  
**To:** ["Roberts, Blake"](#)  
**Cc:** [Heather A. Jones](#); ["Jennings, Molly"](#)  
**Subject:** Questions on Kushner New Entrant Report (7/14/17)  
**Date:** Friday, July 14, 2017 6:01:14 PM

---

Blake,

Below are our questions from our review of the report this afternoon:

(b)(3), (4), (5), (6)





Thanks,  
Monica

Monica Ashar  
Assistant Counsel  
U.S. Office of Government Ethics  
1201 New York Avenue, NW, Suite 500  
Washington, DC 20005  
Phone: (202) 482-9282

**From:** [Roberts, Blake](#)  
**To:** [Monica M. G. Ashar](#)  
**Cc:** [Heather A. Jones](#); [Jennings, Molly](#)  
**Subject:** RE: Questions on Kushner New Entrant Report (7/14/17)  
**Date:** Monday, July 17, 2017 12:38:00 PM

---

Per our discussion, I've updated the list of confirmations below.

---

**From:** Roberts, Blake  
**Sent:** Monday, July 17, 2017 11:14 AM  
**To:** 'Monica M. G. Ashar' <[mmgashar@oge.gov](mailto:mmgashar@oge.gov)>  
**Cc:** 'Heather A. Jones' <[hajones@oge.gov](mailto:hajones@oge.gov)>; Jennings, Molly <[Molly.Jennings@wilmerhale.com](mailto:Molly.Jennings@wilmerhale.com)>  
**Subject:** RE: Questions on Kushner New Entrant Report (7/14/17)

Monica – I called Heather and she addressed the one question I had, and we have updated the form accordingly. It should now be ready for the final stages of your process.

Thanks,  
Blake

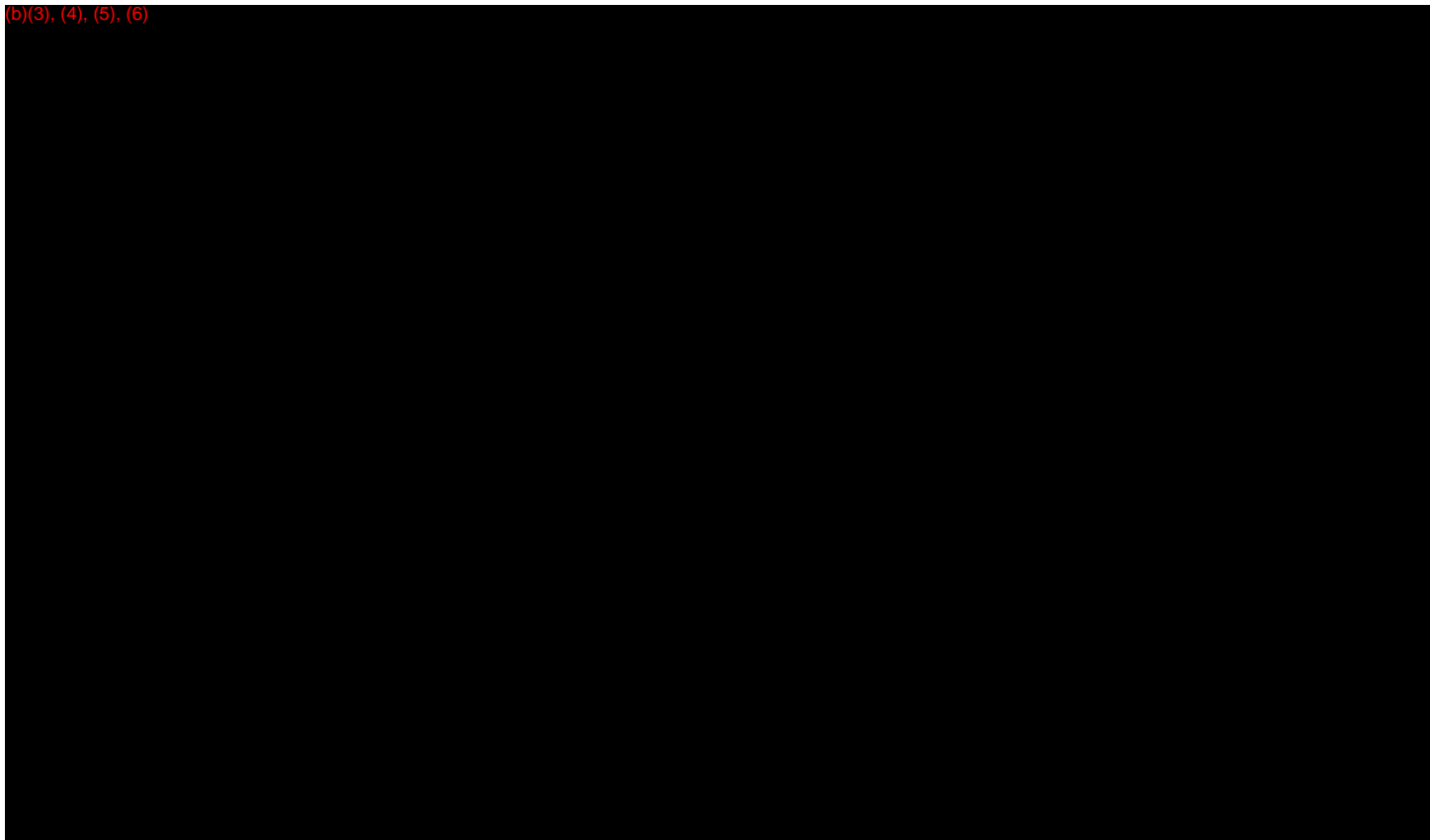
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**From:** Roberts, Blake  
**Sent:** Monday, July 17, 2017 10:19 AM  
**To:** 'Monica M. G. Ashar' <[mmgashar@oge.gov](mailto:mmgashar@oge.gov)>  
**Cc:** Heather A. Jones <[hajones@oge.gov](mailto:hajones@oge.gov)>; Jennings, Molly <[Molly.Jennings@wilmerhale.com](mailto:Molly.Jennings@wilmerhale.com)>  
**Subject:** RE: Questions on Kushner New Entrant Report (7/14/17)

Monica – Responses to your questions are below. Also, the filer has confirmed the following things that were outstanding from your prior requests.

There is one thing that we need to add to the form coming out the confirmation process, but we are not sure if it should get in Part 2 or Part 6. Could we jump on a call to quickly discuss?

(b)(3), (4), (5), (6)



(b)(3), (4), (5), (6)



---

**From:** Monica M. G. Ashar [<mailto:mmgashar@oge.gov>]

**Sent:** Friday, July 14, 2017 6:01 PM

**To:** Roberts, Blake <[Blake.Roberts@wilmerhale.com](mailto:Blake.Roberts@wilmerhale.com)>

**Cc:** Heather A. Jones <[hajones@oge.gov](mailto:hajones@oge.gov)>; Jennings, Molly <[Molly.Jennings@wilmerhale.com](mailto:Molly.Jennings@wilmerhale.com)>

**Subject:** Questions on Kushner New Entrant Report (7/14/17)

Blake,

Below are our questions from our review of the report this afternoon:

(b)(3), (4), (5), (6)



Thanks,  
Monica

Monica Ashar  
Assistant Counsel  
U.S. Office of Government Ethics  
1201 New York Avenue, NW, Suite 500  
Washington, DC 20005  
Phone: (202) 482-9282

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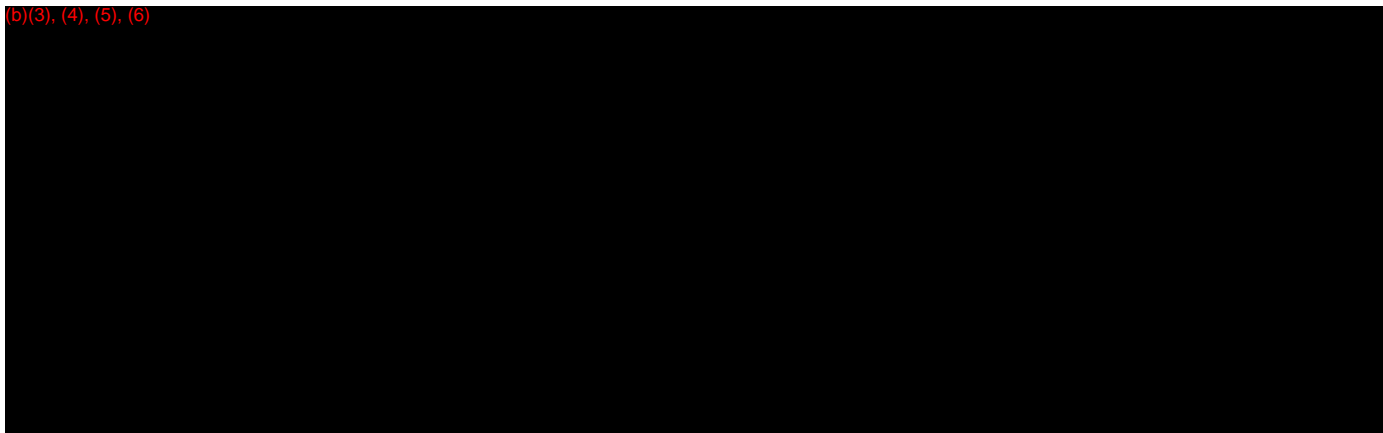
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**From:** [Monica M. G. Ashar](#)  
**To:** ["Roberts, Blake"](#)  
**Cc:** [Heather A. Jones](#)  
**Subject:** Footnote language  
**Date:** Monday, July 17, 2017 12:40:39 PM

---

(b)(3), (4), (5), (6)



Monica Ashar  
Assistant Counsel  
U.S. Office of Government Ethics  
1201 New York Avenue, NW, Suite 500  
Washington, DC 20005  
Phone: (202) 482-9282

**From:** [Roberts, Blake](#)  
**To:** [Monica M. G. Ashar](#)  
**Cc:** [Heather A. Jones](#)  
**Subject:** RE: (b)(3), (6)  
**Date:** Monday, July 17, 2017 2:53:12 PM

---

This asset was (b)(3), (4), (6). Working on your other questions.

---

**From:** Monica M. G. Ashar [mailto:mmgashar@oge.gov]  
**Sent:** Monday, July 17, 2017 12:51 PM  
**To:** Roberts, Blake <Blake.Roberts@wilmerhale.com>  
**Cc:** Heather A. Jones <hajones@oge.gov>  
**Subject:** (b)(3), (6)

(b)(3), (6)

Monica Ashar  
Assistant Counsel  
U.S. Office of Government Ethics  
1201 New York Avenue, NW, Suite 500  
Washington, DC 20005  
Phone: (202) 482-9282

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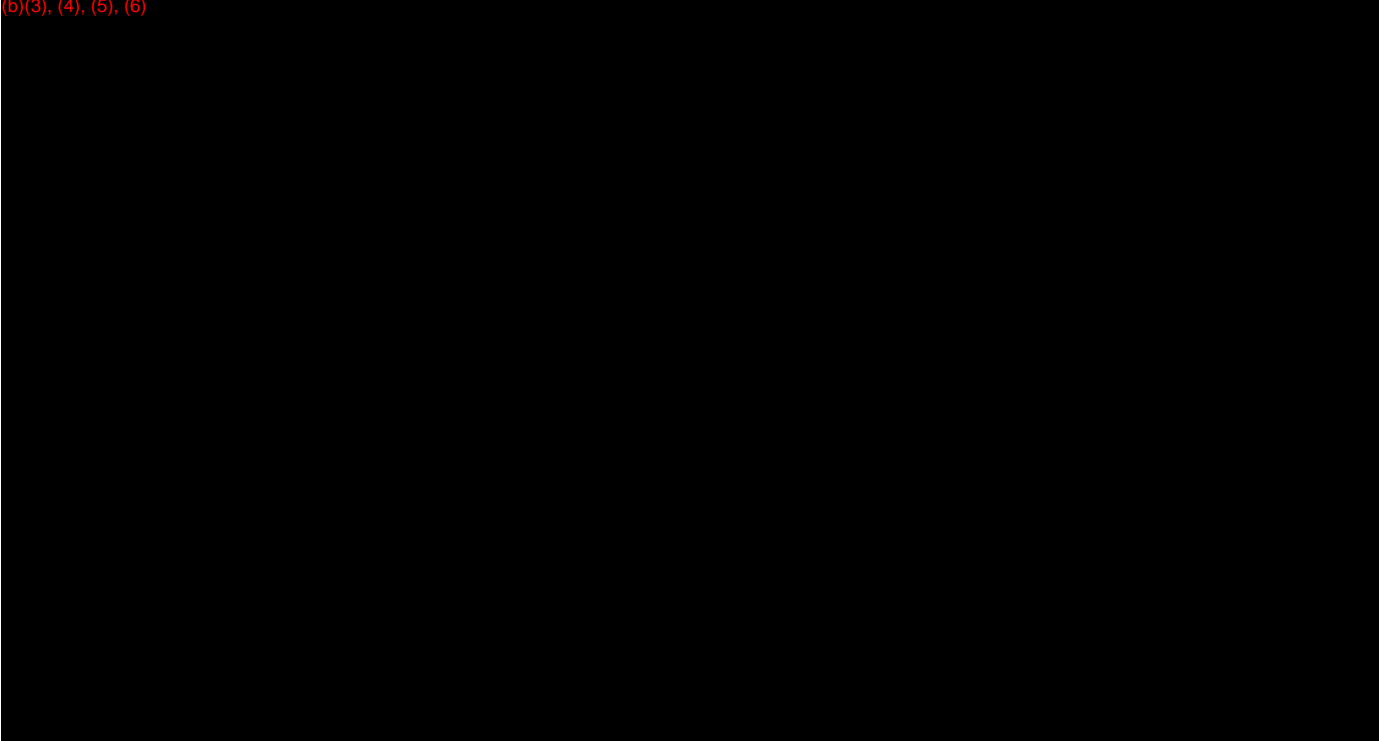
**From:** [Monica M. G. Ashar](#)  
**To:** ["Roberts, Blake"](#)  
**Cc:** ["Jennings, Molly"](#); [Heather A. Jones](#)  
**Subject:** Additional questions/comments (7/18)  
**Date:** Tuesday, July 18, 2017 11:58:41 AM

---

Blake,

Below are my additional questions/comments at this time:

(b)(3), (4), (5), (6)



Thanks,  
Monica

Monica Ashar  
Assistant Counsel  
U.S. Office of Government Ethics  
1201 New York Avenue, NW, Suite 500  
Washington, DC 20005  
Phone: (202) 482-9282

**From:** [Roberts, Blake](#)  
**To:** [Heather A. Jones](#); [Monica M. G. Ashar](#)  
**Cc:** [Jennings, Molly](#)  
**Subject:** RE: Additional questions/comments (7/18)  
**Date:** Tuesday, July 18, 2017 2:23:05 PM

---

Okay – We will check the endnotes. Could please call me as soon as you can re recusal counseling and timeframe? Thanks – Blake

---

**From:** Heather A. Jones [mailto:[hajones@oge.gov](mailto:hajones@oge.gov)]  
**Sent:** Tuesday, July 18, 2017 2:20 PM  
**To:** Roberts, Blake <[Blake.Roberts@wilmerhale.com](mailto:Blake.Roberts@wilmerhale.com)>; Monica M. G. Ashar <[mmgashar@oge.gov](mailto:mmgashar@oge.gov)>  
**Cc:** Jennings, Molly <[Molly.Jennings@wilmerhale.com](mailto:Molly.Jennings@wilmerhale.com)>  
**Subject:** RE: Additional questions/comments (7/18)

Blake-

It appears the

(b)(3), (6)

Also we are waiting to hear back from Stefan regarding the recusal counseling. We need to talk this through with the agency before we can move it through the signature process. The reception for Walt starts at 3:30, so that is the timeline we are working on for Walt's signature.

Heather

---

**From:** Roberts, Blake [mailto:[Blake.Roberts@wilmerhale.com](mailto:Blake.Roberts@wilmerhale.com)]  
**Sent:** Tuesday, July 18, 2017 1:55 PM  
**To:** Monica M. G. Ashar  
**Cc:** Jennings, Molly; Heather A. Jones  
**Subject:** RE: Additional questions/comments (7/18)

Heather/Monica – Other than these (b)(3), (6) is there anything you need from us?

---

**From:** Roberts, Blake  
**Sent:** Tuesday, July 18, 2017 1:16 PM  
**To:** 'Monica M. G. Ashar' <[mmgashar@oge.gov](mailto:mmgashar@oge.gov)>  
**Cc:** Jennings, Molly <[Molly.Jennings@wilmerhale.com](mailto:Molly.Jennings@wilmerhale.com)>; Heather A. Jones <[hajones@oge.gov](mailto:hajones@oge.gov)>  
**Subject:** RE: Additional questions/comments (7/18)

Monica – Please see our responses below. I also wanted to note that we will be adding some entries for (b)(3), (6) that were (b)(3), (4), (6) We are tracking down that information now and pushing to get it as quickly as possible.

Thanks,  
Blake

---



**From:** Monica M. G. Ashar [<mailto:mmgashar@oge.gov>]

**Sent:** Tuesday, July 18, 2017 11:59 AM

**To:** Roberts, Blake <[Blake.Roberts@wilmerhale.com](mailto:Blake.Roberts@wilmerhale.com)>

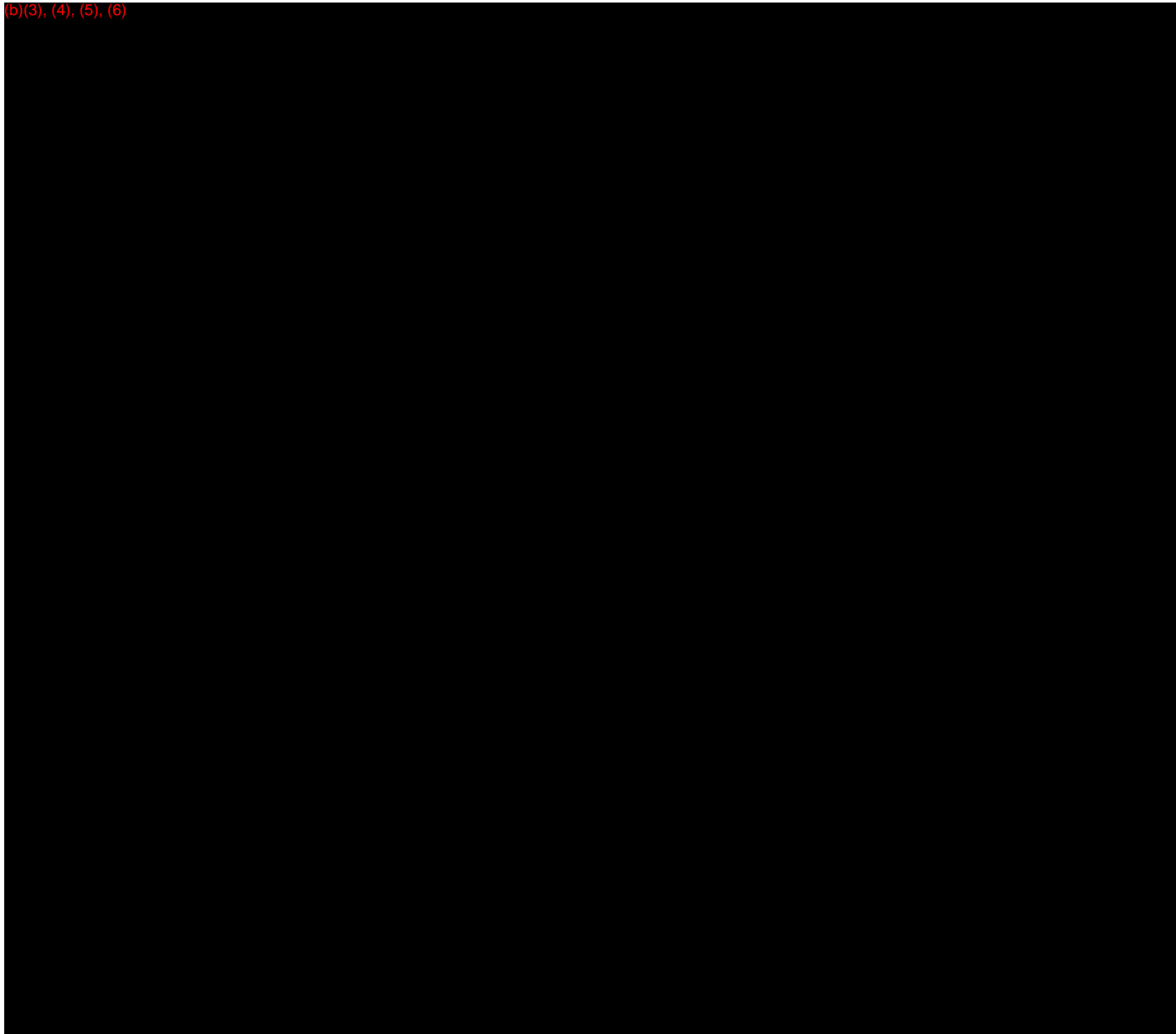
**Cc:** Jennings, Molly <[Molly.Jennings@wilmerhale.com](mailto:Molly.Jennings@wilmerhale.com)>; Heather A. Jones <[hajones@oge.gov](mailto:hajones@oge.gov)>

**Subject:** Additional questions/comments (7/18)

Blake,

Below are my additional questions/comments at this time:

(b)(3), (4), (5), (6)



Thanks,  
Monica

Monica Ashar

Assistant Counsel  
U.S. Office of Government Ethics  
1201 New York Avenue, NW, Suite 500  
Washington, DC 20005  
Phone: (202) 482-9282

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---

**From:** [Roberts, Blake](#)  
**To:** [Monica M. G. Ashar](#)  
**Cc:** [Jennings, Molly](#); [Heather A. Jones](#)  
**Subject:** RE: Additional questions (7/19)  
**Date:** Wednesday, July 19, 2017 5:29:30 PM

---

Monica – Please see our responses below. We do not anticipate making any further edits.

---

**From:** Monica M. G. Ashar [mailto:mimgashar@oge.gov]  
**Sent:** Wednesday, July 19, 2017 4:24 PM  
**To:** Roberts, Blake <Blake.Roberts@wilmerhale.com>  
**Cc:** Jennings, Molly <Molly.Jennings@wilmerhale.com>; Heather A. Jones <hajones@oge.gov>  
**Subject:** Additional questions (7/19)

Blake,

Below are the additional questions at this time. Apart from any changes based on the questions below, do you anticipate making any further edits?

(b)(3), (4), (5), (6)



Thanks,  
Monica

Monica Ashar  
Assistant Counsel  
U.S. Office of Government Ethics  
1201 New York Avenue, NW, Suite 500  
Washington, DC 20005  
Phone: (202) 482-9282

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**From:** [Roberts, Blake](#)  
**To:** [Monica M. G. Ashar](#)  
**Cc:** [Heather A. Jones](#)  
**Subject:** RE: Initial questions (Ivanka Trump report)  
**Date:** Wednesday, August 02, 2017 9:14:58 PM

---

Thank you – we'll get right on these.

---

**From:** Monica M. G. Ashar [mailto:mimgashar@oge.gov]

**Sent:** Wednesday, August 2, 2017 5:06 PM

**To:** Roberts, Blake

**Cc:** Heather A. Jones

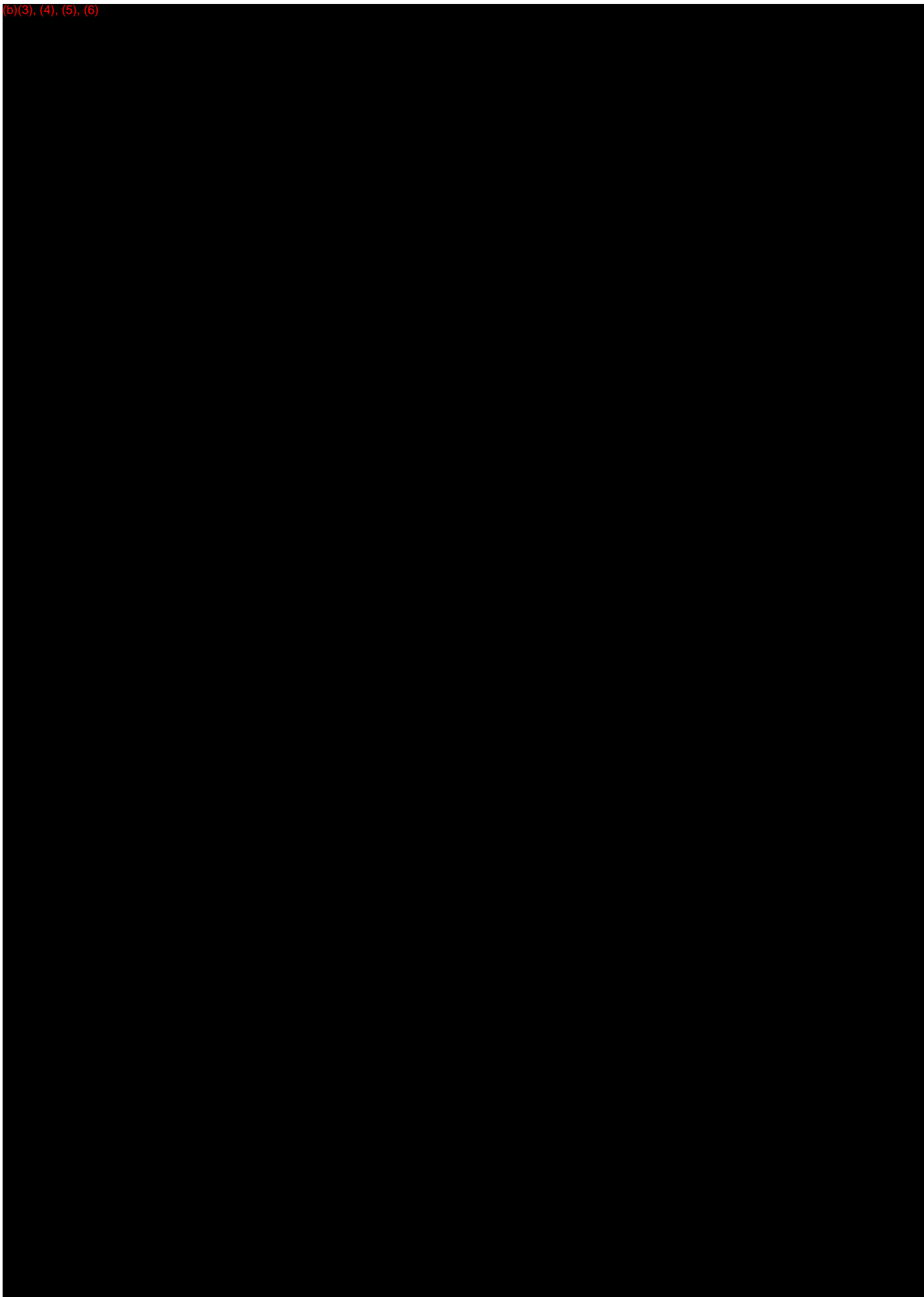
**Subject:** Initial questions (Ivanka Trump report)

