

From: Rachel K. Dowell
Sent: Monday, February 06, 2017 3:43 PM
To: Kehli Cage
Cc: Jennifer Matis
Subject: FW: [GRAYMAIL] Freedom of Information Request: EOPmails (OGE)

Hi Kehli – Hope you had a nice weekend!

I am about to assign this request to you. Please work with Jen on this one. (b) (5)

Thanks in advance!
Rachel

From: [REDACTED]
Sent: Monday, February 06, 2017 2:43 PM
To: USOGE
Subject: [GRAYMAIL] Freedom of Information Request: EOPmails (OGE)

February 6, 2017
Office of Government Ethics
OGE FOIA Officer
Office of Government Ethics
Suite 500,
1201 New York Avenue, NW
Washington, DC 20005-3917

To Whom It May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

a copy of all emails from the domain EOP.gov to senior managers encompassed within the required agency system for retaining emails of senior officials. Frequently this records management policy/system is described by the name Capstone.

<https://www.archives.gov/records-mgmt/grs/grs06-1-faqs.html>

If the agency has not yet established NARA-compliant email retention procedures, then I instead request an electronic search of the mailboxes of agency senior managers for all emails that include the EOP.gov phrase in the FROM address.

I limit this request to the time period January 20, 2017 to the present.

I am a member of the news media and request classification as such. I have previously written about the government and its activities for AND Magazine, MuckRock and Glomar Disclosure and have an open arrangement with each. My articles have been widely read, with some reaching over 100,000 readers. As such, as I have a reasonable expectation of publication and my editorial and writing skills are well established. In addition, I discuss and comment on the files online and make them available through the non-profit Internet Archive, disseminating them to a large audience. While my research is not limited to this, a great deal of it, including this, focuses on the activities and attitudes of the government itself. As such, it is not necessary for me to demonstrate the relevance of this particular subject in advance. Additionally, case law states that "proof of the ability to disseminate the released information to a broad cross-section of the public is not required." *Judicial Watch, Inc. v. Dep't of Justice*, 365 F.3d 1108, 1126 (D.C. Cir. 2004); see *Carney v. U.S. Dep't of Justice*, 19 F.3d 807, 814-15 (2d Cir. 1994). Further, courts have held that "qualified because it also had "firm" plans to "publish a number of . . . 'document sets'" concerning United States foreign and national security policy." Under this criteria, as well, I qualify as a member of the news media. Additionally, courts have held that the news media status "focuses on the nature of the requester, not its request. The provision requires that the request be "made by" a representative of the news media. *Id.* § 552(a)(4)(A)(ii)(II). A newspaper reporter, for example, is a representative of the news media regardless of how much interest there is in the story for which he or she is requesting information." As such, the details of the request itself are moot for the purposes of determining the appropriate fee category. As such, my primary purpose is to inform about government activities by reporting on it and making the raw data available and I therefore request that fees be waived.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Michael Best

Filed via MuckRock.com

E-mail (Preferred): (b)(6)

For mailed responses, please address (see note):
MuckRock
DEPT MR 32987
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

From: Google Alerts <googlealerts-noreply@google.com>
Sent: Thursday, January 04, 2018 12:02 PM
To: Rachel K. Dowell
Subject: Google Alert - "office of government ethics"



"office of government ethics"

Daily update · January 4, 2018

NEWS

[FOIAing the Trump Administration: resources for your 2018 requests](#)

MuckRock

... has been met. Many executive orders contain deadlines for specific work products from agencies, such as reports or new databases. Many of the forms political appointees file with the **Office of Government Ethics** represent specific promises, such as Certificate of Divestiture forms or ethics agreements.



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[Senate easily confirms Pentagon's No. 3 despite opposition from Elizabeth Warren](#)

Washington Examiner

Rood signed an agreement with the **Office of Government Ethics** that bars him from being involved in Lockheed business for two years. He also divested his interest in the company, which is the country's largest defense contractor and also the prime contractor for the multinational F-35 Joint Strike Fighter ...



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[Trump's many staff breakups \(and some reconciliations\), ranked](#)

CNN

Walter Shaub, director of the **Office of Government Ethics**. *access to the President shouldn't be for sale. Two words missing. (See title I gave that clip.) But selling access to the man creates the opportunity to influence him... which creates the *appearance* of buying him. Or the reality. We can't know.



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[Bitcoin falls into grey area of disclosure rules for Congress](#)

Gulf Times

But when lawmakers and officials seek the counsel of the **Office of Government Ethics**, which governs executive branch employees, or congressional ethics committees, they're being advised to disclose bitcoin holdings of more than \$1,000, according to congressional aides and officials. Representative ...

[Bitcoin Falls Into Gray Area of Disclosure Rules for Congress](#) - Newsmax

[Full Coverage](#)



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[Ivanka Trump's Defense for Wearing Her Company's Clothing Is 'Laughable,' Former Ethics Chief ...](#)

Infosurhoy

Walter Shaub, who was director of the **Office of Government Ethics**, also said on CNN's New Day show Tuesday morning that a misuse of government position for private gain is the "international definition of corruption." "The reality is that the core principle of the ethics program is that you're not supposed ...



