

**From:** [Palatucci, William J.](#)  
**To:** [Walter M. Shaub](#)  
**Subject:** [GRAYMAIL] Re: question  
**Date:** Tuesday, November 15, 2016 11:36:51 AM

---

Hi Walt,

We are still with the transition but in different positions. We will get you clarity on the POC to OGE.

Bill



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**From:** Walter M. Shaub  
**Sent:** Tuesday, November 15, 2016 11:21 AM  
**To:** Palatucci, William J.  
**Subject:** question

Hi Bill,

I'm really sorry to bother you. Recent news reports have us a little confused about who we should be contacting. Could you let me know whether you, Rich Bagger, Bill Hagerty, Tim Petty, or Sean Doocey are still with the transition team?

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:** [Palatucci, William J.](#)  
**To:** [Walter M. Shaub](#)  
**Cc:** [Petty, Timothy J.](#)  
**Subject:** [GRAYMAIL] RE: question  
**Date:** Tuesday, November 15, 2016 3:43:59 PM

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Sean and Tim should remain as your processing contacts for the time being.



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**From:** Walter M. Shaub [mailto:wmshaub@oge.gov]  
**Sent:** Tuesday, November 15, 2016 11:21 AM  
**To:** Palatucci, William J.  
**Subject:** question

Hi Bill,

I'm really sorry to bother you. Recent news reports have us a little confused about who we should be contacting. Could you let me know whether you, Rich Bagger, Bill Hagerty, Tim Petty, or Sean Doocey are still with the transition team?

Walt

Walter M. Shaub, Jr.

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

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[REDACTED]

[REDACTED]

[REDACTED]

Referral to GSA  
Re: Office Space Access

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Referral to GSA

Referral to GSA  
Re: Office Space Access

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Referral to GSA

[REDACTED]

[REDACTED]

[REDACTED]

Referral to GSA  
Re: Office Space Access

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Referral to GSA

Refferal to GSA  
Re: Office Space Access

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Referral to GSA

**From:** [Walter M. Shaub](#)  
**To:** [Sean Doocey](#)  
**Subject:** Re: 278 Question  
**Date:** Sunday, November 27, 2016 7:32:56 PM

---

Thanks for reaching out, Sean. I'm very sorry I didn't see your message earlier. I normally check my blackberry constantly, but I left it behind by accident when (b)(6)

The answer depends (b) (5). I think for all of these nominees (b) (5).  
(b) (5). In that case, the period for assets and investment income dates back to (b) (5). The same is true for earned income and liabilities. This reporting period applies to parts 2, 5, 6 and 8.

Note that a different reporting period applies to positions held (part 1) and sources of earned income exceeding \$5,000 (part 4). For these items in part 1 and part 4, the reporting period dates back to (b) (5).

A third reporting period covers part 3 (arrangements and agreements). We have nominees report all arrangements/agreements in existence as of the date of filing and all arrangements/agreements in existence between the date of filing and the date of appointment into the government. Thus, for example, the former would cover a 401k plan and the latter would cover the forfeiture of unvested stock options upon resignation from a private employer following Senate confirmation.

Finally, nominees do not complete part 7 (transactions) or part 9 (gifts and reimbursements). But if they're using Integrity, the system won't ask them to complete those parts.

Don't hesitate to let me know if you have any questions or would prefer to talk by phone. We want to be as helpful as possible.

(b) (5)

Walt

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

---

**From:** Sean Doocey  
**Sent:** Sunday, November 27, 2016 2:58 PM  
**To:** Walter M. Shaub

**Subject:** 278 Question

---

Hi Walt,

Hope you are having a nice weekend. (b) (5)

- 

Thanks!

Sean

--

**Sean Doocey**

Presidential Transition Team

Email: (b) (6)

Cell: (b) (6)



**From:** [Deborah J. Bortot](#)  
**To:** [Ann M Donaldson](#)  
**Subject:** Re: contact with Office of Government Ethics  
**Date:** Sunday, November 20, 2016 11:00:19 PM

---

Annie,

Based on Walt's messages to me earlier, he thinks you are coming to OGE.

Let me know if that does not work.

Thanks,

Deb

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

---

**From:** Ann M Donaldson  
**Sent:** Sunday, November 20, 2016 8:41 PM  
**To:** Deborah J. Bortot  
**Subject:** RE: contact with Office of Government Ethics

---

Deb,

I understand we have set up a meeting for 10am tomorrow morning. Should we plan to come to OGE or are you able to come to Jones Day? Want to make sure the logistics are worked out either way.

Thanks,

Annie

----- Message from "Deborah J. Bortot" <djbortot@oge.gov> on Sun, 20 Nov 2016 00:37:59 GMT -----

**From:** "Deborah J. Bortot" <djbortot@oge.gov>  
**To:** "Ann M Donaldson"  
**Subject:** Fw: contact with Office of Government Ethics

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

**From:** Walter M. Shaub <wmshaub@oge.gov>  
**Sent:** Saturday, November 19, 2016 6:32 PM  
**To:** Deborah J. Bortot  
**Subject:** FW: contact with Office of Government Ethics

Deb,

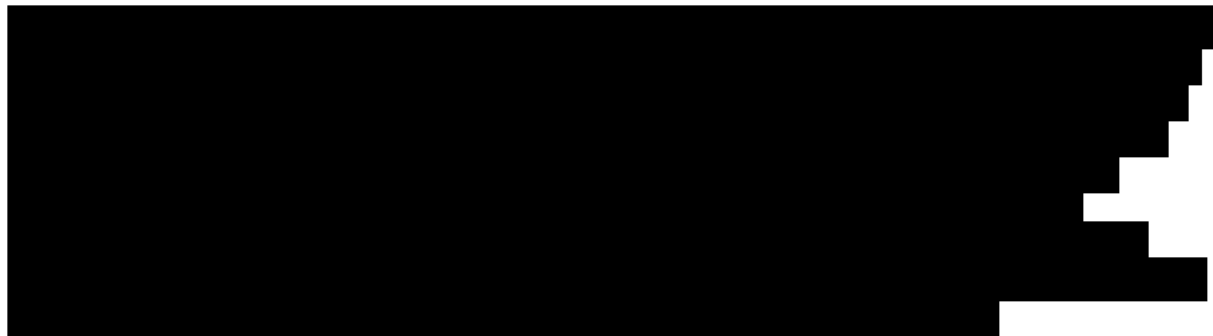
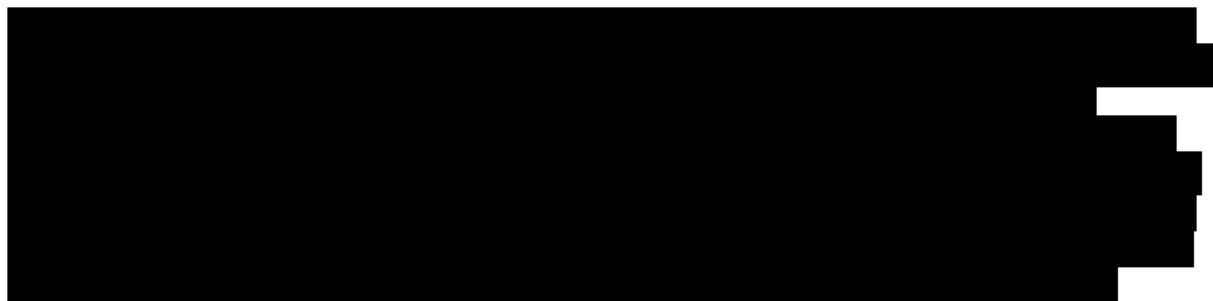
Please forward this message to Don McGahn's associate, in case she can get a message through.

Walt

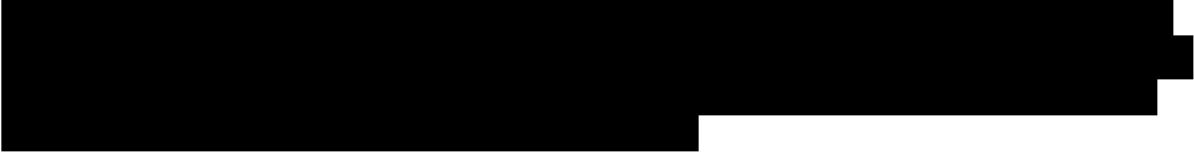

**From:** Walter M. Shaub  
**Sent:** Saturday, November 19, 2016 6:32 PM  
**To:** (b) (6) Don McGahn  
**Subject:** RE: contact with Office of Government Ethics

Don,

(b) (5)

A large rectangular area of the document is completely redacted with a solid black fill. The redaction covers approximately 10 lines of text.A large rectangular area of the document is completely redacted with a solid black fill. The redaction covers approximately 10 lines of text.A large rectangular area of the document is completely redacted with a solid black fill. The redaction covers approximately 10 lines of text.

(b) (5)

You might also want to review OGE's Transition Guide, the Nominee Ethics Guide, and the Appendix to our Nominee Ethics Guide for more background. We delivered additional hard copies to your office this week, and they are available online on OGE's website:  
<https://www.oge.gov/web/oge.nsf/Resources/PRESIDENTIAL+TRANSITION>.

(b) (5)



Walt

Walter M. Shaub, Jr.

Director

U.S. Office of Government Ethics

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Washington, DC 20005-3917

Telephone: 202.482.9292

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

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

Don,

Looks like we didn't manage to connect up this week. If you would prefer to talk over the weekend, I can be reached on my cell phone at (b) (6). (It would help if we could schedule the call an hour or more in advance, so I can try to get somewhere quiet with good reception.) Otherwise, we can try again on Monday. I do think it is important that we talk in the near future, as I would like to discuss ways OGE can help you and to give you some advice based on past experiences.

Thanks!

Walt

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**From:** [Donald F. McGahn](#)  
**To:** [Walter M. Shaub](#)  
**Subject:** RE: contact with Office of Government Ethics  
**Date:** Saturday, November 19, 2016 8:45:56 PM

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Thank you.

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----- Message from "Walter M. Shaub" <wmshaub@oge.gov> on Sun, 20 Nov 2016 01:44:38 GMT -----

**From:** "Walter M. Shaub" <wmshaub@oge.gov>  
**To:** "Donald F McGahn"  
**Subject:** Re: contact with Office of Government Ethics

Absolutely.

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

**From:** Donald F McGahn  
**Sent:** Saturday, November 19, 2016 8:41 PM  
**To:** Walter M. Shaub  
**Subject:** RE: contact with Office of Government Ethics

Can we come in Monday, say 10?

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----- Message from "Walter M. Shaub" <wmshaub@oge.gov> on Sat, 19 Nov 2016 23:32:09 GMT -----

**From:** "Walter M. Shaub" <wmshaub@oge.gov>  
**To:** (b) (6) Don McGahn  
**Subject:** RE: contact with Office of Government Ethics

Don,

(b) (5)

A large rectangular area of the document is completely redacted with a solid black fill. The redaction covers approximately the first two paragraphs of the email body.A large rectangular area of the document is completely redacted with a solid black fill. This redaction covers approximately the third and fourth paragraphs of the email body.A large rectangular area of the document is completely redacted with a solid black fill. This redaction covers approximately the fifth and sixth paragraphs of the email body.A large rectangular area of the document is completely redacted with a solid black fill. This redaction covers the final paragraph of the email body.

(b) (5)

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<https://www.oge.gov/web/oge.nsf/Resources/PRESIDENTIAL+TRANSITION>.

(b) (5)

Walt

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Telephone: 202.482.9292

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

**From:** Walter M. Shaub

**Sent:** Friday, November 18, 2016 5:29 PM

**To:** (b) (6) Don McGahn

**Subject:** contact with Office of Government Ethics

Don,



Looks like we didn't manage to connect up this week. If you would prefer to talk over the weekend, I can be reached on my cell phone at (b) (6). (It would help if we could schedule the call an hour or more in advance, so I can try to get somewhere quiet with good reception.) Otherwise, we can try again on Monday. I do think it is important that we talk in the near future, as I would like to discuss ways OGE can help you and to give you some advice based on past experiences.

Thanks!

Walt

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**From:** [Shelley K. Finlayson](#)  
**To:** ["Sean Doocey"](#)  
**Subject:** RE: Integrity  
**Date:** Thursday, November 17, 2016 12:03:06 PM

---

Hi Sean –

If George's entry to the transition space can't be worked out until tomorrow, are you available for a call this afternoon to discuss some preliminary matters that would make George's visit tomorrow more productive?

Thanks,  
Shelley

---

**From:** Shelley K. Finlayson  
**Sent:** Thursday, November 17, 2016 11:18 AM  
**To:** 'Sean Doocey'  
**Subject:** RE: Integrity

That is great news, Sean. As Walt mentioned, George is ready to come over as soon as you're ready to receive him. Just let me know what would work best for you and your team.  
Shelley

**From:** Sean Doocey [[mailto:\(b\) \(6\)](#)]  
**Sent:** Thursday, November 17, 2016 10:55 AM  
**To:** Shelley K. Finlayson  
**Subject:** Integrity

Hi Shelley,

I think we are at the point where we need to start getting some folks into Integrity. Can I stop by OGE (or can George come by transition) just to make sure that we have set everything up correctly?

Thanks, Sean

--

**Sean Doocey**  
Presidential Transition Team  
Email: (b) (6)  
Cell: (b) (6)

**From:** [Ann M Donaldson](#)  
**To:** [George Hancock](#)  
**Cc:** ["Sean Doocey"](#); [Shelley K. Finlayson](#)  
**Subject:** RE: New Counsel Users For Integrity  
**Date:** Wednesday, November 30, 2016 2:47:14 PM

---

George,  
The best number to reach me directly is (b) (6) (my mobile). If it's going in the system for semi-public (internal) consumption, my direct office line is below.  
Thanks,  
Annie

Ann M. Donaldson  
Associate  
[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)

(b) (6)  
(b) (6)  
(b) (6)

**From:** George Hancock <ghancock@oge.gov>  
**To:** 'Sean Doocey' (b) (6)  
**Cc:** Ann M Donaldson (b) (6), "Shelley K. Finlayson" <skfinlay@oge.gov>  
**Date:** 11/30/2016 02:39 PM  
**Subject:** RE: New Counsel Users For Integrity

---

Sure Sean.

I'll need a phone number to register and accomplish the change.

Thank you,

George Hancock  
*Integrity Manager*  
Program Counsel Division  
Legal, External Affairs and Performance Branch  
1201 New York Avenue, NW, Suite 500  
Washington, DC 20005

**From:** Sean Doocey [[mailto:\(b\) \(6\)](#)]  
**Sent:** Wednesday, November 30, 2016 2:10 PM  
**To:** Shelley K. Finlayson; George Hancock  
**Cc:** Ann M Donaldson  
**Subject:** New Counsel Users For Integrity

Hi Shelley and George,

Per Don McGahn, Could we swap (b) (5), (b) (6) in Integrity?

Thanks, Sean

Ann Donaldson (b) (6)

--

**Sean Doocey**

Presidential Transition Team

Email: (b) (6)

Cell: (b) (6)

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=====

**From:** [Walter M. Shaub](#)  
**To:** ["Sean Doocey"](#); [Shelley K. Finlayson](#)  
**Subject:** RE: OGE Materials  
**Date:** Thursday, November 17, 2016 11:09:04 AM

---

Absolutely. What would work best would be if I could send someone with the materials. It's three boxes on cart. Also, Shelley says you'd like to talk to George Hancock. I could send him over there too. Would that work?

**From:** Sean Doocey [mailto:(b) (6)]  
**Sent:** Thursday, November 17, 2016 10:56 AM  
**To:** Walter M. Shaub; Shelley K. Finlayson  
**Subject:** OGE Materials

Hi Walt and Shelley,

Would it be possible for us to get the copies of the OGE guides so that we can start sending them out to our nominees?

Thanks, Sean

--

**Sean Doocey**  
Presidential Transition Team  
Email: (b) (6)  
Cell: (b) (6)

**From:** [Walter M. Shaub](#)  
**To:** [Emily Mallon](#)  
**Subject:** Re: time-sensitive issue  
**Date:** Friday, November 18, 2016 10:18:48 AM

---

Sure.

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

---

**From:** Emily Mallon  
**Sent:** Friday, November 18, 2016 10:18 AM  
**To:** Walter M. Shaub  
**Subject:** Re: time-sensitive issue

---


Walt,

Sean is in and out of meetings this morning. Would 11 work?

On Fri, Nov 18, 2016 at 10:08 AM, Walter M. Shaub <[wmschaub@oge.gov](mailto:wmschaub@oge.gov)> wrote:

Emily,

We'll send George right away. If possible, (b) (5)



Walt

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

**From:** Emily Mallon  
**Sent:** Friday, November 18, 2016 10:04 AM  
**To:** Walter M. Shaub  
**Subject:** Re: time-sensitive issue

Walter,

That would be great. (b) (5) but we would love another quick demo from George.

Thanks,

Emily

On Fri, Nov 18, 2016 at 10:00 AM, Walter M. Shaub <[wmschaub@oge.gov](mailto:wmschaub@oge.gov)> wrote:

Thanks, Sean. Access is all set. We can send Emory right now if you're ready for him.

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

**From:** Sean Doocey

**Sent:** Friday, November 18, 2016 9:51 AM

**To:** Walter M. Shaub; Emily Mallon

**Cc:** Shelley K. Finlayson

**Subject:** Re: time-sensitive issue

Thank you both. I understand the difficulty getting in touch with counsel's office.

On the plus side, we are ready to be initiating folks in Integrity.

I'm running in and out. Would it be possible to for George to coordinate a time with Emily and we can either come to you, meet at (b) (6), or here at the transition hq if the access was worked out with GSA.

Thanks, Sean

On Fri, Nov 18, 2016 at 9:15 AM, Walter M. Shaub <[wmschaub@oge.gov](mailto:wmschaub@oge.gov)> wrote:

Sean,

I'm just dropping another quick note to remind you that OGE is here to help. We seem to have lost contact with the Trump-Pence transition since the election.

As we discussed prior to the election, announcing cabinet picks without taking OGE up on the offer to take an early look at financial disclosure picks poses the risk of embarrassment for the President-elect (and the individual candidate for nomination) in the event that the individual walks away from the nomination after learning what he or she will have to do with his or her financial interests. This is true even in the case of Senators, as Senators are not subject to conflicts of interest laws and may not fully appreciate how different life is in the executive branch. We would genuinely like to help you prevent that undesirable outcome.

As we also previously discussed, the same offer applies to possible White House appointees. The risk is even higher for them because OGE would not normally receive their financial disclosure reports until after they have been in office for weeks or even months. By that time, they run the risk of having inadvertently violated the criminal conflicts of interest restriction at 18 USC 208. If we don't get involved early to prevent problems,



we won't be able to help them after the fact.

In addition, please remind people that, as we discussed, OGE needs to be involved before anyone seeks to set up a blind trust. Conversations with potential trustees before consulting to OGE could disqualify them. Also, please be sure that people realize that no asset placed in a blind trust is considered blind, and thus continues to pose conflicts of interest, until the asset has been sold off and the government official receives a letter (approved in advance by OGE) indicating that an asset has been sold down to \$1,000 or less.

I will be taking to Don McGahn as soon as I can pin him down to a time for a call, which is proving to be difficult. However, I don't have confirmation from anyone on the transition team or from OMB that he is serving in any official capacity. It would help to have confirmation that he is authorized to speak for the transition.

As you know, our goal is to help you by preventing problems before they arise. I will consider OGE successful if we get the new administration off to a great start, wholly free of conflicts of interest.

Walt

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

**From:** Walter M. Shaub

**Sent:** Thursday, November 17, 2016 2:52 PM

**To:** Sean Doocey

**Subject:** semi time-sensitive issue

Sean,

Is there a phone number where I can call you for a quick phone call today. A somewhat time sensitive issue has arisen.

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](tel:202.482.9292)

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

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--

**Sean Doocey**

Presidential Transition Team

Email: (b) (6)

Cell: (b) (6)

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**From:** [Walter M. Shaub](#)  
**To:** [Shelley K. Finlayson](#); [David J. Apol](#); [Deborah J. Bortot](#)  
**Subject:** update  
**Date:** Tuesday, November 15, 2016 2:05:26 PM

---

Folks, I've got great news for you. Our contact who we trained in Integrity is still with the transition team. He's also got experience with the ethics rules.

---

**From:** Walter M. Shaub  
**Sent:** Tuesday, November 15, 2016 2:04 PM  
**To:** 'Sean Doocey'  
**Subject:** RE: Quick question

That's great news!

**From:** Sean Doocey [[mailto:\(b\) \(6\)](#)]  
**Sent:** Tuesday, November 15, 2016 2:04 PM  
**To:** Walter M. Shaub  
**Subject:** Re: Quick question

It's still me... For now!

On Tue, Nov 15, 2016 at 2:03 PM Walter M. Shaub <[wmschaub@oge.gov](mailto:wmschaub@oge.gov)> wrote:

Thanks, Sean!! If you're still going to be operating the e-filing system, *Integrity*, for the transition team, I think we're all set. If not, could you let them know to assign someone and contact us for training?

Walt

**From:** Sean Doocey [[mailto:\(b\) \(6\)](#)]  
**Sent:** Tuesday, November 15, 2016 1:13 PM  
**To:** Walter M. Shaub  
**Subject:** Re: Quick question

Hi Walt,

Sorry for the slow reply! I am still here. We've had some transitions in the legal department. I'm tracking the the correct poc.

Sean

On Tue, Nov 15, 2016 at 7:56 AM, Walter M. Shaub <[wmschaub@oge.gov](mailto:wmschaub@oge.gov)> wrote:

Hi Sean, can you let me know whether you are still with the transition team? We're eager to help, but recent news reports have us a little confused about who we should be contacting. I'm really hoping you're still there. I'd hate to lose your experience and expertise, but I'll understand if things have changed.

Walt

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

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--

**Sean Doocey**

Presidential Transition Team

Email: (b) (6)

Cell: (b) (6)

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**From:** [Walter M. Shaub](#)  
**To:** [Sean Doocey](#)  
**Cc:** [Shelley K. Finlayson](#)  
**Subject:** time-sensitive issue  
**Date:** Friday, November 18, 2016 9:15:10 AM

---

Sean,

I'm just dropping another quick note to remind you that OGE is here to help. We seem to have lost contact with the Trump-Pence transition since the election.

As we discussed prior to the election, announcing cabinet picks without taking OGE up on the offer to take an early look at financial disclosure picks poses the risk of embarrassment for the President-elect (and the individual candidate for nomination) in the event that the individual walks away from the nomination after learning what he or she will have to do with his or her financial interests. This is true even in the case of Senators, as Senators are not subject to conflicts of interest laws and may not fully appreciate how different life is in the executive branch. We would genuinely like to help you prevent that undesirable outcome.

As we also previously discussed, the same offer applies to possible White House appointees. The risk is even higher for them because OGE would not normally receive their financial disclosure reports until after they have been in office for weeks or even months. By that time, they run the risk of having inadvertently violated the criminal conflicts of interest restriction at 18 USC 208. If we don't get involved early to prevent problems, we won't be able to help them after the fact.

In addition, please remind people that, as we discussed, OGE needs to be involved before anyone seeks to set up a blind trust. Conversations with potential trustees before consulting to OGE could disqualify them. Also, please be sure that people realize that no asset placed in a blind trust is considered blind, and thus continues to pose conflicts of interest, until the asset has been sold off and the government official receives a letter (approved in advance by OGE) indicating that an asset has been sold down to \$1,000 or less.

I will be taking to Don McGahn as soon as I can pin him down to a time for a call, which is proving to be difficult. However, I don't have confirmation from anyone on the transition team or from OMB that he is serving in any official capacity. It would help to have confirmation that he is authorized to speak for the transition.

As you know, our goal is to help you by preventing problems before they arise. I will consider OGE successful if we get the new administration off to a great start, wholly free of conflicts of interest.

Walt

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

---

**From:** Walter M. Shaub  
**Sent:** Thursday, November 17, 2016 2:52 PM  
**To:** Sean Doocey  
**Subject:** semi time-sensitive issue

---

Sean,

Is there a phone number where I can call you for a quick phone call today. A somewhat time sensitive issue has arisen.

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

**From:** [Walter M. Shaub](#)  
**To:** [Sean E. Doocey](#)  
**Cc:** [Shelley K. Finlayson](#)  
**Subject:** Re: time-sensitive issue  
**Date:** Friday, November 18, 2016 9:49:14 AM

---

Re-sending with some potentially confusing typos corrected (below) in case you need to forward the message to anyone. (Sorry for that. It's hard to proof read on a blackberry.)

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---

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**Cc:** Shelley K. Finlayson  
**Subject:** time-sensitive issue

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**Subject:** semi time-sensitive issue

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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

**From:** [David J. Apol](#)  
**To:** [Elizabeth D. Horton](#)  
**Subject:** FW: time-sensitive issue  
**Date:** Friday, December 02, 2016 10:53:53 AM

---

---

**From:** Walter M. Shaub  
**Sent:** Friday, November 18, 2016 9:52 AM  
**To:** David J. Apol; Deborah J. Bortot; Heather A. Jones  
**Subject:** Fw: time-sensitive issue

[Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.](#)

---

**From:** Walter M. Shaub <[wmschaub@oge.gov](mailto:wmschaub@oge.gov)>  
**Sent:** Friday, November 18, 2016 9:49 AM  
**To:** Sean E. Doocey  
**Cc:** Shelley K. Finlayson  
**Subject:** Re: time-sensitive issue

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**Sent:** Thursday, November 17, 2016 2:52 PM  
**To:** Sean Doocey  
**Subject:** semi time-sensitive issue

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Is there a phone number where I can call you for a quick phone call today. A somewhat time sensitive issue has arisen.

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:** [Walter M. Shaub](#)  
**To:** (b) (6) Don McGahn  
**Subject:** press inquiries  
**Date:** Wednesday, November 30, 2016 1:13:47 PM

---

We started receiving dozens of press calls as soon as the President-elect announced his plan to divest his assets. Here's the response our spokesperson is sending out to them:

Like everyone else, we were excited this morning to read the President-elect's twitter feed indicating that he wants to be free of conflicts of interest. OGE applauds that goal, which is consistent with an opinion OGE issued in 1983. Divestiture resolves conflicts of interest in a way that transferring control does not. We don't know the details of their plan, but we are willing and eager to help them with it.

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)

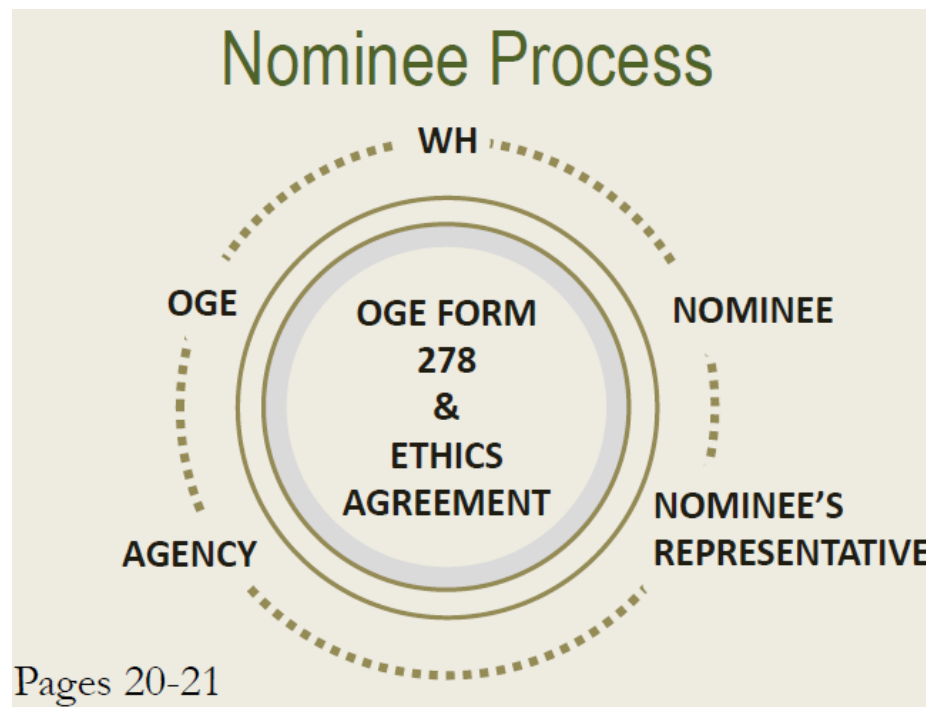
---

**From:** Walter M. Shaub  
**Sent:** Wednesday, November 30, 2016 10:14 AM  
**To:** (b) (6) Don McGahn  
**Subject:** Can we talk today?

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

## INFORMAL DISCUSSION POINTS (11/21/16)


- nominee process
  - financial disclosure report
    - collection by WH (transition team)
    - release to OGE/agency
    - multiple rounds of revision and information collection, conflicts analysis, ethics agreement (9-year average = ~40 days)



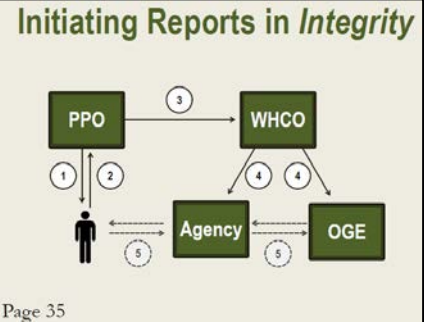
- preclearance
- review by WH (transition team)
- national security form
  - initiation by WH (transition team) through OPM's e-QIP
  - processed by OPM
  - FBI background investigation
  - FBI report drafted & issued
  - review by WH (transition team)
- public records search by WH (transition team)
- review of tax filings by WH (transition team)

- supplemental information collected by WH (transition team)
- Senate questionnaire collection, review, editing in consultation with agency and WH (transition team)
- reconciling inconsistent information in different forms
- interview of nominee by WH (transition team) vetting attorney
- meeting by WH (transition team) personnel office and counsel to formulate recommendation to President (President-elect)
- decision by President (President-elect)
- WH (transition team) communications team recommends best approach to announcing intent to nominate
- WH (transition team) legislative team prepares nominee
- Senate typically holds some cabinet hearings before January 20
- process in detail (pages 20-21)
- received v. preclear chart (pp. 24-25)
- critical milestones (pp. 22-23)
- blind reviews (page 13)
- *blind review v. OGE-only review v. risk management consultation*
- working with nominees (pp. 26-27)
  - nominee responsiveness is the primary driver of speed/delay
  - to speed up process:
    - deliver hard copy of Nominee Ethics Guide
    - communicate that it will be a lengthy process (multiple rounds) and that prompt responses are critical
    - communicate that they (and their spouses) may need to make changes to finances
- assignee
- *assignee v. detailee*
- additional expertise: in-house or outside counsel

- transition team personnel are running an instance of *Integrity* (page 29)



### Initiating Reports in Integrity



Page 35

Each source of your annual and other non-investment income... (text continues)

Source	Income Type	Amount	Frequency	Start Date	End Date
1. ABC Corp. (stock option exercise - not readily ascertainable)	Div	\$10,000	One-time	1/1/2020	1/1/2020
2. XYZ Corp. (stock option exercise - not readily ascertainable)	Div	\$10,000	One-time	1/1/2020	1/1/2020
3. ABC Corp. (stock option exercise - not readily ascertainable)	Div	\$10,000	One-time	1/1/2020	1/1/2020
4. XYZ Corp. (stock option exercise - not readily ascertainable)	Div	\$10,000	One-time	1/1/2020	1/1/2020
5. ABC Corp. (stock option exercise - not readily ascertainable)	Div	\$10,000	One-time	1/1/2020	1/1/2020
6. XYZ Corp. (stock option exercise - not readily ascertainable)	Div	\$10,000	One-time	1/1/2020	1/1/2020

---

You indicated that you hold (or held) stock options. Answer the questions below regarding the stock options.

**VALUE**

Are you able to provide a value of these stock options?

☐ Yes  
☒ No, a value is not readily ascertainable

**DESCRIPTION IN LIEU OF A VALUE**

You have indicated that a value is not readily ascertainable. In lieu of providing a value, provide the following information: (1) the number of shares of the stock for which the option was issued; (2) the strike price (e.g., "\$16.53/share"); (3) the expiration date; (4) an indication as to whether the options are vested or unvested; and (5) the date on which the options will vest (if the options are unvested).

1,000 unvested shares, \$11.75, exp. 2/1/27, vest 2/1/17  
 1,000 vested shares, \$11.50, exp. 2/1/26

Characters Left: 403

**INCOME**

Provide the amount of income produced by these options during the reporting period. ?

Note: We do not treat the receipt of stock options as income, even when taxable as ordinary income. For this reason, most filers select the "none or less than \$201" category.

Please Select  
 Please Select  
 None (or less than \$201)  
 \$201 - \$1,000  
 \$1,001 - \$2,500  
 \$2,501 - \$5,000  
 \$5,001 - \$15,000  
 \$15,001 - \$50,000  
 \$50,001 - \$100,000  
 \$100,001 - \$1,000,000  
 \$1,000,001 - \$5,000,000  
 Over \$5,000,000

**ARRANGEMENT DESCRIPTION**

Describe what will happen to your stock options.

Please enter your Answer

- setting up lines of communication
- typical show stoppers for nominees (Nominee Appendix checklists)

- OGE resources:



## OGE TRANSITION MATERIALS

### OGE's Role in the Presidential Transition

The law requires OGE to review the financial disclosure reports of most Presidential nominees for civilian positions requiring Senate confirmation. OGE reviews these reports for potential conflicts of interest and for compliance with disclosure requirements. OGE's efforts to resolve potential conflicts help ensure that nominees will be able to perform the duties of their positions.

### OGE's Guide for the Presidential Transition Team

The work of a Presidential transition is a monumental undertaking. OGE developed this Guide as a resource for the Presidential Transition Team to prepare for the upcoming transition so that top leadership positions can be filled quickly and free from conflicts of interest. This guide explains the nominee ethics process, provides strategies for establishing a strong ethical culture in the new Presidential administration, and includes useful reference materials.

### OGE's Guide for Nominees

OGE developed this Guide as a resource for potential Presidentially-appointed, Senate-confirmed (PAS) nominees during the upcoming transition. The Guide contains helpful guidance for incoming PAS nominees including an introduction to the nominee process, guidance on financial disclosure, and an overview of key ethics rules and regulations.

### OGE's Appendix to the Guide for Nominees

The Appendix to the Guide for Nominees contains detailed reference content, such as financial disclosure checklists, criteria for identifying excepted investment funds, and information on ongoing financial disclosure obligations.

### (Unofficial) Excel workbook listing positions for which OGE reviews nominees

The official source for identifying political positions in the executive branch is the publication titled, "United States Government Policy and Supporting Positions." This publication, commonly known as the Plum Book, is published alternately by the Senate and the House committees after each Presidential election. However, the Presidential Transition Team will need to begin identifying possible nominees well before the election. To assist in this process, OGE has compiled an unofficial Excel workbook listing the civilian Presidentially appointed, Senate-confirmed positions traditionally subject to OGE's review in the nomination process.

### Ways OGE Can Help in the Presidential Transition (1-page graphic)

OGE is ready to assist the Presidential Transition Team in navigating the transition and laying the groundwork for a strong ethical culture in the new administration. OGE is also ready to assist in establishing a strong White House ethics program.

### OGE's Public Financial Disclosure Guide

The Public Financial Disclosure Guide is an interactive tool to assist individuals who file or review public financial disclosure reports (OGE Form 278e or OGE Form 278-T). The Guide offers helpful instructions, illustrations of sample language, definitions of terms, and plain language answers to frequently asked questions.

### OGE's Nominee Ethics Agreement Guide

The ethics agreement outlines specific steps a nominee will take to avoid conflicts of interest. OGE's staff and agency ethics officials draft each ethics agreement using standardized language from this Guide that will be modified as needed to tailor the agreement to the nominee's unique circumstances.



### Nominee Public Financial Disclosure Review Checklists

OGE developed this collection of public financial disclosure checklists for incoming Presidential nominees who file public financial disclosure reports, as well as for agency reviewers. The collection includes a general checklist applicable to all nominees and supplemental checklists that target incoming attorneys; corporate officers, employees, and directors; university professors and deans; and investment fund managers.

### OGE's Electronic Public Financial Disclosure Filing System, *Integrity*

Presidential nominees in the executive branch file public financial disclosure reports through Integrity, the executive branch electronic financial disclosure system. The online user manual for Integrity provides useful explanations of the system's features. A user name and password is required to access both Integrity and its user manual.

### Presidential Appointee & Nominee Records

Follow this link for access to public financial disclosure reports and ethics agreements, executive branch agency Ethics Pledge waivers, and the annual report on Executive Order 13490 (Ethics Pledge).

### The theme of OGE's 2016 National Government Ethics Summit: Presidential Transition

The National Government Ethics Summit held this spring kicked off OGE's efforts to ensure that the more than 4,500 ethics officials throughout the executive branch are prepared to help facilitate a smooth transition between Presidential administrations. Follow this link and the links below for more information on OGE's 2016 National Government Ethics Summit and other Presidential Transition readiness efforts.

- Materials from the 2016 National Government Ethics Summit on the Presidential Transition (March 8-10, 2016)
- Agenda for the full-day Symposium on Nominee Financial Disclosure in a Presidential Transition (March 7, 2016)
- Video: Replay of selected session from the 2016 National Government Ethics Summit
- OGE and Agency Ethics Officials Train for Post-Election Readiness
- Video: Transition Readiness Series

### OGE Form 278 (Public Financial Disclosure Report) and OGE Form 450 (Confidential Financial Disclosure Report)

Follow this link for access to OGE's financial disclosure forms and instructions for downloading the forms.

### OGE Senior Leadership

Follow this link to learn more about OGE's Senior Leadership.

### OGE Staff Contact Information

Follow this link for an OGE staff listing and contact information.