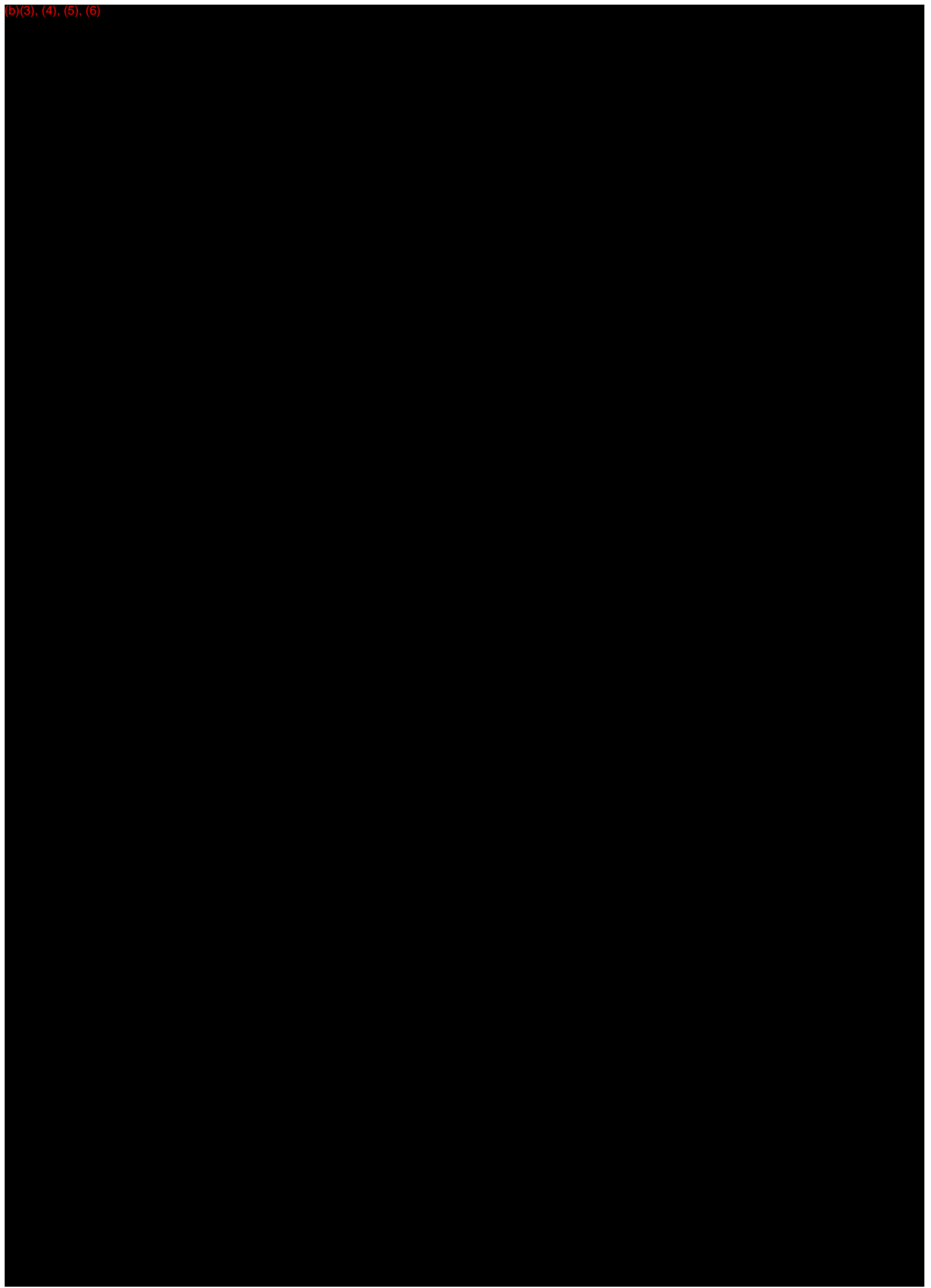
Blake,

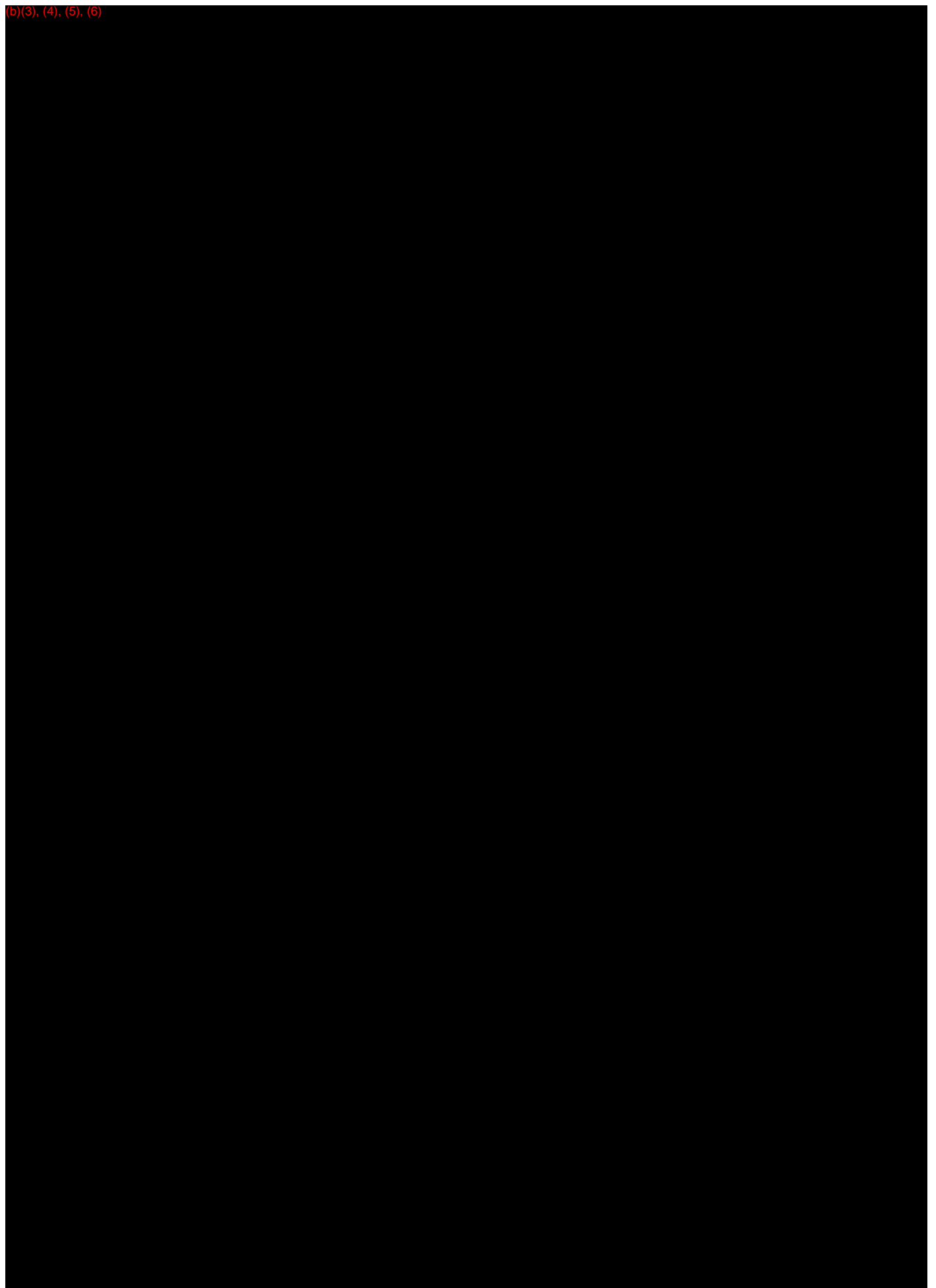
Below is my first set of questions on Ms. Trump's New Entrant 278. As I mentioned, I'm still working through the report, but this should get you started. Additionally, I've sent the report back to Stefan in *Integrity* – he's the one you should reach out to in order to get the report. I expect to send you additional questions by the end of the week.

(b)(3), (4), (5), (6)

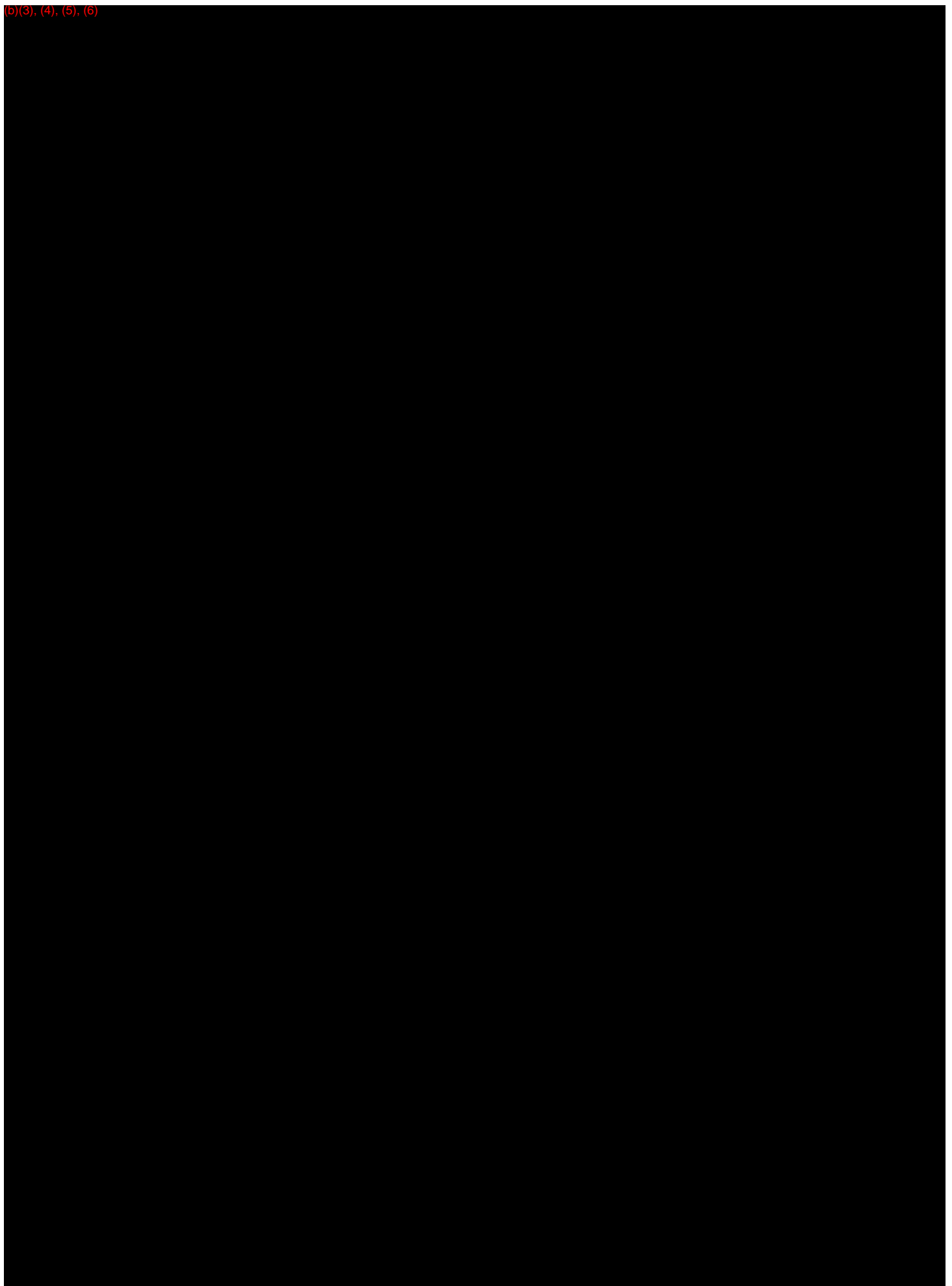




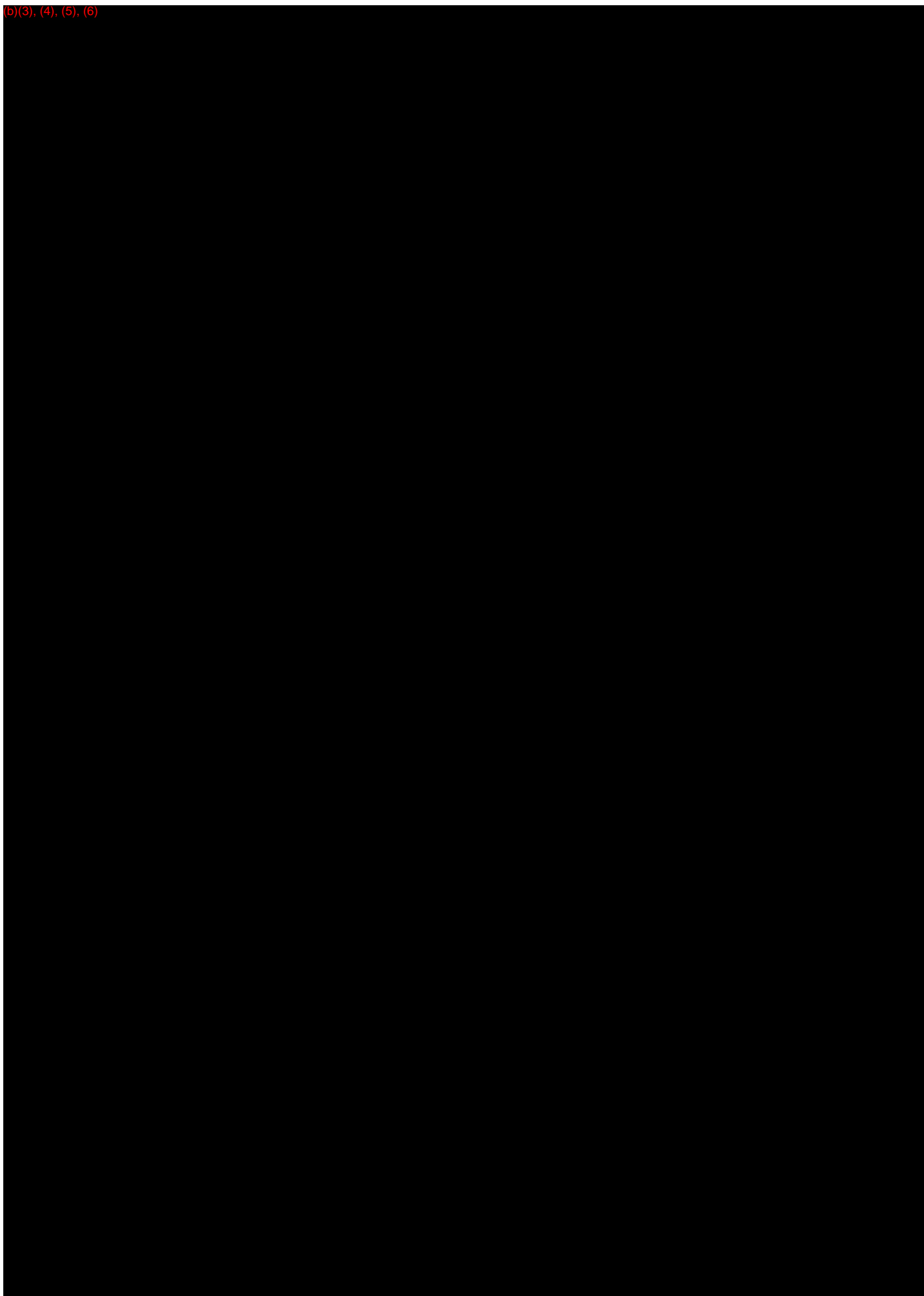


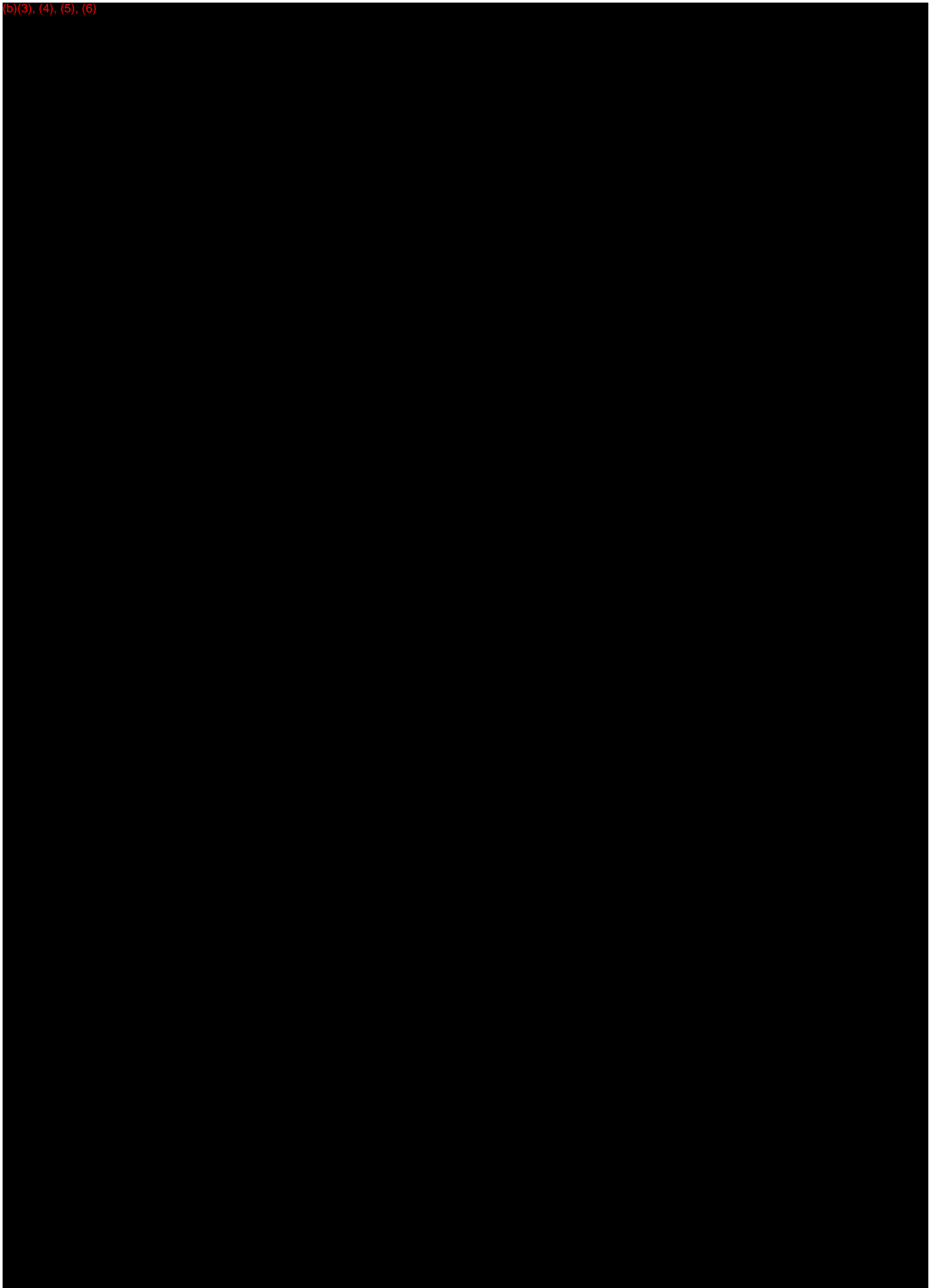




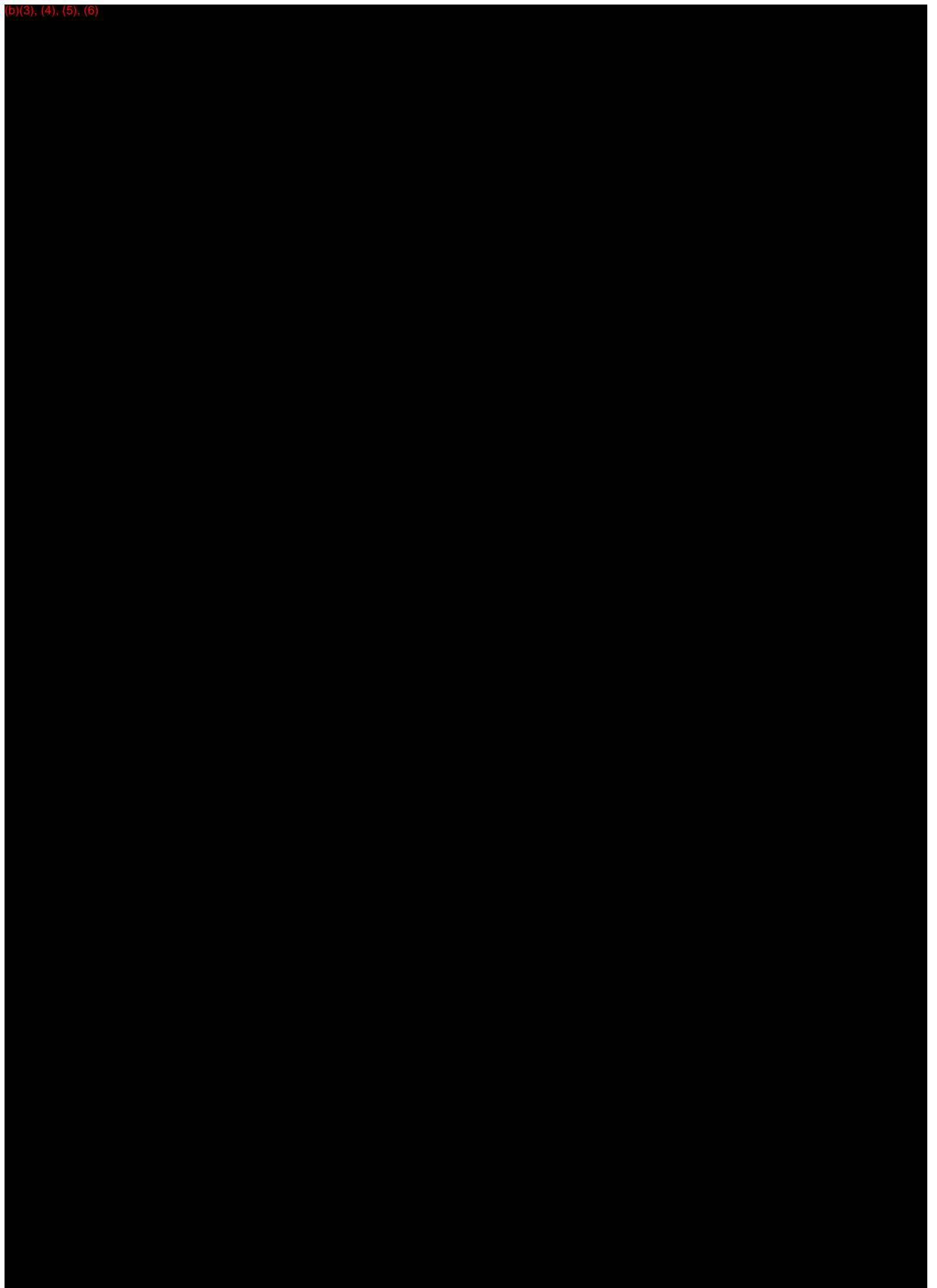


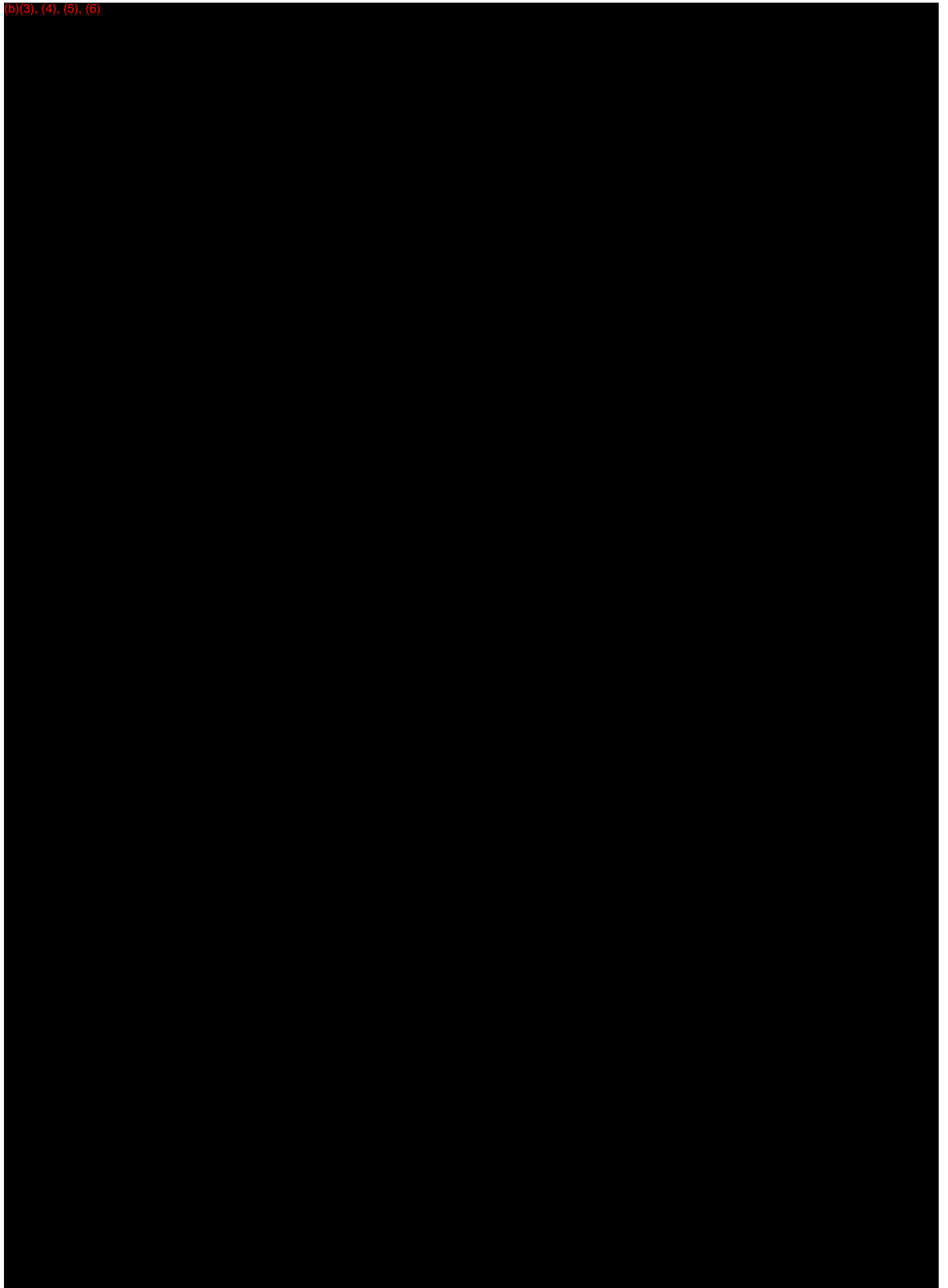


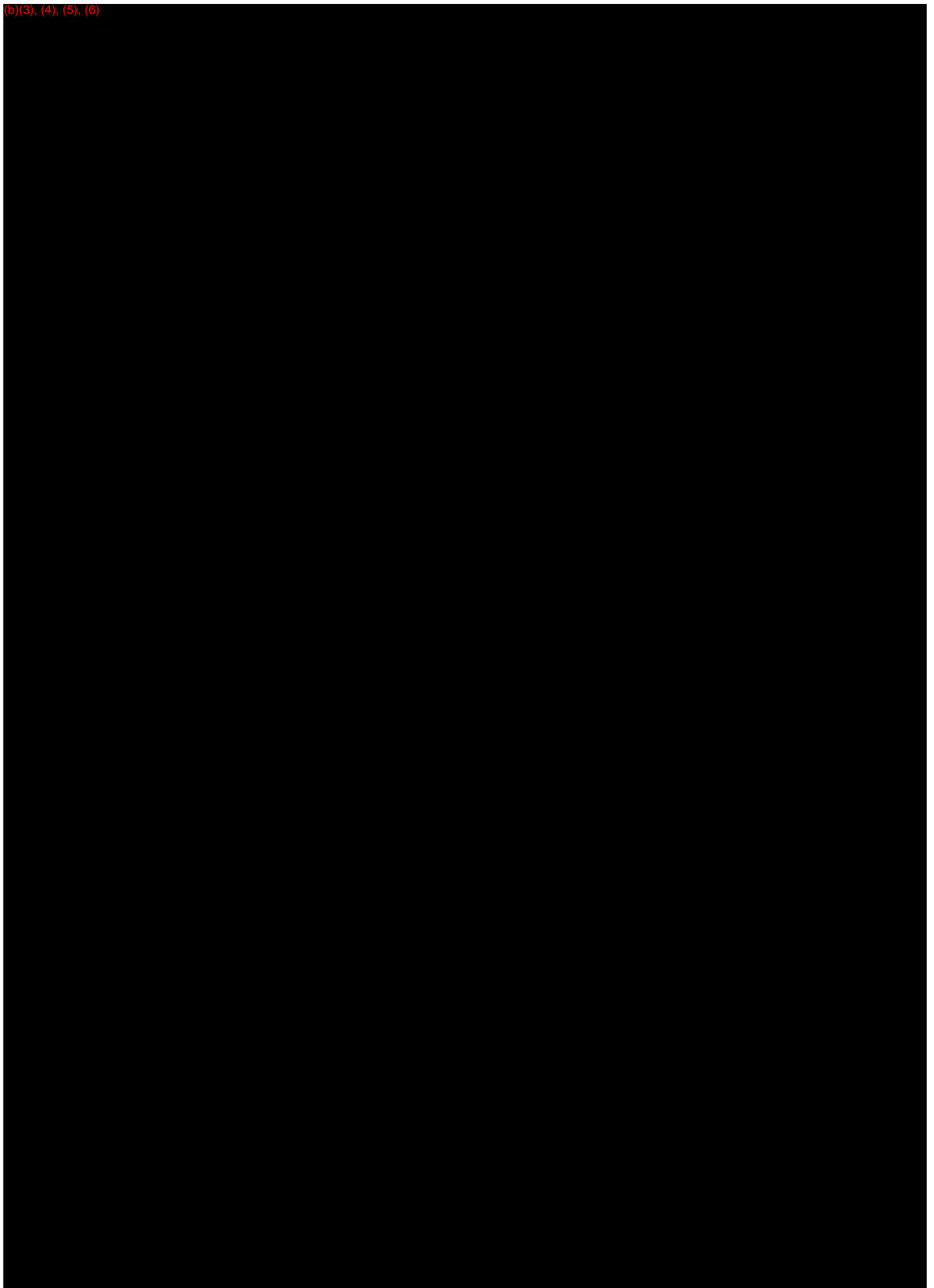




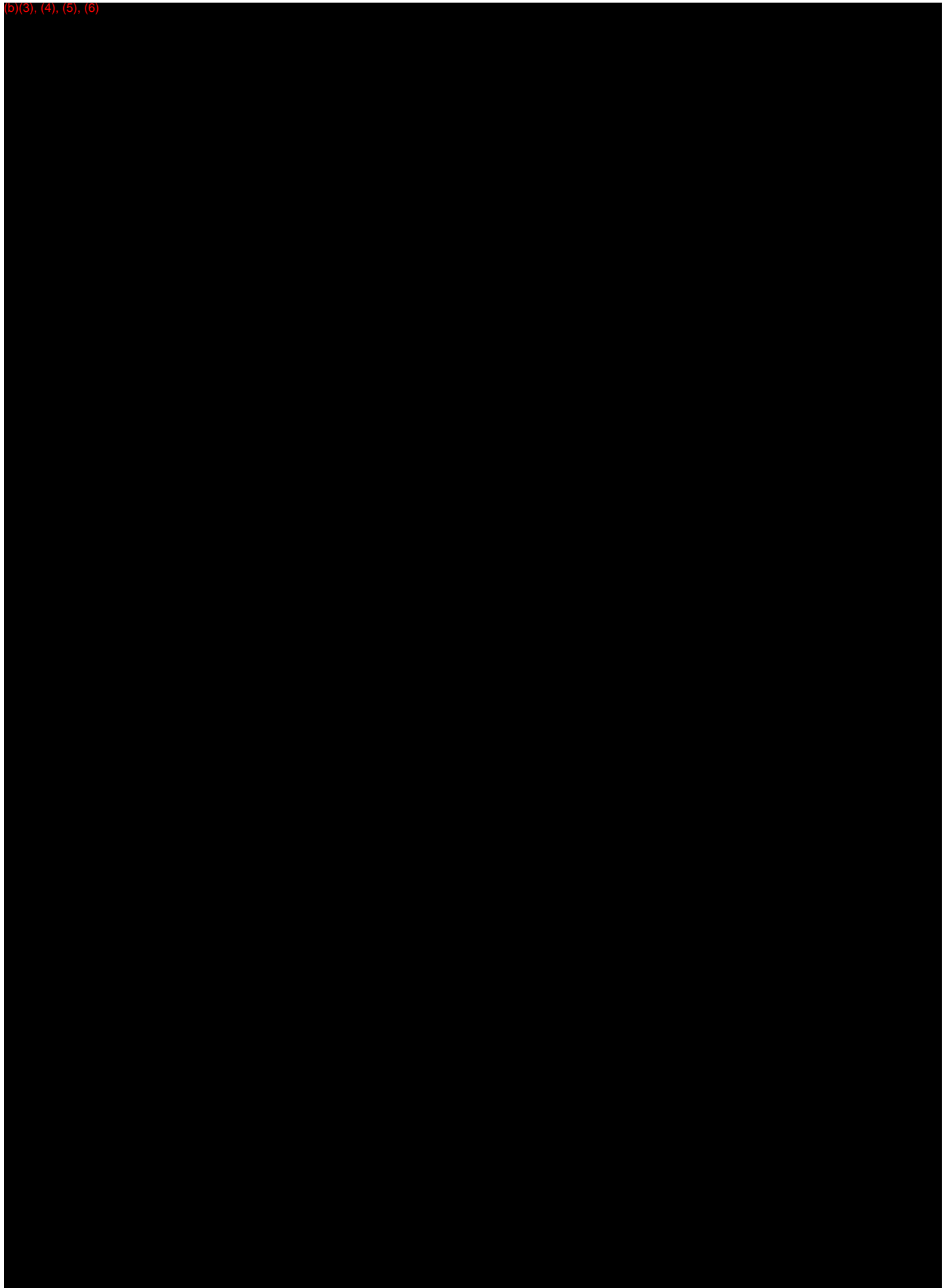












(b)(3), (4), (5), (6)



Thanks,

Monica

Monica Ashar

Assistant Counsel

U.S. Office of Government Ethics

1201 New York Avenue, NW, Suite 500

Washington, DC 20005

Phone: (202) 482-9282

---

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**From:** [Roberts, Blake](#)  
**To:** [Monica M. G. Ashar](#)  
**Cc:** [Heather A. Jones](#); [Jennings, Molly](#)  
**Subject:** RE: Additional questions (Ivanka Trump report)  
**Date:** Thursday, August 10, 2017 12:08:00 PM

---

Monica and Heather,

We are still working on gathering the information you requested. Due to vacations and travel, it's taking a little longer than I would like, but I anticipate getting back to you on all of this next week.

