

John Sullivan

From: Jack MacDonald <jjmacdon@oge.gov>
Sent: Tuesday, April 02, 2019 10:13 AM
To: John Sullivan
Subject: RE: CD Request - [Message contains CUI]

OGGE
CONTROLLED

Thanks, John.

Jack

Not referred



From: Jack MacDonald [<mailto:jjmacdon@oge.gov>]
Sent: Tuesday, April 02, 2019 10:01 AM
To: John Sullivan
Subject: CD Request - [Message contains CUI]

CONTROLLED

Hi John,

OGE I am the OGE reviewer assigned to the CD request for Mr. Rajkovich. Can you please confirm that he is currently recused from any matters affecting 3M Company? I need to add this information to my notes here at OGE.

Thank you,
Jack

Jack MacDonald
Program Analyst, Presidential Nominations Branch
U.S. Office of Government Ethics
1201 New York Avenue, N.W., Suite 500
Washington, D.C. 20005-3917
Tel: 202-482-9310

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From: CD [<mailto:cd@oge.gov>]
Sent: Thursday, April 04, 2019 10:09 AM
To: John Sullivan
Cc: Elaine Newton; Jack MacDonald
Subject: Certificate of Divestiture - Marco Rajkovich - [Message and attachment(s) contain CUI]

Good Morning or Good Afternoon:

In response to your request of 03/28/2019, attached is Certificate of Divestiture, OGE-2019-028 for Marco Rajkovich, Federal Mine Safety and Health Review Commission. Please forward the certificate to Mr. Rajkovich.

If there are any questions, you may contact Jack MacDonald at 202-482-9310.

Please confirm receipt of this email by replying to all.

Thank you.

CONTROLLED
Email and attachment(s) contain CUI.

Gwendolyn Cannon-Jenkins
US Office of Government Ethics
Administrative Operations Branch
1201 New York Avenue NW
Suite 500
Washington, DC 20005

(e) [HYPERLINK "mailto:gcannon@oge.gov"gcannon@oge.gov](mailto:gcannon@oge.gov)
(p)(202) 482-9219

Visit OGE's website: [HYPERLINK "http://www.oge.gov"www.oge.gov](http://www.oge.gov)
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CONTROLLED UNCLASSIFIED INFORMATION (CUI)

Use this space to indicate categories/subcategories, special instructions, points of contact, etc., if needed.

The attached document contains CUI that requires protection and safeguarding in a manner that prevents unauthorized disclosure of CUI. (e.g., locked file cabinet, restricted access to CUI, etc.)

If you need additional information regarding the attached document containing CUI, please contact Elaine Newton at 202-482-9265 or enewton@oge.gov.

ATTENTION

All individuals handling this information are required to protect it from unauthorized disclosure.

Handling, storage, reproduction, and disposition of the attached document(s) must be in accordance with 32 CFR Part 2002 and applicable agency policy.

Access to and dissemination of CUI shall be allowed as necessary and permissible to any individual(s), organization(s), or grouping(s) of users, provided such access or dissemination is consistent with or in furtherance of a Lawful Government Purpose and in a manner consistent with applicable law, regulations, and Government-wide policies.



UNITED STATES OFFICE OF
GOVERNMENT ETHICS



CERTIFICATE OF DIVESTITURE

CERTIFICATE NO: OGE-2019-028

DATE OF ISSUANCE: April 3, 2019

ELIGIBLE PERSON: Marco M. Rajkovich and Kathleen Rajkovich [spouse of Marco M. Rajkovich], Federal Mine Safety and Health Review Commission

[The divestiture property is identified in the attachment to this Certificate.]

This Certificate of Divestiture is issued in accordance with section 1043 of the Internal Revenue Code and 5 C.F.R. § 2634.1002 with respect to the specific property described in the attachment. I hereby determine that the divestiture of the described property is reasonably necessary to comply with 18 U.S.C. § 208, or other applicable Federal conflict of interest statutes, regulations, rules, or executive orders.