## • Partnership for Public Service – Center for Presidential Transition

Incoming Administration: X

presidentialtransition.org/timeline/appointments/index.php

PARTNERSHIP FOR PUBLIC SERVICE  
CENTER for PRESIDENTIAL TRANSITION

READY TO GOVERN RESOURCES BLOG ABOUT DON

**TRANSITION WORKSTREAMS**

INCOMING ADMINISTRATION

- Agency Review
- Appointments
- Operations
- Policy

OUTGOING ADMINISTRATION

- Federal Agencies

**TASKS AND RESOURCES BY MONTH**

Select Month ▼

**Transition Guide**  
Download PDF

**PRESIDENTIAL TRANSITION TIMELINE**

### Incoming Administration: Appointments

#### Overview

The goal of a presidential transition team is not only to help the president-elect prepare to take office, but to fill roughly 4,000 politically appointed positions, including more than 1,000 jobs requiring Senate confirmation.

Identifying, selecting and securing Senate confirmation of presidential appointees requires a thorough understanding of the number and types of presidential appointments that will need to be made, the skills that are needed in various positions, the importance of diversity among appointees and how the leadership team that is chosen will drive the new administration's agenda for the next four years.

Filling such a large number of presidential appointments, including members of the Cabinet, the White House staff and top policy and management positions at each federal agency, requires immense capacity, organization and discretion within the transition team's presidential personnel office. The appointments team is often among the largest within a presidential transition organization. The Clinton transition team's appointments office had close to 100 members and the Romney Readiness Project had 124 people working or volunteering on the presidential appointments by Election Day.

- o **Max Stier, President and CEO**  
(b)(6)

## • recommendation

## QUALIFIED BLIND & DIVERSIFIED TRUSTS (a few key points)

### *Applicable to qualified blind trusts only*

- Trustee prepares and files the trust's taxes, including the taxes of any businesses in the trust (and Settlor does not receive information other than the limited information contained in the annual statement)
- Any initial asset placed in the trust is not "blind" and continues to pose conflicts of interest until it is sold down to a value of \$1,000 or less
- After obtaining OGE's approval of the written communication, Trustee will send Settlor written notice that the asset has been sold down to a value of \$1,000 or less (note: this notice is publicly available)

### *Applicable to qualified diversified trusts only*

- Only readily marketable assets can be placed in a diversified trust (i.e., cannot place closely held businesses in the trust)
- Trustee prepares and files not only the trust's taxes but also the Settlor's personal income taxes
- With respect to initial assets placed in the trust, no more than 5% can be in any asset and no more than 20% can be in any sector
- Assets placed in the trust immediately cease to pose conflicts
- Cannot place any asset in trust that poses a significant conflict

### *Applicable to both:*

- OGE must oversee establishment of trust from start to finish (no prior communications with prospective trustees)
- Must use OGE's model trust documents
- Trustee must be an institution and fully independent (cannot be a relative)
- A relative cannot be employed by the trust (i.e., in any businesses owned by the trust)
- Trustee must provide OGE with a relationship letter describing any relationships the trustee (including its officers, directors and principals) has with the interested parties
- Settlor must relinquish all control of assets
- Settlor must publicly disclose all assets placed in the trust

- Trustee must be provided with all information regarding businesses, including liabilities, assets and agreements
- Title must be transferred to Trustee
- Trust assets cannot be encumbered
- Liabilities, agreements, arrangements and all other entanglements with the Settlor and all interested parties must be transferred to the trustee
- There can be no restrictions as to actions the trust can take with regard to assets or liabilities (e.g., sale, liquidation, operation, destruction, settlement of lawsuits, etc.)
- Settlor cannot provide instructions, or even communicate specific preferences, as to the nature of the assets to acquire, retain, etc.
- All communications from the Settlor (and Settlor's representatives) to the trustee must be in writing
- All communications from the Trustee to the Settlor (and Settlor's representatives) must be in writing
- OGE must approve all written communications before they are transmitted
- OGE must receive another copy of the written communications after they are transmitted
- Trustee and agents of the trustee may not communicate any information about holdings, trades, etc.
- A quarterly statement is provided, but the only information in the statement is the total value of the trust
- An annual statement is provided with general tax information, but it cannot include any tax information that would reveal the nature of the assets
- When the trust is eventually dissolved (even if after the Settlor leaves government service) the holdings of the trust must be publicly disclosed
- OGE typically receives (and fulfills) requests from the public for all trust documents

**From:** [Sholk, Steven H.](#)  
**To:** [Shelley K. Finlayson](#)  
**Cc:** ["Sean Doocey"](#)  
**Subject:** [GRAYMAIL] RE: Thanks  
**Date:** Tuesday, September 06, 2016 3:15:49 PM

---

Thank you.

Steven H. Sholk, Esq.  
Director  
Gibbons P.C.

(b) (6)

[www.gibbonslaw.com](http://www.gibbonslaw.com) (Website)



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**From:** Shelley K. Finlayson [mailto:skfinlay@oge.gov]  
**Sent:** Tuesday, September 06, 2016 3:05 PM  
**To:** Sholk, Steven H.  
**Cc:** 'Sean Doocey'  
**Subject:** FW: Thanks

Good afternoon, Mr. Sholk –

In response to your voicemail message today, please find attached the fund manager letter that you requested. Please do not hesitate to contact me should you require any additional information or materials.

Regards,

Shelley Finlayson

Shelley K. Finlayson

Chief of Staff and Program Counsel

U.S. Office of Government Ethics

1201 New York Avenue NW, Suite 500

Washington, DC 20005

(202) 482-9314

[skfinlay@oge.gov](mailto:skfinlay@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)

Follow OGE on Twitter: @OfficeGovEthics

**From:** Shelley K. Finlayson

**Sent:** Thursday, September 01, 2016 4:57 PM

**To:** 'Sean Doocey'

**Subject:** RE: Thanks

Mr. Doocey,

Thank you for taking the time to attend the briefing here at OGE earlier this week. Attached please find the list of potential ethics detailees that we discussed and, per your team's request, a sample fund manager letter. Also, below is a link to the webpage on OGE's website that contains numerous resources, including all of the materials that we provided to you at the briefing.

<https://www.oge.gov/web/oge.nsf/Resources/PRESIDENTIAL+TRANSITION>

We stand ready to provide your team training on *Integrity*, OGE's electronic public financial disclosure filing system. Please let me know what dates would be most convenient.

I look forward to hearing from you.

Regards,

Shelley Finlayson

Shelley K. Finlayson

Chief of Staff and Program Counsel

U.S. Office of Government Ethics

1201 New York Avenue NW, Suite 500

Washington, DC 20005

(202) 482-9314

[skfinlay@oge.gov](mailto:skfinlay@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)

Follow OGE on Twitter: @OfficeGovEthics

**From:** Sean Doocey [[mailto:\[REDACTED\]](mailto:[REDACTED])] <sup>(b)(6)</sup>

**Sent:** Wednesday, August 31, 2016 2:48 PM

**To:** Shelley K. Finlayson

**Subject:** Thanks

Ms. Finlayson,

Thanks very much for the excellent briefing yesterday. We look forward to working with you and your team to schedule Integrity training in the coming weeks.

Thanks, Sean

Sean Doocey

(b)(6)

(b) (6)

OGE Confidential Notice: This email, including all attachments, may constitute a Federal record or other Government property that is intended only for the use of the individual or entity to which it is addressed. This email also may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law. If you are not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this email or its contents is strictly prohibited. If you have received this email in error, please notify the sender by responding to the email and then immediately delete the email.

**HYPOTHETICAL 1: Filer but not filer's spouse is invested in the fund.**

[PRINTED ON LABEDZ AB STRATEGIES, LLC LETTERHEAD]

February 28, 2017

Joseph L. Bitler  
123 Wide Street  
Townville, VA 22345

Dear Mr. Bitler:

I am writing on behalf of Labedz AB Strategies, LLC, which is the fund manager of Newton Distressed Opportunities IV, LP. As requested, this letter confirms that you do not control or direct the investments of Newton Distressed Opportunities IV, LP. This letter also confirms that the holdings of Newton Distressed Opportunities IV, LP are not disclosed to investors.

Sincerely,

John Doe  
[Title]

**HYPOTHETICAL 2: Filer's spouse but not the filer is invested in the fund.**

(Use the sample in Hypothetical 1, but address the letter to the spouse.)

**HYPOTHETICAL 3: Filer and filer's spouse are invested in the fund.**

[PRINTED ON LABEDZ AB STRATEGIES, LLC LETTERHEAD]

February 28, 2017

Joseph L. Bitler  
123 Wide Street  
Townville, VA 22345

Dear Mr. Bitler:

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Sincerely,

John Doe  
[Title]



**From:** [Shelley K. Finlayson](#)  
**To:** (b) (6)  
**Cc:** "Sean Doocey"  
**Subject:** FW: Thanks  
**Date:** Tuesday, September 06, 2016 3:05:25 PM  
**Attachments:** [fund\\_manager\\_letter.pdf](#)  
[list.pdf](#)

---

Good afternoon, Mr. Sholk –

In response to your voicemail message today, please find attached the fund manager letter that you requested. Please do not hesitate to contact me should you require any additional information or materials.

Regards,  
Shelley Finlayson

Shelley K. Finlayson  
Chief of Staff and Program Counsel  
U.S. Office of Government Ethics  
1201 New York Avenue NW, Suite 500  
Washington, DC 20005  
(202) 482-9314  
[skfinlay@oge.gov](mailto:skfinlay@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics

---

**From:** Shelley K. Finlayson  
**Sent:** Thursday, September 01, 2016 4:57 PM  
**To:** 'Sean Doocey'  
**Subject:** RE: Thanks

Mr. Doocey,

Thank you for taking the time to attend the briefing here at OGE earlier this week. Attached please find the list of potential ethics detailees that we discussed and, per your team's request, a sample fund manager letter. Also, below is a link to the webpage on OGE's website that contains numerous resources, including all of the materials that we provided to you at the briefing.

<https://www.oge.gov/web/oge.nsf/Resources/PRESIDENTIAL+TRANSITION>

We stand ready to provide your team training on *Integrity*, OGE's electronic public financial disclosure filing system. Please let me know what dates would be most convenient.

I look forward to hearing from you.

Regards,  
Shelley Finlayson

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**From:** Sean Doocey (b)(6)  
**Sent:** Wednesday, August 31, 2016 2:48 PM  
**To:** Shelley K. Finlayson  
**Subject:** Thanks

Ms. Finlayson,

Thanks very much for the excellent briefing yesterday. We look forward to working with you and your team to schedule Integrity training in the coming weeks.

Thanks, Sean

Sean Doocey  
(b)(6)

## Special Agency Request

### Notice Options

Notice Name	Purpose of Notice	Y/N	Notice Text
INTEGRITY NOTIFICATIONS/USER PROVISIONING NOTIFICATION	If PTT creates a new user account for a reviewer, Integrity will send that individual a notice.	Y	<p>You have been granted access rights to Integrity, which is a system created by the U.S. Office of Government Ethics for electronically filing and reviewing public financial disclosure reports.</p> <p>Logging into Integrity requires an account with MAX.gov.</p> <p>- If you are currently a MAX.gov user, you can access Integrity by going to <a href="http://www.integrity.gov">www.integrity.gov</a>. Enter your existing MAX ID and password.</p> <p>- If you are not a current MAX.gov user, please use the following link to set up your password:</p> <p>[[passwordResetUrl]]</p> <p>After setting up your password, you can access Integrity by going to <a href="http://www.integrity.gov">www.integrity.gov</a>.</p>
INTEGRITY NOTIFICATIONS/CLOAKED USER PROVISIONING NOTIFICATION	If PTT creates a new user account for a Nominee filer, Integrity will send that individual a notice. (A new user account is not needed if the Nominee already uses Integrity. In such a case, the Nominee completes the report using his or her existing account. No provisioning notice is necessary.)	Y	<p>Dear [[name]],</p> <p>The Presidential Transition Team (PTT) has registered you in Integrity, which is the electronic filing system that you will use to file your public financial disclosure report.</p> <p>Before you can use Integrity, you will need to create a password. This email provides you with instructions for creating your password. It is very important that you create your password right away.</p> <p>In the near future, you will receive another email from this address. That email will advise you that PTT has set up a blank financial disclosure report form for you to complete. Once you receive that email, it will be very important that you begin working on your financial disclosure report as soon as possible, in order to avoid delaying your nomination.</p> <p>Please contact PTT if you have any questions.</p> <p>INSTRUCTIONS:</p> <p>1. USER ID: To ensure the security of the nominations process, your identity will be "cloaked" in Integrity in order to limit the number of individuals who know that you are an Integrity user. To achieve this cloaking, you have been assigned a User ID that is not your real name. Your unique User ID is listed immediately below. You must use this User ID each time you log into Integrity.</p> <p>User ID: [[cloakedId]]</p> <p>2. PASSWORD: To set up your password, click on the link immediately below, which will take you to Integrity's password reset page:</p>

FILER NOTIFICATIONS/REPORT ASSIGNMENT	If PTT assigns a Nominee report to a filer, Integrity will send that individual a notice.	Y	<p>Dear [[name]],</p> <p>You have been assigned a public financial disclosure report (OGE Form 278e) to complete in Integrity, which is the electronic filing system that nominees use to file public financial disclosure reports. To log into Integrity, type “integrity.gov” into your web browser or click on the link immediately below.</p> <p><a href="https://integrity.gov">https://integrity.gov</a></p> <p>***IMPORTANT*** In order to log into Integrity, you will need a User ID and password. If you are new to Integrity, you should have recently received an email providing you with a username. That email included instructions for creating a password. If you have not followed those instructions and created a password, you will not be able to log into Integrity. In that case, you should review that earlier email, follow the instructions, and create an email before trying to log into Integrity. If you are already an Integrity filer, you may use your existing User ID and password.</p>
FILER NOTIFICATIONS/FILING REMINDERS ASSIGNMENT	A reminder notice will be sent to the filer every 7 or 14 days.	N	<p>Dear [[name]],</p> <p>A public financial disclosure report (OGE Form 278e) is pending your action in Integrity, which is the electronic filing system that nominees use to file public financial disclosure reports. You may access the report by logging into Integrity at <a href="https://integrity.gov">https://integrity.gov</a>.</p>
REVIEWER NOTIFICATIONS/REPORTING PENDING ACTION NOTIFICATION	A notice will be sent to a reviewer when he or she receives an assignment. By default, all incoming Nominee reports are initially assigned to the Primary Reviewer.	Y	<p>A [[year]] [[item]] report for [[name]] is pending your action as [[role]] in Integrity. You may access the report by logging into Integrity at <a href="https://integrity.gov">https://integrity.gov</a>.</p>

**From:** [Shelley K. Finlayson](#)  
**To:** ["Sean Doocey"; Tim Petty; "Emily Mallon"](#)  
**Subject:** Integrity orientation follow up  
**Date:** Thursday, September 29, 2016 5:35:51 PM  
**Attachments:** [Integrity Resources Binder Tab 8.docx](#)  
[Integrity Binder Tab 9.xlsx](#)

---

Good afternoon –

Thank you again for taking the time to attend an orientation on OGE's public financial disclosure filing system, *Integrity*. As promised, please find attached the training resources (Tab 8 in your binder) with live links to training videos and the document containing system notice language (Tab 9 in your binder). As a reminder, you must customize the notice language and provide it to OGE before we can set you up on the live site.

As we mentioned at the orientation, if you have additional staff that you would like added for either PPO or White House Counsel roles, please provide their names, emails, contact information and what role they should be assigned.

We would be happy to schedule a time to come assist you in person with setting up your groups, adding users and sitting side-by-side while you use the system, and are always available to answer any questions you may have.

Please don't hesitate to contact me or anyone on the *Integrity* team. We look forward to continuing to work with you.

Regards,  
Shelley

Shelley K. Finlayson  
Chief of Staff and Program Counsel  
U.S. Office of Government Ethics  
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Follow OGE on Twitter: @OfficeGovEthics



## Integrity Resources



Almost all of the *Integrity* information a campaign will need is in this binder: PPO actions, WHCO actions, information for nominees.

OGE prepared several brief video tutorials on select actions. A link to the video is shown after the video title below.

### PPO:

- PPO 1 - Register a Nominee, <https://youtu.be/P2DVtTfwJKo>
- PPO 2 - Assign a Nominee Report, <https://youtu.be/u51gOkIRQYw>
- PPO 3 - Release Draft to WHCO, [https://youtu.be/JV\\_0rYYIQLY](https://youtu.be/JV_0rYYIQLY)

### WHCO:

- WHCO Release Report to OGE and Agency, <https://youtu.be/JdT-vOKTDOE>

### Links to online resources related to the transition:

OGE's Presidential Transition page:

<https://www.oge.gov/web/oge.nsf/Resources/PRESIDENTIAL+TRANSITION>

OGE's *Nominee Ethics Guide*:

[https://www.oge.gov/Web/OGE.nsf/0/908088E45E5A64778525801B00590DD5/\\$FILE/Final%20Nomination%20Guide%20Spreads%20Optimized%20Web.pdf](https://www.oge.gov/Web/OGE.nsf/0/908088E45E5A64778525801B00590DD5/$FILE/Final%20Nomination%20Guide%20Spreads%20Optimized%20Web.pdf)

OGE's online repository of general *Integrity* information: <https://community.max.gov/x/vQApLg> (requires login).

Almost all of the *Integrity* information a campaign will need is in this binder: PPO actions, WHCO actions, information for nominees.

OGE prepared several brief video tutorials on select actions. A link to the video is shown after the video title below.

**PPO:**

- PPO 1 - Register a Nominee, <https://youtu.be/P2DVtTfwJKo>
- PPO 2 - Assign a Nominee Report, <https://youtu.be/u51gOkIRQYw>
- PPO 3 - Release Draft to WHCO, [https://youtu.be/JV\\_0rYYIQLY](https://youtu.be/JV_0rYYIQLY)

**WHCO:**

- WHCO Release Report to OGE and Agency, <https://youtu.be/JdT-vOKTDOE>

**Links to online resources related to the transition:**

OGE's Presidential Transition page:

<https://www.oge.gov/web/oge.nsf/Resources/PRESIDENTIAL+TRANSITION>

OGE's *Nominee Ethics Guide*:

[https://www.oge.gov/Web/OGE.nsf/0/908088E45E5A64778525801B00590DD5/\\$FILE/Final%20Nomination%20Guide%20Spreads%20Optimized%20Web.pdf](https://www.oge.gov/Web/OGE.nsf/0/908088E45E5A64778525801B00590DD5/$FILE/Final%20Nomination%20Guide%20Spreads%20Optimized%20Web.pdf)

OGE's online repository of general *Integrity* information: <https://community.max.gov/x/vQApLg> (requires login).

The screenshot displays the 'ABOUT INTEGRITY' page on the Integrity.gov website. The page features a navigation bar with links: Home, For Filers, For Reviewers, For Administrators, Integrity User Guide, Dates and Deadlines, and Help Desk Open Houses. The main content area is titled 'Learn About Integrity' and includes a brief description of the system, a list of resources for filers, reviewers, and administrators, and a section for general resources. On the right side, there are two boxes: one with the 'INTEGRITY.gov Play your part.' logo and the tagline 'A conflicts-prevention instrument.', and another with the 'UNITED STATES OFFICE OF GOVERNMENT ETHICS' logo and the tagline 'Preventing Conflicts of Interest in the Executive Branch'.

Home • Find • Help • Contact Us • Search the MAX Community • Welcome George •

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OFFICE OF GOVERNMENT ETHICS-EXTERNAL  
**ABOUT INTEGRITY**

Home For Filers For Reviewers For Administrators Integrity User Guide Dates and Deadlines Help Desk Open Houses

**Learn About Integrity**

Integrity provides a secure, web-based system through which individuals may file executive branch public financial disclosure reports. Data entry grids and context-dependent questions help filers to report their financial interests correctly. Integrity also makes it easy for ethics officials to assign, review, and manage the reports electronically.

OGE has developed a set of resources to help familiarize you with Integrity. These include the Integrity User Guide and the "Integrity Overview" video below, as well as resources geared toward filers, reviewers, and administrators. We encourage you to share these resources at your agency as appropriate.

Integrity Reviewers and Administrators are encouraged to join the "OGE About Integrity" collaboration group by contacting your OGE Desk Officer. After you join, a link to "About Integrity" will be displayed on your MAX.gov homepage under "My Collaboration Groups" for convenient access whenever you log in.

**Information for:**

- **Filers:** If your executive branch agency has instructed you to file a public financial disclosure report through Integrity, click here to learn more.
- **Reviewers:** If you will review public financial disclosure reports through Integrity, click here to learn more.
- **Administrators:** If you have been designated as your agency's Administrator for Integrity, click here to learn more.

**General Resources**

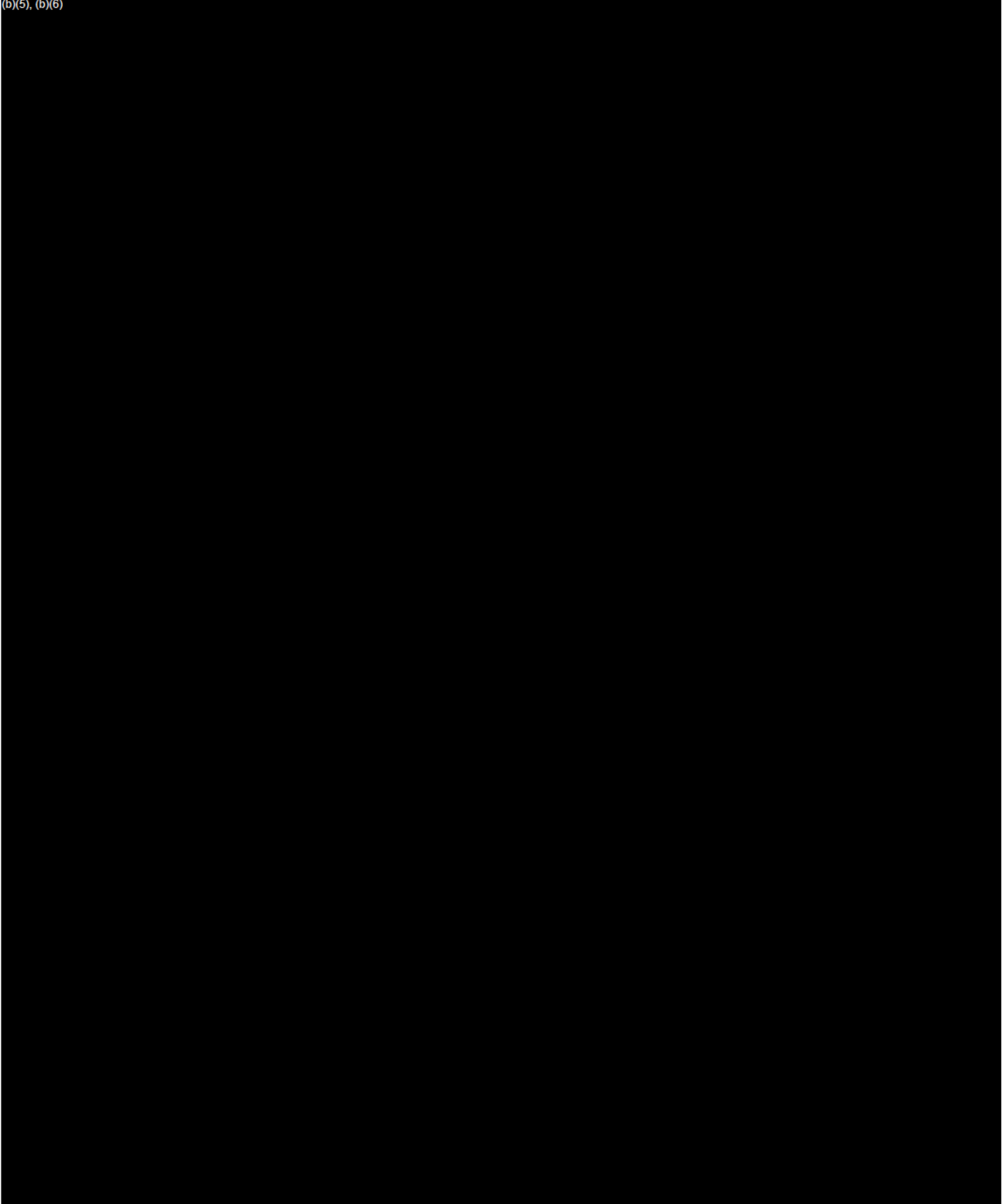
- **Integrity User Guide:** To access the Integrity User Guide, click here.
- **Program Advisory PA 15-01:** To access PA 15-01: Implementation of Integrity and New Public Financial Disclosure Report Form, click here.
- **OGE Form 278/278e Compared:** To view charts mapping the old OGE Form 278 and new OGE Form 278e, click here.
- **Video: Integrity Overview:** To view a 14-minute video about Integrity's features, please click below.

**INTEGRITY**.gov  
Play your part.  
A conflicts-prevention instrument.

**UNITED STATES OFFICE OF  
GOVERNMENT ETHICS**  
Preventing Conflicts of Interest  
in the Executive Branch

## **Experienced Government Ethics Attorneys with Financial Disclosure Experience**

(b)(5), (b)(6)





## ROLES

### PTT (Presidential Transition Team) Staff roles

PTT Lead\* – top *Integrity* role, can add other staff users, creates the nominees group, can register nominees, assign filing task, view/print nominee drafts

**PTT Administrator\*** – administers staff, can add other staff users, can register nominees, assign filing task

PTT Reviewer – action person at PTT nominee group level (primary user to receive/release drafts)

### Counsel Staff roles

**Counsel Lead\*** – top role, can add other staff users, creates the nominees group (to receive drafts from PTT), can view/print nominee drafts, can release drafts to OGE and target agency

**Counsel Administrator\*** – administers staff, can add other staff users, can view/print nominee drafts

**Counsel Reviewer** – action person at nominee group level (primary user to receive/release drafts to OGE and target agency)

\*Required. Lead and Administrator must be different people. PTT Lead and Counsel Lead can be the same person.

[illegible]

\*Required. Lead and Administrator must be different people in each. PTT Lead and Counsel Lead can be the same person.

## ROLES

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**Counsel Reviewer** – action person at nominee group level (primary user to receive/release drafts to OGE and target agency)

\*Required. Lead and Administrator must be different people. PTT Lead and Counsel Lead can be the same person.

[illegible]

\*Required. Lead and Administrator must be different people in each. PTT Lead and Counsel Lead can be the same person.

**From:** [Shelley K. Finlayson](#)  
**To:** ["Sean Doocey"](#)  
**Subject:** OGE Integrity training  
**Date:** Tuesday, September 20, 2016 6:00:24 PM  
**Attachments:** [Nominee Agency Staff Information Request Form.xlsx](#)

---

Good afternoon, Sean –

I am writing to see if you have any additional questions regarding completing the requested information in anticipation of our training on Monday. Please don't hesitate to reach out if I can be of assistance.

Regards,  
Shelley

Shelley K. Finlayson  
Chief of Staff and Program Counsel  
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\*Required. Lead and Administrator must be different people. PTT Lead and Counsel Lead can be the same person.

[illegible]

\*Required. Lead and Administrator must be different people in each. PTT Lead and Counsel Lead can be the same person.

**From:** [Shelley K. Finlayson](#)  
**To:** ["Sean Doocey"](#)  
**Subject:** RE: OGE Integrity training  
**Date:** Tuesday, September 20, 2016 6:09:38 PM

---

Great, thanks, Sean.

I am sorry about the drop down functionality problem.

Please indicate next to the last name, in parentheses, who you would like to have the counsel roles and the leave the role field blank for that individual.

Thanks,  
Shelley

**From:** Sean Doocey [mailto:[\(b\)\(6\)](#)]  
**Sent:** Tuesday, September 20, 2016 6:03 PM  
**To:** Shelley K. Finlayson  
**Subject:** Re: OGE Integrity training

Hi Shelley,

We're just finalizing who will attend and will send you the completed Excel sheet tomorrow AM. On the drop down options for role it doesn't seem to allow the counsel roles, so is it okay to leave blank?

Thanks for all of your help.

Sean

On Tuesday, September 20, 2016, Shelley K. Finlayson <[skfinlay@oge.gov](mailto:skfinlay@oge.gov)> wrote:

Good afternoon, Sean –

I am writing to see if you have any additional questions regarding completing the requested information in anticipation of our training on Monday. Please don't hesitate to reach out if I can be of assistance.

Regards,  
Shelley

Shelley K. Finlayson  
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**From:** [Shelley K. Finlayson](#)  
**To:** ["Sean Doocey"](#)  
**Subject:** RE: OGE Integrity training  
**Date:** Wednesday, September 21, 2016 5:50:00 PM

---

Hi Sean –  
Thanks so much for the information.  
We look forward to seeing you all on Monday.  
Regards,  
Shelley

**From:** Sean Doocey [mailto:(b) (6)]  
**Sent:** Wednesday, September 21, 2016 5:01 PM  
**To:** Shelley K. Finlayson  
**Subject:** Re: OGE Integrity training

Hi Shelley,

Sorry for the delay. Excel sheet is attached. (b)(5)

Thanks, Sean

On Tue, Sep 20, 2016 at 6:00 PM, Shelley K. Finlayson <[skfinlay@oge.gov](mailto:skfinlay@oge.gov)> wrote:  
Good afternoon, Sean –  
I am writing to see if you have any additional questions regarding completing the requested information in anticipation of our training on Monday. Please don't hesitate to reach out if I can be of assistance.  
Regards,  
Shelley

Shelley K. Finlayson  
Chief of Staff and Program Counsel  
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Washington, DC 20005  
[\(202\) 482-9314](tel:(202)482-9314)  
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**From:** [Shelley K. Finlayson](#)  
**To:** ["Sean Doocey"](#)  
**Cc:** [Tim Petty](#)  
**Subject:** RE: Thanks  
**Date:** Tuesday, September 13, 2016 10:17:15 AM

---

Yes, the PTT roles are equivalent to PPO.

**From:** Sean Doocey [mailto:(b)(6)]  
**Sent:** Tuesday, September 13, 2016 10:17 AM  
**To:** Shelley K. Finlayson  
**Cc:** Tim Petty  
**Subject:** Re: Thanks

Thank you.

Are the "PTT roles" on the spreadsheet equivalent to PPO?

Sean

On Tue, Sep 13, 2016 at 7:44 AM, Shelley K. Finlayson <[skfinlay@oge.gov](mailto:skfinlay@oge.gov)> wrote:  
Good morning, Sean –

I am happy to hear that we are on for the 26<sup>th</sup> at 1 here at OGE.

In anticipation of the training, I need to gather some basic information from you about those who will attend the training and serve in specific capacities with regard to administering the campaign's instance of our electronic filing system, *Integrity*. A spreadsheet with the explanation of the roles is attached for you to complete and return to me by the 21st. The spreadsheet has two tabs: Staff and Notices. Please review both tabs, but please complete only the Staff tab. We will discuss the Notice tab at the end of the orientation. OGE will need this information for the final setup on the live site for use with actual nominees.

With regard to the training, we will present a full orientation to the system. Specifically, we will demonstrate how to use *Integrity* to collect financial disclosure information from its prospective nominees and, when ready, share that information with OGE and the target agency for review and certification.

We will cover the following topics, in addition to addressing any questions that you may have:

- Create nominee group
- Add staff users
- Add nominees
- Assign nominee a report & notify nominee
- View draft report
- Release report to campaign Counsel agency
- Counsel agency add group, add staff users

- Release draft to OGE & target agency
- Check status of a released draft report
- Next steps - practice and live site setup

Thank you in advance for providing the requested information.

I look forward to seeing you on the 26<sup>th</sup> and continuing to work with you.

Regards,  
Shelley

Shelley K. Finlayson  
Chief of Staff and Program Counsel  
U.S. Office of Government Ethics  
1201 New York Avenue NW, Suite 500  
Washington, DC 20005  
[\(202\) 482-9314](tel:(202)482-9314)  
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Follow OGE on Twitter: @OfficeGovEthics

**From:** Sean Doocey [mailto:(b)(6)]  
**Sent:** Thursday, September 08, 2016 2:01 PM  
**To:** Shelley K. Finlayson  
**Cc:** Tim Petty  
**Subject:** Re: Thanks

Shelley,

Thanks for your quick reply. Monday 26 September at 1pm works well for us.

Thanks, Sean

(b)(6)

(b) (6)

On Wed, Sep 7, 2016 at 9:54 AM, Shelley K. Finlayson <[skfinlay@oge.gov](mailto:skfinlay@oge.gov)> wrote:  
Good morning –

Yes, Monday the 26<sup>th</sup> at either 10 a.m. or 1 p.m. would work well for our team. The team is also available in the morning of the 27<sup>th</sup> if that is preferable. The orientation and basic training on the system should take just over 2 hours.

Once we have established a date and time that works for you, I will reach back out to collect some specific information about the attendees so that we may provide them access to the system for the session. We encourage you to have at least 4 individuals (2 primary and 2 backup) trained and designated to have ongoing access to the system based on the roles

necessary to process a nominee financial disclosure report.  
We look forward to continuing to work with you.  
Regards,  
Shelley

**From:** Sean Doocey [mailto:(b)(6)]  
**Sent:** Tuesday, September 06, 2016 4:03 PM  
**To:** Shelley K. Finlayson; Tim Petty  
**Subject:** Re: Thanks

Hi Ms. Finlayson,

Would either Monday, Tuesday, or Wednesday of the week of 26 September work for your team for the Integrity training?

Thanks, Sean

On Thu, Sep 1, 2016 at 4:57 PM, Shelley K. Finlayson <[skfinlay@oge.gov](mailto:skfinlay@oge.gov)> wrote:  
Mr. Doocey,

Thank you for taking the time to attend the briefing here at OGE earlier this week. Attached please find the list of potential ethics detailees that we discussed and, per your team's request, a sample fund manager letter. Also, below is a link to the webpage on OGE's website that contains numerous resources, including all of the materials that we provided to you at the briefing.

<https://www.oge.gov/web/oge.nsf/Resources/PRESIDENTIAL+TRANSITION>

We stand ready to provide your team training on *Integrity*, OGE's electronic public financial disclosure filing system. Please let me know what dates would be most convenient.

I look forward to hearing from you.  
Regards,  
Shelley Finlayson

Shelley K. Finlayson  
Chief of Staff and Program Counsel  
U.S. Office of Government Ethics  
1201 New York Avenue NW, Suite 500  
Washington, DC 20005  
(202) 482-9314  
[skfinlay@oge.gov](mailto:skfinlay@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics

**From:** Sean Doocey [mailto:(b)(6)]  
**Sent:** Wednesday, August 31, 2016 2:48 PM

**To:** Shelley K. Finlayson  
**Subject:** Thanks

Ms. Finlayson,

Thanks very much for the excellent briefing yesterday. We look forward to working with you and your team to schedule Integrity training in the coming weeks.

Thanks, Sean

Sean Doocey

(b)(6)

(b) (6)

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**From:** [Sean Doocey](#)  
**To:** [Shelley K. Finlayson](#); [Diana Veilleux](#); [George Hancock](#)  
**Cc:** [Emily Mallon](#); [Tim Petty](#)  
**Subject:** Thank you  
**Date:** Monday, September 26, 2016 3:01:44 PM

---

Shelley, George and Diana,

Thank you very much for the Integrity briefing. It was very informative and seems like a much improved process vs. the old paper forms!

We look forward to working with all of you and will be in touch with additional questions and the information George requested.

Sean

(b)(6)

(b) (6)

**From:** [Sean Doocey](#)  
**To:** [Shelley K. Finlayson](#)  
**Subject:** Thanks  
**Date:** Wednesday, August 31, 2016 2:48:00 PM

---

Ms. Finlayson,

Thanks very much for the excellent briefing yesterday. We look forward to working with you and your team to schedule Integrity training in the coming weeks.

Thanks, Sean

Sean Doocey

(b)(6)

A large black rectangular redaction box covers the signature and any accompanying text or contact information for Sean Doocey.

**From:** [Walter M. Shaub](#) Rich H. Bagger, Bill Hagerty, Tim J. Petty and Sean E. Doocey  
**To:** "Palatucci, William J."; (b) (6)  
**Cc:** [Shelley K. Finlayson](#); [David J. Apol](#); [Deborah J. Bortot](#); [Heather A. Jones](#)  
**Subject:** RE: checking in  
**Date:** Thursday, November 10, 2016 11:22:09 AM

---

Rich, Bill, Bill, Tim, and Sean,

Emory and I have a bunch of supplies we would love to deliver to you today if you're settled in enough to receive them. If you're too busy to talk, we won't stay. However, I think you would benefit from having these items:

- A supply of Nominee Ethics Guide books to hand out to prospective nominees who appear in person;
- A supply of Nominee Ethics Guide books in pre-stamped envelopes (which will be charged to OGE) to send via UPS to prospective nominees who will not be visiting the transition office;
- A supply of Transition Ethics Guide books to have enough to share with other members of the transition team;
- A supply of regulation books, which contain OGE's government-wide regulations;
- A supply of statutory books, which contain relevant government ethics statutes; and
- A supply of ethics agreement guide books, which will help you (or at least Emory) in counseling prospective nominees on what steps they may need to take to resolve conflicts of interest (e.g., divestiture, recusal, waiver, etc.).

Let me know if you think we could stop by today with them. (b) (6)

(b) (6) So, if today is no good, we could try to deliver them on Monday if that works better for you.  
Walt

---

**From:** Palatucci, William J. [mailto:(b) (6)]  
**Sent:** Wednesday, November 09, 2016 9:08 AM  
**To:** Walter M. Shaub; (b) (6)  
**Cc:** [Shelley K. Finlayson](#); [David J. Apol](#); [Deborah J. Bortot](#); [Heather A. Jones](#)  
**Subject:** [GRAYMAIL] RE: checking in

Thank you, Walter. I'll give you a call later this morning.