Best,  
Blake

---

**From:** Monica M. G. Ashar [mailto:mimgashar@oge.gov]

**Sent:** Friday, August 4, 2017 5:40 PM

**To:** Roberts, Blake

**Cc:** Heather A. Jones

**Subject:** Additional questions (Ivanka Trump report)

Blake,

Below are my additional questions on Ms. Trump's 278. I also wanted to let you know that I'll be out of the office Monday through Wednesday of next week (returning on Thursday). Heather will be in the office, though, during that time.

(b)(3), (4), (5), (6)



Thanks,

Monica

Monica Ashar

Assistant Counsel

U.S. Office of Government Ethics

1201 New York Avenue, NW, Suite 500

Washington, DC 20005

Phone: (202) 482-9282

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**From:** Monica M. G. Ashar

**Sent:** Wednesday, August 02, 2017 5:06 PM

**To:** 'Roberts, Blake'

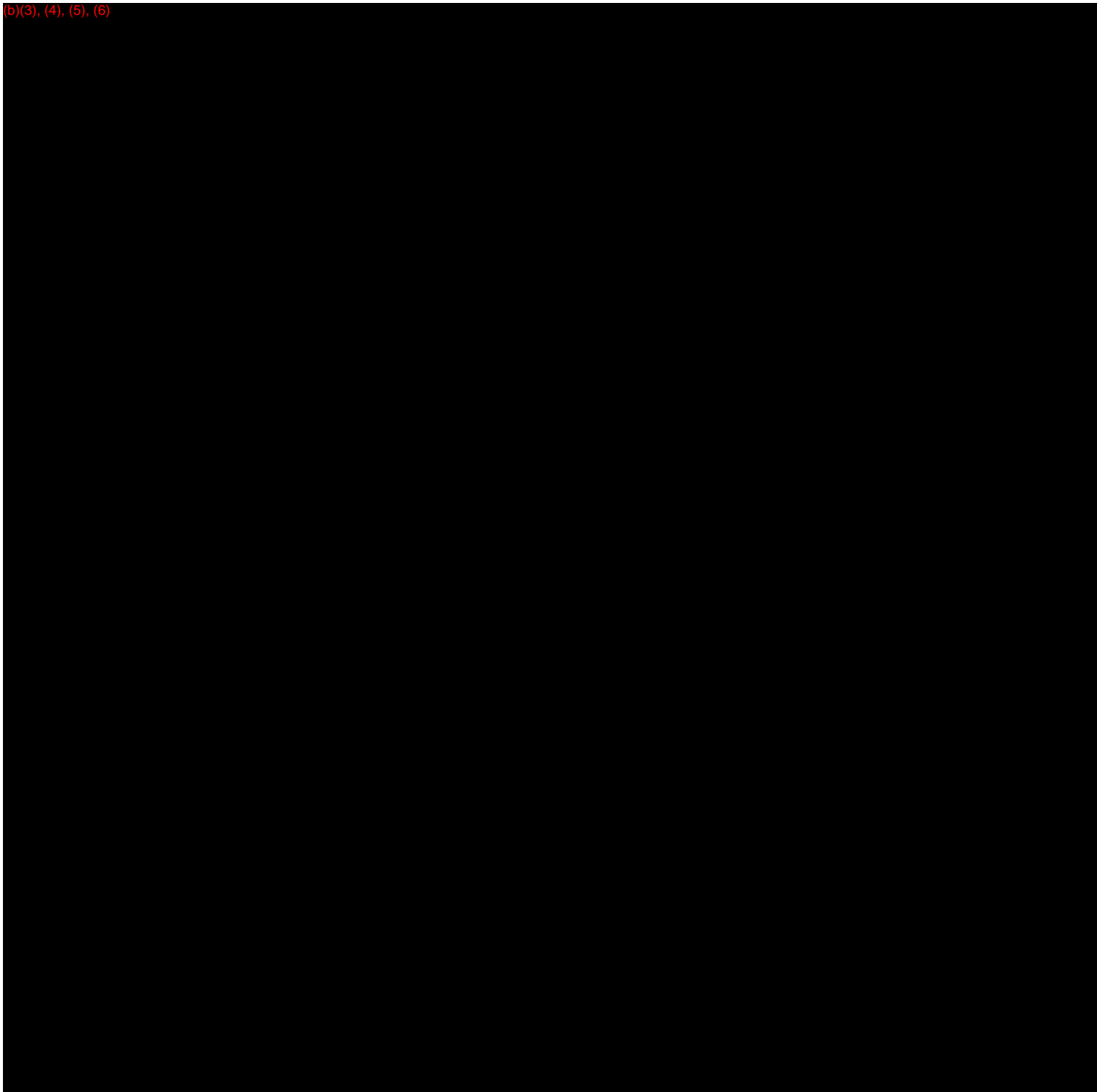
**Cc:** Heather A. Jones

**Subject:** Initial questions (Ivanka Trump report)

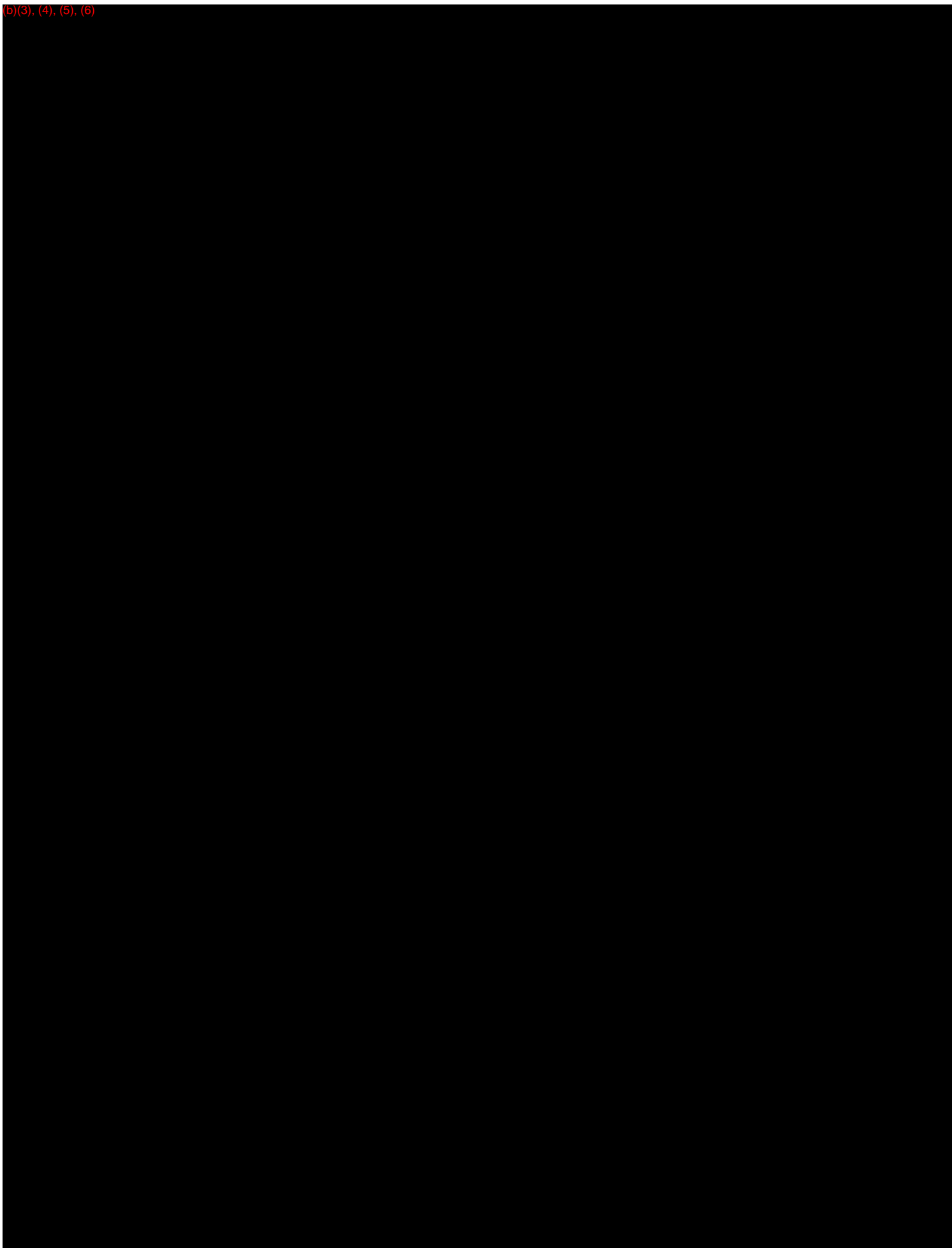
Blake,

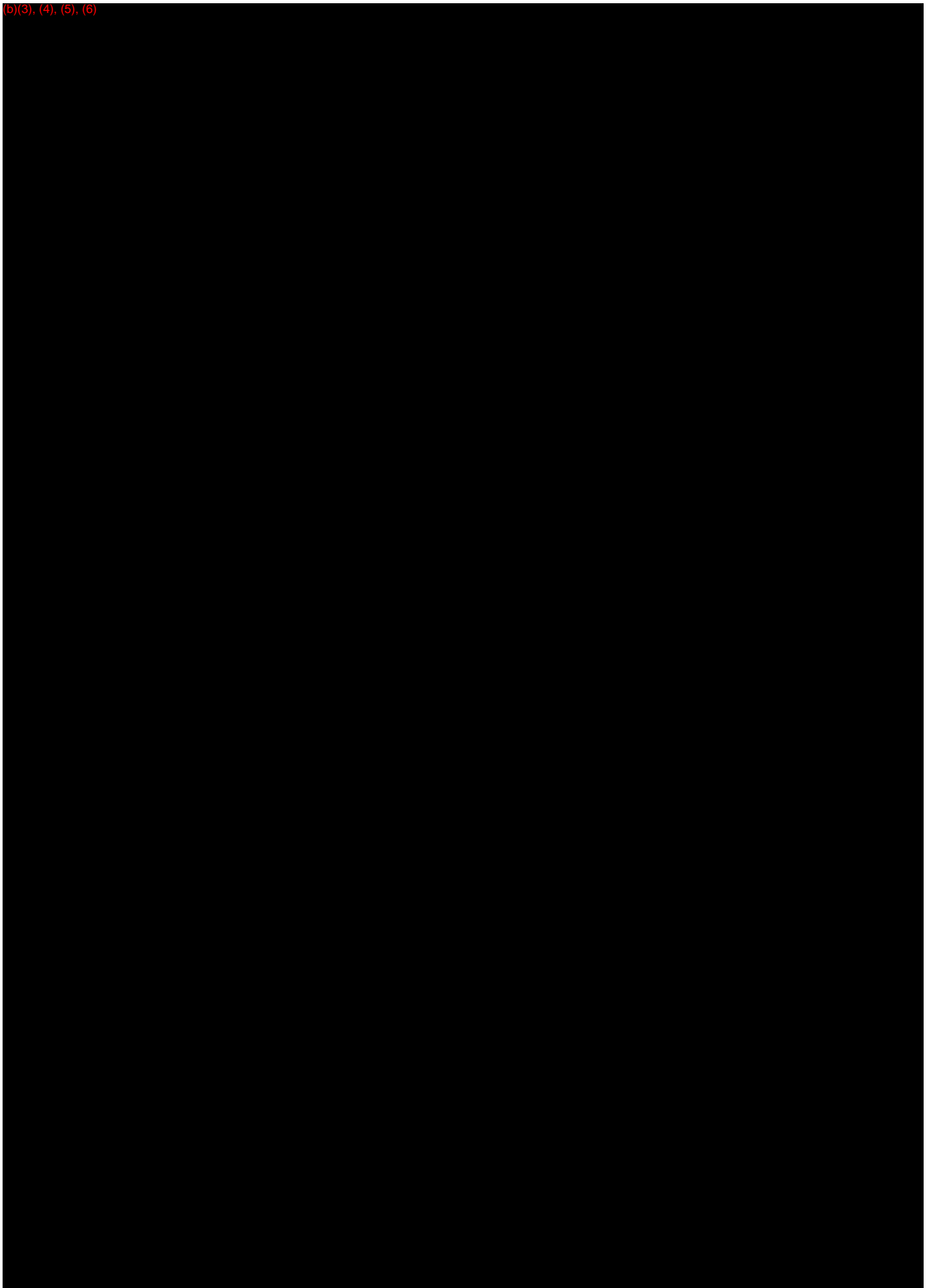
Below is my first set of questions on Ms. Trump's New Entrant 278. As I mentioned, I'm still working through the report, but this should get you started. Additionally, I've sent the report back to Stefan in *Integrity* – he's the one you should reach out to in order to get the report. I expect to send you additional questions by the end of the week.

(b)(3), (4), (5), (6)