Section 1043 of the Internal Revenue Code and the rules of 5 C.F.R. part 2634, subpart J provide for nonrecognition of gain in the case of sales to comply with conflict of interest requirements. The substantive and procedural rules relating to the tax aspects of such sales and rollovers pursuant to the statutory scheme are subject to the jurisdiction of the Internal Revenue Service. Eligible persons should seek the advice of their personal tax advisors for guidance as to the tax aspects of divestiture transactions and whether proposed acquisitions meet the requirements for permitted property. Internal Revenue Service regulations and other guidance should also be consulted as to these matters. Eligible persons must follow Internal Revenue Service requirements for reporting dispositions of property and making an election not to recognize gain under section 1043 (IRS Form 8824).

A Certificate of Divestiture may only be used if the person identified above is an “eligible person” at the time of divestiture. The rules of 5 C.F.R. part 2634, subpart J relate to the issuance of Certificates of Divestiture and the permitted property into which reinvestment must be made during the 60-day period beginning on the date of such a sale in order for nonrecognition to be permitted. Such reinvestments are called rollovers, and are limited to obligations of the United States and diversified investment funds as defined in 5 C.F.R. § 2634.1003.

DAVID
APOL

David J. Apol
General Counsel

Digitally signed by DAVID
APOL
Date: 2019.04.03 15:54:31
-04'00'

Attachment



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John Sullivan

From: EA Compliance (b)(6) internal agency email >
Sent: Monday, April 22, 2019 10:56 AM
To: John Sullivan; Sarah Stewart
Cc: EA Compliance
Subject: 45 Day Ethics Agreement (EA) Reminder ALTHEN, RAJKOVICH JR., TRAYNOR

Dear Mr. Sullivan:

The following Commissioners (see below)* were confirmed on March 14, 2019. This is a reminder that the Commissioners have 90 days from the date of confirmation to comply with the terms of their ethics agreement, unless an extension is granted by the Office of Government Ethics (OGE). Agency ethics officials do not have the authority to extend the compliance deadline; in rare circumstances of unusual hardship, OGE may decide to extend the deadline. See 5 C.F.R. § 2634.802(b). Please advise OGE via (b)(6) internal agency email address as soon as possible if an extension will be requested.

The Commissioners are required to complete and sign the previously provided Certifications of Ethics Agreement Compliance (Certification) to confirm that all ethics agreement requirements have been met. The Certifications are due to OGE no later than seven calendar days after the expiration of the 90-day deadline. If the due date falls on a weekend or holiday, the Certifications will be due the next business day. The Commissioners should provide the completed and signed Certifications to ethics officials as soon as possible but not later than June 12, 2019. The Certifications should then be submitted to OGE no later than June 19, 2019, via email to: (b)(6) internal agency email address. The Certifications will be posted on OGE's website and available to the public. Please consult OGE's Program Advisory [PA-17-03 Certification of Ethics Agreement Compliance by Senate-confirmed Presidential Appointees](#) for additional guidance.

Please send the Certifications to OGE at (b)(6) internal agency email address. Thank you for your assistance in this matter, and please contact (b)(6) internal agency email address if you have any questions. If you are not the point of contact for this matter, please advise (b)(6) internal agency email address and forward this email to the appropriate ethics official.

***William Althen, Marco Rajkovich Jr., Arthur Traynor**

Sincerely,

Compliance Division

United States Office of Government Ethics
1201 New York Avenue NW
Suite 500
Washington, DC 20005

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

From: EA Compliance
Sent: Tuesday, March 19, 2019 9:11 AM
To: 'jsullivan@fmshrc.gov'

Cc: EA Compliance

Subject: 90 Day Ethics Agreement (EA) Reminder EA Certification Attached ALTHEN, RAJKOVICH JR., TRAYNOR

Dear Mr. Sullivan:

The following (*see below) were confirmed as Commissioners of the Federal Mine Safety and Health Review Commission on March 14, 2019. This is a reminder that the Commissioners have 90 days from the date of confirmation (March 14, 2019) to comply with the terms of their ethics agreement, unless an extension is granted by the Office of Government Ethics (OGE). Agency ethics officials do not have the authority to extend the compliance deadline; in cases of unusual hardship, OGE may decide to extend the deadline. See 5 C.F.R. § 2634.802(b). Please advise OGE via (b)(6) internal agency email address as soon as possible if an extension will be requested.

The Commissioners are required to complete and sign their attached Certification of Ethics Agreement Compliance (See OGE's Program Advisory PA 17-03). The Commissioners should provide their completed and signed Certification to ethics officials as soon as possible but not later than June 12, 2019. The Certification should then be submitted to OGE no later than June 19, 2019, via email to (b)(6) internal agency email address.