**William J. Palatucci, Esq.**  
**Special Counsel**  
**Gibbons P.C.**

(b) (6)

<http://www.gibbonslaw.com>

One Gateway Center, Newark, New Jersey 07102-5310

Direct phone: (b) (6) | Cell: (b) (6)

Newark | New York | Trenton | Philadelphia | Wilmington

---

**From:** Walter M. Shaub [mailto:[wmshaub@oge.gov](mailto:wmshaub@oge.gov)]  
**Sent:** Wednesday, November 09, 2016 9:02 AM Rich H. Bagger, Bill Hagerty, Tim J. Petty, and Sean E. Doocey  
**To:** Palatucci, William J.; (b) (6)  
**Cc:** [Shelley K. Finlayson](#); [David J. Apol](#); [Deborah J. Bortot](#); [Heather A. Jones](#)

**Subject:** RE: checking in

Congratulations on the campaign's victory. For your convenience here are our contact numbers, so you'll have them all in one place. We're really looking forward to getting down to work on this Presidential transition –which we're going to make the best one in history! I'll have my blackberry with me around the clock during the transition, so that's probably the best number to call first. I remember getting calls at 10:00 p.m. on a Saturday night and on Christmas during the last transition. So please don't hesitate to call at any time. You can call any member of OGE's leadership team around the clock, too.

**Walt Shaub**

**Director**

**Blackberry:** (b) (6)

**Desk:** 202-482-9302

**Shelley Finlayson**

**Chief of Staff and Program Counsel**

**Blackberry:** (b) (6)

**Desk:** 202-482-9314

**Dave Apol**

**General Counsel**

**Blackberry:** (b) (6)

**Desk:** 202-482-9205

**Deb Bortot**

**Chief, Presidential nominations branch**

**Blackberry:** (b) (6)

**Desk:** 202-482-9227

**Heather Jones**

**Senior Counsel for Financial Disclosure**

**Blackberry:** (b) (6)

**Desk:** 202-482-9316

**From:** Palatucci, William J. [mailto:(b) (6)]

**Sent:** Tuesday, November 08, 2016 10:55 AM

**To:** Walter M. Shaub; (b) (6)

(b) (6)

**Cc:** Shelley K. Finlayson

Rich H. Bagger, Bill Hagerty, Tim J. Petty, and Sean E. Doocey

**Subject:** [GRAYMAIL] Re: checking in

Thanks, Walter. I appreciate your time and guidance regardless of the outcome. Your responsiveness has been refreshing. Bill



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**From:** Walter M. Shaub

**Sent:** Tuesday, November 8, 2016 10:51 AM

**To:** (b) (6) Palatucci, William J.; (b) (6)  
(b) (6)

**Cc:** Shelley K. Finlayson

Rich H. Bagger, Bill Hagerty, Tim J. Petty and Sean E. Doocey

**Subject:** checking in

Rich, Bill, Bill, Tim, and Sean,

I hope OGE has served you well in the lead up to the election, but I just wanted to check in to make sure you have everything you need from us. If there's anything more we can do for you, please don't hesitate to let me know. If your candidate prevails today, I'm looking forward to working with you. If the outcome is different, it's been a pleasure working with you and your team. It's been really great to see your folks so focused on building capacity for a smooth and effective transition.

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:** [Walter M. Shaub](#)  
**To:** [Sean Doocey](#)  
**Cc:** [Shelley K. Finlayson](#)  
**Subject:** time-sensitive issue  
**Date:** Friday, November 18, 2016 9:15:10 AM

---

Sean,

I'm just dropping another quick note to remind you that OGE is here to help. We seem to have lost contact with the Trump-Pence transition since the election.

As we discussed prior to the election, announcing cabinet picks without taking OGE up on the offer to take an early look at financial disclosure picks poses the risk of embarrassment for the President-elect (and the individual candidate for nomination) in the event that the individual walks away from the nomination after learning what he or she will have to do with his or her financial interests. This is true even in the case of Senators, as Senators are not subject to conflicts of interest laws and may not fully appreciate how different life is in the executive branch. We would genuinely like to help you prevent that undesirable outcome.

As we also previously discussed, the same offer applies to possible White House appointees. The risk is even higher for them because OGE would not normally receive their financial disclosure reports until after they have been in office for weeks or even months. By that time, they run the risk of having inadvertently violated the criminal conflicts of interest restriction at 18 USC 208. If we don't get involved early to prevent problems, we won't be able to help them after the fact.

In addition, please remind people that, as we discussed, OGE needs to be involved before anyone seeks to set up a blind trust. Conversations with potential trustees before consulting to OGE could disqualify them. Also, please be sure that people realize that no asset placed in a blind trust is considered blind, and thus continues to pose conflicts of interest, until the asset has been sold off and the government official receives a letter (approved in advance by OGE) indicating that an asset has been sold down to \$1,000 or less.

I will be taking to Don McGahn as soon as I can pin him down to a time for a call, which is proving to be difficult. However, I don't have confirmation from anyone on the transition team or from OMB that he is serving in any official capacity. It would help to have confirmation that he is authorized to speak for the transition.

As you know, our goal is to help you by preventing problems before they arise. I will consider OGE successful if we get the new administration off to a great start, wholly free of conflicts of interest.

Walt

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

---

**From:** Walter M. Shaub  
**Sent:** Thursday, November 17, 2016 2:52 PM  
**To:** Sean Doocey  
**Subject:** semi time-sensitive issue

---

Sean,

Is there a phone number where I can call you for a quick phone call today. A somewhat time sensitive issue has arisen.

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:** [Walter M. Shaub](#)  
**To:** [Sean E. Doocey](#)  
**Cc:** [Shelley K. Finlayson](#)  
**Subject:** Re: time-sensitive issue  
**Date:** Friday, November 18, 2016 9:49:14 AM

---

Re-sending with some potentially confusing typos corrected (below) in case you need to forward the message to anyone. (Sorry for that. It's hard to proof read on a blackberry.)

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

---

**From:** Walter M. Shaub  
**Sent:** Friday, November 18, 2016 9:15 AM  
**To:** Sean Doocey  
**Cc:** Shelley K. Finlayson  
**Subject:** time-sensitive issue

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Sean,

I'm just dropping another quick note to remind you that OGE is here to help. We seem to have lost contact with the Trump-Pence transition team since the election.

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or from OMB that he is serving in any official capacity. It would help to have confirmation that he is authorized to speak for the transition team.

As you know, our goal is to help you by preventing problems before they arise. I will consider OGE successful if we get the new administration off to a great start, wholly free of conflicts of interest.

Walt

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

---

**From:** Walter M. Shaub  
**Sent:** Thursday, November 17, 2016 2:52 PM  
**To:** Sean Doocey  
**Subject:** semi time-sensitive issue

---

Sean,

Is there a phone number where I can call you for a quick phone call today. A somewhat time sensitive issue has arisen.

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

**From:** [Walter M. Shaub](#)  
**To:** (b) (6) Don McGahn  
**Subject:** press inquiries  
**Date:** Wednesday, November 30, 2016 1:13:47 PM

---

We started receiving dozens of press calls as soon as the President-elect announced his plan to divest his assets. Here's the response our spokesperson is sending out to them:

Like everyone else, we were excited this morning to read the President-elect's twitter feed indicating that he wants to be free of conflicts of interest. OGE applauds that goal, which is consistent with an opinion OGE issued in 1983. Divestiture resolves conflicts of interest in a way that transferring control does not. We don't know the details of their plan, but we are willing and eager to help them with it.

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:** Walter M. Shaub  
**Sent:** Wednesday, November 30, 2016 10:14 AM  
**To:** (b) (6) Don McGahn  
**Subject:** Can we talk today?

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

## Heather A. Jones

---

**From:** Ann M Donaldson (b) (6)  
**Sent:** Friday, May 13, 2016 2:44 PM  
**To:** Heather A. Jones; Deborah J. Bortot  
**Subject:** Language as discussed

Entries marked with \* are hereby incorporated into the 2015 report, *to amend that report*

Line entries to which this applies will have an \*.

For clarity, this will not apply to anything on Exhibit A, so there should be no issue with conflicting note calls.

Ann M. Donaldson  
Associate  
JONES DAY® - One Firm Worldwide<sup>SM</sup>  
(b) (6)

=====

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=====

Not Responsive



**Deborah J. Bortot**

---

**From:** Ann M Donaldson (b) (6)  
**Sent:** Wednesday, June 01, 2016 11:49 AM  
**To:** Heather A. Jones; Deborah J. Bortot  
**Cc:** Donald F McGahn  
**Subject:** PFD Follow Up

Heather and Deb,

Thanks for your patience on this. I have follow-up information from our previous phone call if you all are able to jump on the phone. I am pretty flexible until 4pm today or tomorrow until 2pm.

Thanks,  
Annie

Ann M. Donaldson  
Associate  
JONES DAY® - One Firm Worldwide™

(b) (6)

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=====

## Deborah J. Bortot

---

**From:** Ann M Donaldson (b) (6)  
**Sent:** Tuesday, June 07, 2016 12:53 PM  
**To:** Heather A. Jones  
**Cc:** Deborah J. Bortot  
**Subject:** RE: Follow-up Call

Please feel free to email or call. I'm tied up from 2:45 - 3:30 but otherwise flexible.  
Thanks,  
Annie

Ann M. Donaldson  
Associate  
JONES DAY® - One Firm Worldwide<sup>SM</sup>

(b) (6)

---

**From:** "Heather A. Jones" <hajones@oge.gov>  
**To:** 'Ann M Donaldson' (b) (6) "Deborah J. Bortot" <djbortot@oge.gov>  
**Date:** 06/07/2016 09:36 AM  
**Subject:** RE: Follow-up Call

---

We are tied up in meetings until 11 or so. Can I send you an e-mail when we free up?

**From:** Ann M Donaldson [mailto:(b) (6)]  
**Sent:** Monday, June 06, 2016 5:47 PM  
**To:** Heather A. Jones; Deborah J. Bortot  
**Subject:** Follow-up Call

Heather and Deb,  
Are you available tomorrow morning for a follow-up call?  
Thanks,  
Annie

Ann M. Donaldson  
Associate  
JONES DAY® - One Firm Worldwide<sup>SM</sup>

(b) (6)

=====

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=====

**Deborah J. Bortot**

---

**From:** Ann M Donaldson (b) (6)  
**Sent:** Friday, May 20, 2016 12:52 PM  
**To:** Heather A. Jones; Deborah J. Bortot  
**Subject:** Call

Sorry I missed you all. I just wrapped up the call I was on when you tried me earlier. If you all want to give me a call back, I'm flexible until 4:00.

Thanks,  
Annie

Ann M. Donaldson  
Associate

JONES DAY® - One Firm Worldwide<sup>SM</sup>

(b) (6)

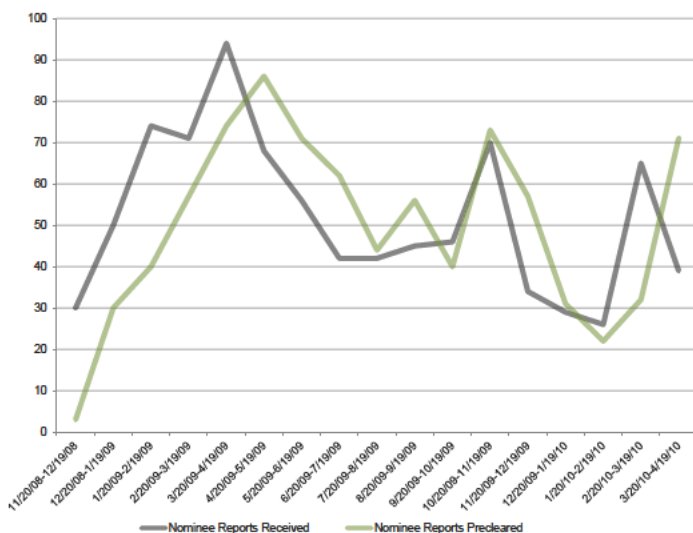
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=====

# WAYS OGE CAN HELP

- Briefings before and after the election
- Review of financial disclosure reports
- Consultations on prospective nominees
- "Blind" reviews of certain nominee reports
- Technical assistance with ethics initiatives
- Training and guidance on government ethics
- Training on *Integrity* (e-filing system)



## PROCESS

- Provide Nominee Ethics Guide to nominee
- Initiate financial disclosure report in *Integrity*
- Release report to OGE and the agency
- OGE/agency work on report with nominee (multiple rounds over several weeks)
- OGE and agency draft ethics agreement
- OGE "preclears" report
- Senate holds hearings before Inauguration

- Walter M. Shaub, Jr., Director, 202.482.9302, walter.shaub@oge.gov
- Shelley K. Finlayson, Chief of Staff, 202.482.9314 shelley.finlayson@oge.gov
- David J. Apol, General Counsel, 202.482.9205 david.apol@oge.gov
- Deborah J. Bortot, Chief, Presidential Nominations Branch, 202.482.9227, deborah.bortot@oge.gov

## TIMELINE

**August**  
**SCHEDULE AN OGE BRIEFING**

**September**  
Receive training on *Integrity*

**October**  
Recruit ethics official

**November**  
Collect financial disclosure reports

**December**  
Increase volume of reports

## ADDRESSING RISK FACTORS

### • Risk: Too little time

Send OGE as many reports as possible in November and early December

### • Risk: Slow responses from nominees

Emphasize the importance of responding promptly to questions about their reports

### • Risk: Nominees' resistance to resolving conflicts of interest

Advise nominees early in the process that they and their spouses may be required to make changes to their financial interests

### • Risk: Confidentiality concerns shorten timeframe for reviewing certain reports

Request an initial "blind" review by OGE

### • Risk: Issues arising from the complexity of ethics rules and the nominee process

Detail an agency ethics official or hire an outside financial disclosure expert

**From:** [Shelley K. Finlayson](#)  
**To:** [Brandon A. Steele](#)  
**Subject:** FW: U.S. Office of Government Ethics  
**Date:** Wednesday, July 13, 2016 5:35:47 PM

---

Hi Brandon –

The email forwarded below is in response to Document Search OGE FOIA FY 16/063.

Thanks,  
Shelley

---

**From:** Shelley K. Finlayson  
**Sent:** Wednesday, July 06, 2016 6:52 PM  
**To:** (b) (6)  
**Subject:** U.S. Office of Government Ethics

Mr. Bagger –

Federal Transition Coordinator Timothy Horn indicated that you would like to have a discussion about the support that we at OGE will be able to provide to the campaign in the pre-election and post-election period. I am pleased to provide you information about how our agency provides support to the campaigns, transition teams, and new administration, in particular with regard to our role in ensuring that Presidentially-appointed, Senate-confirmed nominees are free of financial conflicts of interest. Please let me know your availability for a call or meeting.

Regards,  
Shelley Finlayson

Shelley K. Finlayson  
Chief of Staff and Program Counsel  
U.S. Office of Government Ethics  
1201 New York Avenue NW, Suite 500  
Washington, DC 20005  
(202) 482-9314  
[skfinlay@oge.gov](mailto:skfinlay@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics

**From:** [Sholk, Steven H.](#)  
**To:** [Shelley K. Finlayson](#)  
**Cc:** ["Sean Doocey"](#)  
**Subject:** [GRAYMAIL] RE: Thanks  
**Date:** Tuesday, September 06, 2016 3:15:49 PM

---

Thank you.

Steven H. Sholk, Esq.  
Director  
Gibbons P.C.

(b) (6)

[www.gibbonslaw.com](http://www.gibbonslaw.com) (Website)



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**From:** Shelley K. Finlayson [mailto:skfinlay@oge.gov]  
**Sent:** Tuesday, September 06, 2016 3:05 PM  
**To:** Sholk, Steven H.  
**Cc:** 'Sean Doocey'  
**Subject:** FW: Thanks

Good afternoon, Mr. Sholk –

In response to your voicemail message today, please find attached the fund manager letter that you requested. Please do not hesitate to contact me should you require any additional information or materials.

Regards,

Shelley Finlayson

Shelley K. Finlayson  
Chief of Staff and Program Counsel  
U.S. Office of Government Ethics  
1201 New York Avenue NW, Suite 500  
Washington, DC 20005  
(202) 482-9314  
[skfinlay@oge.gov](mailto:skfinlay@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)

Follow OGE on Twitter: @OfficeGovEthics

**From:** Shelley K. Finlayson  
**Sent:** Thursday, September 01, 2016 4:57 PM  
**To:** 'Sean Doocey'  
**Subject:** RE: Thanks

Mr. Doocey,

Thank you for taking the time to attend the briefing here at OGE earlier this week. Attached please find the list of potential ethics detailees that we discussed and, per your team's request, a sample fund manager letter. Also, below is a link to the webpage on OGE's website that contains numerous resources, including all of the materials that we provided to you at the briefing.

<https://www.oge.gov/web/oge.nsf/Resources/PRESIDENTIAL+TRANSITION>

We stand ready to provide your team training on *Integrity*, OGE's electronic public financial disclosure filing system. Please let me know what dates would be most convenient.

I look forward to hearing from you.

Regards,

Shelley Finlayson

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**From:** Sean Doocey [[mailto:\[REDACTED\]](mailto:[REDACTED])] <sup>(b)(6)</sup>

**Sent:** Wednesday, August 31, 2016 2:48 PM

**To:** Shelley K. Finlayson

**Subject:** Thanks

Ms. Finlayson,

Thanks very much for the excellent briefing yesterday. We look forward to working with you and your team to schedule Integrity training in the coming weeks.

Thanks, Sean



Sean Doocey

(b)(6)

(b) (6)

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**From:** [Shelley K. Finlayson](#)  
**To:** (b) (6)  
**Cc:** "Sean Doocey"  
**Subject:** FW: Thanks  
**Date:** Tuesday, September 06, 2016 3:05:25 PM  
**Attachments:** [fund\\_manager\\_letter.pdf](#)  
[list.pdf](#)

---

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In response to your voicemail message today, please find attached the fund manager letter that you requested. Please do not hesitate to contact me should you require any additional information or materials.

Regards,  
Shelley Finlayson

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**Subject:** RE: Thanks

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**To:** Shelley K. Finlayson  
**Subject:** Thanks

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Thanks, Sean

Sean Doocey  
(b)(6)

## Special Agency Request

### Notice Options

Notice Name	Purpose of Notice	Y/N	Notice Text
INTEGRITY NOTIFICATIONS/USER PROVISIONING NOTIFICATION	If PTT creates a new user account for a reviewer, Integrity will send that individual a notice.	Y	<p>You have been granted access rights to Integrity, which is a system created by the U.S. Office of Government Ethics for electronically filing and reviewing public financial disclosure reports.</p> <p>Logging into Integrity requires an account with MAX.gov.</p> <p>- If you are currently a MAX.gov user, you can access Integrity by going to <a href="http://www.integrity.gov">www.integrity.gov</a>. Enter your existing MAX ID and password.</p> <p>- If you are not a current MAX.gov user, please use the following link to set up your password:</p> <p>[[passwordResetUrl]]</p> <p>After setting up your password, you can access Integrity by going to <a href="http://www.integrity.gov">www.integrity.gov</a>.</p>
INTEGRITY NOTIFICATIONS/CLOAKED USER PROVISIONING NOTIFICATION	If PTT creates a new user account for a Nominee filer, Integrity will send that individual a notice. (A new user account is not needed if the Nominee already uses Integrity. In such a case, the Nominee completes the report using his or her existing account. No provisioning notice is necessary.)	Y	<p>Dear [[name]],</p> <p>The Presidential Transition Team (PTT) has registered you in Integrity, which is the electronic filing system that you will use to file your public financial disclosure report.</p> <p>Before you can use Integrity, you will need to create a password. This email provides you with instructions for creating your password. It is very important that you create your password right away.</p> <p>In the near future, you will receive another email from this address. That email will advise you that PTT has set up a blank financial disclosure report form for you to complete. Once you receive that email, it will be very important that you begin working on your financial disclosure report as soon as possible, in order to avoid delaying your nomination.</p> <p>Please contact PTT if you have any questions.</p> <p>INSTRUCTIONS:</p> <p>1. USER ID: To ensure the security of the nominations process, your identity will be "cloaked" in Integrity in order to limit the number of individuals who know that you are an Integrity user. To achieve this cloaking, you have been assigned a User ID that is not your real name. Your unique User ID is listed immediately below. You must use this User ID each time you log into Integrity.</p> <p>User ID: [[cloakedId]]</p> <p>2. PASSWORD: To set up your password, click on the link immediately below, which will take you to Integrity's password reset page:</p>

FILER NOTIFICATIONS/REPORT ASSIGNMENT	If PTT assigns a Nominee report to a filer, Integrity will send that individual a notice.	Y	<p>Dear [[name]],</p> <p>You have been assigned a public financial disclosure report (OGE Form 278e) to complete in Integrity, which is the electronic filing system that nominees use to file public financial disclosure reports. To log into Integrity, type “integrity.gov” into your web browser or click on the link immediately below.</p> <p><a href="https://integrity.gov">https://integrity.gov</a></p> <p>***IMPORTANT*** In order to log into Integrity, you will need a User ID and password. If you are new to Integrity, you should have recently received an email providing you with a username. That email included instructions for creating a password. If you have not followed those instructions and created a password, you will not be able to log into Integrity. In that case, you should review that earlier email, follow the instructions, and create an email before trying to log into Integrity. If you are already an Integrity filer, you may use your existing User ID and password.</p>
FILER NOTIFICATIONS/FILING REMINDERS ASSIGNMENT	A reminder notice will be sent to the filer every 7 or 14 days.	N	<p>Dear [[name]],</p> <p>A public financial disclosure report (OGE Form 278e) is pending your action in Integrity, which is the electronic filing system that nominees use to file public financial disclosure reports. You may access the report by logging into Integrity at <a href="https://integrity.gov">https://integrity.gov</a>.</p>
REVIEWER NOTIFICATIONS/REPORTING PENDING ACTION NOTIFICATION	A notice will be sent to a reviewer when he or she receives an assignment. By default, all incoming Nominee reports are initially assigned to the Primary Reviewer.	Y	<p>A [[year]] [[item]] report for [[name]] is pending your action as [[role]] in Integrity. You may access the report by logging into Integrity at <a href="https://integrity.gov">https://integrity.gov</a>.</p>

**From:** [Shelley K. Finlayson](#)  
**To:** ["Sean Doocey"; Tim Petty; "Emily Mallon"](#)  
**Subject:** Integrity orientation follow up  
**Date:** Thursday, September 29, 2016 5:35:51 PM  
**Attachments:** [Integrity Resources Binder Tab 8.docx](#)  
[Integrity Binder Tab 9.xlsx](#)

---

Good afternoon –

Thank you again for taking the time to attend an orientation on OGE's public financial disclosure filing system, *Integrity*. As promised, please find attached the training resources (Tab 8 in your binder) with live links to training videos and the document containing system notice language (Tab 9 in your binder). As a reminder, you must customize the notice language and provide it to OGE before we can set you up on the live site.

As we mentioned at the orientation, if you have additional staff that you would like added for either PPO or White House Counsel roles, please provide their names, emails, contact information and what role they should be assigned.

We would be happy to schedule a time to come assist you in person with setting up your groups, adding users and sitting side-by-side while you use the system, and are always available to answer any questions you may have.

Please don't hesitate to contact me or anyone on the *Integrity* team. We look forward to continuing to work with you.

Regards,  
Shelley

Shelley K. Finlayson  
Chief of Staff and Program Counsel  
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Almost all of the *Integrity* information a campaign will need is in this binder: PPO actions, WHCO actions, information for nominees.

OGE prepared several brief video tutorials on select actions. A link to the video is shown after the video title below.

**PPO:**

- PPO 1 - Register a Nominee, <https://youtu.be/P2DVtTfwJKo>
- PPO 2 - Assign a Nominee Report, <https://youtu.be/u51gOkIRQYw>
- PPO 3 - Release Draft to WHCO, [https://youtu.be/JV\\_0rYYIQLY](https://youtu.be/JV_0rYYIQLY)

**WHCO:**

- WHCO Release Report to OGE and Agency, <https://youtu.be/JdT-vOKTDOE>

**Links to online resources related to the transition:**

OGE's Presidential Transition page:

<https://www.oge.gov/web/oge.nsf/Resources/PRESIDENTIAL+TRANSITION>

OGE's *Nominee Ethics Guide*:

[https://www.oge.gov/Web/OGE.nsf/0/908088E45E5A64778525801B00590DD5/\\$FILE/Final%20Nomination%20Guide%20Spreads%20Optimized%20Web.pdf](https://www.oge.gov/Web/OGE.nsf/0/908088E45E5A64778525801B00590DD5/$FILE/Final%20Nomination%20Guide%20Spreads%20Optimized%20Web.pdf)

OGE's online repository of general *Integrity* information: <https://community.max.gov/x/vQApLg> (requires login).

The screenshot shows the Integrity.gov website. At the top, there is a navigation bar with links: Home, Find, Help, Contact Us. Below this is a search bar and a welcome message for George. The main header area includes the text 'OFFICE OF GOVERNMENT ETHICS-EXTERNAL' and 'ABOUT INTEGRITY'. A horizontal menu contains links: Home, For Filers, For Reviewers, For Administrators, Integrity User Guide, Dates and Deadlines, and Help Desk Open Houses. The main content area is titled 'Learn About Integrity' and contains several paragraphs of text explaining the system. To the right of the text are two boxes: one with the 'INTEGRITY.gov Play your part.' logo and the tagline 'A conflicts-prevention instrument.', and another with the 'UNITED STATES OFFICE OF GOVERNMENT ETHICS' logo and the tagline 'Preventing Conflicts of Interest in the Executive Branch'. At the bottom, there is a section titled 'General Resources' with links to the Integrity User Guide, Program Advisory PA 15-01, OGE Form 278/278e Compared, and a video about the system.

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**WHCO:**

- WHCO Release Report to OGE and Agency, <https://youtu.be/JdT-vOKTDOE>

**Links to online resources related to the transition:**

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OGE's *Nominee Ethics Guide*:

[https://www.oge.gov/Web/OGE.nsf/0/908088E45E5A64778525801B00590DD5/\\$FILE/Final%20Nomination%20Guide%20Spreads%20Optimized%20Web.pdf](https://www.oge.gov/Web/OGE.nsf/0/908088E45E5A64778525801B00590DD5/$FILE/Final%20Nomination%20Guide%20Spreads%20Optimized%20Web.pdf)

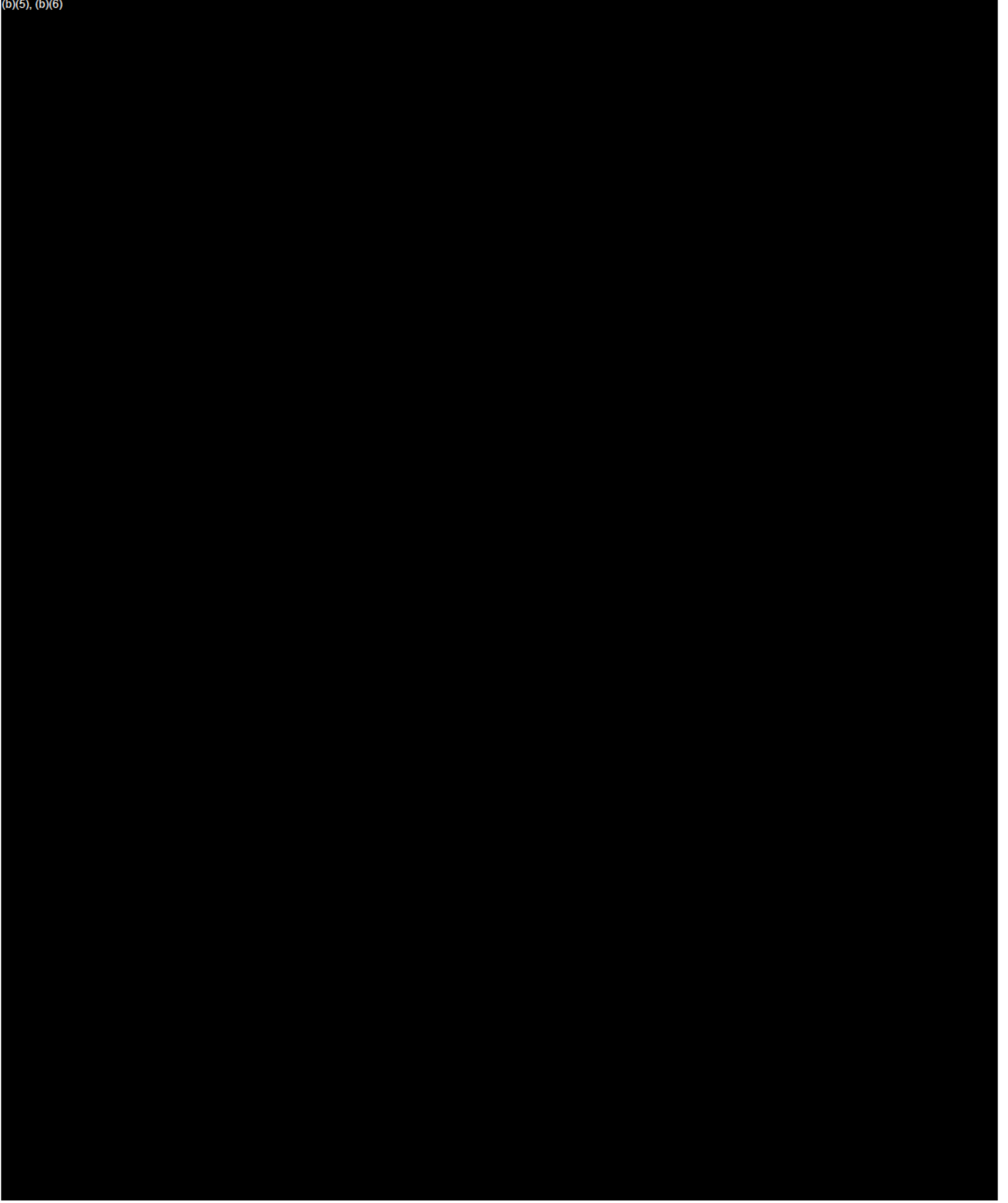
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## **Experienced Government Ethics Attorneys with Financial Disclosure Experience**

(b)(5), (b)(6)



## ROLES

### PTT (Presidential Transition Team) Staff roles

PTT Lead\* – top *Integrity* role, can add other staff users, creates the nominees group, can register nominees, assign filing task, view/print nominee drafts

**PTT Administrator\*** – administers staff, can add other staff users, can register nominees, assign filing task

PTT Reviewer – action person at PTT nominee group level (primary user to receive/release drafts)

### Counsel Staff roles

**Counsel Lead\*** – top role, can add other staff users, creates the nominees group (to receive drafts from PTT), can view/print nominee drafts, can release drafts to OGE and target agency

**Counsel Administrator\*** – administers staff, can add other staff users, can view/print nominee drafts

**Counsel Reviewer** – action person at nominee group level (primary user to receive/release drafts to OGE and target agency)

\*Required. Lead and Administrator must be different people. PTT Lead and Counsel Lead can be the same person.

[illegible]

\*Required. Lead and Administrator must be different people in each. PTT Lead and Counsel Lead can be the same person.

## ROLES

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\*Required. Lead and Administrator must be different people. PTT Lead and Counsel Lead can be the same person.

[illegible]

\*Required. Lead and Administrator must be different people in each. PTT Lead and Counsel Lead can be the same person.

**From:** [Shelley K. Finlayson](#)  
**To:** ["Sean Doocey"](#)  
**Subject:** OGE Integrity training  
**Date:** Tuesday, September 20, 2016 6:00:24 PM  
**Attachments:** [Nominee Agency Staff Information Request Form.xlsx](#)

---

Good afternoon, Sean –

I am writing to see if you have any additional questions regarding completing the requested information in anticipation of our training on Monday. Please don't hesitate to reach out if I can be of assistance.

Regards,  
Shelley

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**From:** [Shelley K. Finlayson](#)  
**To:** ["Sean Doocey"](#)  
**Subject:** RE: OGE Integrity training  
**Date:** Tuesday, September 20, 2016 6:09:38 PM

---

Great, thanks, Sean.

I am sorry about the drop down functionality problem.

Please indicate next to the last name, in parentheses, who you would like to have the counsel roles and the leave the role field blank for that individual.

Thanks,  
Shelley

**From:** Sean Doocey [mailto:(b)(6)]  
**Sent:** Tuesday, September 20, 2016 6:03 PM  
**To:** Shelley K. Finlayson  
**Subject:** Re: OGE Integrity training

Hi Shelley,

We're just finalizing who will attend and will send you the completed Excel sheet tomorrow AM. On the drop down options for role it doesn't seem to allow the counsel roles, so is it okay to leave blank?

Thanks for all of your help.

Sean

On Tuesday, September 20, 2016, Shelley K. Finlayson <[skfinlay@oge.gov](mailto:skfinlay@oge.gov)> wrote:

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**From:** [Shelley K. Finlayson](#)  
**To:** ["Sean Doocey"](#)  
**Subject:** RE: OGE Integrity training  
**Date:** Wednesday, September 21, 2016 5:50:00 PM

---

Hi Sean –  
Thanks so much for the information.  
We look forward to seeing you all on Monday.  
Regards,  
Shelley

**From:** Sean Doocey [mailto:(b) (6)]  
**Sent:** Wednesday, September 21, 2016 5:01 PM  
**To:** Shelley K. Finlayson  
**Subject:** Re: OGE Integrity training

Hi Shelley,

Sorry for the delay. Excel sheet is attached. (b)(5)

Thanks, Sean

On Tue, Sep 20, 2016 at 6:00 PM, Shelley K. Finlayson <[skfinlay@oge.gov](mailto:skfinlay@oge.gov)> wrote:  
Good afternoon, Sean –  
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Regards,  
Shelley

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**From:** [Shelley K. Finlayson](#)  
**To:** ["Sean Doocey"](#)  
**Cc:** [Tim Petty](#)  
**Subject:** RE: Thanks  
**Date:** Tuesday, September 13, 2016 10:17:15 AM

---

Yes, the PTT roles are equivalent to PPO.

**From:** Sean Doocey [mailto:(b)(6)]  
**Sent:** Tuesday, September 13, 2016 10:17 AM  
**To:** Shelley K. Finlayson  
**Cc:** Tim Petty  
**Subject:** Re: Thanks

Thank you.

Are the "PTT roles" on the spreadsheet equivalent to PPO?

Sean

On Tue, Sep 13, 2016 at 7:44 AM, Shelley K. Finlayson <[skfinlay@oge.gov](mailto:skfinlay@oge.gov)> wrote:  
Good morning, Sean –

I am happy to hear that we are on for the 26<sup>th</sup> at 1 here at OGE.

In anticipation of the training, I need to gather some basic information from you about those who will attend the training and serve in specific capacities with regard to administering the campaign's instance of our electronic filing system, *Integrity*. A spreadsheet with the explanation of the roles is attached for you to complete and return to me by the 21st. The spreadsheet has two tabs: Staff and Notices. Please review both tabs, but please complete only the Staff tab. We will discuss the Notice tab at the end of the orientation. OGE will need this information for the final setup on the live site for use with actual nominees.

With regard to the training, we will present a full orientation to the system. Specifically, we will demonstrate how to use *Integrity* to collect financial disclosure information from its prospective nominees and, when ready, share that information with OGE and the target agency for review and certification.

We will cover the following topics, in addition to addressing any questions that you may have:

- Create nominee group
- Add staff users
- Add nominees
- Assign nominee a report & notify nominee
- View draft report
- Release report to campaign Counsel agency
- Counsel agency add group, add staff users

- Release draft to OGE & target agency
- Check status of a released draft report
- Next steps - practice and live site setup

Thank you in advance for providing the requested information.

I look forward to seeing you on the 26<sup>th</sup> and continuing to work with you.

Regards,

Shelley

Shelley K. Finlayson  
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**From:** Sean Doocey [mailto:<sup>(b)(6)</sup>]  
**Sent:** Thursday, September 08, 2016 2:01 PM  
**To:** Shelley K. Finlayson  
**Cc:** Tim Petty  
**Subject:** Re: Thanks

Shelley,

Thanks for your quick reply. Monday 26 September at 1pm works well for us.

Thanks, Sean

<sup>(b)(6)</sup>

(b) (6)

On Wed, Sep 7, 2016 at 9:54 AM, Shelley K. Finlayson <[skfinlay@oge.gov](mailto:skfinlay@oge.gov)> wrote:

Good morning –

Yes, Monday the 26<sup>th</sup> at either 10 a.m. or 1 p.m. would work well for our team. The team is also available in the morning of the 27<sup>th</sup> if that is preferable. The orientation and basic training on the system should take just over 2 hours.

Once we have established a date and time that works for you, I will reach back out to collect some specific information about the attendees so that we may provide them access to the system for the session. We encourage you to have at least 4 individuals (2 primary and 2 backup) trained and designated to have ongoing access to the system based on the roles

necessary to process a nominee financial disclosure report.  
We look forward to continuing to work with you.  
Regards,  
Shelley

**From:** Sean Doocey [mailto:(b)(6)]  
**Sent:** Tuesday, September 06, 2016 4:03 PM  
**To:** Shelley K. Finlayson; Tim Petty  
**Subject:** Re: Thanks

Hi Ms. Finlayson,

Would either Monday, Tuesday, or Wednesday of the week of 26 September work for your team for the Integrity training?

Thanks, Sean

On Thu, Sep 1, 2016 at 4:57 PM, Shelley K. Finlayson <[skfinlay@oge.gov](mailto:skfinlay@oge.gov)> wrote:  
Mr. Doocey,

Thank you for taking the time to attend the briefing here at OGE earlier this week. Attached please find the list of potential ethics detailees that we discussed and, per your team's request, a sample fund manager letter. Also, below is a link to the webpage on OGE's website that contains numerous resources, including all of the materials that we provided to you at the briefing.

<https://www.oge.gov/web/oge.nsf/Resources/PRESIDENTIAL+TRANSITION>

We stand ready to provide your team training on *Integrity*, OGE's electronic public financial disclosure filing system. Please let me know what dates would be most convenient.

I look forward to hearing from you.  
Regards,  
Shelley Finlayson

Shelley K. Finlayson  
Chief of Staff and Program Counsel  
U.S. Office of Government Ethics  
1201 New York Avenue NW, Suite 500  
Washington, DC 20005  
(202) 482-9314  
[skfinlay@oge.gov](mailto:skfinlay@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics

**From:** Sean Doocey [mailto:(b)(6)]  
**Sent:** Wednesday, August 31, 2016 2:48 PM

**To:** Shelley K. Finlayson  
**Subject:** Thanks

Ms. Finlayson,

Thanks very much for the excellent briefing yesterday. We look forward to working with you and your team to schedule Integrity training in the coming weeks.