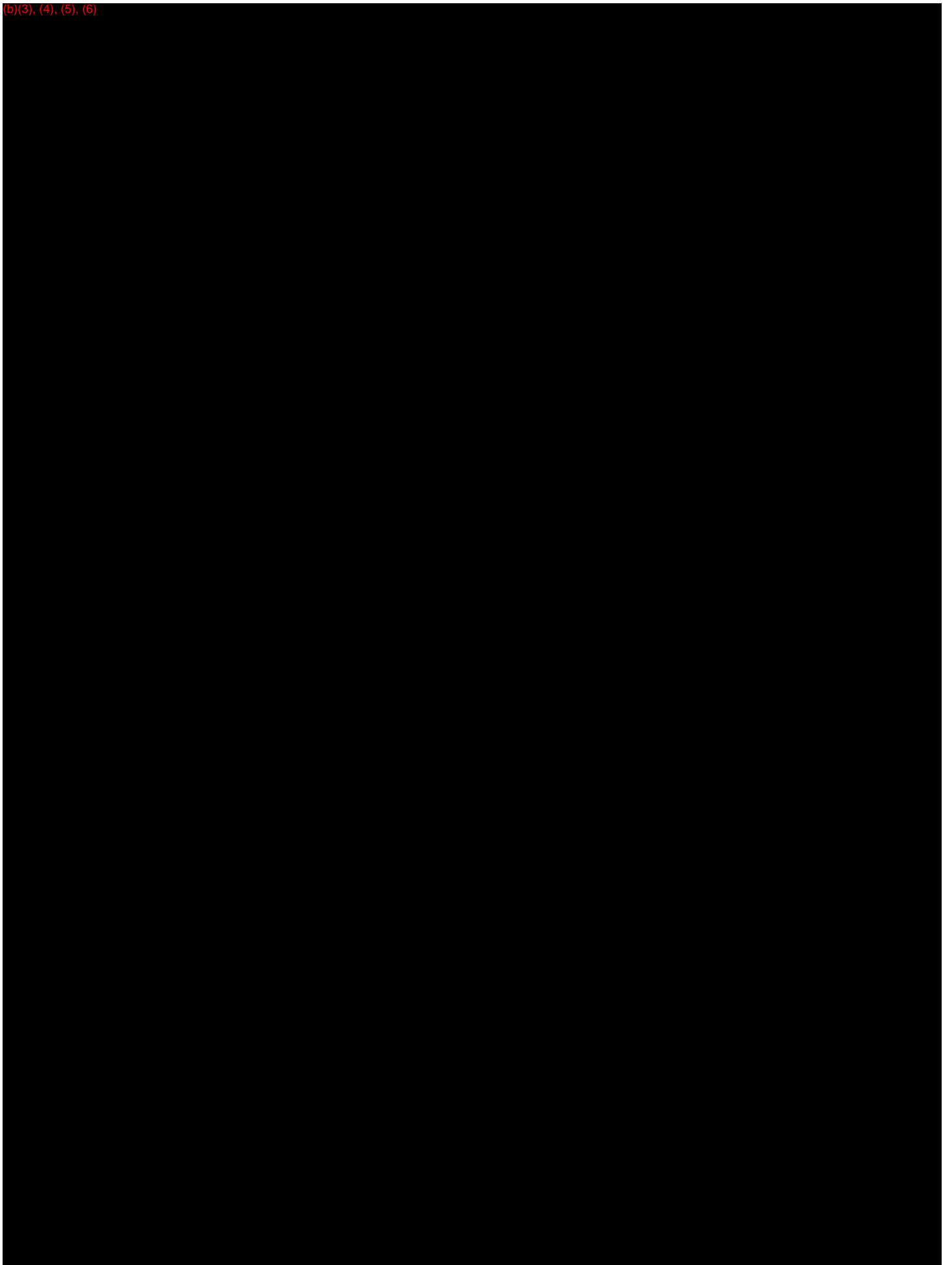


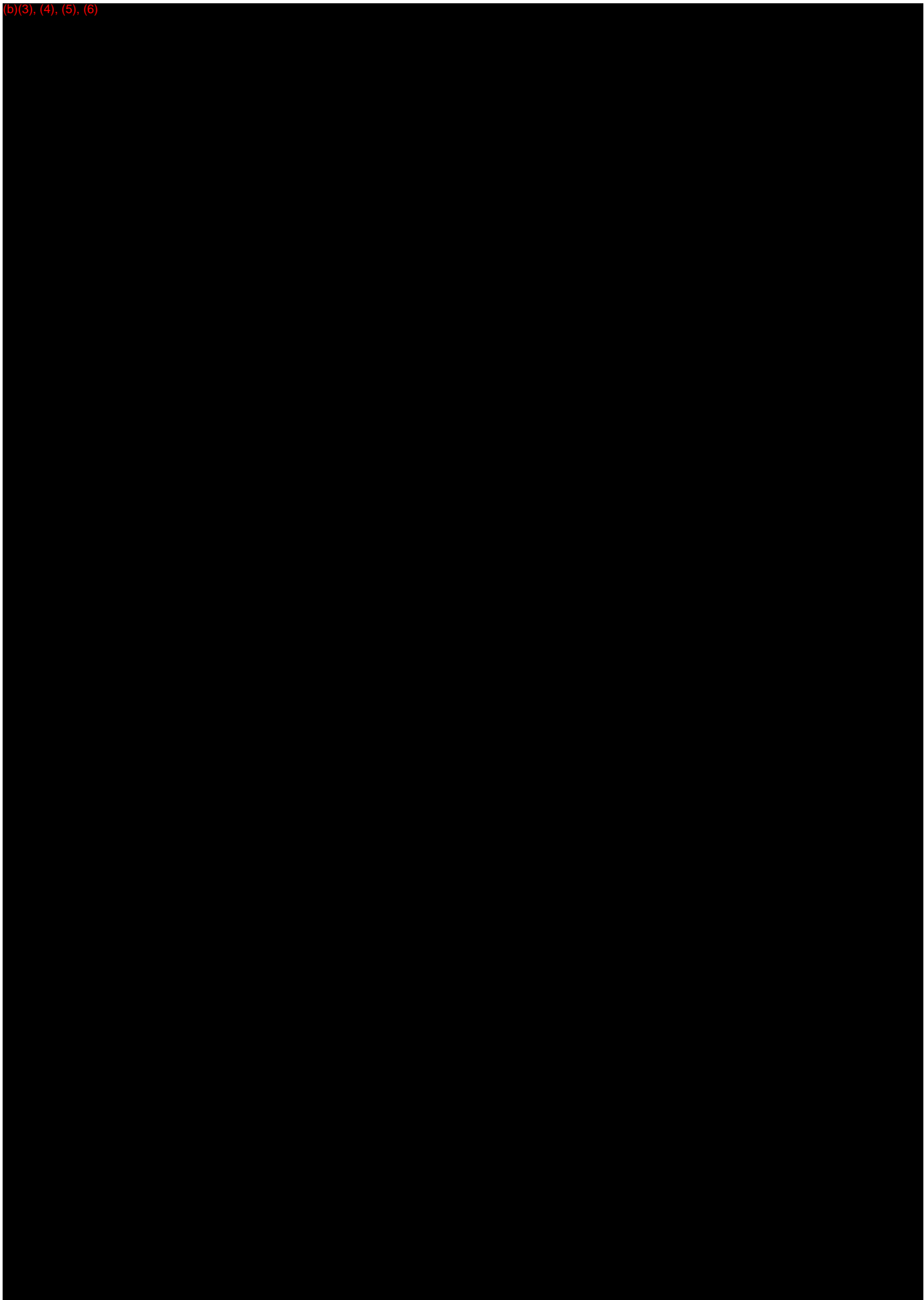


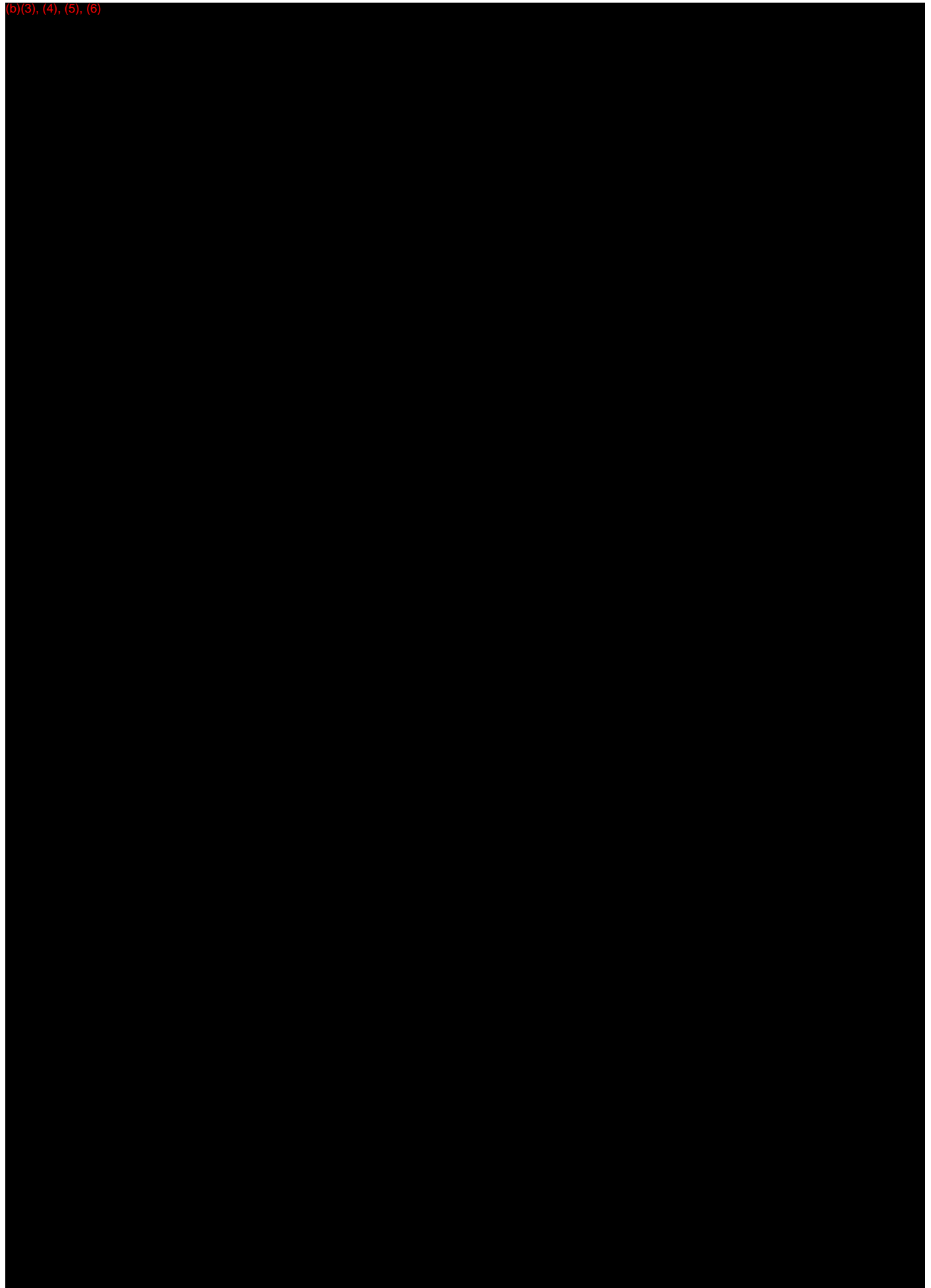




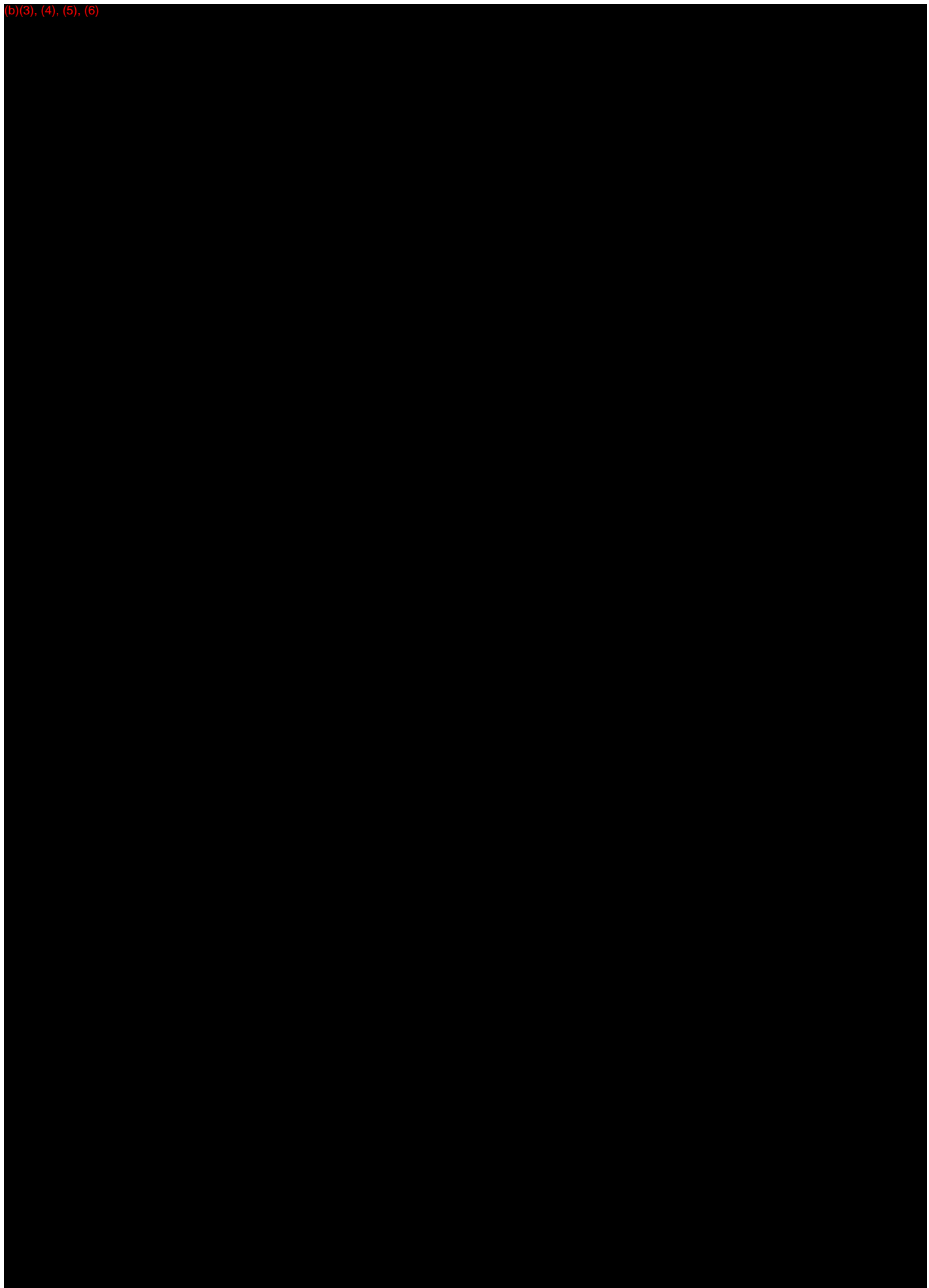


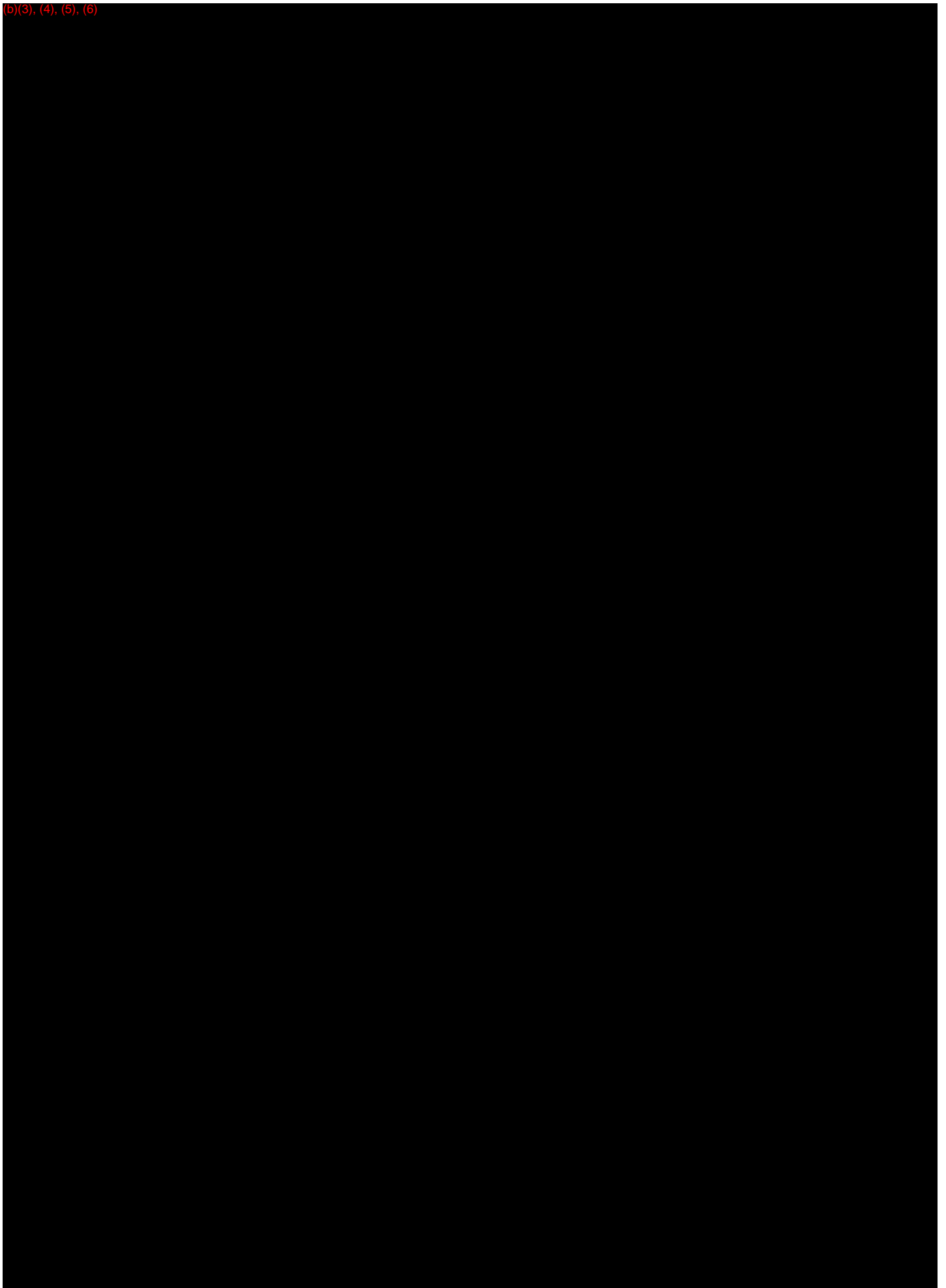


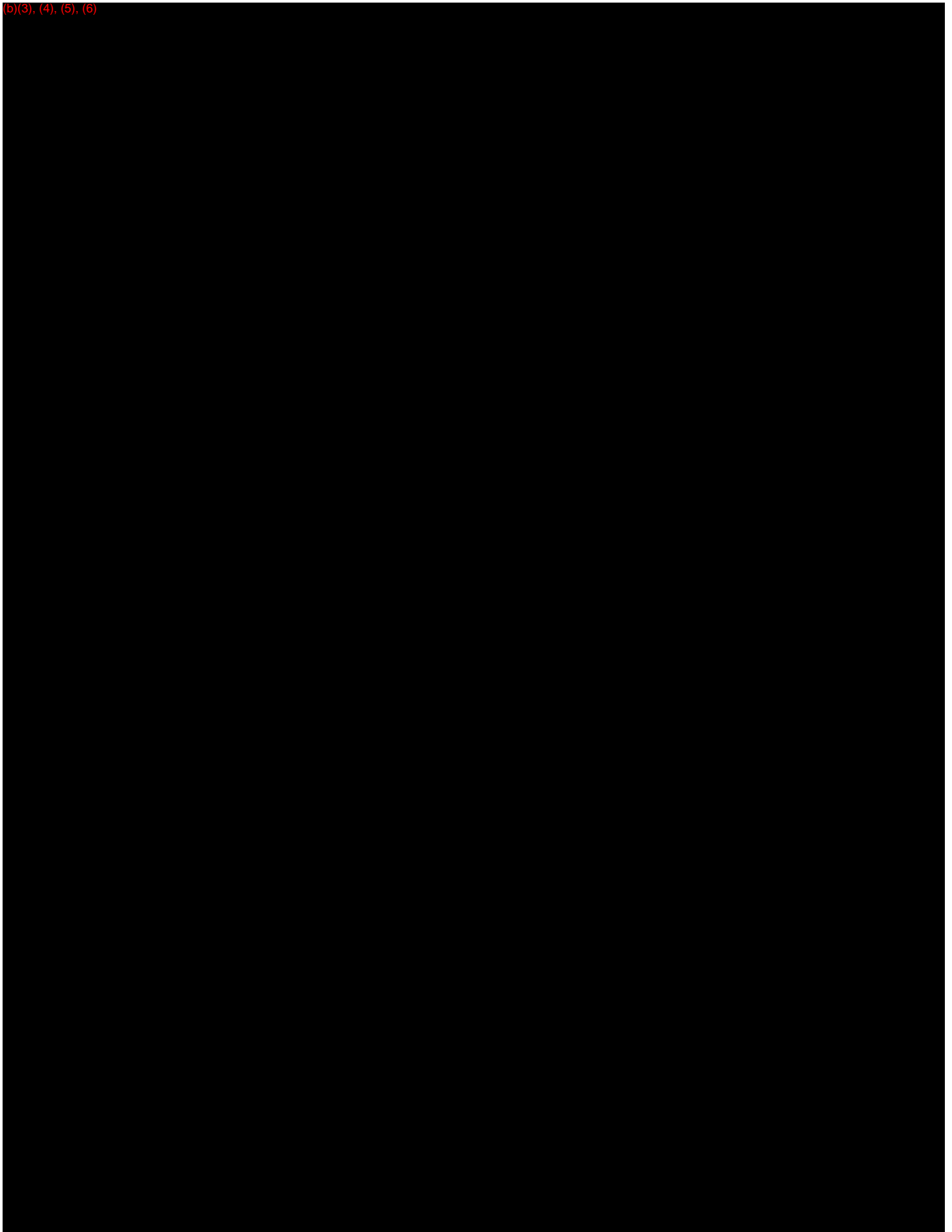






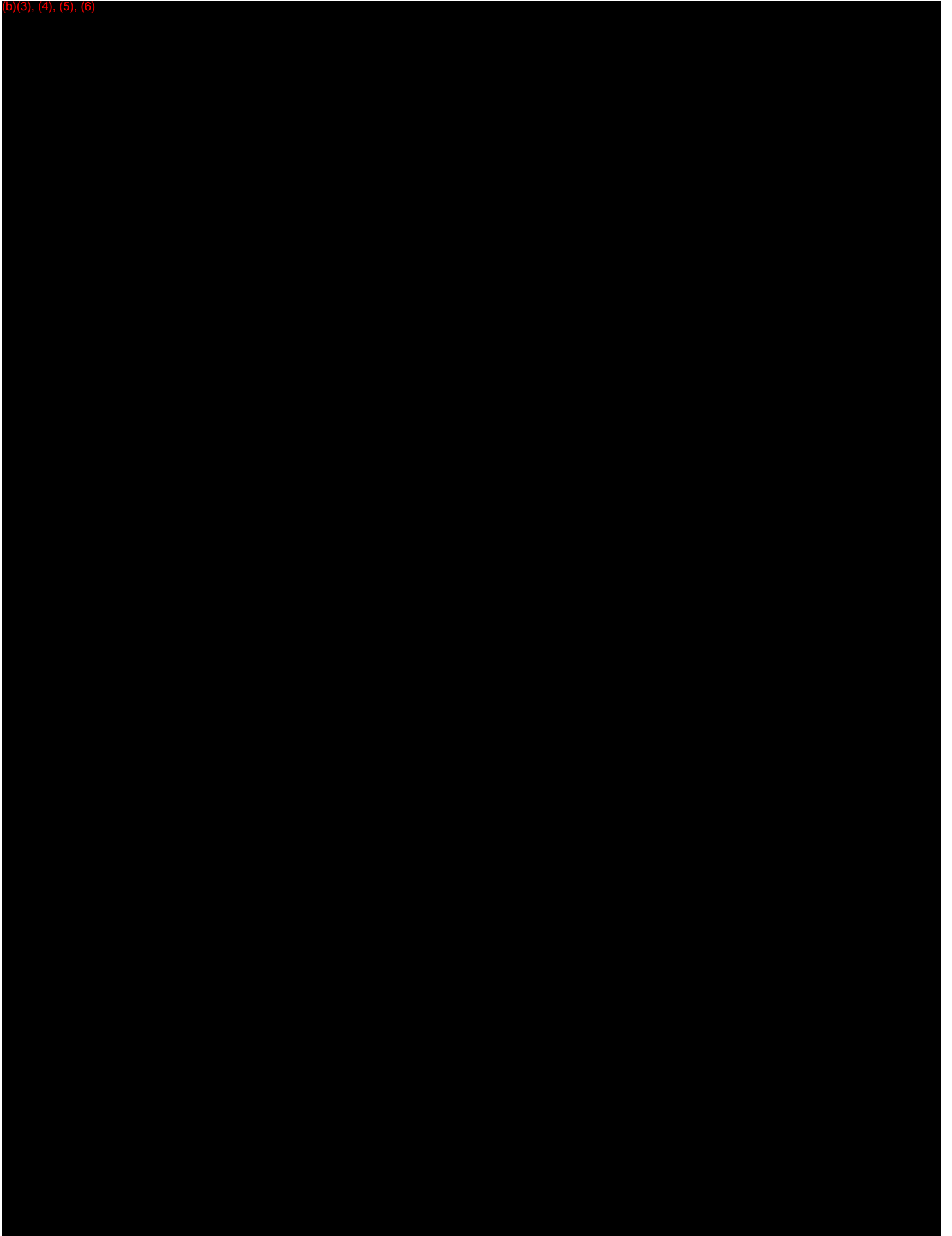












Thanks,  
Monica

Monica Ashar  
Assistant Counsel  
U.S. Office of Government Ethics  
1201 New York Avenue, NW, Suite 500  
Washington, DC 20005  
Phone: (202) 482-9282

---

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---

**From:** [Gorelick, Jamie](#)  
**To:** [Walter M. Shaub](#)  
**Subject:** RE: question  
**Date:** Sunday, May 21, 2017 1:53:54 PM

---

My cell - (b) (6)

---

**From:** Walter M. Shaub [mailto:wmschaub@oge.gov]  
**Sent:** Sunday, May 21, 2017 1:07 PM  
**To:** Gorelick, Jamie  
**Subject:** RE: question

I just realized that my message sounded unnecessarily mysterious. I'm happy to call if you'll let me know what's the best number to call.

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.schaub@oge.gov](mailto:walter.schaub@oge.gov)

---

**From:** Gorelick, Jamie [mailto:Jamie.Gorelick@wilmerhale.com]  
**Sent:** Sunday, May 21, 2017 1:03 PM  
**To:** Walter M. Shaub  
**Subject:** RE: question

You sure? Happy to talk. (b) (6)

Call any time, Walt. It is always my pleasure to talk with you –

Jamie

---

**From:** Walter M. Shaub [mailto:wmschaub@oge.gov]  
**Sent:** Sunday, May 21, 2017 12:45 PM  
**To:** Gorelick, Jamie  
**Subject:** RE: question

Jamie, I'm sorry for bothering you. It turns out that my question has been overtaken by events. I

(b) (6)

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.schaub@oge.gov](mailto:walter.schaub@oge.gov)

---

**From:** Gorelick, Jamie [mailto:Jamie.Gorelick@wilmerhale.com]  
**Sent:** Sunday, May 21, 2017 12:39 PM

**To:** Walter M. Shaub  
**Subject:** RE: question

Walt –

I am around today and available to talk. What would be convenient for you?  
Jamie

---

**From:** Walter M. Shaub [<mailto:wshaub@oge.gov>]

**Sent:** Saturday, May 20, 2017 12:03 PM

**To:** Gorelick, Jamie

**Subject:** RE: question

Yikes! Of course. It can wait until Monday. (b) (6)

[REDACTED]

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](mailto:walter.shaub@oge.gov)

---

**From:** Gorelick, Jamie [<mailto:Jamie.Gorelick@wilmerhale.com>]

**Sent:** Saturday, May 20, 2017 12:00 PM

**To:** Walter M. Shaub

**Subject:** Re: question

(b) (6)

May I call you tomorrow?

Sent from my iPad

On May 20, 2017, at 11:45 AM, Walter M. Shaub <[wshaub@oge.gov](mailto:wshaub@oge.gov)> wrote:

Jamie,

If you have any time this weekend or next week, could you give me a call? I have a question that shouldn't take long to answer.

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](mailto:walter.shaub@oge.gov)

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**From:** [Gorelick, Jamie](#)  
**To:** [Walter M. Shaub](#)  
**Subject:** call?  
**Date:** Wednesday, May 10, 2017 12:02:37 PM

---

Walt –

I know that we are scheduled to have a call, but I need a very quick conversation regarding the certificate of divestiture process, if you have one minute.

Many thanks.

Jamie

**Jamie S. Gorelick | WilmerHale**

1875 Pennsylvania Avenue NW

Washington, DC 20006 USA

+1 202 663 6500 (t)

+1 202 663 6363 (f)

[jamie.gorelick@wilmerhale.com](mailto:jamie.gorelick@wilmerhale.com)

**Please consider the environment before printing this email.**

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**From:** [Roberts, Blake](#)  
**To:** [Walter M. Shaub](#)  
**Subject:** RE: Need to talk  
**Date:** Tuesday, May 09, 2017 9:29:36 AM

---

202-663-6920

**From:** Walter M. Shaub [mailto:wmshaub@oge.gov]  
**Sent:** Tuesday, May 9, 2017 9:25 AM  
**To:** Roberts, Blake  
**Subject:** Need to talk

Blake,

I need to talk to you. What number can I call?

Walt

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

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**From:** [Roberts, Blake](#)  
**To:** [Walter M. Shaub](#); [Gorelick, Jamie](#)  
**Subject:** RE: Letter to Ranking Member Wyden  
**Date:** Monday, May 15, 2017 9:38:42 PM

---

Walt,  
Thanks very much for sharing this. We appreciate it.  
Thanks,  
Blake

---

**From:** Walter M. Shaub [mailto:wmschaub@oge.gov]  
**Sent:** Monday, May 15, 2017 6:24 PM  
**To:** Gorelick, Jamie ; Roberts, Blake  
**Subject:** FW: Letter to Ranking Member Wyden

Jamie and Blake,

Here's a copy of our response to the letter we received from Senator Wyden. You've seen the previous letter we sent to Senators Carper and Warren. Our policy is to post these on our website in the Congressional correspondence section, usually a day after it was sent to the Hill. I'm not sure what happens when it goes out late in the afternoon. It might show up on the website tomorrow or it might show up on Wednesday. Because the Carper and Warren letter was so comprehensive, this one does not cover new ground. As a courtesy, I want to send this to you before it goes up on the website in the unlikely event that there's any coverage. Here's a link to the letter from the Senator to which we are responding: <https://www.finance.senate.gov/ranking-members-news/wyden-urges-review-of-ivanka-trumps-trade-relations-financial-conflicts-of-interest>

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.schaub@oge.gov](mailto:walter.schaub@oge.gov)

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UNITED STATES OFFICE OF  
GOVERNMENT ETHICS



May 15, 2017

The Honorable Ron Wyden  
Ranking Member  
Committee on Finance  
United States Senate  
219 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Ranking Member Wyden:

I am in receipt of your April 27, 2017 letter regarding Ivanka Trump's role as an advisor to the President.

With regard to the review of her financial interests and any potential conflicts of interest, Ms. Trump's financial disclosure report has not yet been certified by the White House and provided to OGE. In general, when OGE receives an appointee's report, OGE reviews the report and discusses with White House ethics officials any deficiencies in the appointee's compliance with financial disclosure requirements. In turn, the White House ethics officials work with the appointee to resolve them. It is normal for an appointee to make changes to a financial disclosure report and to add information during this review process. After the report is revised, OGE seeks information about how the White House is addressing any potential conflicts of interest identified during the review process. OGE then makes a determination regarding apparent compliance with financial disclosure and conflict of interest rules and either certifies or declines to certify the financial disclosure report.<sup>1</sup> Once complete, the report is publicly available.<sup>2</sup>

To provide additional details in answer to your letter, I have enclosed a copy of OGE's response to a recent letter from Senators Warren and Carper,<sup>3</sup> which summarizes the financial disclosure and conflict of interest requirements applicable to Ms. Trump in her role as an advisor to the President. In pertinent part, the letter explains the timeframes, process, and role of the White House with regard to Ms. Trump's financial disclosure obligations and its responsibilities for monitoring compliance with the remedies put in place to resolve actual or apparent conflicts of interest.

<sup>1</sup> 5 U.S.C. app. § 106(b); 5 C.F.R. § 2634.605.

<sup>2</sup> 5 U.S.C. app. § 105(b).

<sup>3</sup> Letter from Walter M. Shaub, Jr., Director, U.S. Office of Government Ethics, to Senator Elizabeth Warren and Senator Thomas R. Carper, United States Senate (April 25, 2017), available at: <https://goo.gl/bMIzzy>.



The Honorable Ron Wyden  
Ranking Member  
Senate Committee on Finance  
Page 2

I hope this explanation and the enclosure address the issues your letter raises. If members of your staff have questions, OGE's Chief of Staff, Shelley K. Finlayson, is available to assist them. She can be reached at 202-482-9292.

Sincerely,

A handwritten signature in blue ink, appearing to read "Walter M. Shaub, Jr.", with a stylized flourish at the end.

Walter M. Shaub, Jr.  
Director

Enclosure

cc. The Honorable Orrin G. Hatch  
Chairman  
Committee on Finance  
United States Senate  
219 Dirksen Senate Office Building  
Washington, D.C. 20510

UNITED STATES OFFICE OF  
GOVERNMENT ETHICS



April 25, 2017

The Honorable Elizabeth Warren  
United States Senator  
317 Hart Senate Office Building  
Washington D.C. 20510

The Honorable Thomas R. Carper  
United States Senator  
513 Hart Senate Office Building  
Washington D.C. 20510

Dear Senators Warren and Carper:

I am in receipt of your letter dated March 29, 2017, requesting information about the ethics rules that apply to Ms. Ivanka Trump in her capacity as an advisor to the President.

At the time of your letter, it was unclear whether the White House would recognize Ms. Trump as having the status of an executive branch employee. Although OGE was not consulted by the White House on this issue, I contacted both Ms. Trump's attorney and the White House's ethics official on March 24, 2017, to express OGE's view that Ms. Trump appeared to meet the legal standard to be considered an employee covered by the executive branch ethics rules.<sup>1</sup> During those conversations, both Ms. Trump's attorney and the White House's ethics official seemed open to the possibility of recognizing Ms. Trump's status as an employee through a formal appointment. Thereafter, on March 29, 2017, the White House announced Ms. Trump's decision to accept a formal appointment as an executive branch employee.<sup>2</sup> With her newly recognized status as an executive branch employee, Ms. Trump is covered by the ethics laws and regulations applicable to executive branch employees.

Executive branch employees are subject to a variety of ethics laws and rules designed to ensure the impartiality of the government's decision making. These authorities include the anti-bribery and criminal conflict of interest statutes;<sup>3</sup> the Ethics in Government Act;<sup>4</sup> the Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct);<sup>5</sup> certain restrictions established in President Bush's 1989 Executive Order on ethics;<sup>6</sup> the Stop Trading on

<sup>1</sup> Others had raised similar concerns publicly. See, e.g., Julie Bykowitz, *Ivanka Trump: A White House Force, Just Not An Employee*, BLOOMBERG (Mar. 24, 2017), <https://goo.gl/1dX33u>; Jackie Northam and Marilyn Geewax, *Ivanka Trump's Move To The White House Raises Questions About Ethics*, NATIONAL PUBLIC RADIO (Mar. 21, 2017), <https://goo.gl/9o56B3>.

<sup>2</sup> See Abby Phillip, *Ivanka Trump reverses course, will become a government employee*, THE WASHINGTON POST (Mar. 29, 2017), <https://goo.gl/Grgeyh>; see also Office of the Press Secretary, *Background Press Briefing on Financial Disclosure Forms from the White House Office of the Press Secretary*, THE WHITE HOUSE (Mar. 31, 2017), <https://goo.gl/hbWGAF>.

<sup>3</sup> 18 U.S.C. §§ 201-209.

<sup>4</sup> 5 U.S.C. app. §§ 101 et seq.

<sup>5</sup> 5 C.F.R. part 2635.

<sup>6</sup> Exec. Order 12674 (Apr. 12, 1989), as amended by Exec. Order 12731 (Oct. 17, 1990).



Congressional Knowledge Act;<sup>7</sup> and other legal provisions. Certain political appointees are also subject to additional restrictions established in Executive Order 13770 (Jan. 28, 2017). Presidential appointees in the White House are subject to these authorities to the same extent as other executive branch employees.<sup>8</sup>

Of particular relevance to your inquiry, Ms. Trump is now subject to financial disclosure requirements. Like other appointees, Ms. Trump must file new entrant financial disclosure reports within 30 days of appointment to the government.<sup>9</sup> These reports include information about the financial interests of the filers, their spouses, and their dependent children, as well as certain positions outside the government.<sup>10</sup> The White House is authorized to grant an extension, upon a showing of good cause, of up to 45 days and, upon a written showing of good cause, a second extension of up to 45 additional days.<sup>11</sup> The approval of a second extension must be in writing.<sup>12</sup> After appointees file their reports, the White House's ethics officials review the reports for compliance with financial disclosure requirements and substantive ethics requirements.<sup>13</sup> White House ethics officials are expected to work with an appointee to resolve any potential conflicts of interest that they identify through their review of the financial disclosure reports.<sup>14</sup>

In addition to filing a new entrant report, Ms. Trump must satisfy other financial disclosure requirements. She will have to file periodic transaction reports within 30 days of receiving notice of any covered transaction.<sup>15</sup> She will have to file an annual financial disclosure report by May 15 each year.<sup>16</sup> In addition, she will have to file a termination financial disclosure report within 30 days of terminating her federal service.<sup>17</sup> The process for resolving conflicts of interest identified during the review of these subsequently filed financial disclosure reports is the same as that associated with new entrant financial disclosure reports.

With regard to your questions about the steps Ms. Trump must take to remedy any potential or actual conflicts of interest identified through her financial disclosures, the primary criminal conflict of interest statute prohibits senior White House appointees and other executive branch employees from participating personally and substantially in particular matters directly and predictably affecting their financial interests.<sup>18</sup> Among other things, this prohibition extends to the financial interests of companies in which they have ownership interests.<sup>19</sup> It is important to note, however, that the criminal conflict of interest statute is not a prohibited holdings statute. Instead, it requires an appointee to refrain from participating in the particular matter affecting the appointee's

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<sup>7</sup> Pub. L. No. 112-105, 126 Stat. 291 (2012), as amended.

<sup>8</sup> Note, however, the Department of Justice (DOJ) recently opined that the anti-nepotism statute does not apply to the White House Office. *See Application of the Anti-Nepotism Statute to a Presidential Appointment in the White House Office*, OFFICE OF LEGAL COUNSEL, U.S. DEP'T JUSTICE, 41 Op. O.L.C. 1 (Jan. 20, 2017). DOJ's decision is applicable to Ms. Trump. *See id.*

<sup>9</sup> 5 U.S.C. app. § 101(a).

<sup>10</sup> 5 U.S.C. app. § 102.

<sup>11</sup> 5 C.F.R. § 2634.201(f).

<sup>12</sup> *Id.*

<sup>13</sup> 5 U.S.C. app. § 106(a); 5 C.F.R. § 2634.605.

<sup>14</sup> 5 U.S.C. app. § 106(a); 5 C.F.R. § 2634.605.

<sup>15</sup> 5 U.S.C. app. § 103(l).

<sup>16</sup> 5 U.S.C. app. § 101(d).

<sup>17</sup> 5 U.S.C. app. § 101(e).

<sup>18</sup> *See* 18 U.S.C. § 208(a).

<sup>19</sup> *See, e.g.*, OGE Informal Advisory Opinion 92 x 2 (1992).

financial interests or the financial interests of persons whose interests are imputed to the appointee.<sup>20</sup> Thus, the most common mechanism for resolving conflicts of interest is to recuse from particular matters that would affect the appointee's personal and imputed financial interests.

Recusal is not the only means for resolving conflicts of interest. Other remedies for resolving conflicts of interest can include reassignment, divestiture, waiver, or the establishment of a qualified blind or diversified trust.<sup>21</sup> In some cases, an employee can rely on an exemption to the criminal conflict of interest statute.<sup>22</sup> OGE and the Department of Justice have established regulatory exemptions for certain types of financial interests because the conflicts of interest they pose are too remote or inconsequential to be likely to affect the integrity of an employee's service to the government.<sup>23</sup>

The White House can direct an appointee to sell, or otherwise divest, an asset in order to avoid a conflict of interest.<sup>24</sup> If selling the asset will result in a capital gain, the appointee may be eligible for a Certificate of Divestiture to offset the tax burden of complying with the government's conflict of interest requirements.<sup>25</sup> Pending the divestiture, the appointee must recuse from particular matters in which the asset poses a conflict of interest. Recusal is achieved by not participating in a particular matter.<sup>26</sup> A White House appointee is not normally required to file a disqualification statement or other document regarding the recusal.<sup>27</sup> Thus, the important requirement is only that the appointee not participate.

Only after the White House has certified the appointee's financial disclosure report does the White House transmit the report to OGE.<sup>28</sup> OGE then conducts a second-level review.<sup>29</sup> As part of this review process, OGE advises White House ethics officials of any deficiencies in an appointee's compliance with financial disclosure requirements. In turn, the White House ethics officials work with the appointee who filed the report in order to resolve them. It is normal for an appointee to make changes to a financial disclosure report and to add information during this review process. After the report is revised, OGE seeks information about how the White House is addressing any potential conflicts of interest identified during the review process. OGE then makes a determination regarding apparent compliance with financial disclosure and conflict of interest rules and either certifies or declines to certify the financial disclosure report.<sup>30</sup>

In response to your specific inquiry, the ethics provisions and requirements discussed above are generally applicable to Ms. Trump. For example, the primary criminal conflict of interest statute

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<sup>20</sup> See 18 U.S.C. § 208(a).

<sup>21</sup> See, e.g., Memo from Amy L. Comstock, Director, U.S. Office of Gov't Ethics, to Designated Agency Ethics Officials, *Nominee Ethics Agreements*, DO-01-013 (2001) (discussing remedies for conflicts of interest in the analogous case of Presidential nominees); 5 C.F.R. pt. 2634, subpt. D.

<sup>22</sup> 18 U.S.C. § 208(b)(2).

<sup>23</sup> See 5 C.F.R. pt. 2640, subpt. B.

<sup>24</sup> See 5 C.F.R. § 2635.403(b).

<sup>25</sup> 26 U.S.C. § 1043; 5 C.F.R. pt. 2634, subpt. J.

<sup>26</sup> 5 C.F.R. § 2640.103(d).

<sup>27</sup> 5 C.F.R. § 2640.103(d)(2). *But see* Stop Trading on Congressional Knowledge Act of 2012, Pub. L. No. 112-105, § 17, 126 Stat. 291, 303-04 (requiring notice of recusal in the limited case of an appointee negotiating for post-government employment).

<sup>28</sup> 5 U.S.C. app. § 103(c).

<sup>29</sup> 5 U.S.C. app. § 106(a).

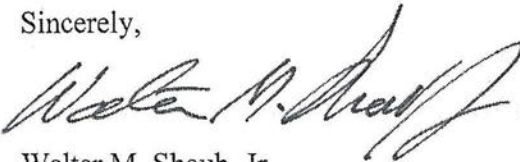
<sup>30</sup> 5 U.S.C. app. § 106(b); 5 C.F.R. § 2634.605.

prohibits Ms. Trump from participating in particular matters affecting her financial interests, including the financial interests of Trump family businesses and other companies in which she has an ownership interest.<sup>31</sup> That conflict of interest statute also covers her spouse's financial interests, which are imputed to her.<sup>32</sup> Another statute prohibits her from representing any person, including any family business organized as a legal entity, before the government.<sup>33</sup> She is also subject to the Standards of Conduct.<sup>34</sup> If, as has been reported,<sup>35</sup> she is not receiving a salary, she is not covered by a prohibition on supplementation of government salary or a prohibition on earning outside income ordinarily applicable to appointees at her level.<sup>36</sup>

The White House is responsible for providing Ms. Trump with ethics support and advice. This support includes new employee ethics training within three months of her appointment and, thereafter, ethics training on an annual basis.<sup>37</sup> The White House is also responsible for monitoring compliance with the remedies put in place to resolve actual or apparent conflicts of interest. In addition, White House officials and Ms. Trump's representatives are free to consult with OGE if they require assistance in addressing any ethics issues that arise.<sup>38</sup>

I hope this explanation addresses the issues your letter raises. If members of either of your staffs have questions, OGE's Chief of Staff, Shelley K. Finlayson, is available to assist them. She can be reached at 202-482-9292.