Please Note:

OGE is aware that some PAS officials have had questions about the appropriate response to Item 6a. "I am recusing from particular matters in which I know I have a personal or imputed financial interest directly and predictably affected by the matter, unless I have received a waiver or qualify for a regulatory exemption." Selecting the "yes" response indicates that the official is complying with and agrees to remain in compliance with what is usually the first requirement of any standard ethics agreement, "As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter..." Therefore, the anticipated response is "yes." Officials selecting a "no" response would generally be expected to provide a comment in Item 11. "Comments of Appointee."

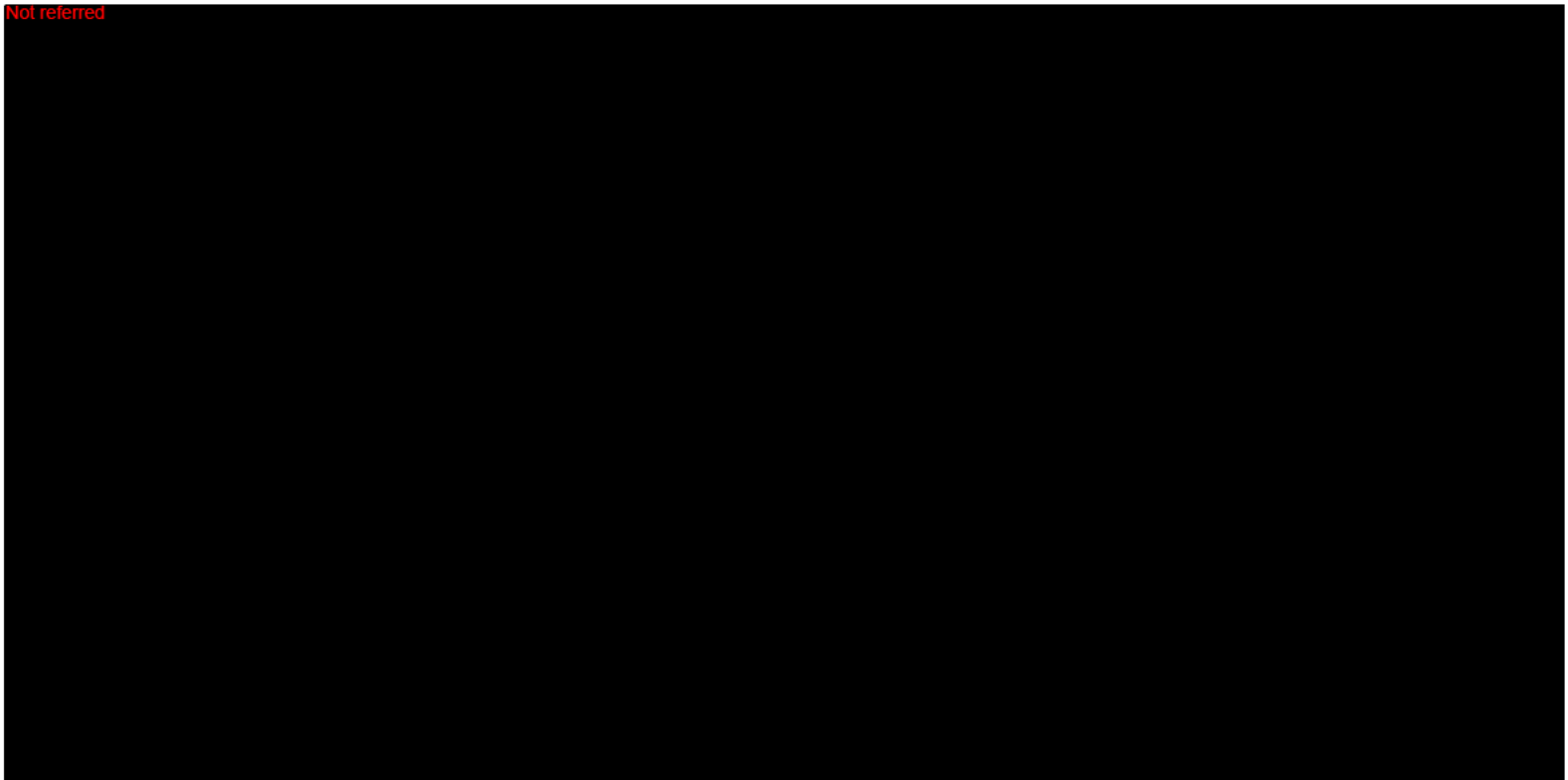
Thank you for your assistance in this matter, and please contact (b)(6) internal agency email address if you have any questions. If you are not the point of contact for this matter, please advise (b)(6) internal agency email address and forward this email to the appropriate ethics official.