Thanks, Sean

Sean Doocey

(b)(6)

(b) (6)

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**From:** [Sean Doocey](#)  
**To:** [Shelley K. Finlayson](#); [Diana Veilleux](#); [George Hancock](#)  
**Cc:** [Emily Mallon](#); [Tim Petty](#)  
**Subject:** Thank you  
**Date:** Monday, September 26, 2016 3:01:44 PM

---

Shelley, George and Diana,

Thank you very much for the Integrity briefing. It was very informative and seems like a much improved process vs. the old paper forms!

We look forward to working with all of you and will be in touch with additional questions and the information George requested.

Sean

(b)(6)

(b) (6)

**From:** [Sean Doocey](#)  
**To:** [Shelley K. Finlayson](#)  
**Subject:** Thanks  
**Date:** Wednesday, August 31, 2016 2:48:00 PM

---

Ms. Finlayson,

Thanks very much for the excellent briefing yesterday. We look forward to working with you and your team to schedule Integrity training in the coming weeks.

Thanks, Sean

Sean Doocey

(b)(6)

A large black rectangular redaction box covers the signature and any accompanying text or contact information for Sean Doocey.

**From:** [Walter M. Shaub](#) Rich H. Bagger, Bill Hagerty, Tim J. Petty and Sean E. Doocey  
**To:** "Palatucci, William J."; (b) (6)  
**Cc:** [Shelley K. Finlayson](#); [David J. Apol](#); [Deborah J. Bortot](#); [Heather A. Jones](#)  
**Subject:** RE: checking in  
**Date:** Thursday, November 10, 2016 11:22:09 AM

---

Rich, Bill, Bill, Tim, and Sean,

Emory and I have a bunch of supplies we would love to deliver to you today if you're settled in enough to receive them. If you're too busy to talk, we won't stay. However, I think you would benefit from having these items:

- A supply of Nominee Ethics Guide books to hand out to prospective nominees who appear in person;
- A supply of Nominee Ethics Guide books in pre-stamped envelopes (which will be charged to OGE) to send via UPS to prospective nominees who will not be visiting the transition office;
- A supply of Transition Ethics Guide books to have enough to share with other members of the transition team;
- A supply of regulation books, which contain OGE's government-wide regulations;
- A supply of statutory books, which contain relevant government ethics statutes; and
- A supply of ethics agreement guide books, which will help you (or at least Emory) in counseling prospective nominees on what steps they may need to take to resolve conflicts of interest (e.g., divestiture, recusal, waiver, etc.).

Let me know if you think we could stop by today with them. (b) (6)

(b) (6) So, if today is no good, we could try to deliver them on Monday if that works better for you.  
Walt

---

**From:** Palatucci, William J. [mailto:(b) (6)]  
**Sent:** Wednesday, November 09, 2016 9:08 AM  
**To:** Walter M. Shaub; (b) (6)  
**Cc:** [Shelley K. Finlayson](#); [David J. Apol](#); [Deborah J. Bortot](#); [Heather A. Jones](#)  
**Subject:** [GRAYMAIL] RE: checking in

Thank you, Walter. I'll give you a call later this morning.

**William J. Palatucci, Esq.**  
**Special Counsel**  
**Gibbons P.C.**

(b) (6)

<http://www.gibbonslaw.com>

One Gateway Center, Newark, New Jersey 07102-5310

Direct phone: (b) (6) | Cell: (b) (6)

Newark | New York | Trenton | Philadelphia | Wilmington

---

**From:** Walter M. Shaub [mailto:[wmschaub@oge.gov](mailto:wmschaub@oge.gov)]  
**Sent:** Wednesday, November 09, 2016 9:02 AM Rich H. Bagger, Bill Hagerty, Tim J. Petty, and Sean E. Doocey  
**To:** Palatucci, William J.; (b) (6)  
**Cc:** [Shelley K. Finlayson](#); [David J. Apol](#); [Deborah J. Bortot](#); [Heather A. Jones](#)

**Subject:** RE: checking in

Congratulations on the campaign's victory. For your convenience here are our contact numbers, so you'll have them all in one place. We're really looking forward to getting down to work on this Presidential transition –which we're going to make the best one in history! I'll have my blackberry with me around the clock during the transition, so that's probably the best number to call first. I remember getting calls at 10:00 p.m. on a Saturday night and on Christmas during the last transition. So please don't hesitate to call at any time. You can call any member of OGE's leadership team around the clock, too.

**Walt Shaub**

**Director**

**Blackberry:** (b) (6)

**Desk:** 202-482-9302

**Shelley Finlayson**

**Chief of Staff and Program Counsel**

**Blackberry:** (b) (6)

**Desk:** 202-482-9314

**Dave Apol**

**General Counsel**

**Blackberry:** (b) (6)

**Desk:** 202-482-9205

**Deb Bortot**

**Chief, Presidential nominations branch**

**Blackberry:** (b) (6)

**Desk:** 202-482-9227

**Heather Jones**

**Senior Counsel for Financial Disclosure**

**Blackberry:** (b) (6)

**Desk:** 202-482-9316

**From:** Palatucci, William J. [mailto:(b) (6)]

**Sent:** Tuesday, November 08, 2016 10:55 AM

**To:** Walter M. Shaub; (b) (6)

(b) (6)

**Cc:** Shelley K. Finlayson

Rich H. Bagger, Bill Hagerty, Tim J. Petty, and Sean E. Doocey

**Subject:** [GRAYMAIL] Re: checking in

Thanks, Walter. I appreciate your time and guidance regardless of the outcome. Your responsiveness has been refreshing. Bill



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**From:** Walter M. Shaub

**Sent:** Tuesday, November 8, 2016 10:51 AM

**To:** (b) (6) Palatucci, William J.; (b) (6)  
(b) (6)

**Cc:** Shelley K. Finlayson

Rich H. Bagger, Bill Hagerty, Tim J. Petty and Sean E. Doocey

**Subject:** checking in

Rich, Bill, Bill, Tim, and Sean,

I hope OGE has served you well in the lead up to the election, but I just wanted to check in to make sure you have everything you need from us. If there's anything more we can do for you, please don't hesitate to let me know. If your candidate prevails today, I'm looking forward to working with you. If the outcome is different, it's been a pleasure working with you and your team. It's been really great to see your folks so focused on building capacity for a smooth and effective transition.

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:** [Walter M. Shaub](#)  
**To:** (b) (6) Don McGahn  
**Subject:** Can we talk today?  
**Date:** Wednesday, November 30, 2016 10:14:15 AM

---

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

**From:** [Ann M Donaldson](#)  
**To:** [George Hancock](#)  
**Cc:** ["Sean Doocey"](#); [Shelley K. Finlayson](#)  
**Subject:** RE: New Counsel Users For Integrity  
**Date:** Wednesday, November 30, 2016 2:47:14 PM

---

George,  
The best number to reach me directly is (b) (6) (my mobile). If it's going in the system for semi-public (internal) consumption, my direct office line is below.  
Thanks,  
Annie

Ann M. Donaldson  
Associate  
[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)

(b) (6)  
(b) (6)  
(b) (6)

**From:** George Hancock <ghancock@oge.gov>  
**To:** 'Sean Doocey' (b) (6)  
**Cc:** Ann M Donaldson (b) (6), "Shelley K. Finlayson" <skfinlay@oge.gov>  
**Date:** 11/30/2016 02:39 PM  
**Subject:** RE: New Counsel Users For Integrity

---

Sure Sean.

I'll need a phone number to register and accomplish the change.

Thank you,

George Hancock  
*Integrity Manager*  
Program Counsel Division  
Legal, External Affairs and Performance Branch  
1201 New York Avenue, NW, Suite 500  
Washington, DC 20005

**From:** Sean Doocey [[mailto:\(b\) \(6\)](#)]  
**Sent:** Wednesday, November 30, 2016 2:10 PM  
**To:** Shelley K. Finlayson; George Hancock  
**Cc:** Ann M Donaldson  
**Subject:** New Counsel Users For Integrity

Hi Shelley and George,

Per Don McGahn, Could we swap (b) (5), (b) (6) in Integrity?

Thanks, Sean

Ann Donaldson (b) (6)

--

**Sean Doocey**

Presidential Transition Team

Email: (b) (6)

Cell: (b) (6)

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=====

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=====

**From:** [George Hancock](#)  
**To:** (b)(6) - Filer's representative  
**Cc:** (b)(6) - Filer's representative; (b)(6) - Filer's representative; [Austin F. King](#); [Keith Labedz](#); "[Sean Doocey](#)"; "[Emily Mallon](#)"  
**Subject:** Actions After the Nominee Submits the Draft - PPO, New Administration WH  
**Date:** Tuesday, December 06, 2016 3:26:19 PM

---

(b)(6) - Filer's representative

My answers follow your question in [brackets].

Note: OGE imposed strict access limitations so that OGE staff cannot see who has which roles in the PPO and WH agencies. Sean or Emily are best situated to answer the "who" portion of your questions.

1. Once the candidate clicks submit, an email will go to the PPO. Is the PPO Sean (and Emily)? [Yes, Integrity will email the PPO primary reviewer role holder in the PPO Nominee group that the Nominee draft is ready for PPO action. At one time, Emily had that role. I cannot see inside the PPO structure to determine who has that role now. Sean could change.]
2. The PPO will then release the report only to the Transition Team (Jim Carroll), correct? [Correct, in part. PPO releases to the WH agency where A. Donaldson is Lead. I don't know any "Jim Carroll" though. Ms. Donaldson or Sean may have added him without my knowledge. I cannot see inside their Integrity agency as a security measure so I do not know who has the WH agency Nominee group reviewer role. You will have to ask Sean.]
3. Once the Transition Team says go, then the PPO will release the report to the OGE and the target agency, correct? [When ready, the WH agency Nominee group reviewer role holder or alternate releases to OGE and the target agency. I cannot see who has that reviewer role.]

Thank you.

---

**From:** (b)(6) - Filer's representative  
**Sent:** Tuesday, December 06, 2016 12:37 PM  
**To:** George Hancock  
**Cc:** (b)(6) - Filer's representative; Austin F. King; Keith Labedz; 'Sean Doocey'  
**Subject:** RE: Actually "Filing" the Form 278 - Nominee Submits Draft  
George,  
A couple of clarifying questions as we get ready to file:

1. Once the candidate clicks submit, an email will go to the PPO. Is the PPO Sean (and Emily)?
2. The PPO will then release the report only to the Transition Team (Jim Carroll), correct?
3. Once the Transition Team says go, then the PPO will release the report to the OGE and the target agency, correct?

Thanks for the further guidance.

(b)(6) - Filer's representative

**From:** George Hancock [<mailto:ghancock@oge.gov>]

**Sent:** Monday, December 5, 2016 7:16 PM

**To:** (b)(6) - Filer's representative; (b)(6)

**Cc:** (b)(6) - Filer's representative

Austin F. King <[afking@oge.gov](mailto:afking@oge.gov)>; Keith Labedz

<[klabeledz@oge.gov](mailto:klabeledz@oge.gov)>; 'Sean Doocey' (b)(6)  
**Subject:** RE: Actually "Filing" the Form 278 - Nominee Submits Draft

(b)(6) -  
Filer's

To submit the report to PPO in Integrity, the Nominee logs in to Integrity, <https://integrity.gov>, and goes on the My Tasks home page.

At the right side of the row with the draft, the Nominee clicks "Update" to open the report. On the left-side navigation, the Nominee clicks on Report Data(Summary) to advance/review the data by scrolling to the bottom or clicks the Submit button (on the left, below "Report Data(Summary)") to go direct to the submit screen. Once there, the Nominee checks the certification accuracy check box and clicks Submit. Only the Nominee can submit the draft. Integrity will email the PPO reviewer who can view/release to the Trump-Pence WH. There the reviewer can view/release to OGE and the target agency. Once released to OGE and the target agency, their reviewers as well as the Nominee and your team can continue to edit the draft as you have.

Thank you.

**From:** (b)(6) - Filer's representative

**Sent:** Monday, December 05, 2016 4:11 PM

**To:** George Hancock

**Cc:** (b)(6) - Filer's representative; Austin F. King; Keith Labeledz; 'Sean Doocey'

**Subject:** Actually "Filing" the Form 278

George,

We anticipate giving the Trump Transition Team the initial draft of the report tomorrow morning. Is that the point that we "file" the draft and how is that done? Once the draft is filed, how do we continue to make changes?

Happy to discuss by phone if that is helpful.

Thanks,

(b)(6)  
Filer's  
representative

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**From:** [Ann M Donaldson](#)  
**To:** [Shelley K. Finlayson](#)  
**Subject:** Call  
**Date:** Monday, December 05, 2016 2:39:57 PM

---

Shelley,  
We are happy to set up a call for this week. Matthew should be hearing from (b)(6) shortly to confirm a time.  
Thanks,  
Annie

Ann M. Donaldson  
Associate  
[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)  
51 Louisiana Avenue, NW  
Washington, DC 20001  
Office (b)(6)

=====  
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=====



**From:** [George Hancock](#)  
**To:** (b)(6) - Emily  
**Cc:** "Sean Doocey"  
**Subject:** FW: Assistance for Nominee Filer -- Edit Filer Name  
**Date:** Friday, December 02, 2016 4:56:06 PM  
**Attachments:** [image003.png](#)

---

Emily:

As you see below, (b)(6), filer designee for (b)(6) asked for a name change: (b)(6) instead of just (b)(6) on the filing.

Only someone with access to the report before it is submitted can make that change. Here is how to make the change if you want to do so:

Login as usual. Click Admin, then Find User on the left side. Search for the filer's name, then click on it to open the profile. Use the **Update Profile** feature to change the name.

(b)(6)

Profile

Roles & Groups

Update Profile

FIRST NAME

(b)(6)

Update

MIDDLE INITIAL

LAST NAME

(b)(6)

SUFFIX

Please Select ▼

Paste in (b)(6) after her first name, click Update (right side) when finished.  
Thank you.

---

**From:** (b)(6) - Filer's representative (b)(6) ]  
**Sent:** Friday, December 02, 2016 4:04 PM  
**To:** George Hancock  
**Cc:** (b)(6) - Filer's representative; Austin F. King; Keith Labedz; 'Sean Doocey'  
**Subject:** RE: Assistance for Nominee Filer Designee

Gentlemen,

Thank you again for your time this morning. It made for a much more productive day for me!

Since (b)(6) goes by (b)(6) and we refer to her as such throughout the report, would it be possible to have the entry in the first name block to be (b)(6) instead of just (b)(6)? I don't believe we can change this ourselves.

Please advise.

Thanks!

(b)(6)

**From:** George Hancock [<mailto:ghancock@oge.gov>]

**Sent:** Friday, December 2, 2016 9:44 AM

**To:** (b)(6) - Filer's representative >

**Cc:** (b)(6) - Filer's representative

Austin F. King <[afking@oge.gov](mailto:afking@oge.gov)>; Keith Labedz <[klabedz@oge.gov](mailto:klabedz@oge.gov)>;

'Sean Doocey' <(b)(6)>

**Subject:** Assistance for Nominee Filer Designee

(b)(6) - Filer's

Conference call information for a 10 am call: (b)(6)

I asked Keith Labeledz from the OGE Presidential Nominations Branch (PNB) to join us. PNB staff review the Nominee reports once they arrive at OGE.

Have you seen OGE's online Financial Disclosure Guide, <https://www2.oge.gov/Web/278eGuide.nsf>? It is a web-based set of instructions for completing and reviewing the Executive Branch Personnel Public Financial Disclosure Report (OGE Form 278e). It offers helpful instructions, illustrations of sample language, definitions, and answers to frequently asked questions. It is organized in parts corresponding to the OGE Form 278e.

Thank you.

**From:** George Hancock

**Sent:** Friday, December 02, 2016 9:20 AM

**To:** 'Sean Doocey'; (b)(6) - Filer's representative

**Cc:** (b)(6) - Filer's representative; Austin F. King

**Subject:** RE: Form Difficulties - Assistance for Filer Designee

Sean (b)(6) - Filer's

I added Austin King, our Help Desk Lead. He was coordinating a response to (b)(6) - Filer's representative.

How about a call at 10 am to discuss details? To assist us assess the best way forward, does (b)(6) see the "Position-Related Interests" link on the left side menu? If so, what happens when he clicks it? If he doesn't see it we'll provide information on how best to proceed.

Thank you.

**From:** Sean Doocey (b)(6)

**Sent:** Friday, December 02, 2016 9:08 AM

**To:** (b)(6) - Filer's representative; George Hancock

**Cc:** (b)(6) - Filer's representative

**Subject:** Re: Form Difficulties

Hi George,

Do you have any guidance for (b)(6) and team who are assisting (b)(6) - Emily with completing her OGE278 reference the below error? (b)(6)

(b)(6) - George is OGE's subject matter expert on Integrity and developed the system.

--Sean

On Thu, Dec 1, 2016 at 6:42 PM, (b)(6) (b)(6) wrote:

Sean,

It's a system input issue. I have been working through the Positions section and the system is now skipping from the positions list to Section 2 when I hit "next steps" rather than letting me input additional company data on an interim page that was accessible before. I would like instruction as to how to get back to the input pages.

Thanks,

(b)(6)

**From:** (b)(6) - Filer's representative

**Sent:** Thursday, December 1, 2016 6:37 PM

**To:** (b)(6) - Filer's representative

**Cc:** Doocey Sean (b)(6)

**Subject:** Fwd: Form Difficulties

(b)(6) - Filer's (b)(6) representative ) - thoughts?

Sent from iPhone

Begin forwarded message:

**From:** Sean Doocey (b)(6)

**Date:** December 1, 2016 at 18:35:45 EST

**To:** (b)(6) - Filer's representative

**Subject:** Re: Form Difficulties

Any more details on the difficulty? I can direct you to the right person if I know a little more.

On Thu, Dec 1, 2016 at 6:23 PM (b)(6) - Filer's representative (b)(6) wrote:

Thoughts? This is for 278

Sent from iPhone

Begin forwarded message:

**From:** (b)(6) - Filer's representative  
**Date:** December 1, 2016 at 18:20:59 EST  
**To:** (b)(6) - Filer's representative  
**Subject: Form Difficulties**

We are having some input issues and Integrity says that we are to contact the departments ethics official to get help. Do we have a contact for that person?

--

**Sean Doocey**  
Presidential Transition Team

(b)(6)  
(b)(6)

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**From:** [George Hancock](#)  
**To:** ["Emily Mallon"](#)  
**Subject:** FW: Integrity - no filing task - filer designee - Update  
**Date:** Tuesday, December 06, 2016 8:42:39 AM

---

Emily:

We did more investigation on this. We think the designee logged in to MAX.gov (perhaps after setting the password) and not Integrity. The designee needs to click through the Integrity login page, <https://integrity.gov>, and continue into Integrity. The My Tasks screen should appear with the assigned Nominee filing task.

Thank you.

---

**From:** George Hancock  
**Sent:** Monday, December 05, 2016 6:37 PM  
**To:** 'Emily Mallon'  
**Subject:** RE: Integrity - no filing task - filer designee

Emily:

I was out this afternoon. Just now seeing your email.

If you assigned the Nominee a filing task, the filer designee should see it after logging in to Integrity, <https://integrity.gov>. There will be a Start (or Update) button on the right side of the "My Tasks" page after successful login. Did the filer designee set a password and then get to the My Tasks screen?

Could the filer designee send a screen shot so we can investigate?

Thank you.

**From:** Emily Mallon (b)(6)  
**Sent:** Monday, December 05, 2016 4:52 PM  
**To:** George Hancock  
**Subject:** Integrity - no tasks

George,

Thanks for all of your help thus far. I have a quick question from one of our Integrity users. One of our nominee's designated fillers says that her page is showing a "no task loaded" message on her Max profile.

Was wondering if you knew why that would be happening if I assigned a report to the profile already.

Thanks!

Emily

--

Emily Mallon  
Presidential Transition Team

(b)(6)

**From:** [Shelley K. Finlayson](#)  
**To:** [Don McGahn](#) (b)(6); [Ann M. Donaldson](#) (b)(6)  
**Subject:** (b)(5)  
**Date:** Monday, December 05, 2016 11:35:35 AM

---

Good morning –

Walt is having technical difficulties and wanted to send you the message below, so I am forwarding it to you.

Regards,

Shelley

---

**From:** [wmschaub@oge.gov](mailto:wmschaub@oge.gov)  
**Sent:** Monday, December 5, 2016 11:15 AM  
**To:** (b)(6) - Donald; (b)(6) - Ann Donaldson's  
**Cc:** Shelley K. Finlayson; David Apol  
**Subject:** (b)(5)

Don and Annie,

(b)(5)



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)

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

**From:** [Emily Mallon](#)  
**To:** [George Hancock](#)  
**Subject:** Integrity - no tasks  
**Date:** Monday, December 05, 2016 4:52:06 PM

---

George,

Thanks for all of your help thus far. I have a quick question from one of our Integrity users.

One of our nominee's designated fillers says that her page is showing a "no task loaded" message on her Max profile.

Was wondering if you knew why that would be happening if I assigned a report to the profile already.

Thanks!

Emily

--

Emily Mallon  
Presidential Transition Team

(b)(6)

(D)(v)

**From:** (b)(6) - Filer's Representative  
**To:** [George Hancock](#)  
**Cc:** (b)(6) - Filer's Representative ; [Austin F. King](#); [Keith Labedz](#); ["Sean Doocey"](#); ["Emily Mallon"](#)  
**Subject:** RE: Actions After the Nominee Submits the Draft - PPO, New Administration WH  
**Date:** Tuesday, December 06, 2016 3:32:24 PM

---

Thanks, George!

**From:** George Hancock [mailto:ghancock@oge.gov]  
**Sent:** Tuesday, December 6, 2016 3:26 PM  
**To:** (b)(6) - Filer's Representative ; Austin F. King ; Keith Labedz ; 'Sean Doocey' ; 'Emily Mallon'  
**Subject:** Actions After the Nominee Submits the Draft - PPO, New Administration WH

(b)(6)

My answers follow your question in [brackets].

Note: OGE imposed strict access limitations so that OGE staff cannot see who has which roles in the PPO and WH agencies. Sean or Emily are best situated to answer the "who" portion of your questions.

1. Once the candidate clicks submit, an email will go to the PPO. Is the PPO Sean (and Emily)? [Yes, Integrity will email the PPO primary reviewer role holder in the PPO Nominee group that the Nominee draft is ready for PPO action. At one time, Emily had that role. I cannot see inside the PPO structure to determine who has that role now. Sean could change.]

2. The PPO will then release the report only to the Transition Team (b)(6), correct? [Correct, in part. PPO releases to the WH agency where A. Donaldson is Lead. I don't know any (b)(6) though. Ms. Donaldson or Sean may have added him without my knowledge. I cannot see inside their Integrity agency as a security measure so I do not know who has the WH agency Nominee group reviewer role. You will have to ask Sean.]

3. Once the Transition Team says go, then the PPO will release the report to the OGE and the target agency, correct? [When ready, the WH agency Nominee group reviewer role holder or alternate releases to OGE and the target agency. I cannot see who has that reviewer role.]

Thank you.

**From:** (b)(6) - Filer's Representative (b)(6)  
**Sent:** Tuesday, December 06, 2016 12:37 PM  
**To:** George Hancock  
**Cc:** (b)(6) - Filer's Representative ; Austin F. King; Keith Labedz; 'Sean Doocey'  
**Subject:** RE: Actually "Filing" the Form 278 - Nominee Submits Draft

George,

A couple of clarifying questions as we get ready to file:

1. Once the candidate clicks submit, an email will go to the PPO. Is the PPO Sean (and



Emily)?

2. The PPO will then release the report only to the Transition Team (Jim Carroll), correct?
3. Once the Transition Team says go, then the PPO will release the report to the OGE and the target agency, correct?

Thanks for the further guidance.

(b)(6)

**From:** George Hancock [<mailto:ghancock@oge.gov>]

**Sent:** Monday, December 5, 2016 7:16 PM

**To:** (b)(6) - Filer's Representative (b)(6) >

**Cc:** (b)(6) - Filer's Representative

(b)(6) Justin F. King <[afking@oge.gov](mailto:afking@oge.gov)>; Keith Labedz <[klabedz@oge.gov](mailto:klabedz@oge.gov)>; 'Sean Doocey' (b)(6)

**Subject:** RE: Actually "Filing" the Form 278 - Nominee Submits Draft

(b)(6) - Filer's Representative

To submit the report to PPO in Integrity, the Nominee logs in to Integrity, <https://integrity.gov>, and goes on the My Tasks home page.

At the right side of the row with the draft, the Nominee clicks "Update" to open the report.

On the left-side navigation, the Nominee clicks on Report Data(Summary) to advance/review the data by scrolling to the bottom or clicks the Submit button (on the left, below "Report Data(Summary)") to go direct to the submit screen. Once there, the Nominee checks the certification accuracy check box and clicks Submit. Only the Nominee can submit the draft.

Integrity will email the PPO reviewer who can view/release to the Trump-Pence WH. There the reviewer can view/release to OGE and the target agency.

Once released to OGE and the target agency, their reviewers as well as the Nominee and your team can continue to edit the draft as you have.

Thank you.

**From:** (b)(6) - Filer's Representative (b)(6)

**Sent:** Monday, December 05, 2016 4:11 PM

**To:** George Hancock

**Cc:** (b)(6) - Filer's Representative; Austin F. King; Keith Labedz; 'Sean Doocey'

**Subject:** Actually "Filing" the Form 278

George,

We anticipate giving the Trump Transition Team the initial draft of the report tomorrow morning. Is that the point that we "file" the draft and how is that done? Once the draft is filed, how do we continue to make changes?

Happy to discuss by phone if that is helpful.



Thanks,

(b)(6)

Representative

(b)(6)

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**From:** (b)(6) - Filer's Representative  
**To:** [George Hancock](#)  
**Cc:** (b)(6) - Filer's Representative ; [Austin F. King](#); [Keith Labeledz](#); ["Sean Doocey"](#)  
**Subject:** RE: Actually "Filing" the Form 278 - Nominee Submits Draft  
**Date:** Monday, December 05, 2016 7:24:10 PM

---

Thanks, George. Much appreciate the directions!

(b)(6)  
-

**From:** George Hancock [mailto:ghancock@oge.gov]  
**Sent:** Monday, December 5, 2016 7:16 PM  
**To:** (b)(6) - Filer's Representative ; Austin F. King ; Keith Labeledz ; 'Sean Doocey'  
**Subject:** RE: Actually "Filing" the Form 278 - Nominee Submits Draft

(b)(6) - Filer's Representative

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Once released to OGE and the target agency, their reviewers as well as the Nominee and your team can continue to edit the draft as you have.

Thank you.

**From:** (b)(6) - Filer's Representative (b)(6)  
**Sent:** Monday, December 05, 2016 4:11 PM  
**To:** George Hancock  
**Cc:** (b)(6) - Filer's Representative ; Austin F. King; Keith Labeledz; 'Sean Doocey'  
**Subject:** Actually "Filing" the Form 278

George,

We anticipate giving the Trump Transition Team the initial draft of the report tomorrow morning. Is that the point that we "file" the draft and how is that done? Once the draft is filed, how do we continue to make changes?

Happy to discuss by phone if that is helpful.

Thanks,

(b)(6)

Representative

(b)(6)

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**From:** (b)(6) - Filer's Representative  
**To:** [George Hancock](#)  
**Cc:** (b)(6) - Filer's Representative ; [Austin F. King](#); [Keith Labedz](#); ["Sean Doocey"](#)  
**Subject:** RE: Assistance for Nominee Filer Designee  
**Date:** Friday, December 02, 2016 9:47:35 AM

---

Thanks, George. I will talk to you soon.

(b)(6)

**From:** George Hancock [mailto:ghancock@oge.gov]  
**Sent:** Friday, December 2, 2016 9:44 AM  
**To:** (b)(6) - Filer's Representative ; Austin F. King ; Keith Labedz ; 'Sean Doocey'  
**Subject:** Assistance for Nominee Filer Designee

(b)(6) - Filer's

Conference call information for a 10 am call: (b)(6)

I asked Keith Labedz from the OGE Presidential Nominations Branch (PNB) to join us. PNB staff review the Nominee reports once they arrive at OGE.

Have you seen OGE's online Financial Disclosure Guide, <https://www2.oge.gov/Web/278eGuide.nsf>? It is a web-based set of instructions for completing and reviewing the Executive Branch Personnel Public Financial Disclosure Report (OGE Form 278e). It offers helpful instructions, illustrations of sample language, definitions, and answers to frequently asked questions. It is organized in parts corresponding to the OGE Form 278e.

Thank you.

**From:** George Hancock  
**Sent:** Friday, December 02, 2016 9:20 AM  
**To:** 'Sean Doocey'; (b)(6) - Filer's Representative ; Austin F. King  
**Subject:** RE: Form Difficulties - Assistance for Filer Designee

Sean (b)(6) - Filer's

I added Austin King, our Help Desk Lead. He was coordinating a response to (b)(6) - Filer's Representative .

How about a call at 10 am to discuss details? To assist us assess the best way forward, does (b)(6) see the "Position-Related Interests" link on the left side menu? If so, what happens when he clicks it? If he doesn't see it we'll provide information on how best to proceed.

Thank you.

**From:** Sean Doocey (b)(6)  
**Sent:** Friday, December 02, 2016 9:08 AM

**To:** (b)(6) - Filer's Representative; George Hancock  
**Cc:** (b)(6) - Filer's Representative  
**Subject:** Re: Form Difficulties

Hi George,

Do you have any guidance for (b)(6) and team who are assisting (b)(6) - Emily with completing her OGE278 reference the below error?

(b)(6) - Filer's Representative - George is OGE's subject matter expert on Integrity and developed the system.

--Sean

On Thu, Dec 1, 2016 at 6:42 PM, (b)(6) - Filer's Representative (b)(6) wrote:

Sean,

It's a system input issue. I have been working through the Positions section and the system is now skipping from the positions list to Section 2 when I hit "next steps" rather than letting me input additional company data on an interim page that was accessible before. I would like instruction as to how to get back to the input pages.

Thanks,

(b)(6)

**From:** (b)(6) - Filer's Representative  
**Sent:** Thursday, December 1, 2016 6:37 PM  
**To:** (b)(6) - Filer's Representative  
**Cc:** Doocey Sean (b)(6)  
**Subject:** Fwd: Form Difficulties

(b)(6) - Filer's Representative - thoughts?

Sent from iPhone

Begin forwarded message:

**From:** Sean Doocey (b)(6)  
**Date:** December 1, 2016 at 18:35:45 EST  
**To:** (b)(6) - Filer's Representative (b)(6)  
**Subject:** Re: Form Difficulties

Any more details on the difficulty? I can direct you to the right person if I know a little more.

On Thu, Dec 1, 2016 at 6:23 PM, (b)(6) - Filer's Representative (b)(6) wrote:

Thoughts? This is for 278

Sent from iPhone

Begin forwarded message:

**From:** (b)(6) - Filer's Representative )(6)  
**Date:** December 1, 2016 at 18:20:59 EST  
**To:** (b)(6) - Filer's Representative  
**Subject:** Form Difficulties

We are having some input issues and Integrity says that we are to contact the departments ethics official to get help. Do we have a contact for that person?

--

**Sean Doocey**

Presidential Transition Team

(b)(6)

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**From:** (b)(6) - Filer's Representative  
**To:** George Hancock; (b)(6)  
**Cc:** Greg McNeilly; (b)(6); Austin F. King; Keith Labeledz; "Sean Doocey"  
**Subject:** RE: Assistance for Nominee Filer Designee; Filer Name Change in Integrity  
**Date:** Friday, December 02, 2016 4:55:43 PM

---

Sean and Emily,

Please see our request below for the name change on the 278 report. It will better align with the reporting we are doing.

Please let us know if you have any questions.

Thanks!

(b)(6)

**From:** George Hancock [mailto:ghancock@oge.gov]

**Sent:** Friday, December 2, 2016 4:51 PM

**To:** (b)(6) - Filer's Representative

Austin F. King ; Keith Labeledz ; 'Sean Doocey'

**Subject:** RE: Assistance for Nominee Filer Designee; Filer Name Change in Integrity

You are welcome (b)(6) - Filer's Representative

Regarding the name change: Only a PPO user can change the name shown on the draft and only before (b)(6) - Emily submits it. I recommend you email Sean or Emily Mallon, (b)(6) to request the change. I'll send them information on how to make the change.

I wanted to remind you about the scheduled Sunday maintenance times when Integrity will be unavailable (shown on the Integrity landing page). Integrity performs weekly server restarts on Sunday mornings between 3 and 3:15 am. The authentication service provider performs maintenance on Sunday mornings between 2 and 8 am. In addition the agency that hosts Integrity does weekly maintenance on Sunday evenings from 5 pm to 3 am.

Finally, we did some additional testing on multiple users simultaneously entering data this afternoon. Our results indicate that there is a non-zero risk if the users work in the same data grid at the same time. Consequently, we recommend only one person entering data in a grid at a time.

Thank you.

**From:** (b)(6) - Filer's Representative; (b)(6)  
**Sent:** Friday, December 02, 2016 4:04 PM  
**To:** George Hancock  
**Cc:** (b)(6) - Filer's Representative; Austin F. King; Keith Labeledz; 'Sean Doocey'  
**Subject:** RE: Assistance for Nominee Filer Designee

Gentlemen,

Thank you again for your time this morning. It made for a much more productive day for me!

Since (b)(6) goes by (b)(6) and we refer to her as such throughout the report, would it be possible to have the entry in the first name block to be "(b)(6)" instead of just (b)(6)? I don't believe we can change this ourselves.

Please advise.

Thanks!

(b)(6)

**From:** George Hancock [<mailto:ghancock@oge.gov>]

**Sent:** Friday, December 2, 2016 9:44 AM

**To:** (b)(6) - Filer's Representative

(b)(6)

Austin F. King <[afking@oge.gov](mailto:afking@oge.gov)>; Keith Labedz <[klabedz@oge.gov](mailto:klabedz@oge.gov)>; 'Sean Doocey' (b)(6)

**Subject:** Assistance for Nominee Filer Designee

(b)(6) - Filer's Representative

Conference call information for a 10 am call: (b)(6)

I asked Keith Labedz from the OGE Presidential Nominations Branch (PNB) to join us. PNB staff review the Nominee reports once they arrive at OGE.

Have you seen OGE's online Financial Disclosure Guide, <https://www2.oge.gov/Web/278eGuide.nsf>? It is a web-based set of instructions for completing and reviewing the Executive Branch Personnel Public Financial Disclosure Report (OGE Form 278e). It offers helpful instructions, illustrations of sample language, definitions, and answers to frequently asked questions. It is organized in parts corresponding to the OGE Form 278e.

Thank you.

**From:** George Hancock

**Sent:** Friday, December 02, 2016 9:20 AM

**To:** 'Sean Doocey'; (b)(6) - Filer's Representative

**Cc:** (b)(6) - Filer's Representative; Austin F. King

**Subject:** RE: Form Difficulties - Assistance for Filer Designee

Sean (b)(6) - Filer's Representative

I added Austin King, our Help Desk Lead. He was coordinating a response to (b)(6) - Filer's Representative.

How about a call at 10 am to discuss details? To assist us assess the best way forward, does (b)(6) see the "Position-Related Interests" link on the left side menu? If so, what happens when he clicks it? If he doesn't see it we'll provide information on how best to proceed.

Thank you.



**From:** Sean Doocey (b)(6)  
**Sent:** Friday, December 02, 2016 9:08 AM  
**To:** (b)(6) - Filer's Representative; George Hancock  
**Cc:** (b)(6) - Filer's Representative  
**Subject:** Re: Form Difficulties

Hi George,

Do you have any guidance for (b)(6) and team who are assisting (b)(6) with completing her OGE278 reference the below error?

(b)(6) - George is OGE's subject matter expert on Integrity and developed the system.

--Sean

On Thu, Dec 1, 2016 at 6:42 PM, (b)(6) - Filer's Representative (b)(6) > wrote:

Sean,

It's a system input issue. I have been working through the Positions section and the system is now skipping from the positions list to Section 2 when I hit "next steps" rather than letting me input additional company data on an interim page that was accessible before. I would like instruction as to how to get back to the input pages.

Thanks,

(b)(6)

**From:** (b)(6) - Filer's Representative  
**Sent:** Thursday, December 1, 2016 6:37 PM  
**To:** (b)(6) - Filer's Representative  
**Cc:** Doocey Sean (b)(6)  
**Subject:** Fwd: Form Difficulties

(b)(6) - Filer's Representative (b)(6) - thoughts?

Sent from iPhone

Begin forwarded message:

**From:** Sean Doocey (b)(6)  
**Date:** December 1, 2016 at 18:35:45 EST  
**To:** (b)(6) - Filer's Representative (b)(6)  
**Subject:** Re: Form Difficulties

Any more details on the difficulty? I can direct you to the right person if I know a little more.

On Thu, Dec 1, 2016 at 6:23 PM (b)(6) - Filer's Representative (b)(6) wrote:

Thoughts? This is for 278

Sent from iPhone

Begin forwarded message:

**From:** (b)(6) - Filer's Representative (b)(6)  
**Date:** December 1, 2016 at 18:20:59 EST  
**To:** (b)(6) - Filer's Representative  
**Subject:** Form Difficulties

We are having some input issues and Integrity says that we are to contact the departments ethics official to get help. Do we have a contact for that person?

--

**Sean Doocey**

Presidential Transition Team

(b)(6)  
(b)(6)

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**From:** (b)(6) - Filer's Representative  
**To:** George Hancock; (b)(6) - Emily  
**Cc:** (b)(6) - Filer's Representative; Austin F. King; Keith Labedz; "Sean Doocey"  
**Subject:** RE: Assistance for Nominee Filer Designee; Filer Name Change in Integrity  
**Date:** Friday, December 02, 2016 5:00:38 PM

---

Small Change. In order for the name on the report to show up like we would like it, which is (b)(6) should actually be added in the middle name input box after the (b)(6)

Sorry for the confusion!