Sincerely,



Walter M. Shaub, Jr.  
Director

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<sup>31</sup> 18 U.S.C. § 208(a).

<sup>32</sup> *Id.*

<sup>33</sup> See 18 U.S.C. § 205.

<sup>34</sup> See 5 C.F.R. pt. 2635.

<sup>35</sup> See Gabrielle Levy, *Ivanka Trump's New Official Job: Special Assistant to the President*, U.S. NEWS AND WORLD REPORT, (Mar. 29, 2017), <http://bit.ly/2paFx00>.

<sup>36</sup> See 18 U.S.C. § 209(c); Exec. Order 12674, § 102 (Apr. 12, 1989), as amended by Exec. Order 12731 (Oct. 17, 1990).

<sup>37</sup> 5 C.F.R. pt. 2638, subpt. C.

<sup>38</sup> For example, OGE recently provided verbal advice to Ms. Trump's representatives on ways to comply with the Standards of Conduct in connection with a deal for a book that was written before she entered government.



# AIMS Agency Information Management System

## Resolved Interaction

<i>Interaction Number: 11647</i>	
<a href="#">copy press contact to new</a>	
<b>Initiation Date*</b>	2017-03-08
<b>Title*</b>	Story about a Congressional Letter to the White House (Baltimore Sun)
<b>Question*</b>	<p>I was hoping to speak with you this afternoon fro a story on a letter that members of Congress and the Senate have written the White House, and copying you, regarding Jared Kushner's financial holdings and how he will avoid conflicts of interest in his role as senior presidential adviser: <a href="https://www.warren.senate.gov/files/documents/2017_03_08_Letter_on_Kushner_Recusals.pdf">https://www.warren.senate.gov/files/documents/2017_03_08_Letter_on_Kushner_Recusals.pdf</a></p> <p>I understand from some publicly released documents that your office has been working with Mr. Kushner's representatives on how he will handle potential conflicts through divestiture and recusal? Are you satisfied with what he has done on this matter to date? Are there issues that remain to be dealt with, and if so, what are they? Do you believe Mr. Kushner needs to further clarify what he has divested from his portfolio of assets and which issues he has or will recuse himself from? The letter raises the issue of Ivanka Trump's own financial assets – is this of concern to your office as well?</p> <p>Thank you very much. If there is a time this afternoon when I might call you, or another member of your office, please let me know.</p>
<b>Update</b>	
<b>Categories*</b>	Conflicting Financial Interests
<b>Origin Of Interaction*</b>	Email
<b>Source*</b>	Non-Agency Press
<b>First Name</b>	Jean
<b>Last Name</b>	Marbella
<b>Title</b>	Reporter, The Baltimore Sun
<b>Position</b>	
<b>Email</b>	(b) (6)
<b>Phone</b>	
<b>Other Contact Notes</b>	
<b>Assignment</b>	Vincent J. Salamone
<b>Watching</b>	
<b>Temporary Notes</b>	
<b>created by:</b>	Vincent J. Salamone

Resolution Information	
<b>Resolution Date*</b>	2017-03-13
<b>Resolution Category*</b>	Resolved
<b>Response*</b>	<p>I contacted the reporter concerning her media request and left her a message but did not receive a call back. Accordingly, I am closing out this media request.                      (Assigned to: Vincent J. Salamone)</p>
<b>Complexity (level)</b>	1 <input type="text" value="[Click to view/hide complexity guidelines]"/>
<b>Time Spent (hours)</b>	0-1 hour
<b>Contributor</b>	
<input type="button" value="reopen"/>	

Interaction History Log	
Closed	03/27/2017 02:49:00 PM by Vincent J. Salamone
Create	03/08/2017 04 02:11 PM by Vincent J. Salamone
Now Assigned: Vincent J. Salamone	03/08/2017 04 02:11 PM by Vincent J. Salamone

Division(s) assigned: GCLPD

# AIMS Agency Information Management System

## Resolved Interaction

Interaction Number: 11330	
<a href="#">copy press contact to new</a>	
<b>Initiation Date*</b>	2017-02-13
<b>Title*</b>	Questions about possible conflicts involving a Senior Advisor (Baltimore Sun)
<b>Question*</b>	<p>I am writing an article about Jared Kushner, senior adviser to President Donald Trump. Specifically, I am writing about the real estate owned by his company, Kushner Companies. I have confirmed with the U.S. Department of Housing and Urban Development that two apartment complexes owned by the company in Maryland receive income from HUD via the Housing Choice voucher program.</p> <p>My questions are:</p> <ol style="list-style-type: none"> <li>1. Would Mr. Kushner be required to disclose that Kushner Companies receives income from HUD?</li> <li>2. If so, what rule requires the disclosure of such information?</li> <li>3. Does the OGE know if Mr. Kushner disclosed the information about the voucher income from HUD to Kushner Companies?</li> <li>4. Is there someone I can interview about this specific situation and whether it poses any conflict of interest?</li> </ol>
<b>Update</b>	
<b>Categories*</b>	278s, Conflicting Financial Interests, Ethics Agreements
<b>Origin Of Interaction*</b>	Email
<b>Source*</b>	Non-Agency Press
<b>First Name</b>	Doug
<b>Last Name</b>	Donovan
<b>Title</b>	Investigative reporter, Baltimore Sun
<b>Position</b>	
<b>Email</b>	(b) (6)
<b>Phone</b>	
<b>Other Contact Notes</b>	
<b>Assignment</b>	Vincent J. Salamone
<b>Watching</b>	
<b>Temporary Notes</b>	
<b>created by:</b>	Vincent J. Salamone

Resolution Information	
<b>Resolution Date*</b>	2017-02-15
<b>Resolution Category*</b>	Resolved
<b>Response*</b>	<p>I tried multiple times to contact this reporter and finally was able to contact him. As a general matter, I informed the reporter that I could not discuss individual reports. However, I provided general responses to questions the reporter had about the financial disclosure reporting requirements (including the reporting requirements for real estate interests) and the conflict of interest vetting process generally. I also discussed the public availability of 278e reports of White House 278e filers and how to obtain these reports. Moreover, I directed the reporter to OGE's website for other relevant information about the public availability of 278e reports. Finally, OGE declined the interview request involving an individual's report.                      (Assigned to: Vincent J. Salamone)</p>
<b>Complexity (level)</b>	3 <input type="text" value="[Click to view/hide complexity guidelines]"/>
<b>Time Spent (hours)</b>	0-1 hour
<b>Contributor</b>	
<input type="text" value="reopen"/>	

Interaction History Log	
Closed	02/16/2017 08:14:14 PM by Vincent J. Salamone
Update	02/15/2017 03:11:17 PM by Vincent J. Salamone
Create	02/13/2017 11:14:54 AM by Vincent J. Salamone
Now Assigned: Vincent J. Salamone	02/13/2017 11:14:54 AM by Vincent J. Salamone

Division(s) assigned: GCLPD

# AIMS Agency Information Management System

## Resolved Interaction

Interaction Number: 11495	
<a href="#">copy press contact to new</a>	
<b>Initiation Date*</b>	2017-02-27
<b>Title*</b>	Questions about White House appointee disclosure (CNN Money)
<b>Question*</b>	Reporter has some questions about the financial disclosure forms for Jared Kushner and Gary Cohn. She understands that there is a process for filing these reports and even filing for extensions if needed. She wanted to see where in the process those financial disclosure reports are?
<b>Update</b>	
<b>Categories*</b>	278s
<b>Origin Of Interaction*</b>	Phone
<b>Source*</b>	Non-Agency Press
<b>First Name</b>	Jill
<b>Last Name</b>	Disis
<b>Title</b>	Reporter, CNN Money
<b>Position</b>	
<b>Email</b>	none provided
<b>Phone</b>	(b) (6)
<b>Other Contact Notes</b>	
<b>Assignment</b>	Vincent J. Salamone
<b>Watching</b>	
<b>Temporary Notes</b>	
<b>created by:</b>	Vincent J. Salamone

Resolution Information	
<b>Resolution Date*</b>	2017-02-27
<b>Resolution Category*</b>	Resolved
<b>Response*</b>	As a general matter, I informed the that I could not discuss individual reports. However, I provided a general response to the reporter concerning questions she had about the public financial disclosure report filing requirements (especially for White House appointees), and the subsequent public availability of the 278e reports of White House filers. Moreover, I directed the reporter to OGE's website for other relevant information about obtaining 278e reports, including those of White House appointees. Finally, I directed the reporter to the White House Press Office for other questions she had relating to access issues. Moreover, in response to an unrelated question, I generally discussed and directed her to the provision at 5 CFR §2638.504(b)(1). <i>(Assigned to: Vincent J. Salamone)</i>
<b>Complexity (level)</b>	3 <input type="text" value="[Click to view/hide complexity guidelines]"/>
<b>Time Spent (hours)</b>	0-1 hour
<b>Contributor</b>	
<input type="button" value="reopen"/>	

Interaction History Log	

Closed	02/27/2017 04:49:37 PM by Vincent J. Salamone
Update	02/27/2017 03:17:54 PM by Vincent J. Salamone
Create	02/27/2017 09 30:50 AM by Vincent J. Salamone
Now Assigned: Vincent J. Salamone	02/27/2017 09 30:50 AM by Vincent J. Salamone

Division(s) assigned: GCLPD

# AIMS Agency Information Management System

## Resolved Interaction

Interaction Number: 11404	
	<a href="#">copy press contact to new</a>
<b>Initiation Date*</b>	2017-02-16
<b>Title*</b>	Questions about CDs issued to a White House employee (ProPublica)
<b>Question*</b>	Reporter has questions about a FOIA response that he received from OGE concerning CDs that were issued to Jared Kushner and to his spouse. One question relates to whether there are other CDs that he will be obtaining (since the CD is still in process) and the other questions relates to a redacted letter.
<b>Update</b>	
<b>Categories*</b>	CDs, FOIA (Freedom of Information Act)
<b>Origin Of Interaction*</b>	Phone
<b>Source*</b>	Non-Agency Press
<b>First Name</b>	Allen
<b>Last Name</b>	Shaw
<b>Title</b>	Reporter, ProPublica
<b>Position</b>	
<b>Email</b>	(b) (6)
<b>Phone</b>	
<b>Other Contact Notes</b>	
<b>Assignment</b>	Vincent J. Salamone
<b>Watching</b>	
<b>Temporary Notes</b>	
<i>created by:</i>	Vincent J. Salamone

Resolution Information	
<b>Resolution Date*</b>	2017-02-23
<b>Resolution Category*</b>	Resolved
<b>Response*</b>	I had a general conversation with the reporter concerning certificates of divestiture and the procedures used for the issuing CDs. We also discussed other matters that related to remedying conflict of interests in the executive branch. Moreover, while I informed the reporter that I could not discuss matters related to individual employees, I could discuss general ethics matters related to FOIA records that he received from OGE. Since his FOIA matter was still in process at the time, I declined to discuss certain matters related to his FOIA request until his FOIA request had been fully processed. I did discuss this matter internally with relevant OGE FOIA team members. (Assigned to: Vincent J. Salamone)
<b>Complexity (level)</b>	4 <input type="text" value="[Click to view/hide complexity guidelines]"/>
<b>Time Spent (hours)</b>	0-1 hour
<b>Contributor</b>	
<input type="button" value="reopen"/>	

Interaction History Log	

Closed	03/07/2017 03:01:05 PM by Vincent J. Salamone
Update	02/24/2017 10:28:52 AM by Vincent J. Salamone
Update	02/16/2017 03:07:23 PM by Vincent J. Salamone
Update	02/16/2017 03:04:19 PM by Vincent J. Salamone
Create	02/16/2017 01:16:47 PM by Vincent J. Salamone
Now Assigned: Vincent J. Salamone	02/16/2017 01:16:47 PM by Vincent J. Salamone

Division(s) assigned: GCLPD



# AIMS Agency Information Management System

## Resolved Interaction

<i>Interaction Number: 11179</i>	
<a href="#">copy press contact to new</a>	
<b>Initiation Date*</b>	2017-02-06
<b>Title*</b>	Potential conflicts posed by outstanding loans (Bloomberg News)
<b>Question*</b>	<p>I'm working on a story about the potential conflicts of interest posed by Kushner Cos and the Trump Organization having a few hundred million dollars in outstanding loans from Fannie Mae and Freddie Mac, which are two government backed and controlled mortgage finance companies.</p> <p>Anyway, I was wondering if Fannie and Freddie were addressed in the plans developed by OGE for Jared Kushner and/or President Trump. Are there concerns presented by having the administration control significant government-backed lenders to Kushner Cos and the Trump Organization?</p> <p>Thanks and let me know. I also reached out to the Federal Housing Finance Agency, which controls Fannie and Freddie, as well as Fannie and Freddie themselves. They're still doing research but it doesn't sound like they have anything addressing the potential conflict.</p>
<b>Update</b>	
<b>Categories*</b>	Conflicting Financial Interests
<b>Origin Of Interaction*</b>	Email
<b>Source*</b>	Non-Agency Press
<b>First Name</b>	Joe
<b>Last Name</b>	Light
<b>Title</b>	Reporter, Bloomberg News
<b>Position</b>	
<b>Email</b>	(b) (6)
<b>Phone</b>	
<b>Other Contact Notes</b>	
<b>Assignment</b>	Vincent J. Salamone
<b>Watching</b>	
<b>Temporary Notes</b>	
<b>created by:</b>	Vincent J. Salamone

Resolution Information	
<b>Resolution Date*</b>	2017-02-07
<b>Resolution Category*</b>	Resolved
<b>Response*</b>	<p>I had a general discussion with the reporter concerning the vetting process of 278e reports. I also discussed with the reporter the application generally of the prohibition of 18 USC 208 as it relates to certain types of financial instruments. I also discussed the public availability of certain 278e reports. Moreover, I directed the reporter to OGE's website for other relevant information. (Assigned to: Vincent J. Salamone)</p>
<b>Complexity (level)</b>	3 <input type="button" value="[Click to view/hide complexity guidelines]"/>
<b>Time Spent (hours)</b>	0-1 hour
<b>Contributor</b>	
<input type="button" value="reopen"/>	

Interaction History Log	
Closed	02/12/2017 06 04:02 PM by Vincent J. Salamone
Update	02/07/2017 09 20:31 AM by Vincent J. Salamone
Update	02/06/2017 03:18:19 PM by Vincent J. Salamone
Create	02/06/2017 10:14:53 AM by Vincent J. Salamone
Now Assigned: Vincent J. Salamone	02/06/2017 10:14:53 AM by Vincent J. Salamone

Division(s) assigned: GCLPD



# AIMS Agency Information Management System

## Resolved Interaction

Interaction Number: 11893	
Initiation Date*	2017-03-29
Title*	Book deal question concerning promotional activities
Question*	The question concerned whether there are any limitations on the ability to promote a book by an employee who is subject to the outside earned income ban, but who completed the writing of the book prior to beginning government service?
Update	
Categories*	Misuse of Position, Outside Activities
Origin Of Interaction*	Phone
Source*	Non-Agency Other Private Law Firm
First Name	Bruce
Last Name	Roberts
Title	Attorney- Wilmer Hale
Position	Other Attorney
Email	
Phone	(b) (6)
Other Contact Notes	
Assignment	Seth Jaffe
Watching	
Temporary Notes	
created by:	Seth Jaffe

Resolution Information	
Resolution Date*	2017-03-29
Resolution Category*	Resolved – ELPB Consultation
Response*	I provided advice consistent with and referred the questioner to: 5 CFR § 2635 807; 5 CFR § 2635 subpart G; 5 CFR § 2636.303; OGE DO-08x3. Among other things, I said that compensation for promotional activities that are a material term of the book deal contract would constitute "receipt" of compensation attributable to the time the promotional services were performed. I also indicated that individual promotional activities such as interviews that are not in anyway required by contract with the publisher and are not services provided under the contract are not per se prohibited under the rules, but could raise many ethics issues (see citations above). I also, suggested that any promotional activities be approved in advance by the WH if the employee involved is a political appointee. Finally, I provided advice that donating compensation to charity does not change the fact that it was "received" under 5 CFR 2635.807 or 5 CFR 2636.303; however, these rules only apply if: receipt of compensation, government service and writing/performance of services - overlap at one point in time. <i>(Assigned to: Seth Jaffe)</i>
Complexity (level)	4 <a href="#">[Click to view/hide complexity guidelines]</a>
Time Spent (hours)	1-4 hours
Contributor	Seth Jaffe
<a href="#">reopen</a>	

Reopen Information	
Date	2017-05-08

<b>Reason</b>	Fix typo in name of questioner.
---------------	---------------------------------

Interaction History Log	
Closed	05/08/2017 01:24 56 PM by Seth Jaffe
Reopen	05/08/2017 01:20:10 PM by Seth Jaffe
Closed	03/29/2017 03:57 24 PM by Seth Jaffe
Create	03/29/2017 03:02 24 PM by Seth Jaffe
Now Assigned: Seth Jaffe	03/29/2017 03:02 24 PM by Seth Jaffe

Division(s) assigned: GCLPD

**From:** [Roberts, Blake](#)  
**To:** [Seth Jaffe](#)  
**Cc:** [David J. Apol](#)  
**Subject:** RE: Book Response  
**Date:** Friday, April 28, 2017 4:43:07 PM

---

Seth,  
Thanks very much – I appreciate it.  
Best,  
Blake

---

**From:** Seth Jaffe [mailto:sjaffe@oge.gov]  
**Sent:** Friday, April 28, 2017 4:05 PM  
**To:** Roberts, Blake  
**Cc:** David J. Apol  
**Subject:** RE: Book Response

Blake,  
It was a pleasure speaking with you earlier today. As we discussed, the language you drafted for Ivanka to use as a stock answer if she is asked about her book during unrelated media appearances appears to be consistent with ethics rules.

Also, I am glad that we had an opportunity to further discuss guidance we previously provided on the scope of the term “particular matter” and its application in several different situations. Your email to us on Saturday, April 22, summarized that past guidance. I hope that our subsequent guidance today on this subject was helpful.

Thanks,  
Seth  
Seth H. Jaffe  
Chief, Ethics Law & Policy Branch  
U.S. Office of Government Ethics  
(202) 482-9303

---

**From:** Roberts, Blake [mailto:[Blake.Roberts@wilmerhale.com](mailto:Blake.Roberts@wilmerhale.com)]  
**Sent:** Thursday, April 27, 2017 6:25 PM  
**To:** David J. Apol; Seth Jaffe  
**Subject:** Book Response

Dave and Seth,  
Following up on our prior discussion about the book, here is the language we’ve drafted for Ivanka to use a stock answer if she is asked about the book during unrelated media appearances. Does it look acceptable to you?

- The book is a personal project and I’m very proud of it, but I am not going to discuss it now because of government ethics rules.

Thanks,  
Blake

**Blake Roberts | WilmerHale**  
1875 Pennsylvania Avenue NW  
Washington, DC 20006 USA  
+1 202 663 6920 (t)  
+1 202 663 6363 (f)

[blake.roberts@wilmerhale.com](mailto:blake.roberts@wilmerhale.com)

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# AIMS Agency Information Management System

## Resolved Interaction

Interaction Number: 12314	
Initiation Date*	2017-04-27
Title*	Promotional Activities and a Book Deal
Question*	Following up on our prior discussion about the book, here is the language we've drafted for Ivanka to use a stock answer if she is asked about the book during unrelated media appearances. Does it look acceptable to you? • The book is a personal project and I'm very proud of it, but I am not going to discuss it now because of government ethics rules.
Update	
Categories*	Misuse of Position, Outside Activities
Origin Of Interaction*	Phone
Source*	Non-Agency Public Citizen
First Name	Blake
Last Name	Roberts
Title	Attorney at WilmerHale
Position	
Email	blake.roberts@wilmerhale.com
Phone	202-663-6920
Other Contact Notes	
Assignment	David J. Apol, Seth Jaffe
Watching	
Temporary Notes	
created by:	Seth Jaffe

Resolution Information	
Resolution Date*	2017-04-28
Resolution Category*	Resolved
Response*	We told Blake that the language he drafted for Ivanka to use as a stock answer if she is asked about her book during unrelated media appearances appears to be consistent with ethics rules. (Assigned to: David J. Apol; Seth Jaffe)
Complexity (level)	3 <a href="#">[Click to view/hide complexity guidelines]</a>
Time Spent (hours)	0-1 hour
Contributor	
<a href="#">reopen</a>	

Interaction History Log	
Closed	05/09/2017 09:48 51 AM by Seth Jaffe
Now Assigned: Seth Jaffe David J. Apol	05/09/2017 09:48 51 AM by Seth Jaffe

Division(s) assigned: GCLPD

**From:** [Jennifer Matis](#)  
**To:** [Matthew A. Marinec](#)  
**Cc:** [Shelley K. Finlayson](#)  
**Subject:** FW: Additional Finance Letter - Ivanka Trump  
**Date:** Thursday, April 27, 2017 3:30:14 PM  
**Attachments:** [Wyden Shaub Letter on Ivanka Trump.pdf](#)

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Another letter for Walt.

---

**From:** Nicholson, Ian (Finance) [mailto:(b)(6)]  
**Sent:** Thursday, April 27, 2017 2:51 PM  
**To:** Jennifer Matis  
**Subject:** Additional Finance Letter - Ivanka Trump

Hi Jen,

Attached is an additional letter written to Director Schaub, specifically focused on the business interests/conflicts of interest of Ivanka Trump, given her new role in the White House.

Thanks a lot for passing along.

Ian

**Ian Nicholson**

Investigator

U.S. Senate Committee on Finance

219 Dirksen Senate Building

Washington, D.C. 20510

Main: (202) 224-4515

Direct: (b)(6)



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# United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

CHRIS CAMPBELL, STAFF DIRECTOR  
JOSHUA SHEINKMAN, DEMOCRATIC STAFF DIRECTOR

April 27, 2017

The Honorable Walter M. Shaub, Jr.  
Director  
U.S. Office of Government Ethics  
1201 New York Avenue NW Suite 500  
Washington, D.C. 20005

Dear Director Shaub,

Several weeks ago, the White House announced that Ivanka Trump would become an official government employee, serving as an advisor to the President. While I welcome the transparency that should follow from Ms. Trump formalizing her role in the White House, I have concerns that conflicts of interest arising from her business efforts will have a deleterious effect on our trade and foreign policy.

To date Ms. Trump and her husband Jared Kushner have played a prominent role in relations with foreign governments. At the same time, Ms. Trump continues to pursue a number of business interests, including apparel businesses valued at over \$50,000,000 and reported efforts to establish a “massive fund” backed by foreign governments and corporations.

Many of Ms. Trump’s businesses sell Ivanka Trump branded merchandise, and the Chinese market plays an important role in the manufacturing, export, and sale of these products.<sup>1</sup> News reports indicate that sales for Ms. Trump’s branded products reached record levels in 2017, and that imports of her products, mostly from China, grew 166 percent last year.<sup>2</sup> On April 6 the Chinese government granted provisional approval for three new trademarks for the Ivanka Trump brand. On the same day, Ms. Trump dined with the Chinese president, Xi Jinping during a state meeting at Mar-a-Lago. Experts have stated that Ms. Trump’s trademarks applications appear to have been approved “incredibly quickly” compared to the normal 18 month to two year application process.<sup>3</sup>

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<sup>1</sup> Washington Post, Workers Endured Long Hours, Low Pay at Chinese Factory Used by Ivanka Trump’s Clothing-Maker, Apr. 25, 2017, [https://www.washingtonpost.com/business/economy/workers-endured-long-hours-low-pay-at-chinese-factory-used-by-ivanka-trumps-clothing-maker/2017/04/25/b6fe6608-2924-11e7-b605-33413c691853\\_story.html](https://www.washingtonpost.com/business/economy/workers-endured-long-hours-low-pay-at-chinese-factory-used-by-ivanka-trumps-clothing-maker/2017/04/25/b6fe6608-2924-11e7-b605-33413c691853_story.html)

<sup>2</sup> AP, Ivanka’s Biz Prospers as Politics Mixes with Business, Apr. 19, 2017 <https://apnews.com/d9e34f23a64947d99e4a7d757012c509>

<sup>3</sup> NPR, China Defends Trademark Grants for Ivanka Trump Products, Apr. 19, 2017 <http://www.npr.org/sections/thetwo-way/2017/04/19/524765086/china-defends-trademark-grants-for-ivanka-trump-products>

Of additional concern, Ms. Trump is reportedly working with the World Bank Group to establish a fund backed by several nations including “a few Middle Eastern countries.”<sup>4</sup> While White House sources have stated that Ms. Trump would not have an active role in the fund’s management, it is still unclear under what authority she is interacting with the World Bank, what her role as an advocate for the project will entail, and what conflicts of interest may result.<sup>5</sup>

Office of Government Ethics (OGE) regulations prohibit a federal employee from participating personally and substantially in an official capacity in any particular matter that will have a direct and predictable effect on the financial interest of the employee.<sup>6</sup> Furthermore, OGE regulation impute Ms. Trump’s business interests to her husband, Mr. Kushner. Although Ms. Trump will reportedly not participate in the day to day operations of her businesses, she still retains financial interest and control over her ventures. I am concerned that these reported arrangements will continue to create improper conflicts of interest resulting from Ms. Trump and Mr. Kushner’s employment in the White House.

For example, Mr. Kushner appears to be the President’s principal Middle East advisor, visiting military forces in Iraq earlier this month and leading the Administration’s peace efforts in the region. If reports that Ms. Trump is establishing a fund backed by Middle Eastern interests are accurate, the fund’s existence would create significant opportunity to improperly influence the White House both through Ms. Trump’s role as an advisor and Mr. Kushner’s.

I am concerned that Ms. Trump’s refusal to divest from her business interests, and her creation of a fund to solicit foreign money, provides foreign governments an opportunity to improperly influence United States trade and foreign policy. As the director of the Office of Government Ethics, you have the authority to review potential ethics violations and notify the employee’s agency of any potential violation. I request that you review Ms. Trump’s plans to establish a “massive fund,” as well as the level of control and financial interest Ms. Trump retains in her apparel business and determine whether her role as a White House advisor creates an impermissible conflict of interest.

Sincerely,



Ron Wyden  
Ranking Member

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<sup>4</sup> Axios, Ivanka Trump’s new fund for female entrepreneurs, Apr. 26, 2017, <https://www.axios.com/ivanka-trump-berlin-visit-business-entrepreneurship-fund-2379517583.html>

<sup>5</sup> Bloomberg, Ivanka Trump in Talks About Women’s Fund With World Bank, Sources Say, Apr. 26, 2017, <https://www.bloomberg.com/politics/articles/2017-04-26/ivanka-trump-said-to-discuss-fund-for-women-with-world-bank>

<sup>6</sup> 5 C.F.R. § 2635.402.

**From:** [Shelley K. Finlayson](#)  
**To:** [Berrios, Roberto \(HSGAC\)](#)  
**Subject:** FW: Letter to Senators Warren and Carper  
**Date:** Tuesday, April 25, 2017 6:12:18 PM  
**Attachments:** [Letter to Senators Warren and Carper.pdf](#)

---

**From:** Director of OGE  
**Sent:** Tuesday, April 25, 2017 6:06 PM  
**To:** (b)(6) - Brian Papp email  
**Subject:** Letter to Senators Warren and Carper  
Please find attached letter from OGE Director Walter M. Shaub, Jr.  
The original will follow by standard mail.  
Thank You,  
**Matthew Marinec, M.P.P.**  
Confidential Assistant to the Director  
U.S. Office of Government Ethics  
1201 New York Ave., NW, Suite 500  
Washington, DC 20005-3917  
Tel. 202.482.9286  
Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
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UNITED STATES OFFICE OF  
GOVERNMENT ETHICS



April 25, 2017

The Honorable Elizabeth Warren  
United States Senator  
317 Hart Senate Office Building  
Washington D.C. 20510

The Honorable Thomas R. Carper  
United States Senator  
513 Hart Senate Office Building  
Washington D.C. 20510

Dear Senators Warren and Carper:

I am in receipt of your letter dated March 29, 2017, requesting information about the ethics rules that apply to Ms. Ivanka Trump in her capacity as an advisor to the President.

At the time of your letter, it was unclear whether the White House would recognize Ms. Trump as having the status of an executive branch employee. Although OGE was not consulted by the White House on this issue, I contacted both Ms. Trump's attorney and the White House's ethics official on March 24, 2017, to express OGE's view that Ms. Trump appeared to meet the legal standard to be considered an employee covered by the executive branch ethics rules.<sup>1</sup> During those conversations, both Ms. Trump's attorney and the White House's ethics official seemed open to the possibility of recognizing Ms. Trump's status as an employee through a formal appointment. Thereafter, on March 29, 2017, the White House announced Ms. Trump's decision to accept a formal appointment as an executive branch employee.<sup>2</sup> With her newly recognized status as an executive branch employee, Ms. Trump is covered by the ethics laws and regulations applicable to executive branch employees.