***William Althen, Marco Rajkovich Jr., Arthur Traynor**

Sincerely,

Compliance Division
United States Office of Government Ethics
1201 New York Avenue NW
Suite 500
Washington, DC 20005
Visit OGE's website: www.oge.gov
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From: EA Compliance [mailto:(b)(6) internal agency email]
Sent: Tuesday, March 19, 2019 9:11 AM
To: John Sullivan
Cc: EA Compliance
Subject: 90 Day Ethics Agreement (EA) Reminder EA Certification Attached ALTHEN, RAJKOVICH JR., TRAYNOR

Dear Mr. Sullivan:

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particular matter in which I know that I have a financial interest directly and predictably affected by the matter..." Therefore, the anticipated response is "yes." Officials selecting a "no" response would generally be expected to provide a comment in Item 11. "Comments of Appointee."

Thank you for your assistance in this matter, and please contact (b)(6) internal agency email address if you have any questions. If you are not the point of contact for this matter, please advise (b)(6) internal agency email address and forward this email to the appropriate ethics official.

***William Althen, Marco Rajkovich Jr., Arthur Traynor**

Sincerely,

Compliance Division
United States Office of Government Ethics
1201 New York Avenue NW
Suite 500
Washington, DC 20005
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90 Day Ethics Agreement (EA) Reminder EA Certification Attached FLEMING

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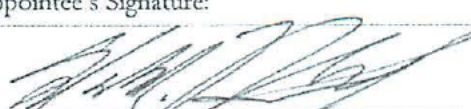
CERTIFICATION OF ETHICS AGREEMENT COMPLIANCE

Senate Confirmed Presidential Appointee

1. Appointee's Information	a. Appointee's Name:	to be completed by OGE Marco Rajkovich Jr.
	b. Position Title:	to be completed by OGE Commissioner
	c. Agency:	to be completed by OGE Federal Mine Safety and Health Review Commission
	d. Date Ethics Agreement Signed:	to be completed by OGE January 30, 2019
	e. Date Confirmed:	to be completed by OGE March 14, 2019
	f. Due Date for Certification of Ethics Agreement Compliance:	to be completed by OGE June 19, 2019
2. Resignations	<i>I completed all of the resignations indicated in my ethics agreement before I assumed the duties of my current government position.</i>	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A
3. Divestitures	a. <i>I have completed all of the divestitures indicated in my ethics agreement. I also understand that I may not repurchase these assets during my appointment without OGE's prior approval.</i>	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
	b. <i>I have filed a period transaction report, or periodic transaction reports, (OGE Form 278-T) to disclose the completion of these agreed upon divestitures.</i>	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A Filing Date(s) of OGE Form 278-T Report(s):
4. Managed Accounts	<i>If I have a managed account or use the services of an investment professional, I have notified the manager or professional of the limitations indicated in my ethics agreement. In addition, I am continuing to monitor purchases.</i>	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
5. Interim Recusals	<i>I complied with my interim recusal obligations pending the divestitures required by my ethics agreement.</i>	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A