(b)(6)

Representative

(b)(6)

**From:** (b)(6) - Filer's Representative  
**Sent:** Friday, December 2, 2016 4:56 PM  
**To:** 'George Hancock'; (b)(6)  
**Cc:** (b)(6) - Filer's Representative; Austin F. King; Keith Labedz; 'Sean Doocey'  
**Subject:** RE: Assistance for Nominee Filer Designee; Filer Name Change in Integrity

Sean and Emily,

Please see our request below for the name change on the 278 report. It will better align with the reporting we are doing.

Please let us know if you have any questions.

Thanks!

(b)(6)

**From:** George Hancock [<mailto:ghancock@oge.gov>]  
**Sent:** Friday, December 2, 2016 4:51 PM  
**To:** (b)(6) - Filer's Representative

(b)(6) Austin F. King <[afking@oge.gov](mailto:afking@oge.gov)>; Keith Labedz <[klabedz@oge.gov](mailto:klabedz@oge.gov)>; 'Sean Doocey' (b)(6)  
**Subject:** RE: Assistance for Nominee Filer Designee; Filer Name Change in Integrity

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Thank you.

**From:** (b)(6)  
**Sent:** Friday, December 02, 2016 4:04 PM  
**To:** George Hancock  
**Cc:** Greg McNeilly; (b)(6); Austin F. King; Keith Labedz; 'Sean Doocey'  
**Subject:** RE: Assistance for Nominee Filer Designee

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Please advise.

Thanks!

(b)(6)

**From:** George Hancock [<mailto:ghancock@oge.gov>]  
**Sent:** Friday, December 2, 2016 9:44 AM  
**To:** (b)(6) - Filer's Representative  
(b)(6)  
ustin F. King <[afking@oge.gov](mailto:afking@oge.gov)>; Keith Labedz <[klabedz@oge.gov](mailto:klabedz@oge.gov)>; 'Sean Doocey' (b)(6)  
**Subject:** Assistance for Nominee Filer Designee

(b)(6) - Filer's Representative

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Thank you.

**From:** George Hancock  
**Sent:** Friday, December 02, 2016 9:20 AM  
**To:** 'Sean Doocey'; (b)(6) - Filer's Representative  
[REDACTED]; Austin F. King  
**Subject:** RE: Form Difficulties - Assistance for Filer Designee

Sean (b)(6) - Filer's

I added Austin King, our Help Desk Lead. He was coordinating a response to (b)(6) - Filer's Rep.

How about a call at 10 am to discuss details? To assist us assess the best way forward, does (b)(6) see the "Position-Related Interests" link on the left side menu? If so, what happens when he clicks it? If he doesn't see it we'll provide information on how best to proceed.

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**From:** Sean Doocey (b)(6)  
**Sent:** Friday, December 02, 2016 9:08 AM  
**To:** (b)(6) - Filer's Rep; George Hancock  
**Cc:** (b)(6) - Filer's Rep  
**Subject:** Re: Form Difficulties

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(b)(6)

**From:** (b)(6) - Filer's Rep  
**Sent:** Thursday, December 1, 2016 6:37 PM  
**To:** (b)(6) - Filer's Rep  
**Cc:** Doocey Sean (b)(6)  
**Subject:** Fwd: Form Difficulties

(b)(6) (b)(6) - Filer's Rep - thoughts?

Sent from iPhone

Begin forwarded message:

**From:** Sean Doocey (b)(6)  
**Date:** December 1, 2016 at 18:35:45 EST  
**To:** (b)(6) - Filer's Rep  
**Subject:** Re: Form Difficulties

Any more details on the difficulty? I can direct you to the right person if I know a little more.

On Thu, Dec 1, 2016 at 6:23 PM (b)(6) - Filer's Rep (b)(6) wrote:

Thoughts? This is for 278

Sent from iPhone

Begin forwarded message:

**From:** (b)(6) - Filer's Rep (b)(6)  
**Date:** December 1, 2016 at 18:20:59 EST  
**To:** (b)(6) - Filer's Rep  
**Subject:** Form Difficulties

We are having some input issues and Integrity says that we are to contact the departments ethics official to get help. Do we have a contact for that person?

--

**Sean Doocey**

Presidential Transition Team

(b)(6)

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**From:** (b)(6) - Filer's Rep  
**To:** Sean Doocey; George Hancock  
**Cc:** (b)(6) - Filer's Rep  
**Subject:** RE: Form Difficulties  
**Date:** Friday, December 02, 2016 9:08:23 AM

---

George,

If it is helpful, I would be happy to be in the system if we could have a call to let you know what is happening.

Thanks,

(b)(6)

Rep

(b)(6)

**From:** Sean Doocey (b)(6)  
**Sent:** Friday, December 2, 2016 9:08 AM  
**To:** (b)(6) - Filer's Rep; G Hancock  
**Cc:** (b)(6) - Filer's Rep  
**Subject:** Re: Form Difficulties

Hi George,

Do you have any guidance for (b)(6) and team who are assisting (b)(6) with completing her OGE278 reference the below error?

(b)(6) - Filer's Rep George is OGE's subject matter expert on Integrity and developed the system.

--Sean

On Thu, Dec 1, 2016 at 6:42 PM, (b)(6) - Filer's Rep (b)(6) > wrote:

Sean,

It's a system input issue. I have been working through the Positions section and the system is now skipping from the positions list to Section 2 when I hit "next steps" rather than letting me input additional company data on an interim page that was accessible before. I would like instruction as to how to get back to the input pages.

Thanks,

(b)(6)

**From:** (b)(6) - Filer's Rep  
**Sent:** Thursday, December 1, 2016 6:37 PM  
**To:** (b)(6) - Filer's Rep  
**Cc:** Doocey Sean (b)(6)  
**Subject:** Fwd: Form Difficulties

(b)(6) - Filer's Rep n - thoughts?

Sent from iPhone

Begin forwarded message:

**From:** Sean Doocey (b)(6)  
**Date:** December 1, 2016 at 18:35:45 EST  
**To:** (b)(6) - Filer's Rep (b)(6)  
**Subject:** Re: Form Difficulties

Any more details on the difficulty? I can direct you to the right person if I know a little more.

On Thu, Dec 1, 2016 at 6:23 PM (b)(6) - Filer's Rep (b)(6) wrote:

Thoughts? This is for 278

Sent from iPhone

Begin forwarded message:

**From:** (b)(6) - Filer's Rep (b)(6)  
**Date:** December 1, 2016 at 18:20:59 EST  
**To:** (b)(6) - Filer's Rep  
**Subject:** Form Difficulties

We are having some input issues and Integrity says that we are to contact the departments ethics official to get help. Do we have a contact for that person?

--

Sean Doocey

## Presidential Transition Team

(b)(6)

**From:** (b)(6) - Filer's Rep  
**To:** [George Hancock](#)  
**Subject:** RE: Part 6 Alphabetical Sort  
**Date:** Monday, December 05, 2016 9:29:24 AM

---

Thanks, George. Much appreciate the quick response!

**From:** George Hancock [mailto:[ghancock@oge.gov](mailto:ghancock@oge.gov)]  
**Sent:** Monday, December 5, 2016 9:22 AM  
**To:** (b)(6) - Filer's Rep

[REDACTED]; Austin F. King; Keith Labeledz  
<[klabeledz@oge.gov](mailto:klabeledz@oge.gov)>; 'Sean Doocey'  
**Subject:** Part 6 Alphabetical Sort

(b)(6) - Filer's Rep

Correct: Integrity outputs the data in the order entered, except for listing "child" assets with the associated "parent" holding.

Note: you can temporarily sort part 6 to see items in alphabetical order by clicking on the Description header in the table. That will display the items alphabetically, but will not preserve or that display order. It will not affect the exportable pdf.

Thank you.

**From:** (b)(6) - Filer's Rep (b)(6)  
**Sent:** Monday, December 05, 2016 9:10 AM  
**To:** George Hancock  
**Cc:** (b)(6) - Filer's Rep; Austin F. King; Keith Labeledz; 'Sean Doocey'  
**Subject:** RE: Assistance for Nominee Filer Designee

Good morning, George. I hope you had a great weekend!

Just to confirm, in Part 6 (and probably in all parts), once data is entered it cannot be resorted for presentation, correct? For example, could we do a global resort in alphabetic order?

Thanks for your consideration.

(b)(6)

**From:** George Hancock [mailto:[ghancock@oge.gov](mailto:ghancock@oge.gov)]  
**Sent:** Friday, December 2, 2016 9:44 AM  
**To:** (b)(6) - Filer's Rep

(b)(6) Austin F. King <[afking@oge.gov](mailto:afking@oge.gov)>; Keith Labeledz  
<[klabeledz@oge.gov](mailto:klabeledz@oge.gov)>; 'Sean Doocey' (b)(6)  
**Subject:** Assistance for Nominee Filer Designee

(b)(6)

Conference call information for a 10 am call: 1.866.718.6045, passcode 92861600.

I asked Keith Labedz from the OGE Presidential Nominations Branch (PNB) to join us. PNB staff review the Nominee reports once they arrive at OGE.

Have you seen OGE's online Financial Disclosure Guide, <https://www2.oge.gov/Web/278eGuide.nsf>? It is a web-based set of instructions for completing and reviewing the Executive Branch Personnel Public Financial Disclosure Report (OGE Form 278e). It offers helpful instructions, illustrations of sample language, definitions, and answers to frequently asked questions. It is organized in parts corresponding to the OGE Form 278e.

Thank you.

**From:** George Hancock

**Sent:** Friday, December 02, 2016 9:20 AM

**To:** 'Sean Doocey'; (b)(6) - Filer's Rep

(b)(6) - Filer's Rep Austin F. King

**Subject:** RE: Form Difficulties - Assistance for Filer Designee

Sean (b)(6) - Filer's Rep

I added Austin King, our Help Desk Lead. He was coordinating a response to (b)(6) - Filer's Rep.

How about a call at 10 am to discuss details? To assist us assess the best way forward, does (b)(6) see the "Position-Related Interests" link on the left side menu? If so, what happens when he clicks it? If he doesn't see it we'll provide information on how best to proceed.

Thank you.

**From:** Sean Doocey (b)(6)

**Sent:** Friday, December 02, 2016 9:08 AM

**To:** (b)(6) - Filer's Rep George Hancock

**Cc:** (b)(6) - Filer's Rep

**Subject:** Re: Form Difficulties

Hi George,

Do you have any guidance for (b)(6) and team who are assisting (b)(6) with completing her OGE278 reference the below error?

(b)(6) - George is OGE's subject matter expert on Integrity and developed the system.

--Sean

On Thu, Dec 1, 2016 at 6:42 PM, (b)(6) - Filer's Rep (b)(6) wrote:

Sean,

It's a system input issue. I have been working through the Positions section and the system is now skipping from the positions list to Section 2 when I hit "next steps" rather than letting me input additional company data on an interim page that was accessible before. I would like instruction as to how to get back to the input pages.

Thanks,

(b)(6)

**From:** (b)(6) - Filer's Rep  
**Sent:** Thursday, December 1, 2016 6:37 PM  
**To:** (b)(6) - Filer's Rep  
**Cc:** Doocey Sean (b)(6)  
**Subject:** Fwd: Form Difficulties

(b)(6) - Filer's Rep - thoughts?

Sent from iPhone

Begin forwarded message:

**From:** Sean Doocey (b)(6)  
**Date:** December 1, 2016 at 18:35:45 EST  
**To:** (b)(6) - Filer's Rep (b)(6)  
**Subject:** Re: Form Difficulties

Any more details on the difficulty? I can direct you to the right person if I know a little more.

On Thu, Dec 1, 2016 at 6:23 PM (b)(6) - Filer's Rep (b)(6) wrote:

Thoughts? This is for 278

Sent from iPhone

Begin forwarded message:

**From:** "Lambert, Jeff" (b)(6)  
**Date:** December 1, 2016 at 18:20:59 EST  
**To:** (b)(6) - Filer's Rep  
**Subject:** Form Difficulties

We are having some input issues and Integrity says that we are to contact the departments ethics official to get help. Do we have a contact for that person?

--

**Sean Doocey**

Presidential Transition Team

(b)(6)

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**From:** [George Hancock](#)  
**To:** "[Sean Doocey](#)"; (b)(6) - Filer's Rep  
**Subject:** RE: sf86 tech help!!!  
**Date:** Friday, December 02, 2016 3:14:36 PM

---

I can only answer questions about Integrity, <https://integrity.gov>, for the OGE Form 278. The email subject indicates "sf86 tech help". I cannot answer questions about that form/process. I recommend you contact whoever informed about filing that form. OPM has a website, <https://www.opm.gov/investigations/e-qip-application/>, that may be useful to check.

Thank you,  
George Hancock  
*Integrity Manager*  
Program Counsel Division  
Legal, External Affairs and Performance Branch  
1201 New York Avenue, NW, Suite 500  
Washington, DC 20005

**From:** Sean Doocey (b)(6)  
**Sent:** Friday, December 02, 2016 3:09 PM  
**To:** George Hancock; (b)(6) - Filer's Rep  
**Subject:** Re: sf86 tech help!!!

+George

On Fri, Dec 2, 2016 at 3:07 PM (b)(6) - Filer's Rep (b)(6) wrote:

Sean -

Can we have an issue hitting submit because of incomplete data... can you connect (b)(6) - Filer's (copied) to a help desk?

(b)(6) - Filer's



**From:** [George Hancock](#)  
**To:** (b)(6) - Emily  
**Subject:** Time for a Check-in call?  
**Date:** Friday, December 02, 2016 12:40:17 PM

---

Emily:

How is it going with Integrity? Have time for a check in call this afternoon, maybe 1:30?  
I have contact from 2 filer designees on basic navigation, but they seem to be doing fine entering data.

I see that there are some names for other than PAS Nominee positions. I can create a WH agency in Integrity to collect their filings if desired. To do so, I'd need some information.

Who should I contact to discuss those specifics?

Thank you.

From: [George Hancock](#)  
To: [Sean Dooney](#), [Ann M Donaldson](#)  
Subject: WHO Agency n Integrity - Workflow Options: Role Holders  
Date: Friday, December 02, 2016 2:06:57 PM

Sean/Annie:

I saw several names mentioned for non-PAS positions. There is a way to get them into Integrity separate from the Nominee functionality (which is only for the PAS positions, see a list on the OGE Presidential Transition site, <https://www.oge.gov/web/oge/nst/Resources/PRESIDENTIAL+TRANSITION>, or at [https://www.oge.gov/Web/OGE.nsf/0/228DD3FDDDC3D8808525801B0058B0E1/\\$FILE/\(Unofficial\)%20Excel%20Workbook%20listing%20positions%20for%20which%20OGE%20reviews%20nominees.xlsx](https://www.oge.gov/Web/OGE.nsf/0/228DD3FDDDC3D8808525801B0058B0E1/$FILE/(Unofficial)%20Excel%20Workbook%20listing%20positions%20for%20which%20OGE%20reviews%20nominees.xlsx)). I need some specific information to create a new White House Office (WHO) agency where they can be added and assigned New Entrant filing tasks. (b)(5)

The information I need pertains to how the new WHO will process those reports and which staff should have roles in managing those filings. I am available to discuss in a phone call if you prefer. Here are the basic questions.

(b)(5)

[Redacted text block]


Thank you,  
George  
202.482.9309

**From:** [Heather A. Jones](#)  
**To:** ["Ann M. Donaldson"](#)  
**Subject:** Revised Gift Rule and Ethics Program Rule  
**Date:** Tuesday, December 06, 2016 9:14:12 AM  
**Attachments:** [2016-27036.pdf](#)  
[2016-26418.pdf](#)

---

Annie-

Attached are the revised gift rule and the Executive Branch ethics program rule. I think the ethics program rule may be helpful as you set up the White House ethics office.

Best,

Heather

Heather Jones

(202) 482-9316

Office of Government Ethics

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# Rules and Regulations

Federal Register

Vol. 81, No. 223

Friday, November 18, 2016

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## OFFICE OF GOVERNMENT ETHICS

### 5 CFR Part 2635

RIN 3209-AA04

#### Standards of Ethical Conduct for Employees of the Executive Branch; Amendment to the Standards Governing Solicitation and Acceptance of Gifts from Outside Sources

**AGENCY:** Office of Government Ethics (OGE).

**ACTION:** Final rule.

**SUMMARY:** The U.S. Office of Government Ethics is issuing a final rule revising the portions of the Standards of Ethical Conduct for Executive Branch Employees that govern the solicitation and acceptance of gifts from outside sources. The final rule modifies the existing regulations to more effectively advance public confidence in the integrity of Federal officials. The final rule also incorporates past interpretive guidance, adds and updates regulatory examples, improves clarity, updates citations, and makes technical corrections.

**DATES:** This final rule is effective January 1, 2017.

#### FOR FURTHER INFORMATION CONTACT:

Leigh J. Francis, Assistant Counsel, or Christopher J. Swartz, Assistant Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917; Telephone: 202-482-9300; TTY: 800-877-8339; FAX: 202-482-9237.

#### SUPPLEMENTARY INFORMATION:

#### I. Rulemaking History

On November 27, 2015, the U.S. Office of Government Ethics (OGE) published for public comment a proposed rule setting forth comprehensive revisions to subpart B of the Standards of Ethical Conduct for Employees of the Executive Branch

(Standards of Ethical Conduct), 5 CFR part 2635. 80 FR 74004 (Nov. 27, 2015). Subpart B of part 2635 contains the regulations governing the solicitation and acceptance of gifts from outside sources by officers and employees of the Executive Branch. These regulations implement the gift restrictions set forth in 5 U.S.C. 7353 and section 101(d) of Executive Order 12674, as modified by Executive Order 12731. The proposed rule was issued following OGE's retrospective review of the regulations found in subpart B, pursuant to section 402(b)(12) of the Ethics in Government Act of 1978, Public Law 95-521, codified at 5 U.S.C. Appendix IV, sec. 402(b)(12). Prior to publishing the proposed rule, OGE consulted with the Office of Personnel Management and the Department of Justice in accordance with section 402(b) of the Ethics in Government Act and section 201(a) of Executive Order 12674, as modified by Executive Order 12731, and with other officials throughout the Federal Government.

The proposed rule provided a 60-day comment period, which ended on January 26, 2016. OGE received ten timely and responsive comments, which were submitted by four individuals, three professional associations, two Federal agencies, and a law firm. After carefully considering all comments and making appropriate modifications, and for the reasons set forth below and in the preamble to the proposed rule at <https://www.gpo.gov/fdsys/pkg/FR-2015-11-27/pdf/2015-29208.pdf>, OGE is publishing this final rule.

#### II. Summary of Comments and Changes to Proposed Rule

##### General Comments

OGE received one comment from an individual observing that various references to spousal and dating relationships in the examples used dual-gendered relationships and gender-specific pronouns. The commenter expressed concern that such examples could be read as excluding same-sex marriages or relationships. OGE treats same-sex spouses the same as opposite-sex spouses for the purposes of all of its regulations. OGE Legal Advisory LA-13-10 (Aug. 19, 2013). OGE has therefore reviewed the examples highlighted by the commenter and has replaced the terms “husband” and

“wife” with the gender-neutral term “spouse.”

Various commenters suggested that one or more of the proposed amendments to the rule might negatively impact the ability of the public to interact with Federal employees. These commenters pointed out the beneficial impact of this interaction and encouraged OGE to consider this equity in drafting gift regulations. As a general matter, OGE agrees with the commenters' proposition that communication between the Government and the public is vital to ensuring that Government decisions are responsive to citizen needs. Public interaction done in a non-preferential manner may: (1) Provide executive branch decisionmakers with information and data they may not otherwise possess; (2) identify policy options and alternatives that may not have been raised internally; and (3) produce better and more thoughtful decisions. These interactions must, however, occur in an environment that promotes the public's confidence in the integrity of Government decisionmaking. When Federal employees accept or solicit gifts from members of the public who have interests that are affected by the employee's agency, the public's confidence can be eroded as “[s]uch gifts may well provide a source of illicit influence over the government official; in any case they create a suspicious and unhealthy appearance.” *The Association of the Bar of the City of New York, Conflict of Interest and Federal Service* 219 (1960). When drafting this final rule, OGE has carefully considered the commenters' concerns in light of the important objective of promoting the public's confidence in the impartial administration of the Government.

#### § 2635.201 Overview and Considerations for Declining Otherwise Permissible Gifts

OGE received comments from three sources on proposed § 2635.201(b)(1). Section 2635.201(b)(1) establishes a non-binding standard that can assist employees in considering whether to decline an otherwise permissible gift. The standard encourages employees to consider whether their acceptance of a gift that would otherwise be permissible to accept would nonetheless create the appearance that their integrity or ability

to act impartially may be compromised. The duty to avoid such appearances is a responsibility of all executive branch employees. *See* 5 CFR 2635.101(b)(1); (14).

Based on past experience with executive branch agencies applying subpart B of part 2635, OGE is concerned that employees and ethics officials may not be sufficiently analyzing appearance concerns and, instead, may be focusing exclusively on whether a gift can be accepted under a regulatory gift exception. This kind of analysis may unintentionally overlook other important considerations, such as “whether acceptance of the gift could affect the perceived integrity of the employee or the credibility and legitimacy of [an] agency’s programs.” 80 FR 74004, 74004 (Nov. 27, 2015). The non-binding standard in § 2635.201(b)(1) was explicitly included in subpart B to correct for this tendency and to enhance the overall quality of employees’ ethical decisionmaking.

Commenters on this section raised concerns with the new standard and the factors for applying the standard. OGE appreciates the concerns raised by commenters, which are examined in detail below. OGE has addressed these concerns by making appropriate adjustments to the standard, rather than adopting some of the commenters’ requests for the outright removal of this section. The changes make the standard easier for employees to understand and apply.

A few commenters suggested that ethics training would be more effective than a regulatory change in ensuring that employees consider appearance issues before accepting gifts. OGE fully agrees with the commenters’ suggestions that ethics education is important. Without this amendment of the regulation, however, there would not be a uniform standard upon which to base ethics training regarding appearance issues in connection with gifts. Prior to this amendment, the regulation cautioned only that “it is never inappropriate and frequently prudent for an employee to decline a gift,” but the regulation did not articulate an applicable standard or any factors for employees to use in identifying the frequently arising circumstances when it would be prudent to decline a gift. OGE believes it is imperative that the regulatory framework itself enable and encourage employees to meaningfully consider the appearances of accepting gifts. By articulating the standard and relevant factors, the amended § 2635.201(b)(1) will increase the value and uniformity of agency ethics training

because that standard and those factors will become a focus of ethics training.

One commenter believed that the proposed standard creates confusion because it moves away from the previous system of bright-line rules regarding gift acceptance. Specifically, the commenter requested that OGE amend the regulation in a way that sets out definitive rules as to whether “a gift is simply permissible or impermissible, without further parsing the permissible gifts into additional categories, *i.e.*, technically permissible and actually permissible.” OGE does not believe that the non-binding standard will create confusion because OGE has maintained the clear, uniform, and objective rules that are found in the current regulation. Section 2635.201(b)(1) augments those rules by encouraging employees to consider the appearances of their actions. The posited distinction between “technically permissible” and “actually permissible” is inaccurate because an employee will not face disciplinary action in the event that someone later subjectively disagrees with the employee’s analysis. The bright-line rules provide a floor for ethical behavior, and the appearance analysis under § 2635.201(b) provides a mechanism with which to reach for a stronger, values-based ethical culture. This framework provides the certainty and uniformity of the existing rules, while furthering the underlying objective of increasing public trust by improving the ethical decisionmaking of employees.

The commenters also suggested that employees will feel compelled by this non-binding standard to always decline legally permissible gifts. OGE does not agree that the standard creates a presumption that all legally permissible gifts should be declined. Although some employees will decline legally permissible gifts after carefully analyzing them under the standard that § 2635.201(b)(1) establishes, the standard does not change the fact that the determination as to whether a legally permissible gift should be accepted is the employee’s to make. Section 2635.201(b)(1) is designed to increase uniformity and promote public trust by articulating factors, which are informed by the ethical values consistent with the executive branch’s Principles of Ethical Conduct, in order to guide the employee’s decisionmaking process. This section provides employees an effective means of adequately assessing whether, notwithstanding a gift exception, the specific factual circumstances may raise appearance concerns weighing against acceptance of a gift.

In light of the comments referenced above, however, OGE has streamlined the language of § 2635.201(b). OGE has also clarified the overarching objective of that provision by placing the emphasis in § 2635.201(b)(1) on an assessment as to whether “a reasonable person with knowledge of the relevant facts would question the employee’s integrity or impartiality.” In the proposed rule, substantially similar language appeared in the list of factors in § 2635.201(b)(2). Because this language articulates the standard to be applied, however, it is more appropriately included in paragraph (b)(1), which establishes the standard, than in paragraph (b)(2), which provides factors for determining whether the standard has been met. Using this “reasonable person” language in the articulated standard has the added benefit of addressing a commenter’s concern regarding the potential for confusion, as executive branch employees have extensive experience applying this particular standard, which has long been used to address appearance concerns under § 2635.502. At the end of § 2635.201(b)(1), OGE has also added “as a result of accepting the gift” in order to tie the appearance concerns to the specific action giving rise to them.

As a final note, one commenter was concerned that the application of the reasonable person standard could vary, resulting in the “unequal application” of the standard. Reliance on a reasonable person standard, however, is not a novel approach in Government ethics. The Standards of Ethical Conduct at part 2635 have successfully employed the reasonable person standard for over two decades. *See* 5 CFR 2635.101(b)(14); 2635.502(a); *cf.* 2635.702(b) (“that could reasonably be construed”). In fact, when OGE first proposed the Standards of Ethical Conduct in 1991, OGE noted that the use of the reasonable person standard reflected both “case law and longstanding practice,” which “temper the appearance standard by reference to the perspective of a reasonable person with knowledge of the relevant facts.” 56 FR 33778, 33779 (July 23, 1991). OGE explained that the use of the reasonable person standard “is intended to ensure that the conduct of employees is judged by a standard of reasonableness.” *Id.* That reasoning continues to hold today.

#### *Factors for Applying the § 2635.201(b)(1) Standard*

Two commenters requested that OGE remove § 2635.201(b)(2), which sets out factors that employees may consider when determining whether to decline

an otherwise permissible gift. These commenters requested the factors be removed because of their concern that the factors listed in § 2635.201(b)(2) are too complex and confusing, and will inevitably lead employees to decline permissible gifts. OGE is sensitive to these concerns and has revised the language to address them.

OGE reviewed each of the proposed factors closely to determine whether any could be removed, streamlined, or changed to eliminate unnecessary complexity or confusion. OGE removed several factors that appeared in the proposed rule on the basis that clarification of the reasonable person standard in § 2635.201(b)(1) in the final rule has rendered them unnecessary:

- Whether acceptance of the gift would lead the employee to feel a sense of obligation to the donor;
- Whether acceptance of the gift would cause a reasonable person to question the employee's ability to act impartially; and
- Whether acceptance of the gift would interfere with the employee's conscientious performance of official duties.

See 80 FR 74004, 74010 (Nov. 27, 2015). At the same time, OGE has added a straightforward factor focusing on whether “[t]he timing of the gift creates the appearance that the donor is seeking to influence an official action,” in order to provide a concrete example intended to remind employees that the timing of a gift can create the appearance that a person is seeking to influence the decisionmaking process.

OGE has also revised the factor articulated at § 2635.201(b)(2)(iv). The proposed language read: “Whether acceptance of the gift would reasonably create an appearance that the employee is providing the donor with preferential treatment or access to the Government.” OGE's intent was that the word “preferential” would be read to modify both “treatment” and “access.” In light of concerns the commenters expressed regarding the clarity of § 2635.201(b)(2) generally, OGE has determined that the proposed language could have been clearer in this respect. In reviewing this language, OGE also noted that the phrase “preferential treatment” is redundant of the phrase “preferential . . . access to the Government,” in that the specific preferential treatment at issue is the preferential access that the donor may be perceived as having received. The concern is that a donor may offer a gift that, by its nature, would provide the donor with significantly disproportionate access to the employee. This concern can arise in connection with gifts such as frequent

lunches, trips, social invitations, free attendance at widely attended gatherings, and other items. If such gifts were to result in an employee spending considerable time with a donor, the donor may appear to have inordinate opportunities to discuss matters of interest to the donor and, thereby, unduly influence the employee. Accordingly, OGE has simplified this language and made it more specific. The language at § 2635.201(b)(2)(iv) now reads: “Acceptance of the gift would provide the donor with significantly disproportionate access.” This language should not be read as discouraging employees from attending events merely because they present opportunities to discuss official business. There is no requirement to provide exact parity in all cases with regard to the level of access afforded to those with competing viewpoints, but there is a value in guarding against any person, or multiple persons with a common interest or viewpoint, from enjoying significantly disproportionate access as a result of having given gifts to employees. An employee who is concerned about the level of access provided to those with a particular viewpoint may choose to decline the offered gifts or may take steps to ensure that those with different viewpoints are able to communicate with the employee, such as by taking their telephone calls, agreeing to meet with them in the employee's office, or convening a public forum.

OGE has also removed the following two factors:

- With regard to a gift of free attendance at an event, whether the Government is also providing persons with views or interests that differ from those of the donor with access to the Government;
- With regard to a gift of free attendance at an event, whether the event is open to interested members of the public or representatives of the news media.

80 FR 74004, 74010 (Nov. 27, 2015). Although OGE continues to believe these factors are important when an employee considers any gift of free attendance, their inclusion in § 2635.201(b)(2) is unnecessary given their more limited application. Furthermore, these factors often are most relevant to free attendance at widely attended gatherings under § 2635.204(g), where similar factors already exist.

OGE believes that these changes to § 2635.201(b)(2) diminish the potential for confusion created by the longer list of factors included in the proposed rule while continuing to provide guidance as

to how employees should apply the standard in § 2635.201(b)(1) in the areas that OGE believes raise the greatest potential for appearance problems.

#### *Receipt of Independent Advice From an Ethics Official Under § 2635.201(b)(4)*

One commenter raised a concern about the language OGE used in § 2635.201(b)(4), which reminds employees to contact an appropriate agency ethics official if they have questions regarding whether acceptance of a gift is permissible and advisable. The commenter was concerned that the statement “[e]mployees who have questions regarding . . . whether the employee *should* decline a gift that would otherwise be permitted under an exception [emphasis in original],” seemed to indicate that there are “right and wrong” conclusions. OGE has not deleted the reference to advice from an ethics official because the regulation is sufficiently clear that the decision to decline or accept an otherwise permissible gift is the employee's to make. Although consulting an ethics official may assist the employee in making that decision, the regulation does not require such consultation. Section 2635.201(b)(3) explicitly states that an employee who does not decline a permissible gift under § 2635.201(b) has not violated the Standards of Ethical Conduct. At the same time, OGE believes that the reminder as to the availability of ethics advice will prove helpful to employees. Ethics officials can provide employees with valuable insights and guidance in assessing the reasonable person standard in individual cases because they possess experience in Government ethics, awareness as to how the Standards of Ethical Conduct are applied across the agency and across the executive branch, and knowledge of circumstances relevant to evaluating the effect on the public's trust of accepting certain gifts.

Nevertheless, to partly address the commenter's concern, OGE has deleted the reference to § 2635.107(b) at the end of § 2635.201(b)(4). After considering the commenter's concern, OGE recognized that the reference to § 2635.107(b) was potentially confusing because that section provides a safe harbor against disciplinary action in certain circumstances when an employee has consulted an agency ethics official. As § 2635.201(b)(3) makes clear, however, employees may not be disciplined under this provision and have no need for the safe harbor provision in connection with the appearance analysis under § 2635.201(b).

*Examples to § 2635.201(b)*

One commenter suggested that OGE should add examples to the regulation to indicate how to apply new § 2635.201(b). OGE has added Example 1 to paragraph (b) in order to illustrate how an employee may use the standard and factors found in § 2635.201(b). The same commenter also suggested that OGE provide additional guidance documents to further assist agency officials and employees in understanding how to apply the standard found in § 2635.201(b). OGE intends to provide additional guidance and training as needed on an ongoing basis.

*5 CFR 2635.202 General Prohibition on Solicitation or Acceptance of Gifts*

OGE received no comments on § 2635.202. OGE is adopting the amendments to this section as proposed for the reasons described in the preamble to the proposed rule. A small change to Example 1 to paragraph (c) was made after the Supreme Court's recent decision in *McDonnell v. United States*, 579 U.S. \_\_\_, 135 S. Ct. 1136, 135 L. Ed. 2d 639 (2016), which limited the scope of the term "official act" as used in 18 U.S.C. 201(a)(3).

*5 CFR 2635.203 Definitions*

OGE received a number of comments on the definitions of the terms "gift," "market value," "indirectly solicited or accepted," and "free attendance." In regard to the definition of "gift," all comments focused on the exclusions to the definition. The comments for these terms are separately addressed in greater detail below.

*Definition of "Gift": Exclusion for Modest Items of Food and Refreshment*

OGE received three comments on proposed Example 1 to § 2635.203(b)(1). Section 2635.203(b)(1) explains that the definition of "gift" for purposes of subpart B excludes "[m]odest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as part of a meal." Proposed Example 1 to paragraph (b)(1) was included for the purpose of making explicit OGE's longstanding interpretation that alcohol is not a modest item of refreshment under § 2635.203(b)(1). Because none of the beverages currently listed in the regulation are alcoholic and the exclusion specifically refers to "soft," meaning non-alcoholic drinks, OGE has long treated alcoholic beverages as not being part of the class of modest refreshments covered by the exclusion.

All three of the commenters were concerned that the example seemed to

indicate that attendance at an event where alcohol is served is *per se* "improper." To address this concern, OGE has removed the example altogether and amended the regulatory text of § 2635.203(b)(1) to exclude from the definition of "gift" "[m]odest items of food and non-alcoholic refreshments, such as soft drinks, coffee and donuts, offered other than as part of a meal." This amendment codifies the interpretation that was previously set out in the proposed example. Although the carve-out from the definition of "gift" at § 2635.203(b)(1) for modest refreshments is limited to non-alcoholic beverages, this limitation does not impact the gift exceptions at 5 CFR 2635.204.

*Definition of "Gift": Exclusion for Greeting Cards and Presentation Items With Little Intrinsic Value*

OGE received two comments on the proposed revisions to § 2635.203(b)(2). The first comment, from a professional association, was in favor of the proposal to modify the exclusion for presentation items. The second comment, from an individual, requested that OGE further amend the regulation to state that "items with little intrinsic value . . . intended primarily for presentation" are excluded from the definition of "gift" only if they "do not have significant independent use." The individual noted that OGE used this phrase in proposed Example 2 to paragraph (b)(2) when explaining why a \$25 portable music player would not be excluded from the definition of "gift" under this provision. OGE has decided not to adopt this change. As evidenced by the example, the fact that an item lacks other uses is a legitimate consideration in support of a finding that the item is intended "primarily for presentation." The regulation does not, however, require that an item lack any potential other use in order to qualify as an item intended "primarily for presentation."

*Definition of "Gift": Exclusion for Items Purchased by the Government or Secured Under Government Contract*

OGE received one comment on the proposed example to § 2635.203(b)(7), which states that Federal employees may retain certain "travel promotional items, such as frequent flyer miles, received as a result of [] official travel, if done in accordance with 5 U.S.C. 5702, note, and 41 CFR part 301–53." The commenter explained: (1) That employees who receive such frequent flyer miles should be encouraged to use such frequent flyer miles for subsequent official travel; and (2) that no personal use should be allowed for employees of

the Federal Aviation Administration. OGE has not changed the substance of this example. As explained in the example, Congress passed a statute specifically permitting employees to accept these types of travel-related benefits. The General Services Administration (GSA) has primary authority for implementing that statute, and has done so through regulations found at 41 CFR part 301–53. To partly address the commenter's concern, however, OGE revised the language "if done in accordance with 5 U.S.C. 5702, note, and 41 CFR part 301–53," to read "to the extent permitted by 5 U.S.C. 5702, note, and 41 CFR part 301–53," in order to clarify that OGE's regulation does not create any new authority for accepting these travel related benefits beyond what Congress and GSA provided for in the statute and the regulation.

*Definition of "Gift": Exclusion for Free Attendance Provided to Employees Speaking in Their Official Capacity and Extension to Personal Capacity Speaking Events*

One commenter requested that OGE expand § 2635.203(b)(8) to exclude from the definition of "gift" free attendance at events where employees are speaking in their personal capacity on matters that are unrelated to their duties. The commenter noted that § 2635.203(b)(8) excludes free attendance in connection with official speaking engagements and requested a parallel exclusion for personal speaking engagements. OGE has not adopted this change. Normally, the Standards of Ethical Conduct would not prohibit an employee from accepting free attendance at an event at which the employee has a *bona fide* arrangement to speak in a personal capacity. This subject is addressed in § 2635.807(a)(2)(iii)(B), which permits employees to accept a waiver of attendance fees for speeches related to their official duties, and OGE has traditionally applied § 2635.202 consistently with that provision of § 2635.807 for speeches unrelated to official duties.

*Definition of "Market Value"*

OGE received two comments on the proposed amendments to the definition of "market value," as used throughout the regulation, as well as the examples following the definition. OGE proposed to amend "market value" to mean "the cost that a member of the general public would reasonably expect to incur to purchase the gift." One commenter was generally in favor of the amendment, as well as the examples illustrating how the definition would be applied in

various circumstances. The other commenter noted that Example 4 to paragraph (c) did not explicitly state that the tickets offered to the employee lacked a face value. OGE has amended Example 4 to indicate that the tickets provided to the employee in the example do not have a face value, and therefore the general rule used for calculating the market value of a ticket would not apply. OGE also amended Example 4 to further clarify the method of calculating the market value of such tickets.

#### *Definition of “Indirectly Solicited or Accepted”*

OGE received one comment on § 2635.203(f), which establishes when a gift will be deemed to have been accepted or solicited indirectly. The commenter was in favor of OGE’s amendment at § 2635.203(f)(2). OGE has adopted the language as proposed for the reasons set forth in the preamble to the proposed rule.

#### *Definition of “Free Attendance”*

OGE received two comments in favor of the proposed subpart-wide definition of “free attendance” at § 2635.203(g). Both commenters supported OGE’s amendment allowing employees who are presenting at an event to accept attendance at “speakers’ meals” provided by the sponsor of the event. OGE has adopted the language as proposed for the reasons set forth in the preamble to the proposed rule.