Executive branch employees are subject to a variety of ethics laws and rules designed to ensure the impartiality of the government's decision making. These authorities include the anti-bribery and criminal conflict of interest statutes;<sup>3</sup> the Ethics in Government Act;<sup>4</sup> the Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct);<sup>5</sup> certain restrictions established in President Bush's 1989 Executive Order on ethics;<sup>6</sup> the Stop Trading on

<sup>1</sup> Others had raised similar concerns publicly. See, e.g., Julie Bykowicz, *Ivanka Trump: A White House Force, Just Not An Employee*, BLOOMBERG (Mar. 24, 2017), <https://goo.gl/1dX33u>; Jackie Northam and Marilyn Geewax, *Ivanka Trump's Move To The White House Raises Questions About Ethics*, NATIONAL PUBLIC RADIO (Mar. 21, 2017), <https://goo.gl/9o56B3>.

<sup>2</sup> See Abby Phillip, *Ivanka Trump reverses course, will become a government employee*, THE WASHINGTON POST (Mar. 29, 2017), <https://goo.gl/Grgeyh>; see also Office of the Press Secretary, *Background Press Briefing on Financial Disclosure Forms from the White House Office of the Press Secretary*, THE WHITE HOUSE (Mar. 31, 2017), <https://goo.gl/hbWGAf>.

<sup>3</sup> 18 U.S.C. §§ 201-209.

<sup>4</sup> 5 U.S.C. app. §§ 101 *et seq.*

<sup>5</sup> 5 C.F.R. part 2635.

<sup>6</sup> Exec. Order 12674 (Apr. 12, 1989), as amended by Exec. Order 12731 (Oct. 17, 1990).



Congressional Knowledge Act;<sup>7</sup> and other legal provisions. Certain political appointees are also subject to additional restrictions established in Executive Order 13770 (Jan. 28, 2017). Presidential appointees in the White House are subject to these authorities to the same extent as other executive branch employees.<sup>8</sup>

Of particular relevance to your inquiry, Ms. Trump is now subject to financial disclosure requirements. Like other appointees, Ms. Trump must file new entrant financial disclosure reports within 30 days of appointment to the government.<sup>9</sup> These reports include information about the financial interests of the filers, their spouses, and their dependent children, as well as certain positions outside the government.<sup>10</sup> The White House is authorized to grant an extension, upon a showing of good cause, of up to 45 days and, upon a written showing of good cause, a second extension of up to 45 additional days.<sup>11</sup> The approval of a second extension must be in writing.<sup>12</sup> After appointees file their reports, the White House's ethics officials review the reports for compliance with financial disclosure requirements and substantive ethics requirements.<sup>13</sup> White House ethics officials are expected to work with an appointee to resolve any potential conflicts of interest that they identify through their review of the financial disclosure reports.<sup>14</sup>

In addition to filing a new entrant report, Ms. Trump must satisfy other financial disclosure requirements. She will have to file periodic transaction reports within 30 days of receiving notice of any covered transaction.<sup>15</sup> She will have to file an annual financial disclosure report by May 15 each year.<sup>16</sup> In addition, she will have to file a termination financial disclosure report within 30 days of terminating her federal service.<sup>17</sup> The process for resolving conflicts of interest identified during the review of these subsequently filed financial disclosure reports is the same as that associated with new entrant financial disclosure reports.

With regard to your questions about the steps Ms. Trump must take to remedy any potential or actual conflicts of interest identified through her financial disclosures, the primary criminal conflict of interest statute prohibits senior White House appointees and other executive branch employees from participating personally and substantially in particular matters directly and predictably affecting their financial interests.<sup>18</sup> Among other things, this prohibition extends to the financial interests of companies in which they have ownership interests.<sup>19</sup> It is important to note, however, that the criminal conflict of interest statute is not a prohibited holdings statute. Instead, it requires an appointee to refrain from participating in the particular matter affecting the appointee's

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<sup>7</sup> Pub. L. No. 112-105, 126 Stat. 291 (2012), as amended.

<sup>8</sup> Note, however, the Department of Justice (DOJ) recently opined that the anti-nepotism statute does not apply to the White House Office. *See Application of the Anti-Nepotism Statute to a Presidential Appointment in the White House Office*, OFFICE OF LEGAL COUNSEL, U.S. DEP'T JUSTICE, 41 Op. O.L.C. 1 (Jan. 20, 2017). DOJ's decision is applicable to Ms. Trump. *See id.*

<sup>9</sup> 5 U.S.C. app. § 101(a).

<sup>10</sup> 5 U.S.C. app. § 102.

<sup>11</sup> 5 C.F.R. § 2634.201(f).

<sup>12</sup> *Id.*

<sup>13</sup> 5 U.S.C. app. § 106(a); 5 C.F.R. § 2634.605.

<sup>14</sup> 5 U.S.C. app. § 106(a); 5 C.F.R. § 2634.605.

<sup>15</sup> 5 U.S.C. app. § 103(l).

<sup>16</sup> 5 U.S.C. app. § 101(d).

<sup>17</sup> 5 U.S.C. app. § 101(e).

<sup>18</sup> *See* 18 U.S.C. § 208(a).

<sup>19</sup> *See, e.g.,* OGE Informal Advisory Opinion 92 x 2 (1992).

financial interests or the financial interests of persons whose interests are imputed to the appointee.<sup>20</sup> Thus, the most common mechanism for resolving conflicts of interest is to recuse from particular matters that would affect the appointee's personal and imputed financial interests.

Recusal is not the only means for resolving conflicts of interest. Other remedies for resolving conflicts of interest can include reassignment, divestiture, waiver, or the establishment of a qualified blind or diversified trust.<sup>21</sup> In some cases, an employee can rely on an exemption to the criminal conflict of interest statute.<sup>22</sup> OGE and the Department of Justice have established regulatory exemptions for certain types of financial interests because the conflicts of interest they pose are too remote or inconsequential to be likely to affect the integrity of an employee's service to the government.<sup>23</sup>

The White House can direct an appointee to sell, or otherwise divest, an asset in order to avoid a conflict of interest.<sup>24</sup> If selling the asset will result in a capital gain, the appointee may be eligible for a Certificate of Divestiture to offset the tax burden of complying with the government's conflict of interest requirements.<sup>25</sup> Pending the divestiture, the appointee must recuse from particular matters in which the asset poses a conflict of interest. Recusal is achieved by not participating in a particular matter.<sup>26</sup> A White House appointee is not normally required to file a disqualification statement or other document regarding the recusal.<sup>27</sup> Thus, the important requirement is only that the appointee not participate.

Only after the White House has certified the appointee's financial disclosure report does the White House transmit the report to OGE.<sup>28</sup> OGE then conducts a second-level review.<sup>29</sup> As part of this review process, OGE advises White House ethics officials of any deficiencies in an appointee's compliance with financial disclosure requirements. In turn, the White House ethics officials work with the appointee who filed the report in order to resolve them. It is normal for an appointee to make changes to a financial disclosure report and to add information during this review process. After the report is revised, OGE seeks information about how the White House is addressing any potential conflicts of interest identified during the review process. OGE then makes a determination regarding apparent compliance with financial disclosure and conflict of interest rules and either certifies or declines to certify the financial disclosure report.<sup>30</sup>

In response to your specific inquiry, the ethics provisions and requirements discussed above are generally applicable to Ms. Trump. For example, the primary criminal conflict of interest statute

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<sup>20</sup> See 18 U.S.C. § 208(a).

<sup>21</sup> See, e.g., Memo from Amy L. Comstock, Director, U.S. Office of Gov't Ethics, to Designated Agency Ethics Officials, *Nominee Ethics Agreements*, DO-01-013 (2001) (discussing remedies for conflicts of interest in the analogous case of Presidential nominees); 5 C.F.R. pt. 2634, subpt. D.

<sup>22</sup> 18 U.S.C. § 208(b)(2).

<sup>23</sup> See 5 C.F.R. pt. 2640, subpt. B.

<sup>24</sup> See 5 C.F.R. § 2635.403(b).

<sup>25</sup> 26 U.S.C. § 1043; 5 C.F.R. pt. 2634, subpt. J.

<sup>26</sup> 5 C.F.R. § 2640.103(d).

<sup>27</sup> 5 C.F.R. § 2640.103(d)(2). *But see* Stop Trading on Congressional Knowledge Act of 2012, Pub. L. No. 112-105, § 17, 126 Stat. 291, 303-04 (requiring notice of recusal in the limited case of an appointee negotiating for post-government employment).

<sup>28</sup> 5 U.S.C. app. § 103(c).

<sup>29</sup> 5 U.S.C. app. § 106(a).

<sup>30</sup> 5 U.S.C. app. § 106(b); 5 C.F.R. § 2634.605.

prohibits Ms. Trump from participating in particular matters affecting her financial interests, including the financial interests of Trump family businesses and other companies in which she has an ownership interest.<sup>31</sup> That conflict of interest statute also covers her spouse's financial interests, which are imputed to her.<sup>32</sup> Another statute prohibits her from representing any person, including any family business organized as a legal entity, before the government.<sup>33</sup> She is also subject to the Standards of Conduct.<sup>34</sup> If, as has been reported,<sup>35</sup> she is not receiving a salary, she is not covered by a prohibition on supplementation of government salary or a prohibition on earning outside income ordinarily applicable to appointees at her level.<sup>36</sup>

The White House is responsible for providing Ms. Trump with ethics support and advice. This support includes new employee ethics training within three months of her appointment and, thereafter, ethics training on an annual basis.<sup>37</sup> The White House is also responsible for monitoring compliance with the remedies put in place to resolve actual or apparent conflicts of interest. In addition, White House officials and Ms. Trump's representatives are free to consult with OGE if they require assistance in addressing any ethics issues that arise.<sup>38</sup>

I hope this explanation addresses the issues your letter raises. If members of either of your staffs have questions, OGE's Chief of Staff, Shelley K. Finlayson, is available to assist them. She can be reached at 202-482-9292.

Sincerely,



Walter M. Shaub, Jr.  
Director

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<sup>31</sup> 18 U.S.C. § 208(a).

<sup>32</sup> *Id.*

<sup>33</sup> See 18 U.S.C. § 205.

<sup>34</sup> See 5 C.F.R. pt. 2635.

<sup>35</sup> See Gabrielle Levy, *Ivanka Trump's New Official Job: Special Assistant to the President*, U.S. NEWS AND WORLD REPORT, (Mar. 29, 2017), <http://bit.ly/2paFxOQ>.

<sup>36</sup> See 18 U.S.C. § 209(c); Exec. Order 12674, § 102 (Apr. 12, 1989), as amended by Exec. Order 12731 (Oct. 17, 1990).

<sup>37</sup> 5 C.F.R. pt. 2638, subpt. C.

<sup>38</sup> For example, OGE recently provided verbal advice to Ms. Trump's representatives on ways to comply with the Standards of Conduct in connection with a deal for a book that was written before she entered government.

**From:** [Roberts, Blake](#)  
**To:** [David J. Apol](#); [Seth Jaffe](#)  
**Subject:** Particular Matter  
**Date:** Saturday, April 22, 2017 3:44:06 PM

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Dave and Seth,

Thanks so much for taking the time recently to discuss OGE's views on what constitutes a "particular matter." I have reviewed the guidance you referenced and wanted to circle back to confirm my understanding of the basic principles. Please let me know if I have any of this wrong:

- Under OGE regulations, the term "particular matter" includes "only matters that involve deliberation, decision, or action that is focused upon the interests of specific persons, or a discrete and identifiable class of persons." 5 C.F.R. § 2640.103(a)(q).
- OGE believes that it can be hard to define what constitutes a particular matter and that careful attention to the facts of a given circumstance is required.
- That said, OGE's view is that U.S. foreign policy towards another country, in its entirety, would not be considered a "particular matter" because it does not "focus[] on the interest of a discrete and identifiable class of persons." Instead, like Example 7 to 5 C.F.R. § 2640.103(a)(1), it is "based on a consideration of the political, military, diplomatic and economic interests of every sector of society and [is] too diffuse to be focused on the interests of specific individuals or entities." 5 C.F.R. § 2640.103(a)(1) (Ex. 7).
- OGE would also not consider a general trade agreement with a foreign country to be a particular matter. *See* 5 C.F.R. § 2641.201(h)(2) (Ex. 8) ("trade agreement concerning tariffs and other trade practices in regard to various industries" not a particular matter). In contrast, an international agreement concerning the transfer of ownership of a particular parcel of property or something similarly specific would be considered a particular matter involving specific parties. *See id.* (Ex. 7).
- OGE would also not consider an omnibus legislative measure such as tax reform or health care reform to be a particular matter, because such sweeping legislation is not focused on the interests of specific persons, or of a discrete and identifiable class of persons. *See* 5 C.F.R. § 2640.103(a)(1) (Exs. 5, 8). However, a specific regulation implementing one aspect of such legislation could well be considered a particular matter, if it focused on the interests of a discrete and identifiable class of persons.
- For matters like a trade agreement or omnibus legislation, OGE does not consider discussion focusing on one aspect of the broader matter to be a "particular matter." For example, negotiation over the tariffs to be applied to a particular agricultural commodity within the framework of a broad trade agreement would not be considered a "particular matter." Similarly, within the context of a larger healthcare bill, discussion around a section or amendment that affected only rural hospitals would not itself be considered a particular matter.
- That said, due to appearance concerns and the policies underlying the ethics rules, OGE would recommend that officials recuse from specific issues within a larger matter if they would be required to recuse from the issue were it a free-standing matter—even if such recusal is not required by 18 U.S.C. § 208.

Thank you again for your time and assistance.

Thank you,

Blake



**Blake Roberts | WilmerHale**

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blake.roberts@wilmerhale.com

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## AIMS Agency Information Management System

### Resolved Interaction

Interaction Number: 12312	
<b>Initiation Date*</b>	2017-04-22
<b>Title*</b>	Particular Matter
<b>Question*</b>	<p>Thanks so much for taking the time recently to discuss OGE's views on what constitutes a "particular matter." I have reviewed the guidance you referenced and wanted to circle back to confirm my understanding of the basic principles. Please let me know if I have any of this wrong:</p> <ol style="list-style-type: none"> <li>1) Under OGE regulations, the term "particular matter" includes "only matters that involve deliberation, decision, or action that is focused upon the interests of specific persons, or a discrete and identifiable class of persons." 5 C.F.R. § 2640.103(a)(q).</li> <li>2) OGE believes that it can be hard to define what constitutes a particular matter and that careful attention to the facts of a given circumstance is required.</li> <li>3) That said, OGE's view is that U.S. foreign policy towards another country, in its entirety, would not be considered a "particular matter" because it does not "focus[] on the interest of a discrete and identifiable class of persons." Instead, like Example 7 to 5 C.F.R. § 2640.103(a)(1), it is "based on a consideration of the political, military, diplomatic and economic interests of every sector of society and [is] too diffuse to be focused on the interests of specific individuals or entities." 5 C.F.R. § 2640.103(a)(1) (Ex. 7).</li> <li>4) OGE would also not consider a general trade agreement with a foreign country to be a particular matter. See 5 C.F.R. § 2641.201 (h)(2) (Ex. 8) ("trade agreement concerning tariffs and other trade practices in regard to various industries" not a particular matter). In contrast, an international agreement concerning the transfer of ownership of a particular parcel of property or something similarly specific would be considered a particular matter involving specific parties. See id. (Ex. 7).</li> <li>5) OGE would also not consider an omnibus legislative measure such as tax reform or health care reform to be a particular matter, because such sweeping legislation is not focused on the interests of specific persons, or of a discrete and identifiable class of persons. See 5 C.F.R. § 2640.103(a)(1) (Exs. 5, 8). However, a specific regulation implementing one aspect of such legislation could well be considered a particular matter, if it focused on the interests of a discrete and identifiable class of persons.</li> <li>6) For matters like a trade agreement or omnibus legislation, OGE does not consider discussion focusing on one aspect of the broader matter to be a "particular matter." For example, negotiation over the tariffs to be applied to a particular agricultural commodity within the framework of a broad trade agreement would not be considered a "particular matter." Similarly, within the context of a larger healthcare bill, discussion around a section or amendment that affected only rural hospitals would not itself be considered a particular matter.</li> <li>7) That said, due to appearance concerns and the policies underlying the ethics rules, OGE would recommend that officials recuse from specific issues within a larger matter if they would be required to recuse from the issue were it a free-standing matter—even if such recusal is not required by 18 U.S.C. § 208.</li> </ol>
<b>Update</b>	
<b>Categories*</b>	208, Ethics Pledge (E.O. 13770)
<b>Origin Of Interaction*</b>	Phone
<b>Source*</b>	Non-Agency Public Citizen
<b>First Name</b>	Blake
<b>Last Name</b>	Roberts
<b>Title</b>	Attorney with WilmerHale
<b>Position</b>	
<b>Email</b>	blake.roberts@wilmerhale.com
<b>Phone</b>	202-663-6920
<b>Other Contact Notes</b>	
<b>Assignment</b>	David J. Apol, Seth Jaffe
<b>Watching</b>	
<b>Temporary Notes</b>	
<i>created by:</i>	Seth Jaffe

Resolution Information	
<b>Resolution Date*</b>	2017-04-28
<b>Resolution Category*</b>	Resolved
<b>Response*</b>	Dave Apol and Seth Jaffe spoke with Blake Roberts on 4/28/17 where we provided additional guidance concerning Blake's 4/22/17 email excerpted above in the question section of this interaction entry.

	<p>1) and 2) above we confirmed were correct.</p> <p>3) we confirmed that this was generally accurate; however, we indicated and emphasized that the example cited in the 4/22/17 email included the following important caveat, "However, at the time consideration is given to actions focused on specific individuals or entities, or a discrete and identifiable class of individuals or entities, the matters under consideration would be particular matters."</p> <p>4) we specified and discussed that example 8 cited in the email mentioned that the agreement at issue involved "trade agreement concerning tariffs and other trade practices in regard to various industries N 50 COUNTR ES . . ."</p> <p>We also pointed out that a bilateral trade agreement between two countries will generally be considered a particular matter, UNLESS it is a comprehensive agreement not focusing on any one sector or industry.</p> <p>5) we confirmed that this is generally accurate.</p> <p>6) we confirmed that this is generally accurate; however, we referred Blake to D0-05x1 and DO 06-08 (there may be possible situations where a narrowly focused provision in a larger legislative proposal should not be viewed as merely an integral part of the broader policy deliberations. Although OGE has not issued an opinion on such a situation, an example might be a private relief bill that becomes attached to a larger legislative vehicle focused on an unrelated subject.)</p> <p>7) we confirmed that was generally accurate, but we cautioned that it is possible, given ambiguities in the rules that it is possible that specific issues within larger matters could conceivably become particular matters again and possibly put an individual in 208 jeopardy if they participate.</p> <p>Finally, we told Blake that he should also consult with the WHCO on these issues.  <i>(Assigned to: David J. Apol; Seth Jaffe)</i></p>
<b>Complexity (level)</b>	<p>4</p> <p><a href="#">[Click to view/hide complexity guidelines]</a></p>
<b>Time Spent (hours)</b>	1-4 hours
<b>Contributor</b>	
	

Interaction History Log	
Closed	05/09/2017 09:44 06 AM by Seth Jaffe
Now Assigned: Seth Jaffe David J. Apol	05/09/2017 09:44 06 AM by Seth Jaffe

Division(s) assigned: GCLPD

**From:** [Roberts, Blake](#)  
**To:** [Walter M. Shaub](#); [David J. Apol](#)  
**Subject:** Press Release re Book  
**Date:** Thursday, April 20, 2017 3:51:46 PM

---

Walt and Dave,

Following on our discussion last week, I wanted to let you know that Ivanka posted the following statement to her personal Facebook page regarding the book. I've highlighted a paragraph addressing the government ethics issue.

Thanks,

Blake

Empowering women has been central to my mission throughout my career, and with my book, *Women Who Work*, I hope to do just that. The book equips readers with the best advice, tips and skills I've learned over the years from many incredible people, on subjects including identifying opportunities, leading teams, starting companies, managing work and family, and building cultures where multidimensional women can thrive—now and in the future.

Like many other professional women, I have juggled the demands that come with growing my family and building my businesses, and I realize that I am more fortunate than most.

In order to extend the reach of those who will benefit from this book, I have established the Ivanka M. Trump Charitable Fund to receive the unpaid portion of my advance and future royalties received from *Women Who Work* and to make grants to charitable organizations that support the economic empowerment for women and girls.

In the first wave of giving, the Fund will make grants of \$100,000 each to the National Urban League and Boys & Girls Clubs of America, two innovative, forward-thinking organizations that have made it a priority to promote entrepreneurship and educational opportunities for women and girls in underserved communities.

With my grant to the National Urban League, the organization will launch a new Women's Initiative as part of its signature Entrepreneurship Center Program, which currently operates at 13 locations across the country. The Women's Initiative will focus on giving women the mentorship and tools they need to start and grow successful businesses and achieve economic self-sufficiency.

The grant to Boys & Girls Clubs of America will go toward the organization's national Science, Technology, Engineering and Math (STEM) program for girls and underrepresented youth. Women make up half of the total U.S. college-educated workforce, but less than one-third of the STEM workforce. Boys & Girls Clubs' STEM program and STEM Centers for Innovation are helping produce a generation of STEM-ready youth who are equipped to fill the jobs of the future, become our next generation of innovators and solve our nation's most critical challenges.

In light of government ethics rules, I want to be clear that this book is a personal project. I wrote it at a different time in my life, from the perspective of an executive and an entrepreneur, and the manuscript was completed before the election last November. Out of an abundance of caution and to avoid the appearance of using my official role to promote the book, I will not publicize the book through a promotional tour or media appearances.

I am extremely proud of this book and grateful to the many people who lent their voices and shared their stories in its pages. It is my sincere hope that *Women Who Work* serves as a powerful resource and that the book proceeds further benefit women and girls through the great work of the National Urban League and Boys & Girls Clubs of America.

###

The Ivanka M. Trump Charitable Fund (the “Fund”) is a donor advised fund that supports the economic empowerment of women and girls. Ivanka Trump is the grant advisor to the Fund and sole member of IT WWW Pub, LLC (the “LLC”), which receives royalties from the publication of Women Who Work. The LLC will contribute a minimum \$425,000 to the Fund, which is the unpaid portion of the advance, net of expenses. In addition, the LLC will contribute all future royalties it receives that are in excess of the advance to the Fund during the period from May 1, 2017 to May 1, 2022.

**Blake Roberts | WilmerHale**

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**From:** [Roberts, Blake](#)  
**To:** [Walter M. Shaub](#); [David J. Apol](#)  
**Subject:** Disclaimers  
**Date:** Thursday, April 20, 2017 1:32:07 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)

---

FYI – Thank you for the guidance!

Instagram



ivankatrump  [Edit Profile](#) 

2,883 posts   3.4m followers   1,069 following

**Ivanka Trump** Entrepreneur + passionate advocate for the education and empowerment of women and girls. This is my personal page. Views expressed are my own.

Twitter




**Ivanka Trump** 

@IvankaTrump

Wife, mother, sister, daughter.  
Entrepreneur & advocate for the education & empowerment of women & girls. This is my personal page. Views expressed are my own.

Facebook

 **About**

Wife, mother, sister and daughter. Entrepreneur + passionate advocate for the education and empowerment of women and girls. NYC native, living in DC. This is my personal page. Views expressed here are my own.

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**From:** [Roberts, Blake](#)  
**To:** [Passantino, Stefan C. EOP/WHO](#); [David J. Apol](#)  
**Subject:** RE: Book  
**Date:** Friday, April 14, 2017 2:40:29 PM

---

Let's get on (b)(6) at 2:45.

---

**From:** Passantino, Stefan C. EOP/WHO [mailto:(b)(6)]  
**Sent:** Friday, April 14, 2017 2:33 PM  
**To:** David J. Apol ; Roberts, Blake  
**Subject:** RE: Book

I can get on a call now.

STEFAN C. PASSANTINO

Deputy Counsel to the President, Compliance & Ethics  
Office of the White House Counsel

---

**From:** David J. Apol [<mailto:djapol@oge.gov>]  
**Sent:** Friday, April 14, 2017 2:30 PM  
**To:** 'Roberts, Blake' <[Blake.Roberts@wilmerhale.com](mailto:Blake.Roberts@wilmerhale.com)>  
**Cc:** Passantino, Stefan C. EOP/WHO <(b)(6)>  
**Subject:** RE: Book

Blake,

Walt, Seth and I are available to talk now. Blake, do you want to talk even if Stefan is not available, or would you prefer to try to set up a later time?

Dave

---

**From:** Roberts, Blake [<mailto:Blake.Roberts@wilmerhale.com>]  
**Sent:** Friday, April 14, 2017 10:59 AM  
**To:** Stefan C. Passantino (b)(6); David J. Apol  
**Subject:** Book

Can we do a call this afternoon to discuss? Dave, please feel free to loop in Seth. Ivanka wants to do the right thing and has decided on an approach that you will be happy with. I want to ensure we are in agreement on implementation. I am free 12:00-12:30 and after 2:00.

Thanks,

Blake

**Blake Roberts | WilmerHale**

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**From:** [Roberts, Blake](#)  
**To:** [David J. Apol](#)  
**Subject:** Particular Matters  
**Date:** Wednesday, April 12, 2017 11:36:13 AM

---

Dave,

Do you have time for a call sometime this today or tomorrow about how OGE defines particular matters for purposes of 18 USC 208? Some folks outside of government have told us that their views are in alignment with OGE's, and I am not sure that is correct, based on our conversations during transition. It's an important issue, so I'd like to clarify where you all stand on it.

Thanks,

Blake

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**From:** [Savage, Susannah \(Warren\)](#)  
**To:** [Shelley K. Finlayson](#)  
**Cc:** [Berrios, Roberto \(HSGAC\)](#)  
**Subject:** Letter from Senators Warren and Carper  
**Date:** Wednesday, March 29, 2017 8:42:35 AM  
**Attachments:** [2017.03.29 Letter to Shaub re Ivanka Trump role in WH.pdf](#)

---

Hi Shelley,

Please see the attached letter from Senators Warren and Carper.

Best,

**Susannah Savage**

Special Assistant for Oversight and Investigations

Office of Senator Elizabeth Warren

(b)(6)

# United States Senate

WASHINGTON, DC 20510

March 29, 2017

The Honorable Walter M. Shaub, Jr.  
Director  
U.S. Office of Government Ethics  
1201 New York Avenue, N.W., Suite 500  
Washington, DC 20005

Dear Director Shaub,

We write today to request information about the ethics rules that President Trump's daughter, Ivanka Trump, will be required to comply with, or has indicated she will voluntarily comply with, in her role as an advisor to the President. We also request your assistance with understanding the role your office will play in ensuring Ms. Trump's compliance with these rules.

According to recent reports, Ivanka Trump, could soon begin serving as an advisor to the President.<sup>1</sup> As of March 20, 2017, Ms. Trump had already attended several meetings with high level political figures, including German Chancellor Angela Merkel<sup>2</sup>, and has taken steps to begin working in the White House:

"The powerful first daughter has secured her own office on the West Wing's second floor ...She is also in the process of obtaining a security clearance and is set to receive government-issued communications devices this week. In everything but name, [Ms.] Trump is settling in as what appears to be a full-time staffer in her father's administration, with a broad and growing portfolio."<sup>3</sup>

Ms. Trump will be, according to her attorney, "the president's 'eyes and ears' ... providing broad-ranging advice."<sup>4</sup>

Ms. Trump and the White House have suggested that she will not be an official government employee – a different approach than that taken by her husband, who is formally serving as a Senior Advisor to the President. Despite this assertion, Ms. Trump stated in

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<sup>1</sup> Annie Karni, "Ivanka Trump set to get West Wing office as role expands," *Politico*, March 20, 2017 (online at <http://www.politico.com/story/2017/03/ivanka-trump-white-house-236273>).

<sup>2</sup> "Ivanka Trump's influence in White House on show at job training session with Angela Merkel," *The Telegraph* (March 18, 2017) (online at <http://www.telegraph.co.uk/news/2017/03/18/ivanka-trumps-influence-white-house-show-job-training-session/>).

<sup>3</sup> Annie Karni, "Ivanka Trump set to get West Wing office as role expands," *Politico*, March 20, 2017 (online at <http://www.politico.com/story/2017/03/ivanka-trump-white-house-236273>).

<sup>4</sup> *Id.*

December 2016 that she would “voluntarily follow all of the ethics rules placed on government employees.”<sup>5</sup> Her attorney earlier confirmed that she “plans to adhere to the same ethics and records retention rules that apply to government employees.” It is therefore important to determine which ethics rules apply to Ms. Trump, which disclosures she will be required to make to demonstrate her compliance, and whether her compliance with these rules will be monitored and enforced.

Ethics rules are important. Federal conflict of interest laws prohibit an “officer or employee of the executive branch” – including those with positions at the White House – from participating in matters that have a direct impact on their personal and their family members’ financial interests.<sup>6</sup> Ms. Trump has substantial interests at stake: for example, she has retained ownership of Ivanka Trump Marks LLC, a retail clothing brand.<sup>7</sup>

Ms. Trump’s increasing, albeit unspecified, White House role, her potential conflicts of interest, and her commitment to voluntarily comply with relevant ethics and conflicts of interest laws have resulted in substantial confusion. To better understand the relevant rules and precedents, we ask that you provide the following information no later than April 13, 2017:

1. Has the White House sought OGE guidance or has OGE provided guidance to the White House regarding Ms. Trump’s White House role? Should Ms. Trump violate this guidance, what disciplinary actions could OGE or the Designated Agency Ethics Official in the White House Office of Legal Counsel take?
2. Do you have any knowledge of which government officials made the determination that Ms. Trump would take on an increasingly significant White House role without becoming an official White House employee? What was the basis of that decision? Were these individuals in the White House, in OGE, or in another federal government agency?
3. Please provide an overview of relevant laws, precedents, and legal opinions regarding Ms. Trump’s White House role.
  - a. Is Ms. Trump’s White House role consistent with these laws, precedents, and legal opinions?
  - b. If Ms. Trump is not following relevant laws, precedents, and legal opinions, what are the consequences for her? Which government officials are responsible for determining and enforcing these consequences?

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<sup>5</sup> *Id.*

<sup>6</sup> 18 U.S.C. § 208.