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[Receive this alert as RSS feed](#)

[Send Feedback](#)

From: Elizabeth D. Horton
Sent: Thursday, January 04, 2018 1:06 PM
To: Agency Wide; News Clippings
Subject: Legislative Update for Thursday, January 4, 2018

The Senate reconvened at 11:00 a.m.

According to *CQ*, the Senate convened at 11 a.m. Following leader remarks, the Senate will resume consideration of the nomination of Walter David Counts III, of Texas, to be U.S. district judge for the Western District of Texas. The Senate will recess from 12:30 p.m.-2:15 p.m.

The House is not in session.

Legislative Branch and Related News

Multiple outlets report that congressional leadership and White House officials were unable to strike a spending deal. [Let's Not Make a Deal: No Breakthrough on Spending \(Roll Call\)](#); [Confusion over Trump's border wall delays spending talks \(The Hill\)](#); [Leaders appear to make little progress toward funding deal \(The Hill\)](#); [Congress and White House inch forward in budget talks \(Politico\)](#); [OMB director hits Capitol Hill hoping to hammer out 2018 budget \(Federal News Radio\)](#)

The Hill reports that Sen. James Lankford warned that Republicans could go “nuclear” to speed up consideration of President Trump’s nominations. [GOP senator warns Republicans could go 'nuclear' to clear Trump's nominees](#)

Executive Branch Ethics and Related News

MuckRock reports that in 2017, FOIA requests contributed valuable oversight of the Trump administration. The article contains a link to the “searchable repository of ethics agreements and divestiture forms” on the OGE website. [FOIAing the Trump Administration: resources for your 2018 requests](#)

Fox News reports that Sen. Ron Johnson, head of the Senate Homeland Security Committee, is asking the U.S. Office of Special Counsel to investigate Leandra English’s move to “burrow” into a “career position” at the Consumer Financial Protection Bureau. The article notes that Sen. Johnson alleges that Ms. English got her job based on information that included “errors” and “potential conflicts of interest.” [Senator says embattled CFPB official got her job in 'flawed' and rushed process, wants probe](#)

Washington Examiner reports that the Senate overwhelmingly confirmed John Rood to the Pentagon’s No. 3 position despite Sen. Elizabeth Warren’s opposition and concerns over conflicts of interest. [Senate easily confirms Pentagon's No. 3 despite opposition from Elizabeth Warren](#)

Next Scheduled Recess:

House: December 22 – January 7

Senate: January 15

From: Contact OGE
Sent: Tuesday, January 23, 2018 3:26 PM
To: Elizabeth D. Horton
Subject: FW: Question about Individual Conflict of Interest Waivers

Kehli Cage
Government Ethics Specialist
U.S. Office of Government Ethics
1201 New York Ave NW
Suite #500
Washington, D.C. 20005
Ph: 202-482-9279
kehli.cage@oge.gov

Visit OGE's website: www.oge.gov
Follow OGE on Twitter: @OfficeGovEthics



From: Francis Matt [[\(b\) \(6\)](mailto:(b) (6))]
Sent: Tuesday, January 23, 2018 11:58 AM
To: Contact OGE
Subject: Question about Individual Conflict of Interest Waivers

Hello!

My name is Frank and I'm a reporter with [MuckRock](http://MuckRock.com). I have a quick question about individual conflict of interest waivers.

Does OGE collect documentation of these from each agency or is this process handled entirely by the agencies?

Thank you,

Frank Matt

c: [\(b\) \(6\)](mailto:(b) (6))

From: Jennifer Matis
Sent: Friday, January 26, 2018 4:00 PM
To: Agency Wide; News Clippings
Subject: Legislative Update for Friday, January 26, 2018

The Senate and House are not in session.

Executive Branch Ethics and Related News

Muckrock reports on records obtained from the Trump Administration through the FOIA process, including appointee ethics agreements. [FOIAing the Trump Administration: After a year, aspects of Trump appointees' ethics agreements begin to expire](#)

Lexology reports that the National Defense Authorization Act for 2018 imposes new post-employment restrictions on certain Department of Defense officers and civilians. [New Post-Employment Restrictions for Certain DoD Officials](#)

The Lantern reports that an Ohio State professor is suing the EPA over its new directive that scientists who receive funding from the agency may not serve on its advisory boards. The article cites OGE's regulation in 5 CFR § 2640.203 for the proposition that SGEs are allowed to engage in matters "where the disqualifying financial interest arises from his nonfederal employment ... provided that the matter will not have a special or distinct effect on the employee or employer other than as part of a class." [Ohio State professor sues EPA after it enacts a "blatant attack on science-informed policy"](#)

The New York Times reports that the President had previously asserted that Special Counsel Robert Mueller has three conflicts of interest that disqualified him from overseeing the Russia investigation. [Trump Ordered Mueller Fired, but Backed Off When White House Counsel Threatened to Quit](#)

Next Scheduled Recess:

House: January 22-26

Senate: February 19-23