<p>6. Recusals</p> <p><i>(Note: These factual statements describe the appointee's current status. They are not intended to modify ethics agreement commitments or create new recusal obligations.)</i></p>	<p>a. I am recusing from particular matters in which I know I have a <u>personal or imputed</u> financial interest directly and predictably affected by the matter, unless I have received a waiver or qualify for a regulatory exemption.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
	<p>b. I am recusing from particular matters in which any former employer or client I served in the past year is a party or represents a party, unless I have been authorized under 5 C.F.R. § 2635.502(d).</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A</p>
	<p>c. I am recusing from particular matters in which any former employer or client I served in the two years prior to my appointment is a party or represents a party, unless I have received a waiver under Exec. Order 13770.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A</p>
<p>7. Waivers and Authorizations</p>	<p>a. I received a waiver pursuant to 18 U.S.C. § 208.</p> <p>If yes, indicate the date of the waiver and indicate the financial interest covered by the waiver.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>Date: Financial interest:</p>
	<p>b. I received a waiver pursuant to Executive Order 13770.</p> <p>If yes, indicate the date of the waiver and the subject of the waiver (i.e., applicable paragraph of the ethics pledge, parties, particular matters, specific issue areas, as applicable).</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>Date: Subject:</p>
	<p>c. I received an authorization pursuant to 5 C.F.R. § 2635.502(d).</p> <p>If yes, indicate date of authorization and identify the covered person(s) as to whom you have been authorized (e.g., former employer, former client, spouse's employer, spouse's current client, etc.).</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>Date: Covered person(s):</p>
	<p>d. I received a waiver pursuant to 5 C.F.R. § 2635.503(e).</p> <p>If yes, indicate the date of the waiver and identify the former employer or payer.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>Date: Former employer or payer:</p>

Marco Rajkovich Jr.

<p>8. Payments, Accelerations, or Divestitures Required to be Completed Prior to Entering Government Service</p>	<p>Mark this box if not applicable: <input checked="" type="checkbox"/></p>	<p>a. If I committed that I would forfeit a financial interest or payment, unless it was received or accelerated prior to my assumption of the duties of the government position:</p>	<p><input type="radio"/> I received it (or it was accelerated) <u>prior</u> to my assumption of the duties of the position. <input type="radio"/> I received it (or it was accelerated) <u>after</u> my assumption of the duties of the position. <input type="radio"/> I forfeited it.</p>
<p>9. Requirements for Regular Appointees</p>	<p>I have completed my initial ethics briefing, pursuant to 5 C.F.R. § 2638.305. If you are a Special Government Employee (SGE) or career Foreign Service Officer (FSO), select N/A. I have signed the ethics pledge pursuant to Executive Order 13770. If you are a SGE or career FSO or previously signed the pledge, select N/A.</p>		<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A</p>
<p>10. Additional Ethics Agreement Requirements</p>	<p>to be completed by OGE</p>		<p>to be completed by appointee I am complying with these requirements as described in the adjacent box. <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A</p>
<p>11. Comments of Appointee</p>	<p></p>		
<p>Any intentionally false or misleading statement or response provided in this certification is a violation of law punishable by a fine or imprisonment, or both, under 18 U.S.C. § 1001.</p>			
<p>I certify that the information I have provided is complete and accurate.</p>	<p>Appointee's Signature: </p>		<p>Date: 6-18-2019</p>

John Sullivan

From: EA Compliance (b)(6) internal agency email >
Sent: Friday, June 21, 2019 2:15 PM
To: John Sullivan; EA Compliance
Subject: RE: 90 Day Ethics Agreement (EA) Reminder EA Certification Attached ALTHEN, RAJKOVICH JR., TRAYNOR

Mr. Sullivan,

My apologies, I was looking at the wrong ethics agreement with regard to Commissioner Rajkovich. His Certification, as you submitted it, is fine and no further action is required.

With regard to Commissioner Traynor, (b)(5) and (b)(6)

[Redacted]

OGE

(b)(5) and (b)(6) (re Traynor)

[Redacted]

Again, I apologize for the confusion. Have a good weekend,

Doug

Not referred

[Large redacted area]

From: EA Compliance [mailto:(b)(6) internal agency email]
Sent: Thursday, June 20, 2019 11:30 AM
To: John Sullivan
Cc: EA Compliance
Subject: RE: 90 Day Ethics Agreement (EA) Reminder EA Certification Attached ALTHEN, RAJKOVICH JR., TRAYNOR

OGE

Mr. Sullivan,

Thank you for submitting the Certifications for the three new Commissioners. Two of the Certifications will have to be resubmitted.

Commissioner Rajkovich indicated "N/A" in box 2, Resignations. Commissioner Rajkovich's ethics agreement did require a resignation and that he withdraw from two entities, which are also generally considered resignations. His response should be either "yes" or "no." We're assuming the response will be yes. If his response is no, we'll need to know why he has not completed the required resignations.

(b)(5) and (b)(6) (re Traynor)
[Redacted]

Please have the Commissioners resubmit their reports as soon as possible. If you have any questions, please let me know.