<sup>7</sup> Caleb Melby, Lindsey Rupp, and Bill Allison, “Documents Show Jared Kushner, Ivanka Trump to Divest Some Assets,” *Bloomberg Politics* (March 17, 2017) (online at <https://www.bloomberg.com/politics/articles/2017-03-17/documents-show-jared-kushner-ivanka-trump-to-divest-some-assets>).

4. If Ms. Trump was an official government employee in the White House, what financial disclosures would be required of her? When and how would this information be disclosed?
5. If Ms. Trump was an official government employee in the White House, what divestments would be required of her?
  - a. When and how would these requirements be disclosed?
  - b. How would your office or other relevant officials determine whether she had complied with these divestment requirements?
  - c. What would the consequences be if she did not do so, and which government officials would be responsible for determining and enforcing these consequences?
6. If Ms. Trump was an official government employee in the White House, from what issues would she be required to recuse herself in advising the President or otherwise acting in an official capacity?
  - a. When and how would these recusal requirements be disclosed?
  - b. How would your office or other relevant officials determine whether she had complied with these required recusals?
  - c. What would the consequences be if she did not do so, and which government officials would be responsible for determining and enforcing these consequences?
7. If Ms. Trump was an official government employee in the White House, what other relevant ethics rules would apply, and how would they be enforced?

If you or members of your staff have any questions about this request, please do not hesitate to ask your staff to contact Susannah Savage with Senator Warren's staff at 202-224-4543 or Roberto Berrios with Senator Carper's staff at 202-224-2627.


With best personal regards, we are

Sincerely yours,



---

Elizabeth Warren  
U.S. Senator



---

Tom Carper  
U.S. Senator

**From:** [Roberts, Blake](#)  
**To:** [Walter M. Shaub](#)  
**Subject:** RE: question  
**Date:** Thursday, April 27, 2017 8:48:09 PM

---

Walt,  
This is very well done. Thank you. Sorry again for the delay in our response.  
Thanks,  
Blake

---

**From:** Walter M. Shaub [mailto:wmschaub@oge.gov]  
**Sent:** Thursday, April 27, 2017 7:33 PM  
**To:** Roberts, Blake  
**Subject:** RE: question

Thanks, Blake. We were under a time crunch so we sent the letter. Here's a link to the Congressional correspondence section of our website (it's the 4/25/17 letter): <https://www.oge.gov/web/oge.nsf/Congressional%20Correspondence?OpenView>. Also, here's a link to the original letter from Senators Warren and Carper: [http://ct.symplcity.com/t/wrn/d6f2ada5088c891b6dc891bbc00ff7ad/4066850105/realurl=http://www.warren.senate.gov/files/documents/2017\\_03\\_29\\_Ivanka\\_Letter.pdf](http://ct.symplcity.com/t/wrn/d6f2ada5088c891b6dc891bbc00ff7ad/4066850105/realurl=http://www.warren.senate.gov/files/documents/2017_03_29_Ivanka_Letter.pdf)  
I think she and Jamie are characterized in a favorable light in this letter. But if I've gotten anything wrong or if you disagree with my characterizations, you would be free, of course, to send a letter to Senators Warren and Carper either clarifying the facts or objecting to my characterizations. You'll find the reference to the book deal in footnote 38.

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\\_schaub@oge.gov](mailto:walter_schaub@oge.gov)

---

**From:** Roberts, Blake [mailto:Blake.Roberts@wilmerhale.com]  
**Sent:** Thursday, April 27, 2017 6:32 PM  
**To:** Walter M. Shaub  
**Subject:** RE: question

Walt,  
I just sent Dave and Seth the rehearsed response that we've drafted for Ivanka. In doing so, I realized that I never got back to you on your question about the response to Senators Warren and Carper. This may be moot now, but if not, I would not have any objections to your including the sentence you drafted in your response.

On the employee issue, the only thing I would note is that everyone seems to have assumed that she would have functioned as a de facto WH staffer rather than have a strictly limited role, where in reality I think the latter was envisioned. Regardless, I agree with your assessment that everyone is on the same page and agrees that this is the best approach going forward.

When you send the letter, would you mind sharing a copy?

Thanks,  
Blake

---

**From:** Walter M. Shaub [mailto:wmschaub@oge.gov]  
**Sent:** Monday, April 17, 2017 5:39 PM  
**To:** Roberts, Blake <[Blake.Roberts@wilmerhale.com](mailto:Blake.Roberts@wilmerhale.com)>  
**Subject:** RE: question

Yes, that captures our discussion. Again, the purpose of the rehearsed response is so that she can stay well within the bounds of the misuse of position rule in any circumstance. I think it will serve her well because she won't risk fumbling for words and potentially crossing a line she should not cross in the bright lights of an interview or other situation.

The reason I asked about the statement regarding the book deal is that we still owe Senators Warren and Carper a response to their March 29 letter asking whether she should be considered an employee. OGE's response will highlight that this issue has been overtaken by events now that she has a formal appointment. It notes that OGE shared a view shortly before the 29<sup>th</sup> that she appeared to meet the standard of an employee. It notes too that she, with the assistance of her representatives, and the White House seem to have agreed that the best approach would be to formalize the arrangement through an official appointment. It notes that everyone is on the same page. It responds to questions about the ethics rules and disclosure requirements by noting that she will be complying with them in this role.

We are thinking of adding that sentence at the end as a way of showing that she took the step of consulting on the book deal as a way of ensuring compliance with the rule. However, I'm happy to leave it out if you think it is not useful.

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\\_schaub@oge.gov](mailto:walter_schaub@oge.gov)

---

**From:** Roberts, Blake [mailto:Blake.Roberts@wilmerhale.com]  
**Sent:** Monday, April 17, 2017 3:08 PM  
**To:** Walter M. Shaub  
**Subject:** RE: question

Walt,  
Thank you for checking – have you received inquiries?  
Relatedly, I owe you an email thanking you, Dave, and Seth for your time and advice last Friday. As I mentioned, my client wants to handle this issue the right way, and your guidance was very helpful. As we discussed:

- You recommended that our client have a simple, rehearsed answer that she can use when asked about her book during official appearances. The answer should make clear that she is not going to discuss the book in her official role. We will loop back to Dave and Seth if we have any questions on specific language.
- You were comfortable with our client issuing a press release on personal letterhead (or that of her publisher) announcing the charities who would receive the profits

from book sales and explaining that she would not make media appearances promoting the book. You did not have concerns with that press release describing the book positively, as long as it stayed far away from suggesting that the government endorse the book or that it was interesting because of its author's current position.

- You did not have any concerns with our client using her personal social media channels to promote the book, so long as it was in compliance with OGE's 2015 advisory on social media. You specifically suggested adding a disclaimer to the account making clear that it was a personal account and that the views expressed there are not those of the federal government. As an extra precaution, you suggested not posting on those channels during ordinary business hours.
- Finally, you indicated that you would have no objection to our client sending copies of her book with personal notes to friends, journalists, and other contacts, so long as she used personal stationery and did not invoke her government role in the note.

If I have any of that wrong, please let me know. Please pass my thanks on to Dave and Seth. I hope all is well otherwise.

Thank you,

Blake

---

**From:** Walter M. Shaub [<mailto:wmschaub@oge.gov>]

**Sent:** Monday, April 17, 2017 2:00 PM

**To:** Roberts, Blake <[Blake.Roberts@wilmerhale.com](mailto:Blake.Roberts@wilmerhale.com)>

**Subject:** question

Blake,

Would you consider it useful for OGE to make the following statement publicly? "OGE recently provided verbal advice to Ms. Trump through her representatives on ways to comply with the Standards of Conduct in connection with a deal for a book that was written before she entered government."

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.schaub@oge.gov](mailto:walter.schaub@oge.gov)

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**From:** [Walter M. Shaub](#)  
**To:** [Roberts, Blake](#)  
**Subject:** Re: ?  
**Date:** Tuesday, May 02, 2017 10:22:45 PM  
**Attachments:** [image001.png](#)

---

Thanks, Blake. I'm relieved to learn that she had no involvement.

Walt

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

---

**From:** Roberts, Blake  
**Sent:** Tuesday, May 2, 2017 10:11 PM  
**To:** Walter M. Shaub  
**Subject:** RE: ?

---

Walt,

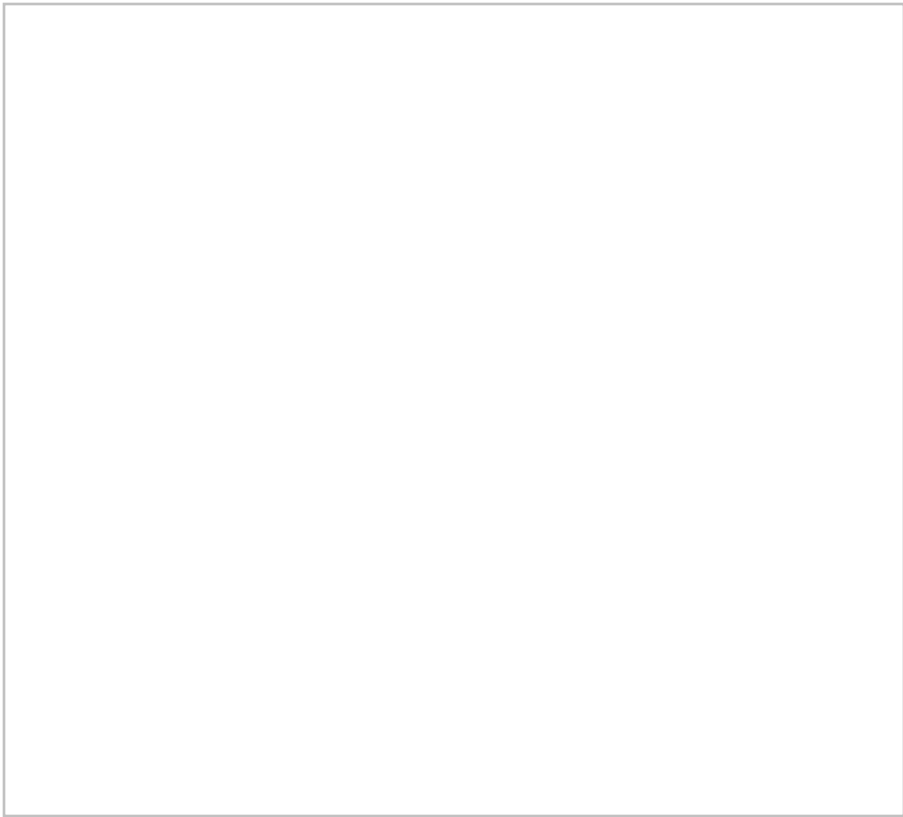
Thank you for bringing this to my attention. I do not know how VOA operates, but it appears that someone there re-published an Associated Press article about the book and then tweeted it out. From a quick look at the VOA website, it appears to publish a broad range of stories, including ones critical of the Trump Administration. My guess is that an editor there did not consider whether re-publishing the AP story on the book might be criticized as an improper government endorsement of the book.

I have checked with Ivanka and she had no knowledge of this.

Thanks,  
Blake

---

**From:** Walter M. Shaub [mailto:wshaub@oge.gov]  
**Sent:** Tuesday, May 2, 2017 5:18 PM  
**To:** Roberts, Blake  
**Subject:** ?



Walter M. Shaub, Jr.

Director

U.S. Office of Government Ethics

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In New Book, Ivanka Trump Gets Serious About Women at Work [dlvr.it/P2cWM2](https://dlvr.it/P2cWM2)



RETWEETS  
19

LIKES  
42



**Rachel K. Dowell**

---

**From:** Gorelick, Jamie <Jamie.Gorelick@wilmerhale.com>  
**Sent:** Thursday, June 22, 2017 10:35 AM  
**To:** Walter M. Shaub  
**Subject:** quick call?

Do you have a minute for a quick call? I am in (b) (6) My cell is (b) (6)

j

# CREW | citizens for responsibility and ethics in washington

July 6, 2017

Hon. Walter M. Shaub, Jr.  
Director  
Office of Government Ethics  
Suite 500  
1201 New York Avenue, N.W.  
Washington, D.C. 20005

## Re: Jared Kushner's Potential Conflict of Interest From Cadre

Dear Director Shaub:

Citizens for Responsibility and Ethics in Washington ("CREW") respectfully requests that the Office of Government Ethics ("OGE") determine whether White House Senior Advisor and Assistant to the President Jared Kushner failed to make the required disclosure of his ownership interest in an online real estate investment company called Cadre, and take appropriate action to ensure Mr. Kushner's potential conflicts of interest in the technology and electronic commerce sectors are eliminated.

Mr. Kushner co-founded Cadre and continues to own a significant part of it. In his public financial disclosure statement, however, Mr. Kushner failed to disclose that ownership interest. Mr. Kushner further very likely failed to disclose his ownership interest in documents connected with his request for a certificate of divestiture, which allows federal employees to defer capital gains taxes on property they sell to comply with conflict of interest requirements. As a result, OGE appears to have granted the certificate of divestiture based on incomplete information. Moreover, the certificate of divestiture seems to obligate Mr. Kushner to sell his interests in Cadre, as do conflict of interest laws and rules, but he has not done so. OGE should promptly and thoroughly review whether Mr. Kushner properly disclosed his assets as required, as well as whether he has properly divested from all of his ownership interests, including in Cadre, that present a conflict of interest.

## Background

### Cadre – An Online Real Estate Investment Platform

Cadre is an online private investment platform that "connects qualified individuals and institutions to . . . real estate investment opportunities."<sup>1</sup> It has been described as "an e-commerce site for investing in real estate" and aspires to be the "Amazon of real estate."<sup>2</sup> The company "markets properties to prospective investors, who can put their money into specific

<sup>1</sup> Cadre website, "About" page, <https://cadre.com/about>.

<sup>2</sup> Zoe Henry, *This Startup Wants to be the Amazon of Real Estate, Inc.*, May 2, 2017, available at <https://www.inc.com/zoe-henry/30-under-30-2017-cadre.html>.

Hon. Walter M. Shaub, Jr.  
July 6, 2017  
Page 2

buildings or into an investment fund run by Cadre, which collects fees on each deal.”<sup>3</sup> *Business Insider* recently described how Cadre works: “Once you’ve found an appealing Cadre property [on its web-based platform], the investing process is quick. Cadre asks how much money you’d like to invest, and the member plugs in an amount ranging from \$500,000 to tens of millions. . . . [M]ost of its 100 or so members have invested in two or three properties on Cadre, and the platform has already closed hundreds of millions of dollars in total volume.”<sup>4</sup> Cadre typically requires a minimum investment of \$100,000 for each transaction.<sup>5</sup>

As a company that offers securities, Cadre (under its legal name, RealCadre LLC) files certain disclosures with the Securities and Exchange Commission (“SEC”).<sup>6</sup> In those filings, Cadre classifies itself as an “Other Technology” industry group.<sup>7</sup> Cadre also is a registered broker/dealer with the Financial Industry Regulatory Authority (“FINRA”),<sup>8</sup> and files disclosures with it.<sup>9</sup>

Cadre raised \$68.3 million in funding in 2015 and 2016,<sup>10</sup> and an additional \$65 million in June 2017.<sup>11</sup> As a result of the funding, Cadre was reported to be worth more than \$800 million as of June 2017.<sup>12</sup>

#### Mr. Kushner’s Financial Interests in Cadre

Mr. Kushner co-founded Cadre, served on its board, and owns a significant part of the company. The amount Mr. Kushner currently owns and the structure through which he owns it

<sup>3</sup> Jean Eaglesham, Juliet Chung, and Lisa Schwartz, Trump Adviser Kushner’s Undisclosed Partners Include Goldman and Soros: Investments Show Ties to Major Finance and Technology Names, *Wall Street Journal*, May 3, 2017, available at <https://www.wsj.com/articles/trump-adviser-jared-kushner-didnt-disclose-startup-stake-1493717405>.

<sup>4</sup> Alyson Chontell, Google and Facebook Employees are flocking to a startup that’s raised ~\$70 million to shake up the real estate world, *Business Insider*, Jun. 23, 2016, available at <http://www.businessinsider.com/what-is-cadre-and-how-to-invest-in-its-real-estate-deals-2016-6>.

<sup>5</sup> Cadre website, “Investing” page, <https://cadre.com/investing> (FAQ for: “What is the minimum investment?”).

<sup>6</sup> Edgar Search Results for RealCadre LLC, available at <https://www.sec.gov/cgi-bin/browse-edgar?action=getcompany&CIK=0001612778>; FINRA BrokerCheck Report for RealCadre LLC (“FINRA BrokerCheck Report”), at 2, available at [https://files.brokercheck.finra.org/firm/firm\\_172295.pdf](https://files.brokercheck.finra.org/firm/firm_172295.pdf).

<sup>7</sup> Securities and Exchange Commission, Form D, RealCadre Company, Mar. 25, 2015, available at [https://www.sec.gov/Archives/edgar/data/1612778/000161277815000005/xslFormDX01/primary\\_doc.xml](https://www.sec.gov/Archives/edgar/data/1612778/000161277815000005/xslFormDX01/primary_doc.xml).

<sup>8</sup> Cadre website, “About” page, <https://cadre.com/about>.

<sup>9</sup> See FINRA BrokerCheck Report.

<sup>10</sup> Cadre, *Crunchbase*, available at <https://www.crunchbase.com/organization/cadre-2#/entity>; Real Estate Tech Startup Cadre Brings in Massive Fundraising Round, *Real Estate Tech News*, Mar. 15, 2016, available at <http://realestatetechnews.com/blog/real-estate-tech-startup-cadre-brings-in-massive-fundraising-round>.

<sup>11</sup> Connie Loizos, Cadre collects \$65 million in Series C funding, *TechCrunch*, June 6, 2017, available at <https://techcrunch.com/2017/06/06/cadre-collects-65-million-in-series-c-funding/>.

<sup>12</sup> Alfred Lee and Serena Saitto, Kushner’s Cadre Raising \$65M At More Than \$800M Value, *The Information*, May 31, 2017, available at <https://www.theinformation.com/kushners-cadre-raising-65m-at-more-than-800m-value?shared=3e86956e14d7ee7b>; Ellen Huet and Brad Stone, Startup’s Ties To Kushners Came With Benefits, Until It Got Complicated, *Bloomberg*, June 6, 2017, available at <https://www.bloomberg.com/news/articles/2017-06-06/startup-s-ties-to-kushners-came-with-benefits-until-it-got-complicated>.

are not fully known, and may be in flux. Nevertheless, Mr. Kushner's representatives recently reconfirmed his ownership interests in the company.

Cadre was formed in 2014 by Ryan Williams, Joshua Kushner (Mr. Williams' college classmate and Mr. Kushner's brother), and Mr. Kushner.<sup>13</sup> According to Cadre's FINRA disclosures, at least 75% of the company is owned by Quadro Partners, Inc. ("Quadro").<sup>14</sup> Little public information is available about Quadro, but the *Wall Street Journal* reported in May 2017 that "[Jared] Kushner's company JCK Cadre LLC is shown [in FINRA records] as owning 25% to 50% of Quadro."<sup>15</sup> There is similarly little public information about JCK Cadre LLC, an entity with Jared Kushner's initials, but three entities with that name have been registered in Delaware since July 2014, with one registering on January 23, 2017 and another on May 10, 2017.<sup>16</sup> In addition, Cadre's FINRA disclosures reported that a company named CCV LLC is an organizational affiliate of Cadre, with both entities "under common control" by being wholly owned by Quadro.<sup>17</sup>

Despite this opaque structure, one of Mr. Kushner's attorneys, Jamie Gorelick, confirmed to the *Wall Street Journal* in May 2017 that Mr. Kushner retains a significant interest in Cadre.<sup>18</sup> Ms. Gorelick also told the newspaper that Mr. Kushner had reduced his ownership stake to less than 25%, suggesting it had been higher previously, and had stepped away from his roles with the company.<sup>19</sup> It is unclear the extent to which these changes have happened. Mr. Kushner's attorneys, including Ms. Gorelick, further asserted in May 2017 that Mr. Kushner's interest in Cadre is housed in another company he owns, BFPS Ventures LLC ("BFPS").<sup>20</sup> It is not known

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<sup>13</sup> Samantha Sharf, [How a 28 Year-Old Plans to Upend the \\$81 Trillion Global Real Estate Investment Market](https://www.forbes.com/sites/samanthasharf/2016/11/07/how-a-28-year-old-plans-to-upend-the-81-trillion-global-real-estate-investment-market/#57fc329b12a7), *Forbes*, Nov. 7, 2016, available at <https://www.forbes.com/sites/samanthasharf/2016/11/07/how-a-28-year-old-plans-to-upend-the-81-trillion-global-real-estate-investment-market/#57fc329b12a7>. See also Alyson Shontell, [Google and Facebook Employees Are Flocking to a Startup That's Raised ~\\$ 70 Million to Shake Up the Real Estate World](http://www.businessinsider.com/what-is-cadre-and-how-to-invest-in-its-real-estate-deals-2016-6), *Business Insider*, June 23, 2016 (naming the Kushner brothers as Cadre's first investors), available at <http://www.businessinsider.com/what-is-cadre-and-how-to-invest-in-its-real-estate-deals-2016-6>.

<sup>14</sup> FINRA BrokerCheck Report, at 3. According to this disclosure, Mr. Williams owns between 10% and 25% of Cadre, and two other officers own less than 5%. *Id.* Confusingly, another part of this disclosure and Cadre's SEC filings assert that it is "wholly owned" by Quadro. See *id.* at 12 and Securities and Exchange Commission, Form X-17 A-5 for RealCadre LLC, Feb. 27, 2017, available at <https://www.sec.gov/Archives/edgar/vpr/1700/17005748.pdf>.

<sup>15</sup> Eaglesham, Chung, and Schwartz, *Wall Street Journal*, May 3, 2017. CREW has been unable to locate FINRA records reflecting this statement, but at least one website based on SEC and FINRA data makes a similar assertion. See <http://broker-dealers.credio.com/1/5704/Realcadre-LLC>.

<sup>16</sup> Delaware Department of State, Division of Corporations, Entity Detail for JCK Cadre LLC, JCK Cadre I LLC, and JCK Cadre II, LLC (attached as Exhibit A).

<sup>17</sup> FINRA BrokerCheck Report, at 12.

<sup>18</sup> Eaglesham, Chung, and Schwartz, *Wall Street Journal*, May 3, 2017.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* See also Amy Brittain and Jonathan O'Connell, [Kushner keeps most of his real estate but offers few clues about potential White House conflicts](https://www.washingtonpost.com/politics/kushner-keeps-most-of-his-real-estate-but-offers-few-clues-about-potential-white-house-conflicts/2017/05/21/35d7ceb4-3993-11e7-a058-dbb23c75d82_story.html?utm_term=.e007037a295d), *Washington Post*, May 21, 2017, available at [https://www.washingtonpost.com/politics/kushner-keeps-most-of-his-real-estate-but-offers-few-clues-about-potential-white-house-conflicts/2017/05/21/35d7ceb4-3993-11e7-a058-dbb23c75d82\\_story.html?utm\\_term=.e007037a295d](https://www.washingtonpost.com/politics/kushner-keeps-most-of-his-real-estate-but-offers-few-clues-about-potential-white-house-conflicts/2017/05/21/35d7ceb4-3993-11e7-a058-dbb23c75d82_story.html?utm_term=.e007037a295d).

if Mr. Kushner's interest has always been through BFPS, or if Cadre or the holding companies and other firms that own it were previously independent of BFPS.

Cadre's value, and therefore Mr. Kushner's financial interest in Cadre, appears to have substantially increased during the time Mr. Kushner has served as a White House adviser, due in part to the new funding.<sup>21</sup> Mr. Kushner further appears to have benefitted financially from Cadre in other ways. Cadre apparently has marketed Mr. Kushner's assets or assets associated with his businesses, "solicit[ing] money from investors for several Kushner Cos. real-estate projects."<sup>22</sup> Cadre also has received millions of dollars in commissions from investments it has brokered, according to SEC filings. Those disclosures show that Cadre found investors for at least nine business entities between March 2015 and April 2017, generating approximately \$4.5 million in commissions.<sup>23</sup> Given Mr. Kushner's stake in Cadre, a portion of these commissions likely flowed to him. Cadre also may hold positions in some or all of these entities. As Cadre notes on its website, the company "invest[s] alongside our clients."<sup>24</sup> Furthermore, the address and phone number each of those nine entities provided to the SEC are all linked to either Cadre or the Kushner Companies, as are the representatives who signed the SEC disclosures.<sup>25</sup> If Cadre has a financial interest in these funds, Mr. Kushner would as well.

*Mr. Kushner's Public Financial Disclosure Statement Omits His Cadre Ownership Interest*

Mr. Kushner filed his OGE 278e public financial disclosure statement on March 9, 2017, certifying that "the statements I have made in this form are true, complete and correct to the best

<sup>21</sup> Lee and Saitto, *The Information*, May 31, 2017.

<sup>22</sup> Eaglesham, Chung, and Schwartz, *Wall Street Journal*, May 3, 2017.

<sup>23</sup> Securities and Exchange Commission, Form Ds for: Sugarloaf Investors LP ([https://www.sec.gov/Archives/edgar/data/1704644/000170464417000001/xslFormDX01/primary\\_doc.xml](https://www.sec.gov/Archives/edgar/data/1704644/000170464417000001/xslFormDX01/primary_doc.xml)), Schaumberg CC Investors LP ([https://www.sec.gov/Archives/edgar/data/1701988/000170198817000001/xslFormDX01/primary\\_doc.xml](https://www.sec.gov/Archives/edgar/data/1701988/000170198817000001/xslFormDX01/primary_doc.xml)), Skyridge Investors LP ([https://www.sec.gov/Archives/edgar/data/1694102/000169410217000001/xslFormDX01/primary\\_doc.xml](https://www.sec.gov/Archives/edgar/data/1694102/000169410217000001/xslFormDX01/primary_doc.xml)), Crestleigh Investors LP ([https://www.sec.gov/Archives/edgar/data/1691202/000169120216000001/xslFormDX01/primary\\_doc.xml](https://www.sec.gov/Archives/edgar/data/1691202/000169120216000001/xslFormDX01/primary_doc.xml)), UWS Broadway Investors LP ([https://www.sec.gov/Archives/edgar/data/1687583/000168758316000001/xslFormDX01/primary\\_doc.xml](https://www.sec.gov/Archives/edgar/data/1687583/000168758316000001/xslFormDX01/primary_doc.xml)), West Putnam Investors LP ([https://www.sec.gov/Archives/edgar/data/1678161/000167816116000001/xslFormDX01/primary\\_doc.xml](https://www.sec.gov/Archives/edgar/data/1678161/000167816116000001/xslFormDX01/primary_doc.xml)), Cadre Astoria LLC ([https://www.sec.gov/Archives/edgar/data/1666971/000166697116000001/xslFormDX01/primary\\_doc.xml](https://www.sec.gov/Archives/edgar/data/1666971/000166697116000001/xslFormDX01/primary_doc.xml)), Chatham Hill Holdings, LLC ([https://www.sec.gov/Archives/edgar/data/1661687/000166168715000001/xslFormDX01/primary\\_doc.xml](https://www.sec.gov/Archives/edgar/data/1661687/000166168715000001/xslFormDX01/primary_doc.xml)), and Ditmar Blvd I LLC ([https://www.sec.gov/Archives/edgar/data/1630821/000163082115000003/xslFormDX01/primary\\_doc.xml](https://www.sec.gov/Archives/edgar/data/1630821/000163082115000003/xslFormDX01/primary_doc.xml)).

<sup>24</sup> Cadre website, "About" page, <https://cadre.com/about>.

<sup>25</sup> See Securities and Exchange Commission, Form Ds for: Sugarloaf Investors LP, Schaumberg CC Investors LP, Skyridge Investors LP, Crestleigh Investors LP, UWS Broadway Investors LP, and West Putnam Investors LP (all listing their address as 295 Lafayette St., New York, NY, the same as Cadre, using Cadre's phone number, and signed by Cadre General Counsel Alexander Labowitz or Cadre registered broker Josephine Scesney); See Securities and Exchange Commission, Form Ds for: Cadre Astoria LLC, Chatham Hill Holdings, LLC, and Ditmar Blvd I LLC (all listing their address as 666 Fifth Ave., New York, NY, the same as the Kushner Companies' headquarters, and signed by Kushner Companies employees). One, Ditmar Blvd I LLC, was signed by Mr. Kushner himself.



of my knowledge.”<sup>26</sup> In it, Mr. Kushner reported ownership interests in numerous companies.<sup>27</sup> He did not, however, disclose his ownership interest in Cadre or related entities. Specifically, in the sections of the OGE 278e used for disclosing assets and income, Mr. Kushner did not mention Cadre, RealCadre LLC, Quadro Partners, Inc., any of the JCK Cadre LLC entities, or CCV LLC.<sup>28</sup> The filing did disclose his interest in BFPS Ventures LLC as an asset, but that holding was described only as “Real Estate in New York, NY”<sup>29</sup> – a depiction that does not appear to cover an online investment platform such as Cadre. Moreover, the report did not disclose Cadre or any of the related entities as underlying assets of BFPS.<sup>30</sup> The OGE 278e also disclosed that Mr. Kushner was a board member of “Quadro Partners, Inc. (d/b/a Cadre Partners)” until January 2017,<sup>31</sup> but did not indicate his ownership interest or suggest anything about the nature of the company.