#### *§ 2635.204 Exceptions to the Prohibition for the Acceptance of Certain Gifts*

Although OGE did not receive a specific comment on the title of the regulation, OGE has made a technical change to the title of this section for clarity and to more closely track the substance of the regulation.

OGE has also revised the introductory text to remind employees to consider the standard found in § 2635.201(b) when determining whether to rely on an exception. The revised language is modeled on the introductory text found in the current version of § 2635.204, but cross-references § 2635.201(b).

#### *Gifts of \$20 or Less*

OGE received two comments requesting that OGE raise the regulatory dollar thresholds found in the gift exception at § 2635.204(a). Pursuant to § 2635.204(a), an employee may accept otherwise prohibited gifts not exceeding \$20 per occasion so long as he or she does not accept more than \$50 worth of gifts from the same person per year. In support of this request, one commenter

pointed out the effect that inflation has had on the value of this *de minimis* threshold.

OGE carefully considered these commenters’ suggestions. As OGE explained when it issued the final gift regulations, the *de minimis* exception was included to remove the need for a “laundry list of exceptions for small, unobjectionable gifts.” 57 FR 35006, 35016 (Aug. 7, 1992). The *de minimis* exception was intended to provide a uniform means for employees to accept only inexpensive and innocuous gifts on an infrequent basis. *Id.* OGE believes that the current dollar threshold continues to meet that narrow objective. OGE is concerned that raising the *de minimis* would encourage employees to accept, and private citizens to give, more expensive and more frequent gifts than employees are currently able to accept. Although some gifts that once fell at the higher end of the spectrum may now be precluded, OGE believes that the \$20 threshold continues to be workable, permitting employees to accept on an infrequent basis most of the types of items that can be characterized as inexpensive and innocuous. In addition, the existing exclusions and exceptions from the gift rules permit employees to accept targeted items that are over \$20 in carefully restricted circumstances (*e.g.*, a gift from an employee’s spouse). See 5 CFR 2635.204(b). Although \$20 may not buy the sort of lunch that it bought in 1992 when the regulation was issued, no compelling argument has been made to support a conclusion that raising the cap on the blanket *de minimis* exception, in order to allow employees to accept more expensive and more frequent gifts, would strengthen the integrity of the executive branch’s operations. Accordingly, OGE has decided not to adopt the commenters’ suggestions to increase the cap.

#### *Gifts Based on a Personal Relationship*

OGE received one comment in support of the new Example 3 to § 2635.204(b), which provides guidance on assessing whether a gift provided by a social media contact falls within the bounds of the gift exception. OGE has adopted the text of § 2635.204(b) substantially as proposed for the reasons set forth in the preamble to the proposed rule.

#### *Awards and Honorary Degrees*

OGE did not make changes based on comments received from two individuals on proposed § 2635.204(d). Section 2635.204(d) permits employees to accept gifts of certain awards and honorary degrees, including items

incident to such awards and degrees. The first commenter suggested that OGE relocate the two examples following paragraph (d)(1) so that they would appear after paragraph (d)(2). OGE has not adopted the suggestion. These examples address paragraph (d)(1), which establishes the several requirements for accepting awards, and do not specifically address paragraph (d)(2), which defines the term “established program of recognition.”

The second commenter addressed the acceptance of qualifying honorary degrees from certain “foreign institution[s] of higher education.” See 80 FR 74004, 74007 (Nov. 27, 2015). The commenter suggested that OGE clarify the basis of the Government’s concerns regarding the acceptance of emoluments from foreign governments. OGE has not adopted this change because the prohibition stems from the Emoluments Clause of the United States Constitution. See U.S. Const., art. 1, sec. 9, cl. 8. OGE is not the appropriate authority to delineate the basis for specific provisions of the Constitution.

#### *Gifts Based on Outside Business or Employment Relationships*

OGE received one comment on the proposed amendments to § 2635.204(e), which sets forth various exceptions to the general prohibitions on accepting and soliciting gifts when such gifts are offered as a result of an outside business or employment relationship. The commenter was generally in favor of the amendments. OGE has retained the exception as proposed for the reasons set out in the preamble to the proposed rule.

#### *Gifts of Free Attendance to Widely Attended Gatherings*

OGE received a number of comments related to the exception at § 2635.204(g), permitting employees to accept offers of free attendance to widely attended gatherings (WAGs) if certain criteria are met. In the proposed rule, OGE presented a number of amendments to the WAG, including changes to: (1) Make it clear that an event does not qualify as a WAG if it does not present “an opportunity to exchange ideas and views among invited persons”; (2) require employees to obtain written authorizations before accepting gifts of free attendance at WAGs; and (3) require agency designees to weigh the agency’s interest in employees’ attendance at WAGs against the possibility that acceptance of gifts of free attendance will influence their decisionmaking or create the appearance that they will be influenced in their decisionmaking.



One commenter expressed concern about the proposed amendment to the definition of “widely attended gatherings.” The proposed language clarifies that events do not qualify as WAGs unless there is “an opportunity to exchange ideas and views among invited persons.” The commenter suggested that this language would narrow the rule to apply to only “panel or roundtable events.” OGE believes that this is a mischaracterization of the regulatory amendment. Nothing in the amendment would narrow the definition exclusively to roundtable or panel events. The amendment reflects only OGE’s longstanding interpretation that the event must present an opportunity for an “exchange” or “interchange” of ideas among attendees. See OGE Informal Advisory Opinion 07 x 14 (Dec. 5, 2007).

Several commenters objected to the change requiring written authorizations because it might increase the workload of ethics officials. Three commenters raised workload concerns in connection with the requirement that an employee obtain a written authorization from an agency designee prior to accepting free attendance to a WAG, though one commenter acknowledged that a requirement to obtain written authorization “protects both the employee and the private sector sponsors.” OGE has not eliminated the requirement to obtain written authorization before an employee attends a WAG. Any additional burden on ethics officials will not be so substantial as to outweigh the potential benefits of recording WAG authorizations. In this regard, it is worth noting that agency ethics officials have long been required to make several of the findings required by § 2635.204(g)(3), as proposed. In addition, some agencies have already adopted the practice of recording all WAG authorizations in writing. In any case, most of the work required of ethics officials under the amended regulation will stem from the requirement to make a number of determinations that have always been required under the regulation. After making these determinations, ethics officials have discretion to determine the level of detail to include in the written authorization. The amended regulation does not, however, require a “formal written opinion” as one commenter suggested.

One commenter noted that the amended rule requires agencies to determine in all cases whether “[t]he agency’s interest in the employee’s attendance outweighs the concern that the employee may be, or may appear to

be, improperly influenced in the performance of [his or her] official duties.” The regulation did not previously require this determination in every case, but agency officials have always been charged with evaluating “all the relevant circumstances of any proposed WAG before an employee is authorized to accept free attendance.” OGE Informal Advisory Opinion 07 x 14 (Dec. 5, 2007). The determination now required in all cases is consistent with this preexisting requirement, inasmuch as improper influence, or the appearance of improper influence, would necessarily have been a relevant circumstance to be analyzed under the regulation even prior to the current amendment.

Two commenters expressed concern that ethics officials will approve attendance at fewer events for substantive reasons. However, the new regulation does not significantly change the substantive analysis, which remains focused, as it always has been, on the potential for improper influence and the appearance of improper influence. Disapproval of a gift of free attendance, when an agency has determined that an employee’s acceptance of the gift would result in improper influence or the appearance of improper influence, is a proper outcome under any responsible ethics regime.

OGE received two additional comments related to § 2635.204(g). One commenter posited a hypothetical case under § 2635.204(g)(1). OGE is not in a position to assess the interests of a hypothetical agency or other relevant factual circumstances not specified in the commenter’s hypothetical. At the request of the other commenter, however, OGE has inserted a reference to the written determination requirement in proposed Example 4 to paragraph (g).

#### *Social Invitations*

OGE received one comment from an agency on proposed § 2635.204(h), which permits an employee and accompanying guests to accept certain benefits that are provided at a “social event” so long as the person extending the invitation is not a prohibited source. The proposed rule added a requirement that employees receive a written determination that such attendance would not cause a reasonable person to question the employee’s integrity if the event is sponsored by, or the invitation is from, an organization. The commenting agency questioned the purpose of this amendment and suggested that it could increase the workload of agency ethics officials.

Although OGE understands the programmatic consideration raised by the commenter, OGE does not believe that those concerns weigh significantly against the written determination requirement. In many cases, OGE believes that the analysis as to whether a reasonable person would question the employee’s integrity or impartiality in attending will be relatively easy to assess, particularly given that the offeror cannot be a prohibited source. Likewise, the standard should be easier to meet if the circumstances indicate that the event is for purely social reasons or is open to a wide variety of attendees. Moreover, ethics officials have discretion to determine the level of detail to include in the written authorization and to choose an appropriate means, such as email, for transmitting the authorization. OGE does not, therefore, believe that the amended regulation will substantially increase the burden on ethics officials. At the same time, there is a heightened risk for, at a minimum, an appearance that the motivation for the gift is to advance a business objective when the sponsor of the event, or offeror of the invitation, is an organization. For this reason, OGE believes that the additional requirement with regard to organizations is warranted.

OGE has made three technical changes to the language of this exception for consistency with other sections and for clarity. First, OGE added the phrase “with knowledge of the relevant facts” to the language in § 2635.204(h)(3), which establishes a reasonable person standard for consistency with the wording of the reasonable person standard in § 2635.201(b) and elsewhere in the Standards of Ethical Conduct. See 5 CFR 2635.101(b)(14); 2635.501; 2635.502(a); 2635.502(c). Second, OGE changed “makes” to “has made” in § 2635.204(h)(3) in order to clarify that the determination to allow an employee to attend the social event must be made before the employee actually attends the event. Third, OGE replaced the legal citation to § 2635.201(b) at the end of the social invitations exception with the following plain language phrase: “consistent with § 2635.201(b).” None of these three technical changes alters what OGE intended to be the substantive meaning of the regulation.

#### *Gifts Accepted Under Specific Statutory Authority*

OGE has made a technical correction to § 2635.204(l)(1) so that the language tracks the interpreting regulation for 5 U.S.C. 4111 at part 410 of this title.

### *Informational Materials*

Two professional associations and an individual commented on the new exception at § 2635.204(m). The exception permits employees to accept qualifying gifts of informational materials. The exception also sets out certain procedural safeguards and defines what constitutes “informational materials” for the purposes of this provision.

One professional association welcomed the addition of the new exception on the basis that it will allow a flow of useful information to employees. The second professional association also supported the new exception, but requested that OGE amend the rule in two ways: (1) Clarify that the rule would permit the acceptance of “marketing and promotional materials”; and (2) clarify that when a gift of informational materials exceeds \$100, an agency may authorize the employee to accept the gift on behalf of the agency if the agency has separate statutory authority. OGE has decided not to revise the proposed exception to include “marketing and promotional materials” as a specific category of acceptable informational materials. Whether an item qualifies for the exception will depend on whether the factual circumstances support a determination that the item offered meets the specific criteria set forth in § 2635.204(m). OGE has likewise decided not to amend the regulatory text to clarify that agencies may accept gifts of informational materials when the gift exceeds \$100. Agencies with gift acceptance authorities have established their own procedures and policies regarding the acceptance of such gifts consistent with their interpretations of those authorities, and OGE is not in a position to direct another agency on the use of its gift acceptance authority.

Another commenter raised two general concerns with the regulatory exception. The first concern is that employees who accept informational materials might sell them. Although it might prove somewhat difficult to sell used informational materials, OGE is generally sensitive to the underlying concern expressed by the commenter. To address this concern, OGE has amended the regulation to add an additional limitation on the use of this exception. As revised, the exception will now require employees to obtain written authorization from the agency designee before accepting informational materials from a single person that in the aggregate exceed \$100 in a calendar year. The commenter’s other concern is that gifts relating to an employee’s

official duties, the agency’s mission, or a subject matter of interest to the agency “ought to be a gift to the Agency.” The commenter questions whether such gifts might be construed as augmenting an agency’s appropriations. Such gifts would not implicate augmentation concerns, however, because, as with all of OGE’s regulatory gift exceptions, the items accepted are for personal use, not the agency’s use.

Following careful review of the regulation, OGE has also reorganized § 2635.204(m) to move the limitations on what constitutes permissible “informational materials” to § 2635.204(m)(2), which contains the definition of “informational materials.” OGE refined the language indicating that, to qualify as “informational material,” an item must be “primarily provided for educational or instructive purposes,” changing it to state more clearly that the item must be “educational or instructive in nature.” As previously written, the regulation could have been misconstrued as requiring employees to ascertain the donor’s intent in offering an item. As modified, the regulation now makes clear that the focus is on the objective nature of the gift, and not the subjective intent of the donor. A corresponding change replaces “not including,” with “Are not primarily,” at the beginning of the phrase “Are not primarily created for entertainment, display, or decoration.” This change is intended to avoid excluding items that are clearly educational or instructive in nature but may have some tangential or incidental qualities that could arguably be characterized as entertaining or visually attractive. OGE believes this modification will make the rule easier to understand and apply.

OGE further reorganized the exception to reduce its structural complexity. As proposed, § 2635.204(m) had several tiers, including: a first tier denoted by numbers, such as the number “(2)”; a second tier denoted by lowercase roman numerals, such as the numeral “(ii)”; a third tier denoted by capital letters, such as the letter “(B)”; and a fourth tier denoted again by numbers, such as the number “(2).” By reorganizing the language of this section, OGE was able to eliminate the fourth tier.

OGE has made four other technical changes for consistency and clarity. First, OGE used the word “person” in paragraphs (m)(1)(i) and (ii) to be consistent with the language in § 2635.204(a), when aggregating gifts. Second, OGE changed the language “an agency designee makes a written determination that,” at

§ 2635.204(m)(1)(ii)(B) of the proposed rule, to “an agency designee has made a written determination after finding that,” now at § 2635.204(m)(1)(ii). The change makes the language of this paragraph consistent with the language used in § 2635.204(g)(3) and § 2635.204(h)(3). Third, OGE has added “provided that” to the opening language of § 2635.204(m)(1) in order to clarify that the \$100 limit in § 2635.204(m)(1)(i) applies in every case unless an employee first obtains a written determination under § 2635.204(m)(1)(ii). Fourth, OGE has revised the reference to “programs and operations” of the agency so that it reads “programs or operations” of the agency. It was not OGE’s intention to require that the subject matter relate to both a program and an operation, or to require that employees somehow distinguish “programs” from “operations.”

### *5 CFR 2635.205 Limitations on Use of Exceptions*

OGE received no comments on § 2635.205. OGE is adopting the amendments to this section as proposed for the reasons set forth in the preamble to the proposed rule. OGE, however, has replaced the period with a semi-colon in the phrase: “Accept a gift in violation of any statute; relevant statutes applicable to all employees include, but are not limited to,” found at § 2635.205(d). OGE has made this change for clarity because paragraph (d) in that section is part of a longer list that is connected by a semi-colon and the word “or” after paragraph (e) in that same section. By eliminating the period, OGE seeks to ensure that the period is not misconstrued as invalidating paragraphs (e) and (f) in the remainder of that list.

### *5 CFR 2635.206 Proper Disposition of Prohibited Gifts*

OGE received four comments on § 2635.206, which explains what steps an employee must take to properly dispose of a prohibited gift. OGE amended this section to provide additional guidance on what steps are required to comply with the disposition authorities. One commenter was generally supportive of the additional guidance provided by OGE. Three commenters expressed concern that OGE’s amendment of § 2635.206(a)(1) to allow employees to destroy prohibited tangible gifts worth \$100 or less was wasteful. These three commenters also recommended that OGE amend § 2635.206(a)(1) to permit employees to donate prohibited tangible gifts worth \$100 or less to charity.

For the following reasons, OGE has not accepted the commenters' suggestions. Allowing the destruction of relatively low-value, tangible gifts provides useful flexibility, while continuing to prohibit employees from retaining impermissible gifts. Setting the value threshold at \$100 establishes a reasonable range that imposes minimal administrative burden in determining whether most low value items qualify for destruction. Setting the threshold far below that level would increase transaction costs because official time would necessarily have to be expended researching the precise market value of inexpensive items in order to determine whether they could be destroyed. It bears noting that, as is explained in § 2635.206(a), an employee is not required to destroy prohibited gifts; destruction is only one of several authorized options for disposition. Other options include returning the gift to the donor, paying the donor the gift's market value, or not accepting the gift in the first instance. Whenever the value of an item approaches the higher end of the \$100 range, employees and agency ethics officials may be disinclined to destroy the item; in fact, the administrative burden of researching the item's precise market value in order to avoid exceeding the permissible value threshold creates a natural incentive to choose another option for disposition of more expensive items.

Authorizing donations to charity in lieu of destruction would present other problems. OGE has considered and rejected this option in the past. *See* 57 FR 35006, 35015 (Aug. 7, 1992). Allowing an employee to direct that a gift be donated to a charity of the employee's choosing would be tantamount to permitting constructive receipt of the gift by the employee. OGE is concerned that employees may be able to claim tax deductions under the Internal Revenue Code for gifts donated to charity, in essence receiving the "gift" of a tax deduction in lieu of the original gift. OGE has also explained in the past that permitting donations "would create an incentive for donors to offer employees items they cannot accept and, in the case of highly visible employees, might result in their favorite charities profiting from their official positions." *Id.* OGE remains concerned that authorizing donations to charity as a means to dispose of impermissible gifts could incentivize some employees to intentionally accept impermissible gifts for the purpose of donating them to their favorite charities.

OGE has, however, revised § 2635.206(a)(1) for clarity. In the proposed regulation, the first sentence

read: "The employee must promptly return any tangible item to the donor, or pay the donor its market value, or, in the case that the tangible item has a market value not in excess of \$100, the employee may destroy the item." In the final regulation, that sentence now reads: "The employee must promptly return any tangible item to the donor or pay the donor its market value; or, in the case of a tangible item with a market value of \$100 or less, the employee may destroy the item." The meaning of the sentence is unchanged, but the revised sentence is easier to understand. In addition, OGE has removed the legal citation at the end of that paragraph, which referred to the definition of "market value" at § 2635.203(c), because the cross reference was unnecessary and potentially confusing to the reader.

### III. Matters of Regulatory Procedure

#### *Regulatory Flexibility Act*

As Director of the Office of Government Ethics, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this final rule would not have a significant economic impact on a substantial number of small entities because it primarily affects current Federal executive branch employees.

#### *Paperwork Reduction Act*

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this regulation does not contain information collection requirements that require approval of the Office of Management and Budget.

#### *Unfunded Mandates Reform Act*

For purposes of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. chapter 5, subchapter II), this final rule would not significantly or uniquely affect small governments and will not result in increased expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (as adjusted for inflation) in any one year.

#### *Executive Order 13563 and Executive Order 12866*

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select the regulatory approaches that maximize net benefits (including economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been

designated as a "significant regulatory action," although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, this rule has been reviewed by the Office of Management and Budget.

#### *Executive Order 12988*

As Director of the Office of Government Ethics, I have reviewed this final rule in light of section 3 of Executive Order 12988, Civil Justice Reform, and certify that it meets the applicable standards provided therein.

#### **List of Subjects in 5 CFR Part 2635**

Conflict of interests, Executive Branch standards of ethical conduct, Government employees.

Approved: November 3, 2016.

**Walter M. Shaub, Jr.,**

*Director, Office of Government Ethics.*

Accordingly, for the reasons set forth in the preamble, the Office of Government Ethics is amending 5 CFR part 2635, as set forth below:

### **PART 2635—STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH**

■ 1. The authority citation for part 2635 continues to read as follows:

**Authority:** 5 U.S.C. 7301, 7351, 7353; 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

■ 2. Revise subpart B of part 2635 to read as follows:

#### **Subpart B—Gifts From Outside Sources**

Sec.

2635.201 Overview and considerations for declining otherwise permissible gifts.

2635.202 General prohibition on solicitation or acceptance of gifts.

2635.203 Definitions.

2635.204 Exceptions to the prohibition for acceptance of certain gifts.

2635.205 Limitations on use of exceptions.

2635.206 Proper disposition of prohibited gifts.

#### **Subpart B—Gifts From Outside Sources**

##### **§ 2635.201 Overview and considerations for declining otherwise permissible gifts.**

(a) *Overview.* This subpart contains standards that prohibit an employee from soliciting or accepting any gift from a prohibited source or any gift given because of the employee's official position, unless the item is excluded from the definition of a gift or falls within one of the exceptions set forth in this subpart.

(b) *Considerations for declining otherwise permissible gifts.* (1) Every

employee has a fundamental responsibility to the United States and its citizens to place loyalty to the Constitution, laws, and ethical principles above private gain. An employee's actions should promote the public's trust that this responsibility is being met. For this reason, employees should consider declining otherwise permissible gifts if they believe that a reasonable person with knowledge of the relevant facts would question the employee's integrity or impartiality as a result of accepting the gift.

(2) An employee who is considering whether acceptance of a gift would lead a reasonable person with knowledge of the relevant facts to question his or her integrity or impartiality may consider, among other relevant factors, whether:

- (i) The gift has a high market value;
- (ii) The timing of the gift creates the appearance that the donor is seeking to influence an official action;
- (iii) The gift was provided by a person who has interests that may be substantially affected by the performance or nonperformance of the employee's official duties; and
- (iv) Acceptance of the gift would provide the donor with significantly disproportionate access.

(3) Notwithstanding paragraph (b)(1) of this section, an employee who accepts a gift that qualifies for an exception under § 2635.204 does not violate this subpart or the Principles of Ethical Conduct set forth in § 2635.101(b).

(4) Employees who have questions regarding this subpart, including whether the employee should decline a gift that would otherwise be permitted under an exception found in § 2635.204, should seek advice from an agency ethics official.

*Example 1 to paragraph (b):* An employee of the Peace Corps is in charge of making routine purchases of office supplies. After a promotional presentation to highlight several new products, a vendor offers to buy the employee lunch, which costs less than \$20. The employee is concerned that a reasonable person may question her impartiality in accepting the free lunch, as the timing of the offer indicates that the donor may be seeking to influence an official action and the company has interests that may be substantially affected by the performance or nonperformance of the employee's duties. As such, although acceptance of the gift may be permissible under § 2635.204(a), the employee decides to decline the gift.

#### **§ 2635.202 General prohibition on solicitation or acceptance of gifts.**

(a) *Prohibition on soliciting gifts.* Except as provided in this subpart, an employee may not, directly or indirectly:

(1) Solicit a gift from a prohibited source; or

(2) Solicit a gift to be given because of the employee's official position.

(b) *Prohibition on accepting gifts.* Except as provided in this subpart, an employee may not, directly or indirectly:

(1) Accept a gift from a prohibited source; or

(2) Accept a gift given because of the employee's official position.

(c) *Relationship to illegal gratuities statute.* A gift accepted pursuant to an exception found in this subpart will not constitute an illegal gratuity otherwise prohibited by 18 U.S.C. 201(c)(1)(B), unless it is accepted in return for being influenced in the performance of an official act. As more fully described in § 2635.205(d)(1), an employee may not solicit or accept a gift if to do so would be prohibited by the Federal bribery statute, 18 U.S.C. 201(b).

*Example 1 to paragraph (c):* A Government contractor who specializes in information technology software has offered an employee of the Department of Energy's information technology acquisition division a \$15 gift card to a local restaurant if the employee will recommend to the agency's contracting officer that she select the contractor's products during the next acquisition. Even though the gift card is less than \$20, the employee may not accept the gift under § 2635.204(a) because it is conditional upon official action by the employee. Pursuant to §§ 2635.202(c) and 2635.205(a), notwithstanding any exception to the rule, an employee may not accept a gift in return for being influenced in the performance of an official act.

#### **§ 2635.203 Definitions.**

For purposes of this subpart, the following definitions apply:

(a) *Agency* has the meaning set forth in § 2635.102(a). However, for purposes of this subpart, an executive department, as defined in 5 U.S.C. 101, may, by supplemental agency regulation, designate as a separate agency any component of that department which the department determines exercises distinct and separate functions.

(b) *Gift* includes any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of training, transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. The term excludes the following:

(1) Modest items of food and non-alcoholic refreshments, such as soft drinks, coffee and donuts, offered other than as part of a meal;

(2) Greeting cards and items with little intrinsic value, such as plaques, certificates, and trophies, which are intended primarily for presentation;

*Example 1 to paragraph (b)(2):* After giving a speech at the facility of a pharmaceutical company, a Government employee is presented with a glass paperweight in the shape of a pill capsule with the name of the company's latest drug and the date of the speech imprinted on the side. The employee may accept the paperweight because it is an item with little intrinsic value which is intended primarily for presentation.

*Example 2 to paragraph (b)(2):* After participating in a panel discussion hosted by an international media company, a Government employee is presented with an inexpensive portable music player emblazoned with the media company's logo. The portable music player has a market value of \$25. The employee may not accept the portable music player as it has a significant independent use as a music player rather than being intended primarily for presentation.

*Example 3 to paragraph (b)(2):* After giving a speech at a conference held by a national association of miners, a Department of Commerce employee is presented with a block of granite that is engraved with the association's logo, a picture of the Appalachian Mountains, the date of the speech, and the employee's name. The employee may accept this item because it is similar to a plaque, is designed primarily for presentation, and has little intrinsic value.

(3) Loans from banks and other financial institutions on terms generally available to the public;

(4) Opportunities and benefits, including favorable rates and commercial discounts, available to the public or to a class consisting of all Government employees or all uniformed military personnel, whether or not restricted on the basis of geographic considerations;

(5) Rewards and prizes given to competitors in contests or events, including random drawings, open to the public unless the employee's entry into the contest or event is required as part of the employee's official duties;

*Example 1 to paragraph (b)(5):* A Government employee is attending a free trade show on official time. The trade show is held in a public shopping area adjacent to the employee's office building. The employee voluntarily enters a drawing at an individual vendor's booth which is open to the public. She fills in an entry form on the vendor's display table and drops it into the contest box. The employee may accept the resulting prize because entry into the contest was not required by or related to her official duties.

*Example 2 to paragraph (b)(5):* Attendees at a conference, which is not open to the public, are entered in a drawing for a weekend getaway to Bermuda as a result of being registered for the conference. A Government employee who attends the

conference in his official capacity could not accept the prize under paragraph (b)(5) of this section, as the event is not open to the public.

(6) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a current or former employer;

(7) Anything which is paid for by the Government or secured by the Government under Government contract;

*Example 1 to paragraph (b)(7):* An employee at the Occupational Safety and Health Administration is assigned to travel away from her duty station to conduct an investigation of a collapse at a construction site. The employee's agency is paying for her travel expenses, including her airfare. The employee may accept and retain travel promotional items, such as frequent flyer miles, received as a result of her official travel, to the extent permitted by 5 U.S.C. 5702, note, and 41 CFR part 301–53.

(8) Free attendance to an event provided by the sponsor of the event to:

(i) An employee who is assigned to present information on behalf of the agency at the event on any day when the employee is presenting;

(ii) An employee whose presence on any day of the event is deemed to be essential by the agency to the presenting employee's participation in the event, provided that the employee is accompanying the presenting employee; and

(iii) The spouse or one other guest of the presenting employee on any day when the employee is presenting, provided that others in attendance will generally be accompanied by a spouse or other guest, the offer of free attendance for the spouse or other guest is unsolicited, and the agency designee, orally or in writing, has authorized the presenting employee to accept;

*Example 1 to paragraph (b)(8):* An employee of the Department of the Treasury who is assigned to participate in a panel discussion of economic issues as part of a one-day conference may accept the sponsor's waiver of the conference fee. Under the separate authority of § 2635.204(a), the employee may accept a token of appreciation that has a market value of \$20 or less.

*Example 2 to paragraph (b)(8):* An employee of the Securities and Exchange Commission is assigned to present the agency's views at a roundtable discussion of an ongoing working group. The employee may accept free attendance to the meeting under paragraph (b)(8) of this section because the employee has been assigned to present information at the meeting on behalf of the agency. If it is determined by the agency that it is essential that another employee accompany the presenting employee to the roundtable discussion, the accompanying employee may also accept free attendance to

the meeting under paragraph (b)(8)(ii) of this section.

*Example 3 to paragraph (b)(8):* An employee of the United States Trade and Development Agency is invited to attend a cocktail party hosted by a prohibited source. The employee believes that he will have an opportunity to discuss official matters with other attendees while at the event. Although the employee may voluntarily discuss official matters with other attendees, the employee has not been assigned to present information on behalf of the agency. The employee may not accept free attendance to the event under paragraph (b)(8) of this section.

(9) Any gift accepted by the Government under specific statutory authority, including:

(i) Travel, subsistence, and related expenses accepted by an agency under the authority of 31 U.S.C. 1353 in connection with an employee's attendance at a meeting or similar function relating to the employee's official duties which take place away from the employee's duty station, provided that the agency's acceptance is in accordance with the implementing regulations at 41 CFR chapter 304; and

(ii) Other gifts provided in-kind which have been accepted by an agency under its agency gift acceptance statute; and

(10) Anything for which market value is paid by the employee.

(c) *Market value* means the cost that a member of the general public would reasonably expect to incur to purchase the gift. An employee who cannot ascertain the market value of a gift may estimate its market value by reference to the retail cost of similar items of like quality. The market value of a gift of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is deemed to be the face value of the ticket.

*Example 1 to paragraph (c):* An employee who has been given a watch inscribed with the corporate logo of a prohibited source may determine its market value based on her observation that a comparable watch, not inscribed with a logo, generally sells for about \$50.

*Example 2 to paragraph (c):* During an official visit to a factory operated by a well-known athletic footwear manufacturer, an employee of the Department of Labor is offered a commemorative pair of athletic shoes manufactured at the factory. Although the cost incurred by the donor to manufacture the shoes was \$17, the market value of the shoes would be the \$100 that the employee would have to pay for the shoes on the open market.

*Example 3 to paragraph (c):* A prohibited source has offered a Government employee a ticket to a charitable event consisting of a cocktail reception to be followed by an evening of chamber music. Even though the food, refreshments, and entertainment provided at the event may be worth only \$20,

the market value of the ticket is its \$250 face value.

*Example 4 to paragraph (c):* A company offers an employee of the Federal Communication Commission (FCC) free attendance for two to a private skybox at a ballpark to watch a major league baseball game. The skybox is leased annually by the company, which has business pending before the FCC. The skybox tickets provided to the employee do not have a face value. To determine the market value of the tickets, the employee must add the face value of two of the most expensive publicly available tickets to the game and the market value of any food, parking or other tangible benefits provided in connection with the gift of attendance that are not already included in the cost of the most expensive publicly available tickets.

*Example 5 to paragraph (c):* An employee of the Department of Agriculture is invited to a reception held by a prohibited source. There is no entrance fee to the reception event or to the venue. To determine the market value of the gift, the employee must add the market value of any entertainment, food, beverages, or other tangible benefit provided to attendees in connection with the reception, but need not consider the cost incurred by the sponsor to rent or maintain the venue where the event is held. The employee may rely on a per-person cost estimate provided by the sponsor of the event, unless the employee or an agency designee has determined that a reasonable person would find that the estimate is clearly implausible.

(d) *Prohibited source* means any person who:

(1) Is seeking official action by the employee's agency;

(2) Does business or seeks to do business with the employee's agency;

(3) Conducts activities regulated by the employee's agency;

(4) Has interests that may be substantially affected by the performance or nonperformance of the employee's official duties; or

(5) Is an organization a majority of whose members are described in paragraphs (d)(1) through (4) of this section.

(e) *Given because of the employee's official position.* A gift is given because of the employee's official position if the gift is from a person other than an employee and would not have been given had the employee not held the status, authority, or duties associated with the employee's Federal position.

**Note to paragraph (e):** Gifts between employees are subject to the limitations set forth in subpart C of this part.

*Example 1 to paragraph (e):* Where free season tickets are offered by an opera guild to all members of the Cabinet, the gift is offered because of their official positions.

*Example 2 to paragraph (e):* Employees at a regional office of the Department of Justice (DOJ) work in Government-leased space at a private office building, along with various

private business tenants. A major fire in the building during normal office hours causes a traumatic experience for all occupants of the building in making their escape, and it is the subject of widespread news coverage. A corporate hotel chain, which does not meet the definition of a prohibited source for DOJ, seizes the moment and announces that it will give a free night's lodging to all building occupants and their families, as a public goodwill gesture. Employees of DOJ may accept, as this gift is not being given because of their Government positions. The donor's motivation for offering this gift is unrelated to the DOJ employees' status, authority, or duties associated with their Federal position, but instead is based on their mere presence in the building as occupants at the time of the fire.

(f) *Indirectly solicited or accepted.* A gift which is solicited or accepted indirectly includes a gift:

(1) Given with the employee's knowledge and acquiescence to the employee's parent, sibling, spouse, child, dependent relative, or a member of the employee's household because of that person's relationship to the employee; or

(2) Given to any other person, including any charitable organization, on the basis of designation, recommendation, or other specification by the employee, except the employee has not indirectly solicited or accepted a gift by the raising of funds or other support for a charitable organization if done in accordance with § 2635.808.

*Example 1 to paragraph (f)(2):* An employee who must decline a gift of a personal computer pursuant to this subpart may not suggest that the gift be given instead to one of five charitable organizations whose names are provided by the employee.

(g) *Free attendance* includes waiver of all or part of the fee for an event or the provision of food, refreshments, entertainment, instruction or materials furnished to all attendees as an integral part of the event. It does not include travel expenses, lodgings, or entertainment collateral to the event. It does not include meals taken other than in a group setting with all other attendees, unless the employee is a presenter at the event and is invited to a separate meal for participating presenters that is hosted by the sponsor of the event. Where the offer of free attendance has been extended to an accompanying spouse or other guest, the market value of the gift of free attendance includes the market value of free attendance by both the employee and the spouse or other guest.

#### **§ 2635.204 Exceptions to the prohibition for acceptance of certain gifts.**

Subject to the limitations in § 2635.205, this section establishes

exceptions to the prohibitions set forth in § 2635.202(a) and (b). Even though acceptance of a gift may be permitted by one of the exceptions contained in this section, it is never inappropriate and frequently prudent for an employee to decline a gift if acceptance would cause a reasonable person to question the employee's integrity or impartiality. Section 2635.201(b) identifies considerations for declining otherwise permissible gifts.

(a) *Gifts of \$20 or less.* An employee may accept unsolicited gifts having an aggregate market value of \$20 or less per source per occasion, provided that the aggregate market value of individual gifts received from any one person under the authority of this paragraph (a) does not exceed \$50 in a calendar year. This exception does not apply to gifts of cash or of investment interests such as stock, bonds, or certificates of deposit. Where the market value of a gift or the aggregate market value of gifts offered on any single occasion exceeds \$20, the employee may not pay the excess value over \$20 in order to accept that portion of the gift or those gifts worth \$20. Where the aggregate value of tangible items offered on a single occasion exceeds \$20, the employee may decline any distinct and separate item in order to accept those items aggregating \$20 or less.

*Example 1 to paragraph (a):* An employee of the Securities and Exchange Commission and his spouse have been invited by a representative of a regulated entity to a community theater production, tickets to which have a face value of \$30 each. The aggregate market value of the gifts offered on this single occasion is \$60, \$40 more than the \$20 amount that may be accepted for a single event or presentation. The employee may not accept the gift of the evening of entertainment. He and his spouse may attend the play only if he pays the full \$60 value of the two tickets.

*Example 2 to paragraph (a):* An employee of the National Geospatial-Intelligence Agency has been invited by an association of cartographers to speak about her agency's role in the evolution of missile technology. At the conclusion of her speech, the association presents the employee a framed map with a market value of \$18 and a ceramic mug that has a market value of \$15. The employee may accept the map or the mug, but not both, because the aggregate value of these two tangible items exceeds \$20.

*Example 3 to paragraph (a):* On four occasions during the calendar year, an employee of the Defense Logistics Agency (DLA) was given gifts worth \$10 each by four employees of a corporation that is a DLA contractor. For purposes of applying the yearly \$50 limitation on gifts of \$20 or less from any one person, the four gifts must be aggregated because a person is defined at § 2635.102(k) to mean not only the corporate

entity, but its officers and employees as well. However, for purposes of applying the \$50 aggregate limitation, the employee would not have to include the value of a birthday present received from his cousin, who is employed by the same corporation, if he can accept the birthday present under the exception at paragraph (b) of this section for gifts based on a personal relationship.

*Example 4 to paragraph (a):* Under the authority of 31 U.S.C. 1353 for agencies to accept payments from non-Federal sources in connection with attendance at certain meetings or similar functions, the Environmental Protection Agency (EPA) has accepted an association's gift of travel expenses and conference fees for an employee to attend a conference on the long-term effect of radon exposure. While at the conference, the employee may accept a gift of \$20 or less from the association or from another person attending the conference even though it was not approved in advance by the EPA. Although 31 U.S.C. 1353 is the authority under which the EPA accepted the gift to the agency of travel expenses and conference fees, a gift of \$20 or less accepted under paragraph (a) of this section is a gift to the employee rather than to her employing agency.

*Example 5 to paragraph (a):* During off-duty time, an employee of the Department of Defense (DoD) attends a trade show involving companies that are DoD contractors. He is offered software worth \$15 at X Company's booth, a calendar worth \$12 at Y Company's booth, and a deli lunch worth \$8 from Z Company. The employee may accept all three of these items because they do not exceed \$20 per source, even though they total more than \$20 at this single occasion.

*Example 6 to paragraph (a):* An employee of the Department of Defense (DoD) is being promoted to a higher level position in another DoD office. Six individuals, each employed by a different defense contractor, who have worked with the DoD employee over the years, decide to act in concert to pool their resources to buy her a nicer gift than each could buy her separately. Each defense contractor employee contributes \$20 to buy a desk clock for the DoD employee that has a market value of \$120. Although each of the contributions does not exceed the \$20 limit, the employee may not accept the \$120 gift because it is a single gift that has a market value in excess of \$20.