Thanks,
Doug

Doug Chapman
Chief, Program Review Branch
U.S. Office of Government Ethics
1201 New York Avenue, NW Suite 500
Washington, DC 20005
202-482-9223

Not referred
[Redacted]

From: EA Compliance [mailto:(b)(6) internal agency email]
Sent: Tuesday, March 19, 2019 9:11 AM
To: John Sullivan
Cc: EA Compliance
Subject: 90 Day Ethics Agreement (EA) Reminder EA Certification Attached ALTHEN, RAJKOVICH JR., TRAYNOR

Dear Mr. Sullivan:

The following (*see below) were confirmed as Commissioners of the Federal Mine Safety and Health Review Commission on March 14, 2019. This is a reminder that the Commissioners have 90 days from the date of confirmation (March 14, 2019) to comply with the terms of their ethics agreement, unless an extension is

OGE

granted by the Office of Government Ethics (OGE). Agency ethics officials do not have the authority to extend the compliance deadline; in cases of unusual hardship, OGE may decide to extend the deadline. See 5 C.F.R. § 2634.802(b). Please advise OGE via (b)(6) internal agency email address as soon as possible if an extension will be requested.

The Commissioners are required to complete and sign their attached Certification of Ethics Agreement Compliance (See OGE's Program Advisory PA 17-03). The Commissioners should provide their completed and signed Certification to ethics officials as soon as possible but not later than June 12, 2019. The Certification should then be submitted to OGE no later than June 19, 2019, via email to (b)(6) internal agency email address.

Please Note:

OGE is aware that some PAS officials have had questions about the appropriate response to Item 6a. "I am recusing from particular matters in which I know I have a personal or imputed financial interest directly and predictably affected by the matter, unless I have received a waiver or qualify for a regulatory exemption." Selecting the "yes" response indicates that the official is complying with and agrees to remain in compliance with what is usually the first requirement of any standard ethics agreement, "As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter..." Therefore, the anticipated response is "yes." Officials selecting a "no" response would generally be expected to provide a comment in Item 11. "Comments of Appointee."

Thank you for your assistance in this matter, and please contact (b)(6) internal agency email address if you have any questions. If you are not the point of contact for this matter, please advise (b)(6) internal agency email address and forward this email to the appropriate ethics official.

***William Althen, Marco Rajkovich Jr., Arthur Traynor**

Sincerely,

Compliance Division
United States Office of Government Ethics
1201 New York Avenue NW
Suite 500
Washington, DC 20005
Visit OGE's website: www.oge.gov
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90 Day Ethics Agreement (EA) Reminder EA Certification Attached FLEMING

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January 30, 2019

Mr. Michael A. McCord
Designated Agency Ethics Official
Federal Mine Safety and Health Review Commission
1331 Pennsylvania Avenue, NW, Suite 520N
Washington, DC 20004

Dear Mr. McCord:

The purpose of this letter is to describe the steps I will take to avoid any actual or apparent conflicts of interest in the event I am confirmed as a Commissioner of the Federal Mine Safety and Health Review Commission ("FMSHRC").

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I resigned from my position on the board of directors of Pioneer Holdings, Inc. in April 2018. For a period of one year after my resignation, I will not participate personally and substantially in any particular matter involving specific parties in which I know Pioneer Holdings, Inc., or one or more of its subsidiaries is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

I will divest my interest in 3M Company within 90 days of my confirmation. With regard to 3M Company, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of 3M Company until I have divested it, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

I understand that I may be eligible to request a Certificate of Divestiture for qualifying assets and that a Certificate of Divestiture is effective only if obtained prior to divestiture. Regardless of whether I receive a Certificate of Divestiture, I will ensure that all divestitures discussed in this agreement occur within the agreed timeframes and that all proceeds are invested in non-conflicting assets.

If I have a managed account or otherwise use the services of an investment professional

during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the exemption at 5 C.F.R. § 2640.201(a), obligations of the United States, or municipal bonds.

I will meet in person with you during the first week of my service in the position of Commissioner in order to complete the initial ethics briefing required under 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will document my compliance with this ethics agreement by notifying you in writing when I have completed the steps described in this ethics agreement.

I understand that as an appointee I am required to sign the Ethics Pledge (Exec. Order No. 13770) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this ethics agreement.

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely,



Marco M. Rajkovich, Jr.