Asked about Cadre by news organizations, Mr. Kushner’s attorneys seemingly confirmed these omissions, stating that Mr. Kushner intended to amend his OGE 278e and disclose at least Cadre and JCK Cadre LLC.<sup>32</sup>

As discussed below, Mr. Kushner also submitted an earlier version of his OGE 278e to OGE in connection with his request for a certificate of divestiture.<sup>33</sup> Although the contents of that document are not publicly available, it is highly unlikely Mr. Kushner disclosed his ownership of Cadre or any related entities. The final public financial disclosure omitted these interests, making it improbable they were listed on an earlier version. In addition, Ms. Gorelick asserted in May 2017 that Mr. Kushner had at some point discussed his Cadre ownership with OGE, strongly suggesting it was not disclosed in the earlier OGE 278e he submitted.<sup>34</sup>

#### OGE Issues a Certificate of Divestiture for Similar Companies to Prevent Conflicts of Interest

On January 25, 2017, the White House Counsel’s Office filed with OGE a request for a certificate of divestiture on behalf of Mr. Kushner with regard to a number of his assets.<sup>35</sup> If

<sup>26</sup> Jared Kushner, Public Financial Disclosure Report, Mar. 9, 2017 (“Kushner OGE 278e”), available at <https://assets.documentcloud.org/documents/3728206/Kushner-Jared.pdf>.

<sup>27</sup> *Id.*, parts 2 and 6.

<sup>28</sup> *Id.* Mr. Kushner’s OGE 278e also did not report any financial interest in several of the nine entities for which Cadre found investors and may have invested in itself.

<sup>29</sup> *Id.*, part 6, #20.

<sup>30</sup> The report, however, did disclose two other underlying BFPS assets – a bank account and a money market account. Kushner OGE 278e, part 6, #20.1, #20.2.

<sup>31</sup> *Id.*, part 1, #265.

<sup>32</sup> Eaglesham, Chung, and Schwartz, *Wall Street Journal*, May 3, 2017; Brittain and O’Connell, *Washington Post*, May 21, 2017.

<sup>33</sup> Memorandum for the Director of the Office of Government Ethics: Application for a Certificate of Divestiture for Jared C. Kushner, Jan. 25, 2017 (“Kushner certificate application”), available at [https://extapps2.oge.gov/FOIAstatus/FOIAResponse.nsf/OGE%20FOIA%20Responses/852580AC00659E1D852581470066217C/\\$FILE/Responsive%20Records%20Revised%20OGE%20FOIA%20FY%2017-351.pdf?open](https://extapps2.oge.gov/FOIAstatus/FOIAResponse.nsf/OGE%20FOIA%20Responses/852580AC00659E1D852581470066217C/$FILE/Responsive%20Records%20Revised%20OGE%20FOIA%20FY%2017-351.pdf?open). See also <https://twitter.com/AL/status/881914970866372608>.

<sup>34</sup> Eaglesham, Chung, and Schwartz, *Wall Street Journal*, May 3, 2017.

<sup>35</sup> See Kushner certificate application.

granted by OGE, certificates of divestiture allow employees like Mr. Kushner to defer capital gains taxes on property they sell to comply with conflict of interest requirements.<sup>36</sup> However, OGE may not grant certificates of divestiture unless the employee agrees to divest all “property that presents a conflict of interest, as well as other similar or related property that presents a conflict of interest under a Federal conflict of interest statute, regulation, rule, or Executive Order.”<sup>37</sup>

In the application, Deputy White House Counsel Stefan C. Passantino identified a “broad and diverse” set of property owned by Mr. Kushner and his family, and provided his opinion that Mr. Kushner’s “divestiture of the property at issue is reasonably necessary to comply with 18 U.S.C. § 208,” the federal conflict of interest statute.<sup>38</sup> According to Mr. Passantino, if Mr. Kushner “retained [the assets], they would significantly hamper his ability to fulfill his duties.”<sup>39</sup>

Mr. Passantino specifically identified Mr. Kushner’s interests in assets in Thrive Capital (“Thrive”) and BFPS as particularly problematic. Thrive is a venture capital firm managed by Mr. Kushner’s brother Joshua Kushner which allows prospective investors to invest primarily in the technology and electronic commerce sectors, and BFPS is a private investment vehicle.<sup>40</sup> Mr. Passantino cited numerous Thrive assets in the technology and electronic commerce sectors, including Kickstarter, Warby-Parker, and Spotify, that would create conflicts for Mr. Kushner if he did not divest from them.<sup>41</sup> Similarly, Mr. Passantino explained that Mr. Kushner “holds interests in electronic commerce companies through a private investment vehicle called BFPS Ventures LLC, including companies called FabFitFun and Grab.”<sup>42</sup> With regard to both Thrive and BFPS, Mr. Passantino stated that “[i]f Mr. Kushner retains these interests, it would likely disqualify him from participating in particular matters that will have a direct and predictable effect on the technology and electronic commerce sectors.”<sup>43</sup> “Recusal is not a practical remedy,” Mr. Passantino concluded, and “[f]or these reasons, Mr. Kushner has appropriately agreed to divest these assets.”<sup>44</sup>

A draft of Mr. Kushner’s OGE 278e was submitted along with the application.<sup>45</sup> As explained above, it is very unlikely that document disclosed Mr. Kushner’s interest in Cadre, a technology and e-commerce company similar to the assets that were specifically listed and the application indicated would create conflicts if Mr. Kushner did not divest from them. Nor does it appear that Mr. Kushner or Mr. Passantino disclosed Mr. Kushner’s ownership interest in Cadre in any other documents connected with the request. As a result, it appears OGE had incomplete information in deciding whether to grant the certificate of divestiture.

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<sup>36</sup> 5 C.F.R. § 2634.1001(a).

<sup>37</sup> 5 C.F.R. § 2634.1007(b).

<sup>38</sup> Kushner certificate application, at 1.

<sup>39</sup> *Id.* at 2.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> Kushner certificate application, at 3.

<sup>45</sup> *Id.* at 1.

On January 26, 2017, OGE issued Mr. Kushner a certificate of divestiture pertaining to his assets in several capital funds managed by Thrive, assets in BFPS, and other assets.<sup>46</sup> OGE concurred with Mr. Passantino's assessment, stating that Mr. Kushner's divestiture of the listed assets was "reasonably necessary to comply with 18 U.S.C. § 208 or other applicable Federal conflict of interest statutes, regulations, rules, or executive orders."<sup>47</sup> The certificate of divestiture covered "100% of all [of Mr. Kushner's] financial interests" in several Thrive capital funds, as well as "100% of all [of his] financial interests in BFPS Ventures LLC" held as of the date of the certificate of divestiture.<sup>48</sup>

It is unclear the degree to which Mr. Kushner divested from BFPS. His OGE 278e filed in March disclosed BFPS as an asset but stated that "conflicting assets" within it had been divested.<sup>49</sup> Mr. Kushner's attorneys similarly told the *Washington Post* that he initially "planned to sell his entire stake in BFPS, but later reversed course and decided to sell off only individual assets within the company that might pose a conflict."<sup>50</sup> As noted, Mr. Kushner's attorneys recently confirmed he still has an ownership interest in Cadre, which they say is housed within BFPS.

### **Potential Violations**

#### **Failure to Disclose Ownership Interests in Cadre**

Under the Ethics in Government Act, a filer must report an asset if it has a value of more than \$1,000 or produced more than \$200 in income during the reporting period.<sup>51</sup> For an investment fund, the underlying holdings also must be reported, unless the fund qualifies as an excepted investment fund ("EIF").<sup>52</sup> An excepted investment fund is a fund that is independently managed, widely held, and either publicly traded or available or widely diversified.<sup>53</sup> As a "private investment vehicle," BFPS does not appear to meet any of the EIF criteria, and Mr. Kushner appropriately classified BFPS on his OGE 278e as not being an EIF.<sup>54</sup>

Cadre almost certainly meets the reporting thresholds. Mr. Kushner was an original investor in the company, which now has a reported value of more than \$800 million. In

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<sup>46</sup> OGE Certificate No. OGE-2017-002.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.* On February 1, 2017, Mr. Kushner was issued a new certificate of divestiture to replace the one issued January 26. OGE Certificate No. OGE-2017-007. The new certificate includes the same assets as were listed on the January 26 one, except that the names of two of the Thrive funds were changed, presumably for correction purposes.

<sup>49</sup> Kushner OGE 278e, part 6, #20.

<sup>50</sup> Brittain and O'Connell, *Washington Post*, May 21, 2017.

<sup>51</sup> 5 U.S.C. app. § 102(a).

<sup>52</sup> 5 U.S.C. app. § 102(f)(2)(C) and (f)(8).

<sup>53</sup> OGE, Public Financial Disclosure Guide, Excepted Investment Fund, *available at* <https://www.oge.gov/Web/278eGuide.nsf/Content/Definitions~Excepted+Investment+Fund>; 5 C.F.R. § 2634.310(c)(2).

<sup>54</sup> Kushner OGE 278e, part 6, #20.

addition, Mr. Kushner's likely share of the \$4.5 million in commissions alone should have triggered the reporting requirement.

Yet Mr. Kushner failed to report his ownership interest in Cadre, RealCadre LLC, Quadro Partners, Inc., any of the JCK Cadre LLC entities, or CCV LLC, either separately or as underlying holdings of BFPS. If Cadre or the related entities were housed in BFPS at the time Mr. Kushner submitted his OGE 278e, they should have been disclosed as underlying assets of BFPS. If Cadre or the others were moved into BFPS after he filed his OGE 278e, then Mr. Kushner should have reported them as separate items on it.<sup>55</sup>

Reporting his ownership interest in BFPS but describing it as holding "Real Estate in New York, NY" does not absolve Mr. Kushner of his obligation to disclose Cadre. BFPS's underlying assets still would need to have been disclosed, and the description in no way suggests that BFPS housed an online investment platform such as Cadre. In fact, Mr. Kushner's OGE 278e indicates he understood his obligation to report BFPS's underlying assets – he disclosed a bank account and a money market account as underlying assets of BFPS.<sup>56</sup> Nevertheless, he failed to disclose other underlying assets related to Cadre.

Mr. Kushner's failure to disclose his ownership interest in Cadre is deeply troubling for several reasons. First, Cadre appears to be one of his largest investments, and his co-investors include some of the most prominent investors in the technology and financial services industries.<sup>57</sup>

Moreover, Mr. Kushner's omissions from his public OGE 278e most likely reflect a similar failure to disclose his Cadre ownership interests from any earlier version of the financial disclosures or other documents submitted to OGE as part of his application for a certificate of divestiture application.<sup>58</sup> Proper disclosure of Cadre on the earlier OGE 278e would have been an important component of the certificate of divestiture application and review process. OGE will not grant certificates of divestiture "unless the employee agrees to divest all of the property that presents a conflict of interest" and any "other similar . . . property that presents a conflict of interest under a Federal conflict of interest statute, regulation, rule, or Executive Order."<sup>59</sup>

There is strong evidence that Cadre is a technology and electronic commerce company similar to the other technology and electronic commerce assets for which Mr. Kushner received a certificate of divestiture because retaining them would have caused a conflict of interest. For this reason, in deciding whether to issue a certificate of divestiture for Mr. Kushner's assets, OGE

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<sup>55</sup> Likewise, Cadre's underlying holdings also would need to be reported, unless Cadre itself qualifies as an EIF. Thus, if Cadre had an ownership interest in any of the nine business entities for which it found investors at the time Mr. Kushner filed the OGE 278e, those likely should have been disclosed.

<sup>56</sup> Kushner OGE 278e, part 6, #20.1, #20.2.

<sup>57</sup> Eaglesham, Chung, and Schwartz, *Wall Street Journal*, May 3, 2017.

<sup>58</sup> As part of the application process, OGE requires a "full and specific description of the property that will be divested" and "the employee's latest financial disclosure report." 5 C.F.R. § 2634.1005(a)(1) and (b)(1).

<sup>59</sup> 5 C.F.R. § 2634.1007(b).

would have been obliged to consider whether Cadre – if it had knowledge of Mr. Kushner’s ownership interest in it – was similar to the other technology and electronic commerce assets he held and whether it might create conflicts of interest. Accordingly, OGE’s knowledge of Mr. Kushner’s interest in Cadre was material to whether Mr. Kushner would be eligible to receive a certificate of divestiture and for determining which specific assets held by Mr. Kushner would be covered by the certificate and which would not. Mr. Kushner’s apparent failure to properly disclose his ownership interest on the earlier version of his OGE 278e and other written materials he submitted in connection with his application thus almost certainly impacted the outcome of OGE’s review and analysis.

Mr. Kushner’s attorneys have asserted that Mr. Kushner intends to amend his OGE 278e report to include at least Cadre and JCK Cadre LLC, and that such amendments are “very normal.”<sup>60</sup> In doing so, they implicitly acknowledge that Cadre was not properly disclosed on the OGE 278e as filed, or as part of the written material submitted with the certificate of disclosure application. Moreover, this apparent omission, and a possible amendment to fix it, do not appear to be routine under the circumstances here. Mr. Kushner did not disclose Cadre on his financial disclosure report, even though it is a significant asset of his. Beyond that, Cadre’s ownership structure is opaque, and it is not clear whether Cadre was held by BFPS at the time the certificate of divestiture was granted or was independent, or whether Mr. Kushner’s interest in Cadre moved between January and the present. The failure to disclose Mr. Kushner’s ownership interest, the complexity of that interest, and the possibility that it was recently moved raise questions about whether there may have been an intentional effort to hide an interest that was relevant to whether Mr. Kushner’s technology and electronic commerce assets would be eligible for a certificate of divestiture in the first instance.

If OGE has reasonable cause to believe there was a willful omission from a financial disclosure report, it may be cause for referral to the Attorney General.<sup>61</sup>

*Mr. Kushner’s Cadre Ownership Interest Presents Potential Conflicts of Interest and Should be Divested*

Mr. Kushner’s continuing ownership interest in Cadre, like his failure to disclose that interest, is cause for serious concern. His ownership interest may have violated the terms of the certificate of divestiture OGE issued to him, calls into question the validity of that certificate, and, most importantly, presents a serious potential conflict of interest that must be resolved by Mr. Kushner divesting his interest in the company.

Mr. Kushner may have violated the terms of the certificate of divestiture, which provided for Mr. Kushner to divest himself of 100% of his financial interests in BFPS. If Cadre was housed in BFPS at the time the certificate of divestiture was granted, Mr. Kushner should have

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<sup>60</sup> Eaglesham, Chung, and Schwartz, *Wall Street Journal*, May 3, 2017; Brittain and O’Connell, *Washington Post*, May 21, 2017.

<sup>61</sup> 5 U.S.C. app. § 104 (b).

divested his ownership interest in Cadre. To be sure, employees who are granted a certificate of divestiture are expected to divest the listed assets. The very purpose of the certificate of divestiture is to minimize the tax burden that may result from having to sell assets to comply with conflict of interest requirements.<sup>62</sup> If employees choose not to divest, they would have to recuse themselves from participating in matters that cause a conflict of interest.<sup>63</sup> Here, however, OGE appeared to indicate that that option was not workable if Mr. Kushner wished to serve in his White House position. The certificate was based on Mr. Passantino's opinion, confirmed by OGE, that Mr. Kushner's financial interests in technology and electronic commerce companies exposed him to conflicts of interest that would disqualify him from participating in matters critical to his ability to fulfill his duties, and that recusal was not a practical remedy.<sup>64</sup> As a result, Mr. Kushner had a clear obligation under the certificate to divest himself of any financial interests within BFPS, such as Cadre, that presented a conflict of interest.

As discussed above, Mr. Kushner's continued ownership interest in Cadre, coupled with his failure to disclose that interest, also raises questions about the application process and validity of the certificate of divestiture that was issued in connection with his holdings in BFPS.

Moreover, Mr. Kushner should have divested his financial interest in Cadre because his interests in the company implicate the same conflict of interest concerns raised by the White House Counsel's Office and OGE about Mr. Kushner's interests in the technology and electronic commerce sectors. Again, as Mr. Passantino said, retaining his interests in the technology and electronic commerce companies "would expose Mr. Kushner to a broad range of potential conflicts during his government service," "[r]ecusal is not a practical remedy," and thus "divestment is reasonably necessary to comply with 18 U.S.C. § 208." To the extent that Cadre plans to seek future funding from active participants in the technology, electronic commerce, and financial services sectors, the possibility for additional conflicts of interest is only heightened. Mr. Kushner's understanding of the potential conflicts of interest at stake here is demonstrated by his decision to let go of his interest in a different real estate technology firm, WiredScore, creating a stark contrast with his inexplicable decision to retain his stake in Cadre.<sup>65</sup> Furthermore, as a non-public company, there is little if any transparency into the underlying assets of the entities in which Cadre may have retained an investment interest, giving rise to further possible conflicts of interest that could require continuous monitoring.

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<sup>62</sup> 5 C.F.R. § 2634.1001.

<sup>63</sup> 5 C.F.R. § 2635.402(d).

<sup>64</sup> Where recusal is not a practical option, an agency may prohibit or restrict an employee from holding a financial interest or a class of financial interests based upon the agency designee's determination that the holding of such interest will require the employee's disqualification from matters so central or critical to the employee's ability to perform the duties of his position would be materially impaired. 5 C.F.R. § 2635.403.

<sup>65</sup> Caleb Melby, Lindsey Rupp, and Bill Allison, Documents Show Jared Kushner, Ivanka Trump to Divest Some Assets, *Bloomberg*, Mar. 17, 2017, available at <https://www.bloomberg.com/news/articles/2017-03-17/documents-show-jared-kushner-ivanka-trump-to-divest-some-assets>.

Hon. Walter M. Shaub, Jr.  
July 6, 2017  
Page 11

While his lawyers have asserted that Mr. Kushner has reduced his Cadre ownership share and resigned from Cadre's board (and will submit an amended OGE 278e), this is not enough to mitigate the conflict of interest concerns present in this situation. Mr. Kushner should have fully disclosed and divested all of his technology and electronic commerce investments, including his investment in Cadre (whether alone or as an underlying asset of BFPS), due to both the conditions of the certificate of divestiture and his obligations to comply with 18 U.S.C. § 208 or other federal laws and rules.

OGE should examine Mr. Kushner's holdings and transactions to determine whether his conduct has been in compliance with applicable rules and laws. If the OGE reaches an opinion that an individual is not in compliance with applicable laws and regulations, it is authorized to determine the appropriate steps for assuring compliance with them and notify the individual of those steps. Such steps may include divestiture, restitution, the establishment of a blind trust, request for an exemption under 18 U.S.C. § 208(b), or voluntary request for limitation of duties or resignation.<sup>66</sup>

### Conclusion

Mr. Kushner failed to disclose his interest in Cadre on his financial disclosure forms and most likely in forms submitted with his certificate of disclosure, which may mean that OGE was asked to grant the certificate of disclosure based on incomplete information. Moreover, Mr. Kushner appears to have failed to divest these interests as was likely required under the terms of the certificate of disclosure and under applicable laws and rules. CREW therefore requests that your office determine whether Mr. Kushner's conduct violated any laws or rules and, if so, what remedy is appropriate. Specifically, CREW requests that your office determine whether any sanction or referral is appropriate for Mr. Kushner's potential disclosure violations and whether it is necessary for Mr. Kushner to fully divest of all financial interests in Cadre or take other appropriate steps pursuant to the certificate of divestiture, 18 U.S.C. § 208, and the applicable OGE regulations governing conflicts of interest and certificates of divestiture.

Sincerely,



Noah Bookbinder  
Executive Director  
Citizens for Responsibility and Ethics in Washington

Encl.

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<sup>66</sup> 5 U.S.C. app. § 106(b)(3).

**EXHIBIT A**

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**Entity Details**

**THIS IS NOT A STATEMENT OF GOOD STANDING**

**File Number:** 5568655      **Incorporation Date /** 7/15/2014  
**Formation Date:** (mm/dd/yyyy)

**Entity Name:** JCK CADRE LLC

**Entity Kind:** Limited Liability Company      **Entity Type:** General

**Residency:** Domestic      **State:** DELAWARE

**REGISTERED AGENT INFORMATION**

**Name:** NATIONAL REGISTERED AGENTS, INC.

**Address:** 160 GREENTREE DR STE 101

**City:** DOVER      **County:** Kent

**State:** DE      **Postal Code:** 19904

**Phone:** 302-674-4089

Additional information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

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**Entity Details**

**THIS IS NOT A STATEMENT OF GOOD STANDING**

**File Number:** 6293139      **Incorporation Date /** 1/23/2017  
**Formation Date:** (mm/dd/yyyy)

**Entity Name:** JCK CADRE I LLC

**Entity Kind:** Limited Liability Company      **Entity Type:** General

**Residency:** Domestic      **State:** DELAWARE

**REGISTERED AGENT INFORMATION**

**Name:** NATIONAL REGISTERED AGENTS, INC.

**Address:** 160 GREENTREE DR STE 101

**City:** DOVER      **County:** Kent

**State:** DE      **Postal Code:** 19904

**Phone:** 302-674-4089

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**Entity Details**

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**File Number:** 6406379      **Incorporation Date /** 5/10/2017  
**Formation Date:** (mm/dd/yyyy)

**Entity Name:** JCK CADRE II, LLC

**Entity Kind:** Limited Liability Company      **Entity Type:** General

**Residency:** Domestic      **State:** DELAWARE

**REGISTERED AGENT INFORMATION**

**Name:** NATIONAL REGISTERED AGENTS, INC.

**Address:** 160 GREENTREE DR STE 101

**City:** DOVER      **County:** Kent

**State:** DE      **Postal Code:** 19904

**Phone:** 302-674-4089

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

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VETERANS' AFFAIRS

United States Senate  
WASHINGTON, DC 20510

March 5, 2018

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(203) 330-0598  
FAX: (203) 330-0608

<http://blumenthal.senate.gov>

Mr. David J. Apol  
Acting Director  
U.S. Office of Government Ethics  
1201 New York Avenue, N.W., Suite 500  
Washington, DC 20005

Dear Acting Director Apol,

I request that you investigate possible ethical violations in the conduct of Mr. Jared Kushner as Senior Advisor to the President and his reported failure to comply with 18 U.S.C. 208(a). Mr. Kushner has identified himself as one of the President's closest advisors and provides him with counsel on a broad range of issues. At the same time, through the use of a trust managed by his family for his benefit, Mr. Kushner has retained a financial interest in the Kushner Companies, where he previously served as Chief Executive Officer. Therefore, ethical compliance and public trust rest on the thin reed of Mr. Kushner's not participating personally and substantially in any particular matter that to his knowledge has a direct and predictable effect on his financial interests. I am troubled by reports that he has failed to do so. I urge you to make a determination as to whether Mr. Kushner may have violated the Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct) and notify me of any recommendation for disciplinary or corrective action.

Mr. Kushner reportedly met repeatedly with Mr. Joshua Harris, of Apollo Global Management and an outside adviser on the Trump Administration's multi-billion dollar effort to privatize public infrastructure. The true nature and content of those discussions are not public. But they unquestionably present the appearance of unethical conduct, given the subsequent \$184 million loan facilitated by the Apollo Group Management to Mr. Kushner's family real estate firm. The timely loan provided funds sourced from the government of Qatar. The financial transaction reportedly enabled Kushner Companies to withdraw equity to meet other debt obligations and maintain ownership of the 225 W. Randolph St. office building in Chicago, when a prior loan from another lender was about to expire and they had previously been unable to sell the property.

Likewise, during the same time period, Mr. Kushner reportedly met with Mr. Michael Cobart, Chief Executive Officer of Citigroup. Once again, the true nature and content of this discussion is not public. However, it presents the appearance of violating the Standards of Conduct prohibiting employees from misusing their official position, given the subsequent \$325 million loan by Citigroup to the Kushner Companies.

There may well be other such troubling violations, as the White House has concealed public records of such meetings by Mr. Kushner. You must determine whether Mr. Kushner participated in the particular matter of legislation or policymaking focused on the interests of the Kushner Companies, Apollo Global Management or Citigroup. Quite simply: what official actions did Mr. Kushner take for the benefit of these entities, and were those actions spurred by the half-billion dollars they provided Mr. Kushner?

The Office of Government Ethics notified Mr. Kushner that he must not participate personally and substantially in any particular matter that to his knowledge has a direct and predictable effect on his financial interests, until he divests of them or obtains a written waiver. You have an obligation to determine whether Mr. Kushner has done so.

I also urge you to determine whether Mr. Kushner should make additional divestments of potentially conflicting assets and whether he has completed in a timely manner the divestment of assets identified as "in the divestment process" in his Executive Branch Personnel Public Financial Disclosure Report (OGE Form 278e).

Furthermore, the Office of Government Ethics recommended that Mr. Kushner obtain ethics counseling from the Office of White House Counsel prior to entering government. It also encouraged him to complete, after assuming his duties, ethics training specifically on the "misuse of position" as a White House employee, because the Office of Government Ethics was not in a position to know the precise nature of his duties. Please inform me what evidence, if any, you have that Mr. Kushner has done so.

Mr. Walter Shaub, Jr., the prior Director of the Office of Government Ethics, made the prudent suggestion, given the fast-paced nature of the White House and given that ethics issues often arise unexpectedly, that Mr. Kushner be placed "two steps back from the line between what is permissible and what is not" and that "the further you can put him back from the line, the better you will protect him." Public evidence suggests that this advice has gone unheeded and that Mr. Kushner has crossed the line by failing to recuse himself from official meetings that benefit his personal financial interests.

I look forward to your timely response to this request.

Sincerely,



Richard Blumenthal  
United States Senate

## Resolved Interaction

Interaction Number: 14616

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<b>Initiation Date*:</b>	2018-03-05
<b>Title*:</b>	Question about Congressman's letter to OGE (CNN)
<b>Question*:</b>	<p>Good evening,</p> <p>I was hoping someone might be able to confirm whether the Acting Director and General Counsel received the letter sent by Congressmen Raja Krishnamoort hi today.</p> <p>The letter "called on the Office of Government Ethics to evaluate Jared Kushner's actions with regard to Kushner's financial conflicts of interest; specifically the New York Times' report that his family business which he previously led, the Kushner Companies, received more than half a billion dollars in loans from financial entities after their leaders met with Kushner in the White House."</p> <p>Also, has the Office of Government Ethics determined whether they will grant the Congressman's request?</p> <p>I am reachable via email or at (b)(6) if someone is able to discuss. Thanks so much.</p>
<b>Update:</b>	
<b>Categories*:</b>	Other
<b>Origin Of Interaction*:</b>	Email
<b>Source*:</b>	Non-Agency Press
<b>First Name:</b>	Zachary
<b>Last Name:</b>	Cohen
<b>Title:</b>	National Security Reporter, CNN
<b>Position:</b>	
<b>Email:</b>	(b)(6)
<b>Phone:</b>	(b)(6)
<b>Other Contact Notes:</b>	
<b>Assignment:</b>	Elizabeth D. Horton
<b>Watching:</b>	
<b>Temporary Notes:</b>	
<i>created by:</i>	Elizabeth D. Horton

### Resolution Information

<b>Resolution Date*:</b>	2018-03-05
<b>Resolution Category*:</b>	Resolved
<b>Response*:</b>	<p>I informed the reporter on background that OGE received the letter and it is under review. I told him that OGE generally posts its responses to congressional letters 1-2 business days after it has been sent to the congressperson.        (Assigned to: Elizabeth D. Horton)</p>
<b>Complexity (level):</b>	<p>1</p> <p><a href="#">[Click to view/hide complexity guidelines]</a></p>
<b>Time Spent (hours):</b>	0-1 hour
<b>Contributor:</b>	
<input type="button" value="reopen"/>	

**Interaction History Log**

Closed	03/05/2018 12:07:24 PM by Elizabeth D. Horton
Now Assigned: Elizabeth D. Horton	03/05/2018 12:07:24 PM by Elizabeth D. Horton

Division(s) assigned: PCD

## Resolved Interaction

Interaction Number: 12220

[copy press contact to new](#)

<b>Initiation Date*:</b>	2017-05-01
<b>Title*:</b>	Seeking OGE comment on Jared Kushner's report (Wall Street Journal)
<b>Question*:</b>	<p>Hi. We're working on a possible story about Jared Kushner and his minority stake in a company called Cadre.</p> <p>This Cadre ownership is not directly disclosed on the latest public version of his form 278e.</p> <p>Mr. Kushner's lawyers have told us in a statement that:</p> <ul style="list-style-type: none"> <li>• Mr. Kushner's interest in Cadre was disclosed to and discussed with the Office of Government Ethics prior to inauguration and is addressed in his ethics agreement with the White House</li> <li>• As part of a restructuring of his interests prior to Jan, 20, Mr. Kushner's interest in Cadre was transferred to BFPS Ventures LLC, which appears on line 20 of the draft of the 278e form released March 31 2017.</li> <li>• Additional details regarding this asset, including its interest in Cadre, appear on the current non-public draft of his 278e form, which will be disclosed following OGE certification</li> </ul> <p>Could you please let me know as soon as possible if the OGE has any comment on any of the above?</p>
<b>Update:</b>	
<b>Categories*:</b>	278s
<b>Origin Of Interaction*:</b>	Email
<b>Source*:</b>	Non-Agency Press
<b>First Name:</b>	Jean
<b>Last Name:</b>	Eaglesham
<b>Title:</b>	Reporter, Wall Street Journal
<b>Position:</b>	
<b>Email:</b>	(b)(6)
<b>Phone:</b>	(b)(6)
<b>Other Contact Notes:</b>	
<b>Assignment:</b>	Vincent J. Salamone
<b>Watching:</b>	
<b>Temporary Notes:</b>	
<i>created by:</i>	Vincent J. Salamone

### Resolution Information

<b>Resolution Date*:</b>	2017-05-02
<b>Resolution Category*:</b>	No Response Sent
<b>Response*:</b>	<p>The reporter's article was published prior to any response from OGE. OGE had no comment given that the report is currently in the normal review process for White House appointees.                  (Assigned to: Vincent J. Salamone)</p>
<b>Complexity (level):</b>	<p>3</p> <p><a href="#">[Click to view/hide complexity guidelines]</a></p>
<b>Time Spent (hours):</b>	0-1 hour
<b>Contributor:</b>	



reopen

**Interaction History Log**

Closed	05/02/2017 01:31:42 PM by Vincent J. Salamone
Update	05/01/2017 05:02:55 PM by Vincent J. Salamone
Create	05/01/2017 11 01:29 AM by Vincent J. Salamone
Now Assigned: Vincent J. Salamone	05/01/2017 11 01:29 AM by Vincent J. Salamone

Division(s) assigned: GCLPD