*Example 7 to paragraph (a):* During a holiday party, an employee of the Department of State is given a \$15 store gift card to a national coffee chain by an agency contractor. The employee may accept the card as the market value is less than \$20. The employee could not, however, accept a gift card that is issued by a credit card company or other financial institution, because such a card is equivalent to a gift of cash.

(b) *Gifts based on a personal relationship.* An employee may accept a gift given by an individual under circumstances which make it clear that the gift is motivated by a family relationship or personal friendship rather than the position of the employee. Relevant factors in making

such a determination include the history and nature of the relationship and whether the family member or friend personally pays for the gift.

*Example 1 to paragraph (b):* An employee of the Federal Deposit Insurance Corporation (FDIC) has been dating an accountant employed by a member bank. As part of its "Work-Life Balance" program, the bank has given each employee in the accountant's division two tickets to a professional basketball game and has urged each to invite a family member or friend to share the evening of entertainment. Under the circumstances, the FDIC employee may accept the invitation to attend the game. Even though the tickets were initially purchased by the member bank, they were given without reservation to the accountant to use as she wished, and her invitation to the employee was motivated by their personal friendship.

*Example 2 to paragraph (b):* Three partners in a law firm that handles corporate mergers have invited an employee of the Federal Trade Commission (FTC) to join them in a golf tournament at a private club at the firm's expense. The entry fee is \$500 per foursome. The employee cannot accept the gift of one-quarter of the entry fee even though he and the three partners have developed an amicable relationship as a result of the firm's dealings with the FTC. As evidenced in part by the fact that the fees are to be paid by the firm, it is not a personal friendship but a business relationship that is the motivation behind the partners' gift.

*Example 3 to paragraph (b):* A Peace Corps employee enjoys using a social media site on the internet in his personal capacity outside of work. He has used the site to keep in touch with friends, neighbors, coworkers, professional contacts, and other individuals he has met over the years through both work and personal activities. One of these individuals works for a contractor that provides language services to the Peace Corps. The employee was acting in his official capacity when he met the individual at a meeting to discuss a matter related to the contract between their respective employers. Thereafter, the two communicated occasionally regarding contract matters. They later also granted one another access to join their social media networks through their respective social media accounts. However, they did not communicate further in their personal capacities, carry on extensive personal interactions, or meet socially outside of work. One day, the individual, whose employer continues to serve as a Peace Corps contractor, contacts the employee to offer him a pair of concert tickets worth \$30 apiece. Although the employee and the individual are connected through social media, the circumstances do not demonstrate that the gift was clearly motivated by a personal relationship, rather than the position of the employee, and therefore the employee may not accept the gift pursuant to paragraph (b) of this section.

(c) *Discounts and similar benefits.* In addition to those opportunities and benefits excluded from the definition of

a gift by § 2635.203(b)(4), an employee may accept:

(1) A reduction or waiver of the fees for membership or other fees for participation in organization activities offered to all Government employees or all uniformed military personnel by professional organizations if the only restrictions on membership relate to professional qualifications; and

(2) Opportunities and benefits, including favorable rates, commercial discounts, and free attendance or participation not precluded by paragraph (c)(3) of this section:

(i) Offered to members of a group or class in which membership is unrelated to Government employment;

(ii) Offered to members of an organization, such as an employees' association or agency credit union, in which membership is related to Government employment if the same offer is broadly available to large segments of the public through organizations of similar size; or

(iii) Offered by a person who is not a prohibited source to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of type of official responsibility or on a basis that favors those of higher rank or rate of pay.

*Example 1 to paragraph (c)(2):* A computer company offers a discount on the purchase of computer equipment to all public and private sector computer procurement officials who work in organizations with over 300 employees. An employee who works as the computer procurement official for a Government agency could not accept the discount to purchase the personal computer under the exception in paragraph (c)(2)(i) of this section. Her membership in the group to which the discount is offered is related to Government employment because her membership is based on her status as a procurement official with the Government.

*Example 2 to paragraph (c)(2):* An employee of the Consumer Product Safety Commission (CPSC) may accept a discount of \$50 on a microwave oven offered by the manufacturer to all members of the CPSC employees' association. Even though the CPSC is currently conducting studies on the safety of microwave ovens, the \$50 discount is a standard offer that the manufacturer has made broadly available through a number of employee associations and similar organizations to large segments of the public.

*Example 3 to paragraph (c)(2):* An Assistant Secretary may not accept a local country club's offer of membership to all members of Department Secretariats which includes a waiver of its \$5,000 membership initiation fee. Even though the country club is not a prohibited source, the offer discriminates in favor of higher ranking officials.

(3) An employee may not accept for personal use any benefit to which the Government is entitled as the result of an expenditure of Government funds, unless authorized by statute or regulation (e.g., 5 U.S.C. 5702, note, regarding frequent flyer miles).

*Example 1 to paragraph (c)(3):* The administrative officer for a field office of U.S. Immigration and Customs Enforcement (ICE) has signed an order to purchase 50 boxes of photocopy paper from a supplier whose literature advertises that it will give a free briefcase to anyone who purchases 50 or more boxes. Because the paper was purchased with ICE funds, the administrative officer cannot keep the briefcase which, if claimed and received, is Government property.

(d) *Awards and honorary degrees*—(1) *Awards.* An employee may accept a *bona fide* award for meritorious public service or achievement and any item incident to the award, provided that:

(i) The award and any item incident to the award are not from a person who has interests that may be substantially affected by the performance or nonperformance of the employee's official duties, or from an association or other organization if a majority of its members have such interests; and

(ii) If the award or any item incident to the award is in the form of cash or an investment interest, or if the aggregate value of the award and any item incident to the award, other than free attendance to the event provided to the employee and to members of the employee's family by the sponsor of the event, exceeds \$200, the agency ethics official has made a written determination that the award is made as part of an established program of recognition.

*Example 1 to paragraph (d)(1):* Based on a written determination by an agency ethics official that the prize meets the criteria set forth in paragraph (d)(2) of this section, an employee of the National Institutes of Health (NIH) may accept the Nobel Prize for Medicine, including the cash award which accompanies the prize, even though the prize was conferred on the basis of laboratory work performed at NIH.

*Example 2 to paragraph (d)(1):* A defense contractor, ABC Systems, has an annual award program for the outstanding public employee of the year. The award includes a cash payment of \$1,000. The award program is wholly funded to ensure its continuation on a regular basis for the next twenty years and selection of award recipients is made pursuant to written standards. An employee of the Department of the Air Force, who has duties that include overseeing contract performance by ABC Systems, is selected to receive the award. The employee may not accept the cash award because ABC Systems has interests that may be substantially affected by the performance or



nonperformance of the employee's official duties.

*Example 3 to paragraph (d)(1):* An ambassador selected by a nonprofit organization as a recipient of its annual award for distinguished service in the interest of world peace may, together with his spouse and children, attend the awards ceremony dinner and accept a crystal bowl worth \$200 presented during the ceremony. However, where the organization has also offered airline tickets for the ambassador and his family to travel to the city where the awards ceremony is to be held, the aggregate value of the tickets and the crystal bowl exceeds \$200, and he may accept only upon a written determination by the agency ethics official that the award is made as part of an established program of recognition.

(2) *Established program of recognition.* An award and an item incident to the award are made pursuant to an established program of recognition if:

(i) Awards have been made on a regular basis or, if the program is new, there is a reasonable basis for concluding that awards will be made on a regular basis based on funding or funding commitments; and

(ii) Selection of award recipients is made pursuant to written standards.

(3) *Honorary degrees.* An employee may accept an honorary degree from an institution of higher education, as defined at 20 U.S.C. 1001, or from a similar foreign institution of higher education, based on a written determination by an agency ethics official that the timing of the award of the degree would not cause a reasonable person to question the employee's impartiality in a matter affecting the institution.

**Note to paragraph (d)(3):** When the honorary degree is offered by a foreign institution of higher education, the agency may need to make a separate determination as to whether the institution of higher education is a foreign government for purposes of the Emoluments Clause of the U.S. Constitution (U.S. Const., art. I, sec. 9, cl. 8), which forbids employees from accepting emoluments, presents, offices, or titles from foreign governments, without the consent of Congress. The Foreign Gifts and Decorations Act, 5 U.S.C. 7342, however, may permit the acceptance of honorary degrees in some circumstances.

*Example 1 to paragraph (d)(3):* A well-known university located in the United States wishes to give an honorary degree to the Secretary of Labor. The Secretary may accept the honorary degree only if an agency ethics official determines in writing that the timing of the award of the degree would not cause a reasonable person to question the Secretary's impartiality in a matter affecting the university.

(4) *Presentation events.* An employee who may accept an award or honorary

degree pursuant to paragraph (d)(1) or (3) of this section may also accept free attendance to the event provided to the employee and to members of the employee's family by the sponsor of an event. In addition, the employee may also accept unsolicited offers of travel to and from the event provided to the employee and to members of the employee's family by the sponsor of the event. Travel expenses accepted under this paragraph (d)(4) must be added to the value of the award for purposes of determining whether the aggregate value of the award exceeds \$200.

(e) *Gifts based on outside business or employment relationships.* An employee may accept meals, lodgings, transportation and other benefits:

(1) Resulting from the business or employment activities of an employee's spouse when it is clear that such benefits have not been offered or enhanced because of the employee's official position;

*Example 1 to paragraph (e)(1):* A Department of Agriculture employee whose spouse is a computer programmer employed by a Department of Agriculture contractor may attend the company's annual retreat for all of its employees and their families held at a resort facility. However, under § 2635.502, the employee may be disqualified from performing official duties affecting her spouse's employer.

*Example 2 to paragraph (e)(1):* Where the spouses of other clerical personnel have not been invited, an employee of the Defense Contract Audit Agency whose spouse is a clerical worker at a defense contractor may not attend the contractor's annual retreat in Hawaii for corporate officers and members of the board of directors, even though his spouse received a special invitation for herself and the employee.

(2) Resulting from the employee's outside business or employment activities when it is clear that such benefits are based on the outside business or employment activities and have not been offered or enhanced because of the employee's official status;

*Example 1 to paragraph (e)(2):* The members of an Army Corps of Engineers environmental advisory committee that meets six times per year are special Government employees. A member who has a consulting business may accept an invitation to a \$50 dinner from her corporate client, an Army construction contractor, unless, for example, the invitation was extended in order to discuss the activities of the advisory committee.

(3) Customarily provided by a prospective employer in connection with *bona fide* employment discussions. If the prospective employer has interests that could be affected by performance or nonperformance of the employee's duties, acceptance is permitted only if

the employee first has complied with the disqualification requirements of subpart F of this part applicable when seeking employment; or

*Example 1 to paragraph (e)(3):* An employee of the Federal Communications Commission with responsibility for drafting regulations affecting all cable television companies wishes to apply for a job opening with a cable television holding company. Once she has properly disqualified herself from further work on the regulations as required by subpart F of this part, she may enter into employment discussions with the company and may accept the company's offer to pay for her airfare, hotel, and meals in connection with an interview trip.

(4) Provided by a former employer to attend a reception or similar event when other former employees have been invited to attend, the invitation and benefits are based on the former employment relationship, and it is clear that such benefits have not been offered or enhanced because of the employee's official position.

*Example 1 to paragraph (e)(4):* An employee of the Department of the Army is invited by her former employer, an Army contractor, to attend its annual holiday dinner party. The former employer traditionally invites both its current and former employees to the holiday dinner regardless of their current employment activities. Under these circumstances, the employee may attend the dinner because the dinner invitation is a result of the employee's former outside employment activities, other former employees have been asked to attend, and the gift is not offered because of the employee's official position.

(5) For purposes of paragraphs (e)(1) through (4) of this section, "employment" means any form of non-Federal employment or business relationship involving the provision of personal services.

(f) *Gifts in connection with political activities permitted by the Hatch Act Reform Amendments.* An employee who, in accordance with the Hatch Act Reform Amendments of 1993, at 5 U.S.C. 7323, may take an active part in political management or in political campaigns, may accept meals, lodgings, transportation, and other benefits, including free attendance at events, for the employee and an accompanying spouse or other guests, when provided, in connection with such active participation, by a political organization described in 26 U.S.C. 527(e). Any other employee, such as a security officer, whose official duties require him or her to accompany an employee to a political event, may accept meals, free attendance, and entertainment provided at the event by such an organization.

*Example 1 to paragraph (f):* The Secretary of the Department of Health and Human



Services may accept an airline ticket and hotel accommodations furnished by the campaign committee of a candidate for the United States Senate in order to give a speech in support of the candidate.

(g) *Gifts of free attendance at widely attended gatherings*—(1) *Authorization*. When authorized in writing by the agency designee pursuant to paragraph (g)(3) of this section, an employee may accept an unsolicited gift of free attendance at all or appropriate parts of a widely attended gathering. For an employee who is subject to a leave system, attendance at the event will be on the employee's own time or, if authorized by the employee's agency, on excused absence pursuant to applicable guidelines for granting such absence, or otherwise without charge to the employee's leave account.

(2) *Widely attended gatherings*. A gathering is widely attended if it is expected that a large number of persons will attend, that persons with a diversity of views or interests will be present, for example, if it is open to members from throughout the interested industry or profession or if those in attendance represent a range of persons interested in a given matter, and that there will be an opportunity to exchange ideas and views among invited persons.

(3) *Written authorization by the agency designee*. The agency designee may authorize an employee or employees to accept a gift of free attendance at all or appropriate parts of a widely attended gathering only if the agency designee issues a written determination after finding that:

(i) The event is a widely attended gathering, as set forth in paragraph (g)(2) of this section;

(ii) The employee's attendance at the event is in the agency's interest because it will further agency programs or operations;

(iii) The agency's interest in the employee's attendance outweighs the concern that the employee may be, or may appear to be, improperly influenced in the performance of official duties; and

(iv) If a person other than the sponsor of the event invites or designates the employee as the recipient of the gift of free attendance and bears the cost of that gift, the event is expected to be attended by more than 100 persons and the value of the gift of free attendance does not exceed \$375.

(4) *Determination of agency interest*. In determining whether the agency's interest in the employee's attendance outweighs the concern that the employee may be, or may appear to be, improperly influenced in the performance of official duties, the

agency designee may consider relevant factors including:

(i) The importance of the event to the agency;

(ii) The nature and sensitivity of any pending matter affecting the interests of the person who extended the invitation and the significance of the employee's role in any such matter;

(iii) The purpose of the event;

(iv) The identity of other expected participants;

(v) Whether acceptance would reasonably create the appearance that the donor is receiving preferential treatment;

(vi) Whether the Government is also providing persons with views or interests that differ from those of the donor with access to the Government; and

(vii) The market value of the gift of free attendance.

(5) *Cost provided by person other than the sponsor of the event*. The cost of the employee's attendance will be considered to be provided by a person other than the sponsor of the event where such person designates the employee to be invited and bears the cost of the employee's attendance through a contribution or other payment intended to facilitate the employee's attendance. Payment of dues or a similar assessment to a sponsoring organization does not constitute a payment intended to facilitate a particular employee's attendance.

(6) *Accompanying spouse or other guest*. When others in attendance will generally be accompanied by a spouse or other guest, and where the invitation is from the same person who has invited the employee, the agency designee may authorize an employee to accept an unsolicited invitation of free attendance to an accompanying spouse or one other accompanying guest to participate in all or a portion of the event at which the employee's free attendance is permitted under paragraph (g)(1) this section. The authorization required by this paragraph (g)(6) must be provided in writing.

*Example 1 to paragraph (g)*: An aerospace industry association that is a prohibited source sponsors an industry-wide, two-day seminar for which it charges a fee of \$800 and anticipates attendance of approximately 400. An Air Force contractor pays \$4,000 to the association so that the association can extend free invitations to five Air Force officials designated by the contractor. The Air Force officials may not accept the gifts of free attendance because (a) the contractor, rather than the association, provided the cost of their attendance; (b) the contractor designated the specific employees to receive the gift of free attendance; and (c) the value of the gift exceeds \$375 per employee.

*Example 2 to paragraph (g)*: An aerospace industry association that is a prohibited

source sponsors an industry-wide, two-day seminar for which it charges a fee of \$25 and anticipates attendance of approximately 50. An Air Force contractor pays \$125 to the association so that the association can extend free invitations to five Air Force officials designated by the contractor. The Air Force officials may not accept the gifts of free attendance because (a) the contractor, rather than the association, provided the cost of their attendance; (b) the contractor designated the specific employees to receive the gift of free attendance; and (c) the event was not expected to be attended by more than 100 persons.

*Example 3 to paragraph (g)*: An aerospace industry association that is a prohibited source sponsors an industry-wide, two-day seminar for which it charges a fee of \$800 and anticipates attendance of approximately 400. An Air Force contractor pays \$4,000 in order that the association might invite any five Federal employees. An Air Force official to whom the sponsoring association, rather than the contractor, extended one of the five invitations could attend if the employee's participation were determined to be in the interest of the agency and he received a written authorization.

*Example 4 to paragraph (g)*: An employee of the Department of Transportation is invited by a news organization to an annual press dinner sponsored by an association of press organizations. Tickets for the event cost \$375 per person and attendance is limited to 400 representatives of press organizations and their guests. If the employee's attendance is determined to be in the interest of the agency and she receives a written authorization from the agency designee, she may accept the invitation from the news organization because more than 100 persons will attend and the cost of the ticket does not exceed \$375. However, if the invitation were extended to the employee and an accompanying guest, the employee's guest could not be authorized to attend for free because the market value of the gift of free attendance would exceed \$375.

*Example 5 to paragraph (g)*: An employee of the Department of Energy (DOE) and his spouse have been invited by a major utility executive to a small dinner party. A few other officials of the utility and their spouses or other guests are also invited, as is a representative of a consumer group concerned with utility rates and her spouse. The DOE official believes the dinner party will provide him an opportunity to socialize with and get to know those in attendance. The employee may not accept the free invitation under this exception, even if his attendance could be determined to be in the interest of the agency. The small dinner party is not a widely attended gathering. Nor could the employee be authorized to accept even if the event were instead a corporate banquet to which forty company officials and their spouses or other guests were invited. In this second case, notwithstanding the larger number of persons expected (as opposed to the small dinner party just noted) and despite the presence of the consumer group representative and her spouse who are not officials of the utility, those in attendance would still not represent a diversity of views

or interests. Thus, the company banquet would not qualify as a widely attended gathering under those circumstances either.

*Example 6 to paragraph (g):* An Assistant U.S. Attorney is invited to attend a luncheon meeting of a local bar association to hear a distinguished judge lecture on cross-examining expert witnesses. Although members of the bar association are assessed a \$15 fee for the meeting, the Assistant U.S. Attorney may accept the bar association's offer to attend for free, even without a determination of agency interest. The gift can be accepted under the \$20 gift exception at paragraph (a) of this section.

*Example 7 to paragraph (g):* An employee of the Department of the Interior authorized to speak on the first day of a four-day conference on endangered species may accept the sponsor's waiver of the conference fee for the first day of the conference under § 2635.203(b)(8). If the conference is widely attended, the employee may be authorized to accept the sponsor's offer to waive the attendance fee for the remainder of the conference if the agency designee has made a written determination that attendance is in the agency's interest.

*Example 8 to paragraph (g):* A military officer has been approved to attend a widely attended gathering, pursuant to paragraph (g) of this section, that will be held in the same city as the officer's duty station. The defense contractor sponsoring the event has offered to transport the officer in a limousine to the event. The officer may not accept the offer of transportation because the definition of "free attendance" set forth in § 2635.203(g) excludes travel, and the market value of the transportation would exceed \$20.

(h) *Social invitations.* An employee may accept food, refreshments, and entertainment, not including travel or lodgings, for the employee and an accompanying spouse or other guests, at a social event attended by several persons if:

(1) The invitation is unsolicited and is from a person who is not a prohibited source;

(2) No fee is charged to any person in attendance; and

(3) If either the sponsor of the event or the person extending the invitation to the employee is not an individual, the agency designee has made a written determination after finding that the employee's attendance would not cause a reasonable person with knowledge of the relevant facts to question the employee's integrity or impartiality, consistent with § 2635.201(b).

*Example 1 to paragraph (h):* An employee of the White House Press Office has been invited to a social dinner for current and former White House Press Officers at the home of an individual who is not a prohibited source. The employee may attend even if she is being invited because of her official position.

(i) *Meals, refreshments, and entertainment in foreign areas.* An

employee assigned to duty in, or on official travel to, a foreign area as defined in 41 CFR 300–3.1 may accept unsolicited food, refreshments, or entertainment in the course of a breakfast, luncheon, dinner, or other meeting or event provided:

(1) The market value in the foreign area of the food, refreshments or entertainment provided at the meeting or event, as converted to U.S. dollars, does not exceed the per diem rate for the foreign area specified in the U.S. Department of State's Maximum Per Diem Allowances for Foreign Areas, Per Diem Supplement Section 925 to the Standardized Regulations (GC–FA), available on the Internet at [www.state.gov](http://www.state.gov);

(2) There is participation in the meeting or event by non-U.S. citizens or by representatives of foreign governments or other foreign entities;

(3) Attendance at the meeting or event is part of the employee's official duties to obtain information, disseminate information, promote the export of U.S. goods and services, represent the United States, or otherwise further programs or operations of the agency or the U.S. mission in the foreign area; and

(4) The gift of meals, refreshments, or entertainment is from a person other than a foreign government as defined in 5 U.S.C. 7342(a)(2).

*Example 1 to paragraph (i):* A number of local business owners in a developing country are eager for a U.S. company to locate a manufacturing facility in their province. An official of the Overseas Private Investment Corporation may accompany the visiting vice president of the U.S. company to a dinner meeting hosted by the business owners at a province restaurant where the market value of the food and refreshments does not exceed the per diem rate for that country.

(j) *Gifts to the President or Vice President.* Because of considerations relating to the conduct of their offices, including those of protocol and etiquette, the President or the Vice President may accept any gift on his or her own behalf or on behalf of any family member, provided that such acceptance does not violate § 2635.205(a) or (b), 18 U.S.C. 201(b) or 201(c)(3), or the Constitution of the United States.

(k) *Gifts authorized by supplemental agency regulation.* An employee may accept any gift when acceptance of the gift is specifically authorized by a supplemental agency regulation issued with the concurrence of the Office of Government Ethics, pursuant to § 2635.105.

(l) *Gifts accepted under specific statutory authority.* The prohibitions on

acceptance of gifts from outside sources contained in this subpart do not apply to any item which a statute specifically authorizes an employee to accept. Gifts which may be accepted by an employee under the authority of specific statutes include, but are not limited to:

(1) Free attendance, course or meeting materials, transportation, lodgings, food and refreshments or reimbursements therefor incident to training or meetings when accepted by the employee under the authority of 5 U.S.C. 4111. The employee's acceptance must be approved by the agency in accordance with part 410 of this title; or

(2) Gifts from a foreign government or international or multinational organization, or its representative, when accepted by the employee under the authority of the Foreign Gifts and Decorations Act, 5 U.S.C. 7342. As a condition of acceptance, an employee must comply with requirements imposed by the agency's regulations or procedures implementing that Act.

(m) *Gifts of informational materials.*

(1) An employee may accept unsolicited gifts of informational materials, provided that:

(i) The aggregate market value of all informational materials received from any one person does not exceed \$100 in a calendar year; or

(ii) If the aggregate market value of all informational materials from the same person exceeds \$100 in a calendar year, an agency designee has made a written determination after finding that acceptance by the employee would not be inconsistent with the standard set forth in § 2635.201(b).

(2) *Informational materials* are writings, recordings, documents, records, or other items that:

(i) Are educational or instructive in nature;

(ii) Are not primarily created for entertainment, display, or decoration; and

(iii) Contain information that relates in whole or in part to the following categories:

(A) The employee's official duties or position, profession, or field of study;

(B) A general subject matter area, industry, or economic sector affected by or involved in the programs or operations of the agency; or

(C) Another topic of interest to the agency or its mission.

*Example 1 to paragraph (m):* An analyst at the Agricultural Research Service receives an edition of an agricultural research journal in the mail from a consortium of private farming operations concerned with soil toxicity. The journal edition has a market value of \$75. The analyst may accept the gift.

*Example 2 to paragraph (m):* An inspector at the Mine Safety and Health Administration

receives a popular novel with a market value of \$25 from a mine operator. Because the novel is primarily for entertainment purposes, the inspector may not accept the gift.

*Example 3 to paragraph (m):* An employee at the Department of the Army is offered an encyclopedia on cyberwarfare from a prohibited source. The cost of the encyclopedia is far in excess of \$100. The agency designee determines that acceptance of the gift would be inconsistent with the standard set out in § 2635.201(b). The employee may not accept the gift under paragraph (m) of this section.

#### **§ 2635.205 Limitations on use of exceptions.**

Notwithstanding any exception provided in this subpart, other than § 2635.204(j), an employee may not:

(a) Accept a gift in return for being influenced in the performance of an official act;

(b) Use, or permit the use of, the employee's Government position, or any authority associated with public office, to solicit or coerce the offering of a gift;

(c) Accept gifts from the same or different sources on a basis so frequent that a reasonable person would be led to believe the employee is using the employee's public office for private gain;

*Example 1 to paragraph (c):* A purchasing agent for a Department of Veterans Affairs medical center routinely deals with representatives of pharmaceutical manufacturers who provide information about new company products. Because of his crowded calendar, the purchasing agent has offered to meet with manufacturer representatives during his lunch hours Tuesdays through Thursdays, and the representatives routinely arrive at the employee's office bringing a sandwich and a soft drink for the employee. Even though the market value of each of the lunches is less than \$6 and the aggregate value from any one manufacturer does not exceed the \$50 aggregate limitation in § 2635.204(a) on gifts of \$20 or less, the practice of accepting even these modest gifts on a recurring basis is improper.

(d) Accept a gift in violation of any statute; relevant statutes applicable to all employees include, but are not limited to:

(1) 18 U.S.C. 201(b), which prohibits a public official from, directly or indirectly, corruptly demanding, seeking, receiving, accepting, or agreeing to receive or accept anything of value personally or for any other person or entity in return for being influenced in the performance of an official act; being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or for being induced to do or omit to do any action in violation of his

or her official duty. As used in 18 U.S.C. 201(b), the term "public official" is broadly construed and includes regular and special Government employees as well as all other Government officials; and

(2) 18 U.S.C. 209, which prohibits an employee, other than a special Government employee, from receiving any salary or any contribution to or supplementation of salary from any source other than the United States as compensation for services as a Government employee. The statute contains several specific exceptions to this general prohibition, including an exception for contributions made from the treasury of a State, county, or municipality;

(e) Accept a gift in violation of any Executive Order; or

(f) Accept any gift when acceptance of the gift is specifically prohibited by a supplemental agency regulation issued with the concurrence of the Office of Government Ethics, pursuant to § 2635.105.

#### **§ 2635.206 Proper disposition of prohibited gifts.**

(a) Unless a gift is accepted by an agency acting under specific statutory authority, an employee who has received a gift that cannot be accepted under this subpart must dispose of the gift in accordance with the procedures set forth in this section. The employee must promptly complete the authorized disposition of the gift. The obligation to dispose of a gift that cannot be accepted under this subpart is independent of an agency's decision regarding corrective or disciplinary action under § 2635.106.

(1) *Gifts of tangible items.* The employee must promptly return any tangible item to the donor or pay the donor its market value; or, in the case of a tangible item with a market value of \$100 or less, the employee may destroy the item. An employee who cannot ascertain the actual market value of an item may estimate its market value by reference to the retail cost of similar items of like quality.

*Example 1 to paragraph (a)(1):* A Department of Commerce employee received a \$25 T-shirt from a prohibited source after providing training at a conference. Because the gift would not be permissible under an exception to this subpart, the employee must either return or destroy the T-shirt or promptly reimburse the donor \$25. Destruction may be carried out by physical destruction or by permanently discarding the T-shirt by placing it in the trash.

*Example 2 to paragraph (a)(1):* To avoid public embarrassment to the seminar sponsor, an employee of the National Park Service did not decline a barometer worth \$200 given at the conclusion of his speech on

Federal lands policy. To comply with this section, the employee must either promptly return the barometer or pay the donor the market value of the gift. Alternatively, the National Park Service may choose to accept the gift if permitted under specific statutory gift acceptance authority. The employee may not destroy this gift, as the market value is in excess of \$100.

(2) *Gifts of perishable items.* When it is not practical to return a tangible item in accordance with paragraph (a)(1) of this section because the item is perishable, the employee may, at the discretion of the employee's supervisor or the agency designee, give the item to an appropriate charity, share the item within the recipient's office, or destroy the item.

*Example 1 to paragraph (a)(2):* With approval by the recipient's supervisor, a floral arrangement sent by a disability claimant to a helpful employee of the Social Security Administration may be placed in the office's reception area.

(3) *Gifts of intangibles.* The employee must promptly reimburse the donor the market value for any entertainment, favor, service, benefit or other intangible. Subsequent reciprocation by the employee does not constitute reimbursement.

*Example 1 to paragraph (a)(3):* A Department of Defense employee wishes to attend a charitable event to which he has been offered a \$300 ticket by a prohibited source. Although his attendance is not in the interest of the agency under § 2635.204(g), he may attend if he reimburses the donor the \$300 face value of the ticket.

(4) *Gifts from foreign governments or international organizations.* The employee must dispose of gifts from foreign governments or international organizations in accordance with 41 CFR part 102-42.

(b) An agency may authorize disposition or return of gifts at Government expense. Employees may use penalty mail to forward reimbursements required or permitted by this section.

(c) An employee who, on his or her own initiative, promptly complies with the requirements of this section will not be deemed to have improperly accepted an unsolicited gift. An employee who promptly consults his or her agency ethics official to determine whether acceptance of an unsolicited gift is proper and who, upon the advice of the ethics official, returns the gift or otherwise disposes of the gift in accordance with this section, will be considered to have complied with the requirements of this section on the employee's own initiative.

(d) Employees are encouraged to record any actions they have taken to

properly dispose of gifts that cannot be accepted under this subpart, such as by sending an electronic mail message to the appropriate agency ethics official or the employee's supervisor.

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## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

#### 7 CFR Part 1471

RIN 0551-AA90

#### Pima Agriculture Cotton Trust Fund and Agriculture Wool Apparel Manufacturers Trust Fund

**AGENCY:** Foreign Agricultural Service and Commodity Credit Corporation (CCC), USDA.

**ACTION:** Final rule.

**SUMMARY:** This final rule makes amendments to the final rule, with request for comments, published in the **Federal Register** on March 9, 2015, that established regulations for the Pima Agriculture Cotton Trust Fund (Agriculture Pima Trust) and the Agriculture Wool Apparel Manufacturers Trust Fund (Agriculture Wool Trust) programs. This final rule is amended based on comments received and to add details for the Refund of Duties Paid on Imports of Certain Wool Products (Wool Duty Refund) payment. The administration of the Wool Duty Refund payment was transferred to the United States Department of Agriculture (USDA) beginning in calendar year (CY) 2016 and assigned to the Foreign Agricultural Service (FAS). It was previously administered by the Customs and Border Protection Agency of the Department of Homeland Security.

**DATES:** This final rule is effective November 18, 2016.

**FOR FURTHER INFORMATION CONTACT:** Peter W. Burr, Import Policies and Export Reporting Division, Office of Trade Programs, Foreign Agricultural Service, USDA; email: [pimawool@fas.usda.gov](mailto:pimawool@fas.usda.gov), 202-720-3274.

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 9, 2015, FAS published a final rule, with request for comments, in the **Federal Register** (80 FR 12321) for the Agriculture Pima Trust and the Agriculture Wool Trust programs. The final rule, with request for comments, was published under RIN 0551-AA86. The final rule, with request for comments, established regulations and

sought comments for the Agriculture Pima Trust program and for three of the four payments under the Agriculture Wool Trust program. The Agriculture Pima Trust and Agriculture Wool Trust programs were established in the Agricultural Act of 2014 (Farm Bill). The Farm Bill transferred to USDA the responsibility for administering the Agriculture Pima Trust and three of the four payments under the Agriculture Wool Trust beginning in 2015, but transferred the fourth payment, the Wool Duty Refund, beginning in 2016.

#### Discussion of Comments

The following is a summary and discussion of the comments received relative to the Agriculture Pima Trust and the Agriculture Wool Trust programs along with the reasoning for the revisions made.

##### General

A commenter suggested that applicants not be required as noted in § 1471.1(b)(3)(iii), § 1471.1(b)(4), § 1471.10(b)(3)(iii), and § 1471.10(b)(4), to annually file IRS forms W-9 (U.S. person or resident alien) or the 1199A (direct deposit) with an application for either the Agriculture Pima Trust or Agriculture Wool Trust programs unless a change in the applicant's W-9 or 1199A information had occurred when compared to their previous year's application. This was deemed to be reasonable. Beginning in 2017, IRS forms W-9 and 1199A will only need to be filed if changes in the information have occurred.

A commenter noted that a technical correction is necessary in paragraphs (1) and (2) of § 1471.2(c) by closing the parentheses after the word "insurance." This correction will be made.

##### *Payments to Manufacturers of Certain Worsted Wool Fabrics*

A commenter identified an error common to paragraphs (b)(1)(ii) and (b)(2)(ii) of § 1471.11, Payments to manufacturers of certain worsted wool fabrics. The payment formula for payments to eligible persons is provided for under this section. The payment formula mistakenly states in paragraph (ii) that payments will be calculated based on the eligible person's production in the preceding year. However, the payments are actually based on the eligible person's production of qualifying worsted wool fabric during calendar years 1999, 2000, and 2001. This correction will be made.

##### *Free Trade Zones*

A commenter suggested that the scope of the monetization of the wool tariff rate quota payment as noted under § 1471.13(a)(2)(i) be expanded to include eligible entities, that are manufacturers and would otherwise be eligible for monetization payments, that import qualifying worsted wool into a free trade zone (FTZ), cut the wool and use it to make worsted wool suits for men and boys within the FTZ.

The monetization payment requires that the eligible entities receiving a monetization payment (1) import into the Customs territory of the United States the qualifying worsted wool directly or indirectly; (2) manufacture in the United States the qualifying worsted wool into worsted wool suits for men and boys; and (3) own the worsted wool at the time it's cut and manufactured.

An entity that manufactures the suits in an FTZ and does not export from the FTZ into the Customs territory of the United States the qualifying worsted wool directly or indirectly, does not qualify for this benefit because by definition the entity avoided paying the import duty on the qualifying worsted wool. However, an eligible entity that manufactures the suits in an FTZ and exports into the Customs territory of the United States the qualifying worsted wool directly or indirectly and thus pays the import duty on the qualifying worsted wool, does qualify for this benefit. For the purpose of the monetization payment, the worsted wool suits for men and boys are manufactured in the U.S. and all environmental, worker safety, and wage protection laws, etc., would apply to this manufacturer.

USDA will also broaden the scope of eligible entities as it pertains to the wool yarn, wool fiber, and wool top compensation payment found at § 1471.14(a)(2)(i) to include those operating within a FTZ.

##### *Definition of Eligible Person*

A commenter suggested that the definition of an eligible person found at § 1471.13(a)(2)(i) in the monetization of the wool tariff rate quota payment be modified to allow an eligible person to claim the annual dollar value and quantity of imported qualifying worsted wool fabric cut and sewn if the eligible person owned the wool at the time it was cut and sewn, whether the person actually cut and sewed the imported qualifying worsted wool or another person cut and sewed the wool on behalf of the eligible person. This was deemed reasonable and is already

# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## OFFICE OF GOVERNMENT ETHICS

### 5 CFR Part 2638

RIN 3209-AA42

#### Executive Branch Ethics Program Amendments

**AGENCY:** Office of Government Ethics (OGE).

**ACTION:** Final rule.

**SUMMARY:** The U.S. Office of Government Ethics is issuing a final rule amending the regulation that sets forth the elements and procedures of the executive branch ethics program. This comprehensive revision is informed by the experience gained over the last several decades administering the program, and was developed in consultation with agency ethics officials, the federal inspector general community, the Office of Personnel Management, and the Department of Justice. The final rule defines and describes the executive branch ethics program, delineates the responsibilities of various stakeholders, and enumerates key executive branch ethics procedures.

**DATES:** This final rule is effective January 1, 2017.

**FOR FURTHER INFORMATION CONTACT:** Monica Ashar, Assistant Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917; Telephone: (202) 482-9300; TTY: (800) 877-8339; FAX: (202) 482-9237.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The U.S. Office of Government Ethics (OGE) published a proposed rule in the *Federal Register*, 81 FR 36193, June 6, 2016, proposing to amend 5 CFR part 2638, The Executive Branch Ethics Program. Part 2638 sets forth the mission of the executive branch ethics program, the responsibilities of key

participants, and the procedures of the executive branch ethics program, as well as the procedures for government ethics education, correction of executive branch agency ethics programs, and corrective action involving individual employees.

These amendments, which are described in the preamble to the proposed rule, draw upon the collective experience of agency ethics officials across the executive branch and OGE as the supervising ethics office. They reflect extensive input from the executive branch ethics community and the inspector general community, as well as OGE's consultation with the Department of Justice (DOJ) and the Office of Personnel Management pursuant to 5 U.S.C. app. 402(b)(1). In short, they present a comprehensive picture of the executive branch ethics program, its responsibilities and its procedures, as reflected through nearly 40 years of interpreting and implementing the Ethics in Government Act of 1978, as amended (the Act), as well as other applicable statutes, regulations, Executive orders, and authorities.

The proposed rule provided a 60-day comment period, which ended on August 5, 2016. OGE received one set of timely and responsive comments, which were submitted by an individual. OGE also received one set of timely comments from an executive branch agency, but the agency withdrew its comments prior to the deadline. After carefully considering the individual's comments and making appropriate modifications, and for the reasons set forth below and in the preamble to the proposed rule, OGE is publishing this final rule.

OGE plans to issue several pieces of guidance to the executive branch ethics community in order to provide assistance and instruction regarding the implementation of these amendments. Additionally, OGE Desk Officers are available to answer questions from their respective agencies.

##### II. Summary of Comments and Changes to the Proposed Rule

###### General Comments

As noted above, OGE received one set of comments on the proposed rule. In several instances, the commenter proposed minor, largely technical changes in wording. These proposed

changes pertained to §§ 2638.107(g) and (h) (adding the words "payment for" before "travel"), 2638.202 (deleting the citation to section 402 of the Act), and 2638.204 (adding the words "filed with or" before "transmitted"). For various reasons, OGE has not adopted these recommendations. OGE did, however, adopt the commenter's recommendation at § 2638.207(a) to change "the" agency to "an" agency. The more substantive changes proposed by the commenter are discussed in further detail below.

Additionally, as described below, OGE is making several technical changes to provisions involving Inspectors General. OGE is making these changes based on its continuing collaboration with the federal inspector general community and with the Council of the Inspectors General on Integrity and Efficiency (CIGIE), of which the Director of OGE (Director) is a statutory member. OGE has taken into consideration the views of CIGIE, as expressed both in CIGIE meetings and in various communications with individual members of CIGIE and CIGIE's leadership. OGE believes the changes will increase the effectiveness of its ongoing coordination with CIGIE. These changes are intended to align the regulation more closely with the Act and the Inspector General Act of 1978, as amended (the Inspector General Act).

###### Subpart A—Mission and Responsibilities

Section 2638.101 sets forth the mission of the executive branch ethics program, which is to prevent conflicts of interest on the part of executive branch employees. The one commenter recommended revising the second sentence of § 2638.101(b), which describes the sources of potential conflicts of interest, so as to make the language clearer and to broaden the discussion of the mission to reference helping employees uphold their ethical responsibilities. Although OGE has revised this language for clarity consistent with the general aim of this comment, OGE has not adopted the specific recommendation to reference assistance to employees. Section 2638.101 is intended to articulate overarching, program-level principles, rather than focus on assisting employees individually.

OGE made several technical changes to § 2638.106, which describes the

government ethics responsibilities of Inspectors General. These changes were made to more accurately reflect their authority as set forth in section 6 of the Inspector General Act.

#### Subpart B—Procedures of the Executive Branch Ethics Program

Section 2638.206 establishes the requirement to provide the Director with notice of referrals made to DOJ regarding potential violations of criminal conflict of interest laws. OGE made several technical changes to this section to delete references to “agencies” in order to avoid potential confusion as to the appropriate channel for making required notifications. OGE sought neither to limit the independence of Inspectors General nor to exclude them from this regulatory requirement. OGE is, however, sensitive to general concerns about Inspector General independence and has eliminated the reference to “agencies” as a prophylactic measure to avoid creating any perception that Inspectors General would need to act in concert with various agency offices when filing the required notifications. Additionally, the one commenter suggested deleting the citation to section 402 of the Act from the undesignated paragraph of § 2638.206. As a result of the technical changes described above, the citation has been removed.

Related technical changes include deleting from § 2638.206(a) the 30-day deadline by which the Director must be notified of a referral to DOJ. This change aligns the regulation with the statutory language of 5 U.S.C. app. 402(e)(2), which requires notification “upon referral.” Accordingly, OGE also deleted the corresponding reference to the 30-day deadline from § 2638.604(n). Other technical changes include deleting the language at § 2638.206(b), which required the referring agency to provide the Director with certain information, because the provision was redundant of § 2638.202, “furnishing records and information generally.” In its place, OGE has added language committing that it will obtain the concurrence of CIGIE’s Chairperson before implementing substantive changes to the OGE Form 202. With this self-imposed requirement, OGE is choosing to institutionalize its current collaboration with CIGIE as to the processes and procedures related to referrals to DOJ for prosecution. This language is not intended to require formal action other than agreement between OGE’s Director and CIGIE’s Chairperson. Further, concurrence would not be required when merely updating references to telephone

numbers, email addresses, or similarly non-substantive information contained in the form. Finally, OGE deleted the language in § 2638.206(c) that recommended that an Inspector General, when making a covered referral to DOJ, provide the DAEO with copies of documents that are also provided to the Director. Because this provision offered only a recommendation, and would not have established a binding requirement, OGE found this language superfluous. The deletion of this language would not prevent an Inspector General from providing a DAEO with copies of documents, unless such disclosure were prohibited by law, and there may in fact be instances when OGE would encourage such sharing of documents in order to ensure that appropriate corrective action is taken.

Section 2638.209 sets forth the procedures for OGE’s formal advisory opinion service, including the criteria that the Director will consider when determining whether to issue a formal advisory opinion. The sole commenter suggested replacing the fifth criterion, “the interests of the executive branch ethics program” at § 2638.209(b)(5), with “the importance of the question to upholding the ethics responsibilities of employees, as listed in § 2638.102.” OGE has not adopted this recommendation. The fifth criterion could already reasonably encompass the standard the commenter proposed. As currently drafted, the fifth criterion has the advantage of supplementing the first four criteria, which are unchanged from the prior regulation.

#### Subpart C—Government Ethics Education

Section 2638.302 contains the definitions for the two training formats prescribed in subpart C. Regarding the definition of “live training” at § 2638.302(a), which requires that “the presenter personally communicate[] a substantial portion of the material at the same time as the employees being trained are receiving [it],” the sole commenter requested additional guidance on the minimum for satisfying the “substantial portion” criteria. He cites example 5, in which OGE demonstrates that the “substantial portion” standard can be met with at least a 20-minute discussion following a 40-minute video. Although the 40-minute video or other non-live material alone would not satisfy this criterion, coupling the non-live material with at least a 20-minute phone call would bring the training into compliance with the minimum standard. Further, the phone call and the video presentation are not required

to occur on the same day. Although OGE did not adopt the commenter’s recommendation, OGE emphasizes that the default, as illustrated in examples 1 through 4, will be for the presenter to personally communicate the material for the full duration or nearly the full duration of the training, except when to do so is impracticable.

Section 2638.304 sets forth the requirements for administering initial ethics training to new agency employees. The sole commenter observed that the deadlines for completion at § 2638.304(b) and (b)(1) are expressed in months, while the deadline at § 2638.304(a)(2)(iii) is expressed in days. He suggested that the deadlines in this section should be expressed consistently. In response, OGE is making the deadlines consistent by changing the deadline at § 2638.304(a)(2)(iii) from 90 days to 3 months. OGE selected 3 months rather than 90 days because a 3-month deadline would allow agencies to offer initial ethics training four times a year, whereas four 90-day periods would fall slightly short of a full year. The commenter also addressed the 60-day period pertaining to special Government employees at § 2638.304(b)(2), mistakenly characterizing it as a deadline. The 60-day period tracks provisions in the Act, 5 U.S.C. app. 101(d), and in criminal conflict of interest statutes, 18 U.S.C. 203 and 205, that modify certain requirements for employees who serve no more than 60 days in a year. OGE has not adopted the recommendation, which was based on an incorrect reading of the proposed rule. In considering this comment, however, OGE identified an error in its proposed language and made a technical correction at § 2638.304(b)(2), changing “less than 60 days” to “no more than 60 days” so as to conform to the statutory time frame. OGE also made the same technical correction at § 2638.305(b)(2)(ii).

OGE made a similar technical correction at § 2638.305(a) to remedy an inconsistency. In the proposed rule, OGE stated that this section, with some exceptions, “applies to public filers who are Senate-confirmed Presidential nominees and appointees.” At the same time, § 2638.305(b)(2)(ii) prescribes procedures for certain special Government employees who are “expected to serve for less than 60 days in a calendar year.” Because these individuals are not public filers, OGE deleted the words “public filers who are” in § 2638.305(a).

### Subpart E—Corrective Action Involving Individual Employees

Subpart E implements the limited authority of the Director to take certain actions against individual employees. The commenter challenged the authority of Inspectors General to investigate matters within DOJ's authority and recommended deleting language in §§ 2638.501 and 2638.502 authorizing referrals to Inspectors General. OGE has not adopted this recommendation. As noted above, OGE consulted with DOJ prior to submitting the proposed rule for publication, and DOJ did not object to this provision.

Section 2638.504 contains the procedures that OGE may use when the Director has reason to believe that an executive branch employee is violating or has violated a noncriminal government ethics law or regulation. OGE made two technical changes to this section. First, in § 2638.504(a), OGE is clarifying that, consistent with 5 U.S.C. app. 402(f)(2)(A)(ii)(II), the Presidential notification procedure is triggered only in connection with investigations to be initiated by agency heads. Second, in § 2638.504(b), OGE is clarifying that OGE may close only its own involvement in the matter. This provision was not intended to suggest that any other office would necessarily close its involvement.

### Subpart F—General Provisions

The sole commenter also raised a question regarding the definition of disciplinary action at § 2638.603 with respect to military officers. He asserted that the phrase “comparable provisions may include those in the Uniform Code of Military Justice” was “overly vague and largely beside the point.” In response to this comment and to avoid any confusion, OGE has deleted examples of disciplinary actions, as well as examples of provisions that may apply to employees who are not subject to title 5 of the United States Code. Because agencies interpret the authority under which they administer disciplinary actions, as well as determine specific disciplinary actions, OGE does not want this provision to be misconstrued as seeking to limit the authority of agencies.

As noted above in the discussion of § 2638.206(a), OGE has also deleted the language of § 2638.604(n) in the proposed regulation, which reiterated a deadline that has since been removed. As a result, OGE has also renumbered the subsequent paragraphs.

## III. Matters of Regulatory Procedure

### *Regulatory Flexibility Act*

As Director of the Office of Government Ethics, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this final rule would not have a significant economic impact on a substantial number of small entities because it primarily affects current and former federal executive branch employees.

### *Paperwork Reduction Act*

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this regulation does not contain information collection requirements that require approval of the Office of Management and Budget.

### *Unfunded Mandates Reform Act*

For purposes of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. chapter 5, subchapter II), this final rule would not significantly or uniquely affect small governments and will not result in increased expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (as adjusted for inflation) in any one year.

### *Executive Order 13563 and Executive Order 12866*

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select the regulatory approaches that maximize net benefits (including economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rulemaking has been designated as a “significant regulatory action” although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, this final rule has been reviewed by the Office of Management and Budget.

### *Executive Order 12988*

As Director of the Office of Government Ethics, I have reviewed this final rule in light of section 3 of Executive Order 12988, Civil Justice Reform, and certify that it meets the applicable standards provided therein.

### List of Subjects in 5 CFR Part 2638

Administrative practice and procedure, Conflict of interests, Government employees, Reporting and recordkeeping requirements.

Approved: October 27, 2016.

Walter M. Shaub, Jr.,

Director, Office of Government Ethics.

■ Accordingly, the Office of Government Ethics is revising 5 CFR part 2638 as set forth below:

## PART 2638—EXECUTIVE BRANCH ETHICS PROGRAM

### Subpart A—Mission and Responsibilities

Sec.

- 2638.101 Mission.
- 2638.102 Government ethics responsibilities of employees.
- 2638.103 Government ethics responsibilities of supervisors.
- 2638.104 Government ethics responsibilities of agency ethics officials.
- 2638.105 Government ethics responsibilities of lead human resources officials.
- 2638.106 Government ethics responsibilities of Inspectors General.
- 2638.107 Government ethics responsibilities of agency heads.
- 2638.108 Government ethics responsibilities of the Office of Government Ethics.

### Subpart B—Procedures of the Executive Branch Ethics Program

- 2638.201 In general.
- 2638.202 Furnishing records and information generally.
- 2638.203 Collection of public financial disclosure reports required to be submitted to the Office of Government Ethics.
- 2638.204 Collection of other public financial disclosure reports.
- 2638.205 Collection of confidential financial disclosure reports.
- 2638.206 Notice to the Director of certain referrals to the Department of Justice.
- 2638.207 Annual report on the agency's ethics program.
- 2638.208 Written guidance on the executive branch ethics program.
- 2638.209 Formal advisory opinions.
- 2638.210 Presidential transition planning.

### Subpart C—Government Ethics Education

- 2638.301 In general.
- 2638.302 Definitions.
- 2638.303 Notice to prospective employees.
- 2638.304 Initial ethics training.
- 2638.305 Additional ethics briefing for certain agency leaders.
- 2638.306 Notice to new supervisors.
- 2638.307 Annual ethics training for confidential filers and certain other employees.
- 2638.308 Annual ethics training for public filers.
- 2638.309 Agency-specific ethics education requirements.
- 2638.310 Coordinating the agency's ethics education program.

### Subpart D—Correction of Executive Branch Agency Ethics Programs

- 2638.401 In general.
- 2638.402 Informal action.
- 2638.403 Formal action.



**Subpart E—Corrective Action Involving Individual Employees**

- 2638.501 In general.  
 2638.502 Violations of criminal provisions related to government ethics.  
 2638.503 Recommendations and advice to employees and agencies.  
 2638.504 Violations of noncriminal provisions related to government ethics.

**Subpart F—General Provisions**

- 2638.601 Authority and purpose.  
 2638.602 Agency regulations.  
 2638.603 Definitions.  
 2638.604 Key program dates.

**Authority:** 5 U.S.C. App. 101–505; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

**Subpart A—Mission and Responsibilities****§ 2638.101 Mission.**

(a) *Mission.* The primary mission of the executive branch ethics program is to prevent conflicts of interest on the part of executive branch employees.

(b) *Breadth.* The executive branch ethics program works to ensure that public servants make impartial decisions based on the interests of the public when carrying out the governmental responsibilities entrusted to them, serve as good stewards of public resources, and loyally adhere to the Constitution and laws of the United States. In the broadest sense of the term, “conflicts of interest” stem from financial interests; business or personal relationships; misuses of official position, official time, or public resources; and the receipt of gifts. The mission is focused on both conflicts of interest and the appearance of conflicts of interest.

(c) *Conflicts-based program.* The executive branch ethics program is a conflicts-based program, rather than a solely disclosure-based program. While transparency is an invaluable tool for promoting and monitoring ethical conduct, the executive branch ethics program requires more than transparency. This program seeks to ensure the integrity of governmental decision making and to promote public confidence by preventing conflicts of interest. Taken together, the systems in place to identify and address conflicts of interest establish a foundation on which to build and sustain an ethical culture in the executive branch.

**§ 2638.102 Government ethics responsibilities of employees.**

Consistent with the fundamental principle that public service is a public trust, every employee in the executive branch plays a critical role in the executive branch ethics program. As

provided in the Standards of Conduct at part 2635 of this chapter, employees must endeavor to act at all times in the public’s interest, avoid losing impartiality or appearing to lose impartiality in carrying out official duties, refrain from misusing their offices for private gain, serve as good stewards of public resources, and comply with the requirements of government ethics laws and regulations, including any applicable financial disclosure requirements. Employees must refrain from participating in particular matters in which they have financial interests and, pursuant to § 2635.402(f) of this chapter, should notify their supervisors or ethics officials when their official duties create the substantial likelihood of such conflicts of interest. Collectively, the charge of employees is to make ethical conduct the hallmark of government service.

**§ 2638.103 Government ethics responsibilities of supervisors.**

Every supervisor in the executive branch has a heightened personal responsibility for advancing government ethics. It is imperative that supervisors serve as models of ethical behavior for subordinates. Supervisors have a responsibility to help ensure that subordinates are aware of their ethical obligations under the Standards of Conduct and that subordinates know how to contact agency ethics officials. Supervisors are also responsible for working with agency ethics officials to help resolve conflicts of interest and enforce government ethics laws and regulations, including those requiring certain employees to file financial disclosure reports. In addition, supervisors are responsible, when requested, for assisting agency ethics officials in evaluating potential conflicts of interest and identifying positions subject to financial disclosure requirements.

**§ 2638.104 Government ethics responsibilities of agency ethics officials.**

(a) *Appointment of a Designated Agency Ethics Official.* Each agency head must appoint a Designated Agency Ethics Official (DAEO). The DAEO is the employee with primary responsibility for directing the daily activities of the agency’s ethics program and coordinating with the Office of Government Ethics.

(b) *Qualifications necessary to serve as DAEO.* The following are necessary qualifications of an agency’s DAEO:

(1) The DAEO must be an employee at an appropriate level in the organization, such that the DAEO is able

to coordinate effectively with officials in relevant agency components and gain access to the agency head when necessary to discuss important matters related to the agency’s ethics program.

(2) The DAEO must be an employee who has demonstrated the knowledge, skills, and abilities necessary to manage a significant agency program, to understand and apply complex legal requirements, and to generate support for building and sustaining an ethical culture in the organization.

(3) On an ongoing basis, the DAEO must demonstrate the capacity to serve as an effective advocate for the executive branch ethics program, show support for the mission of the executive branch ethics program, prove responsive to the Director’s requests for documents and information related to the ethics program, and serve as an effective liaison with the Office of Government Ethics.

(4) In any agency with 1,000 or more employees, any DAEO appointed after the effective date of this regulation must be an employee at the senior executive level or higher, unless the agency has fewer than 10 positions at that level.

(c) *Responsibilities of the DAEO.*

Acting directly or through other officials, the DAEO is responsible for taking actions authorized or required under this subchapter, including the following:

(1) Serving as an effective liaison to the Office of Government Ethics;

(2) Maintaining records of agency ethics program activities;

(3) Promptly and timely furnishing the Office of Government Ethics with all documents and information requested or required under subpart B of this part;

(4) Providing advice and counseling to prospective and current employees regarding government ethics laws and regulations, and providing former employees with advice and counseling regarding post-employment restrictions applicable to them;

(5) Carrying out an effective government ethics education program under subpart C of this part;

(6) Taking appropriate action to resolve conflicts of interest and the appearance of conflicts of interest, through recusals, directed divestitures, waivers, authorizations, reassignments, and other appropriate means;

(7) Consistent with § 2640.303 of this chapter, consulting with the Office of Government Ethics regarding the issuance of waivers pursuant to 18 U.S.C. 208(b);

(8) Carrying out an effective financial disclosure program, by:

(i) Establishing such written procedures as are appropriate relative to



the size and complexity of the agency's financial disclosure program for the filing, review, and, when applicable, public availability of financial disclosure reports;

(ii) Requiring public and confidential filers to comply with deadlines and requirements for financial disclosure reports under part 2634 of this chapter and, in the event of noncompliance, taking appropriate action to address such noncompliance;

(iii) Imposing late fees in appropriate cases involving untimely filing of public financial disclosure reports;

(iv) Making referrals to the Inspector General or the Department of Justice in appropriate cases involving knowing and willful falsification of financial disclosure reports or knowing and willful failure to file financial disclosure reports;

(v) Reviewing financial disclosure reports, with an emphasis on preventing conflicts of interest;

(vi) Consulting, when necessary, with financial disclosure filers and their supervisors to evaluate potential conflicts of interest;

(vii) Timely certifying financial disclosure reports and taking appropriate action with regard to financial disclosure reports that cannot be certified; and

(viii) Using the information disclosed in financial disclosure reports to prevent and resolve potential conflicts of interest.

(9) Assisting the agency in its enforcement of ethics laws and regulations when agency officials:

(i) Make appropriate referrals to the Inspector General or the Department of Justice;

(ii) Take disciplinary or corrective action; and

(iii) Employ other means available to them.

(10) Upon request of the Office of Inspector General, providing that office with ready and active assistance with regard to the interpretation and application of government ethics laws and regulations, as well as the procedural requirements of the ethics program;

(11) Ensuring that the agency has a process for notifying the Office of Government Ethics upon referral, made pursuant to 28 U.S.C. 535, to the Department of Justice regarding a potential violation of a conflict of interest law, unless such notification would be prohibited by law;

(12) Providing agency officials with advice on the applicability of government ethics laws and regulations to special Government employees;

(13) Requiring timely compliance with ethics agreements, pursuant to part 2634, subpart H of this chapter;

(14) Conducting ethics briefings for certain agency leaders, pursuant to § 2638.305;

(15) Prior to any Presidential election, preparing the agency's ethics program for a potential Presidential transition; and

(16) Periodically evaluating the agency's ethics program and making recommendations to the agency regarding the resources available to the ethics program.

(d) *Appointment of an Alternate Designated Agency Ethics Official.* Each agency head must appoint an Alternate Designated Agency Ethics Official (ADAEO). The ADAEO serves as the primary deputy to the DAEO in the administration of the agency's ethics program. Together, the DAEO and the ADAEO direct the daily activities of an agency's ethics program and coordinate with the Office of Government Ethics. The ADAEO must be an employee who has demonstrated the skills necessary to assist the DAEO in the administration of the agency's ethics program.

(e) *Program support by additional ethics officials and other individuals.* Subject to approval by the DAEO or the agency head, an agency may designate additional ethics officials and other employees to assist the DAEO in carrying out the responsibilities of the ethics program, some of whom may be designated "deputy ethics officials" for purposes of parts 2635 and 2636 of this chapter. The agency is responsible for ensuring that these employees have the skills and expertise needed to perform their assigned duties related to the ethics program and must provide appropriate training to them for this purpose. Although the agency may appoint such officials as are necessary to assist in carrying out functions of the agency's ethics program, they will be subject to the direction of the DAEO with respect to the functions of the agency's ethics program described in this chapter. The DAEO retains authority to make final decisions regarding the agency's ethics program and its functions, subject only to the authority of the agency head and the Office of Government Ethics.

(f) *Ethics responsibilities that may be performed only by the DAEO or ADAEO.* In addition to any items reserved for action by the DAEO or ADAEO in other parts of this chapter, only the DAEO or ADAEO may carry out the following responsibilities:

(1) Request approval of supplemental agency regulations, pursuant to § 2635.105 of this chapter;

(2) Recommend a separate component designation, pursuant to § 2641.302(e) of this chapter;

(3) Request approval of an alternative means for collecting certain public financial disclosure reports, pursuant to § 2638.204(c);

(4) Request determinations regarding public reporting requirements, pursuant to §§ 2634.202(c), 2634.203, 2634.205, and 2634.304(f) of this chapter;

(5) Make determinations, other than exceptions in individual cases, regarding the means the agency will use to collect public or confidential financial disclosure reports, pursuant to §§ 2638.204 and 2638.205;

(6) Request an alternative procedure for filing confidential financial disclosure reports, pursuant to § 2634.905(a) of this chapter;

(7) Request a formal advisory opinion on behalf of the agency or a prospective, current, or former employee of that agency, pursuant to § 2638.209(d); and

(8) Request a certificate of divestiture, pursuant to § 2634.1005(b) of this chapter.

#### **§ 2638.105 Government ethics responsibilities of lead human resources officials.**

(a) The lead human resources official, as defined in § 2638.603, acting directly or through delegees, is responsible for:

(1) Promptly notifying the DAEO of all appointments to positions that require incumbents to file public or confidential financial disclosure reports, with the notification occurring prior to appointment whenever practicable but in no case occurring more than 15 days after appointment; and

(2) Promptly notifying the DAEO of terminations of employees in positions that require incumbents to file public financial disclosure reports, with the notification occurring prior to termination whenever practicable but in no case occurring more than 15 days after termination.

(b) The lead human resources official may be assigned certain additional ethics responsibilities by the agency.

(1) If an agency elects to assign such responsibilities to human resources officials, the lead human resources official is responsible for coordinating, to the extent necessary and practicable, with the DAEO to support the agency's ethics program;

(2) If the lead human resources official is responsible for conducting ethics training pursuant to subpart C of this part, that official must follow the DAEO's directions regarding applicable requirements, procedures, and the qualifications of any presenters, consistent with the requirements of this chapter;

(3) If the lead human resources official is responsible for issuing the required government ethics notices in written offers of employment, pursuant to § 2638.303, or providing supervisory ethics notices, pursuant to § 2638.306, that official must comply with any substantive and procedural requirements established by the DAEO, consistent with the requirements of this chapter; and

(4) To the extent applicable, the lead human resources official is required to provide the DAEO with a written summary and confirmation regarding procedures for implementing certain requirements of subpart C of this part by January 15 each year, pursuant to § 2638.310.

(c) Nothing in this section prevents an agency head from delegating the duties described in paragraph (b) of this section to another agency official. In the event that an agency head delegates the duties described in paragraph (b) of this section to an agency official other than the lead human resources official, the requirements of paragraph (b) of this section will apply to that official.

#### **§ 2638.106 Government ethics responsibilities of Inspectors General.**

An agency's Inspector General has authority to conduct investigations of suspected violations of conflict of interest laws and other government ethics laws and regulations. An Inspector General is responsible for giving due consideration to a request made pursuant to section 403 of the Ethics in Government Act of 1978 (the "Act") by the Office of Government Ethics for investigation of a possible violation of a government ethics law or regulation. Inspectors General provide the Office of Government Ethics notification of certain referrals to the Department of Justice, pursuant to § 2638.206. Inspectors General may consult with the Director for legal guidance on the application of government ethics laws and regulations, except that the Director may not make any finding as to whether a provision of title 18, United States Code, or any criminal law of the United States outside of such title, has been or is being violated. Nothing in this section will be construed to limit or otherwise affect the authority of an Inspector General under section 6 of the Inspector General Act of 1978, as amended, including the authority under section 6(a)(2) to make such investigations and reports relating to the administration of the programs and operations of the applicable establishment as are, in the judgment of the Inspector General, necessary or desirable.

#### **§ 2638.107 Government ethics responsibilities of agency heads.**

The agency head is responsible for, and will exercise personal leadership in, establishing and maintaining an effective agency ethics program and fostering an ethical culture in the agency. The agency head is also responsible for:

(a) Designating employees to serve as the DAEO and ADAEO and notifying the Director in writing within 30 days of such designation;

(b) Providing the DAEO with sufficient resources, including staffing, to sustain an effective ethics program;

(c) Requiring agency officials to provide the DAEO with the information, support, and cooperation necessary for the accomplishment of the DAEO's responsibilities;

(d) When action is warranted, enforcing government ethics laws and regulations through appropriate referrals to the Inspector General or the Department of Justice, investigations, and disciplinary or corrective action;

(e) Requiring that violations of government ethics laws and regulations, or interference with the functioning of the agency ethics program, be appropriately considered in evaluating the performance of senior executives;

(f) Requiring the Chief Information Officer and other appropriate agency officials to support the DAEO in using technology, to the extent practicable, to carry out ethics program functions such as delivering interactive training and tracking ethics program activities;

(g) Requiring appropriate agency officials to submit to the Office of Government Ethics, by May 31 each year, required reports of travel accepted by the agency under 31 U.S.C. 1353 during the period from October 1 through March 31;

(h) Requiring appropriate agency officials to submit to the Office of Government Ethics, by November 30 each year, required reports of travel accepted by the agency under 31 U.S.C. 1353 during the period from April 1 through September 30; and

(i) Prior to any Presidential election, supporting the agency's ethics program in preparing for a Presidential transition.

#### **§ 2638.108 Government ethics responsibilities of the Office of Government Ethics.**

The Office of Government Ethics is the supervising ethics office for the executive branch, providing overall leadership and oversight of the executive branch ethics program designed to prevent and resolve conflicts of interest. The Office of

Government Ethics has the authorities and functions established in the Act.

(a) *Authorities and functions.* Among other authorities and functions, the Office of Government Ethics has the authorities and functions described in this section.

(1) The Office of Government Ethics issues regulations regarding conflicts of interest, standards of conduct, financial disclosure, requirements for agency ethics programs, and executive branch-wide systems of records for government ethics records. In issuing any such regulations, the Office of Government Ethics will, to the full extent required under the Act and any Executive order, coordinate with the Department of Justice and the Office of Personnel Management. When practicable, the Office of Government Ethics will also consult with a diverse group of selected agency ethics officials that represents a cross section of executive branch agencies to ascertain representative views of the DAEO community when developing substantive revisions to this chapter.

(2) The Office of Government Ethics reviews and approves or disapproves agency supplemental ethics regulations.

(3) The Office of Government Ethics issues formal advisory opinions to interested parties, pursuant to § 2638.209. When developing a formal advisory opinion, the Office of Government Ethics will provide interested parties with an opportunity to comment.

(4) The Office of Government Ethics issues guidance and informal advisory opinions, pursuant to § 2638.208. When practicable, the Office of Government Ethics will consult with selected agency ethics officials to ascertain representative views of the DAEO community when developing guidance or informal advisory opinions that the Director determines to be of significant interest to a broad segment of the DAEO community.

(5) The Office of Government Ethics supports agency ethics officials through such training, advice, and counseling as the Director deems necessary.

(6) The Office of Government Ethics provides assistance in interpreting government ethics laws and regulations to executive branch Offices of Inspector General and other executive branch entities.

(7) When practicable, the Office of Government Ethics convenes quarterly executive branch-wide meetings of key agency ethics officials. When the Office of Government Ethics convenes a major executive branch-wide training event, the event normally serves in place of a quarterly meeting.

(8) Pursuant to sections 402(b)(10) and 403 of the Act, the Director requires agencies to furnish the Office of Government Ethics with all information, reports, and records which the Director determines to be necessary for the performance of the Director's duties, except when such a release is prohibited by law.

(9) The Office of Government Ethics conducts reviews of agency ethics programs in order to ensure their compliance with program requirements and to ensure their effectiveness in advancing the mission of the executive branch-wide ethics program. The Office of Government Ethics also conducts single-issue reviews of individual agencies, groups of agencies, or the executive branch ethics program as a whole.

(10) The Office of Government Ethics reviews financial disclosure reports filed by employees, former employees, nominees, candidates for the Office of the President of the United States, and candidates for the Office of the Vice President of the United States who are required to file executive branch financial disclosure reports with the Office of Government Ethics pursuant to sections 101, 103(c), and 103(l) of the Act.

(11) By January 15 each year, the Office of Government Ethics issues year-end reports to agencies regarding their compliance with the obligations, pursuant to section 103(c) of the Act and part 2634 of this chapter:

(i) To timely transmit the annual public financial disclosure reports of certain high-level officials to the Office of Government Ethics; and

(ii) To promptly submit such additional information as is necessary to obtain the Director's certification of the reports.

(12) The Office of Government Ethics oversees the development of ethics agreements between agencies and Presidential nominees for positions in the executive branch requiring Senate confirmation and tracks compliance with such agreements. The Office of Government Ethics also maintains a guide that provides sample language for ethics agreements of Presidential nominees requiring Senate confirmation.

(13) The Office of Government Ethics proactively assists Presidential Transition Teams in support of effective and efficient Presidential transitions and, to the extent practicable, may provide Presidential campaigns with advice and counsel on preparing for Presidential transitions.

(14) The Office of Government Ethics orders such corrective action on the part

of an agency as the Director deems necessary, pursuant to subpart D of this part, and such corrective action on the part of individual executive branch employees as the Director deems necessary, pursuant to subpart E of this part.

(15) The Office of Government Ethics makes determinations regarding public financial disclosure requirements, pursuant to §§ 2634.202(c), 2634.203, 2634.205, and 2634.304(f) of this chapter.

(16) The Office of Government Ethics conducts outreach to inform the public of matters related to the executive branch ethics program.

(17) The Director and the Office of Government Ethics take such other actions as are necessary and appropriate to carry out their responsibilities under the Act.

(b) *Other authorities and functions.* Nothing in this subpart or this chapter limits the authority of the Director or the Office of Government Ethics under the Act.

## **Subpart B—Procedures of the Executive Branch Ethics Program**

### **§ 2638.201 In general.**

This subpart establishes certain procedures of the executive branch ethics program. The procedures set forth in this subpart are in addition to procedures established elsewhere in this chapter and in the program advisories and other issuances of the Office of Government Ethics.

### **§ 2638.202 Furnishing records and information generally.**

Consistent with sections 402 and 403 of the Act, each agency must furnish to the Director all information and records in its possession which the Director deems necessary to the performance of the Director's duties, except to the extent prohibited by law. All such information and records must be provided to the Office of Government Ethics in a complete and timely manner.

### **§ 2638.203 Collection of public financial disclosure reports required to be submitted to the Office of Government Ethics.**

The public financial disclosure reports of individuals, other than candidates for elected office and elected officials, whose reports are required by section 103 of the Act to be transmitted to the Office of Government Ethics will be transmitted through the executive branch-wide electronic filing system of the Office of Government Ethics, except in cases in which the Director determines that using that system would be impracticable.

### **§ 2638.204 Collection of other public financial disclosure reports.**

This section establishes the procedure that the executive branch ethics program will use to collect, pursuant to section 101 of the Act, public financial disclosure reports of individuals whose reports are not required by section 103 of the Act to be transmitted to the Office of Government Ethics.

(a) *General.* Subject to the exclusions and exceptions in paragraphs (b) through (d) of this section, the public financial disclosure reports required by part 2634 of this chapter will be collected through the executive branch-wide electronic filing system of the Office of Government Ethics.

(b) *Exclusions.* This section does not apply to persons whose financial disclosure reports are covered by section 105(a)(1) or (2) of the Act, persons whose reports are required by section 103 of the Act to be transmitted to the Office of Government Ethics, or such other persons as the Director may exclude from the coverage of this section in the interest of the executive branch ethics program.

(c) *Authorization to collect public reports in paper format or through a legacy electronic filing system.* Upon written request signed by the DAEO or ADAEO and by the Chief Information Officer, the Director of the Office of Government Ethics may authorize an agency in the interest of the executive branch ethics program to collect public financial disclosure reports in paper format or through a legacy electronic filing system other than the executive branch-wide electronic filing system of the Office of Government Ethics. The Director may rescind any such authorization based on a written determination that the rescission promotes the efficiency or effectiveness of the executive branch ethics program, but only after providing the agency with advance written notice and an opportunity to respond. The rescission will become effective on January 1 of a subsequent calendar year, but not less than 24 months after notice is provided.

(d) *Exceptions in cases of extraordinary circumstances or temporary technical difficulties.* Based on a determination that extraordinary circumstances or temporary technical difficulties make the use of an electronic filing system impractical, the DAEO or ADAEO may authorize an individual to file a public financial disclosure report using such alternate means of filing as are authorized in the program advisories of the Office of Government Ethics. To the extent practicable, agencies should limit the number of exceptions they grant under this paragraph each year.

The Director may suspend an agency's authority to grant exceptions under this paragraph when the Director is concerned that the agency may be granting exceptions unnecessarily or in a manner that is inconsistent with § 2638.601(c). Nothing in this paragraph limits the authority of the agency to excuse an employee from filing electronically to the extent necessary to provide reasonable accommodations under the Rehabilitation Act of 1973 (Pub. L. 93–112), as amended, or other applicable legal authority.

**§ 2638.205 Collection of confidential financial disclosure reports.**

This section establishes the procedure that the executive branch will use to collect confidential financial disclosure reports from employees of the executive branch. To the extent not inconsistent with part 2634 of this chapter or with the approved forms, instructions, and other guidance of the Office of Government Ethics, the DAEO of each agency will determine the means by which the agency will collect confidential financial disclosure reports, including a determination as to whether the agency will collect such reports in either paper or electronic format. Nothing in this paragraph limits the authority of the agency to provide reasonable accommodations under the Rehabilitation Act of 1973 (Pub. L. 93–112), as amended, or other applicable legal authority.

**§ 2638.206 Notice to the Director of certain referrals to the Department of Justice.**

This section establishes the requirement to provide the Director with notice of certain referrals.

(a) Upon any referral made pursuant to 28 U.S.C. 535 to the Department of Justice regarding a potential violation of a conflict of interest law, the referring office must notify the Director of the referral by filing a completed OGE Form 202 with the Director, unless prohibited by law.

(b) In order to ensure effective coordination of this section, the Office of Government Ethics will obtain the concurrence of the Chairperson of the Council of the Inspectors General on Integrity and Efficiency before implementing substantive changes to the OGE Form 202.

(c) If an agency's procedures authorize an official outside the Office of Inspector General to make a referral covered by this section, that official must provide the Inspector General and the DAEO with copies of documents provided to the Director pursuant this section, unless prohibited by law.

**§ 2638.207 Annual report on the agency's ethics program.**

(a) By February 1 of each year, an agency must file with the Office of Government Ethics, pursuant to section 402(e)(1) of the Act, a report containing such information about the agency's ethics program as is requested by the Office of Government Ethics. The report must be filed electronically and in a manner consistent with the instructions of the Office of Government Ethics.

(b) In order to facilitate the collection of required information by agencies, the Office of Government Ethics will provide agencies with advance notice regarding the contents of the report prior to the beginning of the reporting period for information that would be expected to be tracked over the course of the reporting period. Otherwise, it will provide as much notice as practicable, taking into consideration the effort required to collect the information.

**§ 2638.208 Written guidance on the executive branch ethics program.**

This section describes several means by which the Office of Government Ethics provides agencies, employees, and the public with guidance regarding its legal interpretations, program requirements, and educational offerings. Normally, guidance documents are published on the official Web site of the Office of Government Ethics.

(a) *Legal advisories.* The Office of Government Ethics issues legal advisories, which are memoranda regarding the interpretation of government ethics laws and regulations. They are intended primarily to provide education and notice to executive branch ethics officials; prospective, current, and former executive branch employees; and individuals who interact with the executive branch.

(b) *Program advisories.* The Office of Government Ethics issues program advisories, which are memoranda regarding the requirements or procedures applicable to the executive branch ethics program and individual agency ethics programs. They are intended primarily to instruct agencies on uniform procedures for the executive branch ethics program.

(c) *Informal advisory opinions.* Upon request or upon its own initiative, the Office of Government Ethics issues informal advisory opinions. Informal advisory opinions address subjects that in the opinion of the Director do not meet the criteria for issuance of formal advisory opinions. They are intended primarily to provide guidance to individuals and illustrate the application of government ethics laws

and regulations to specific circumstances.

**§ 2638.209 Formal advisory opinions.**

This section establishes the formal advisory opinion service of the Office of Government Ethics.

(a) *General.* The Office of Government Ethics renders formal advisory opinions pursuant to section 402(b)(8) of the Act. A formal advisory opinion will be issued when the Director determines that the criteria and requirements established in this section are met.

(b) *Subjects of formal advisory opinions.* Formal advisory opinions may be rendered on matters of general applicability or important matters of first impression concerning the application of the Act; Executive Order 12674 of April 12, 1989, as modified by Executive Order 12731 of October 17, 1990; 18 U.S.C. 202–209; and regulations interpreting or implementing these authorities. In determining whether to issue a formal advisory opinion, the Director will consider:

- (1) The unique nature of the question and its precedential value;
- (2) The potential number of employees throughout the government affected by the question;
- (3) The frequency with which the question arises;
- (4) The likelihood or presence of inconsistent interpretations on the same question by different agencies; and
- (5) The interests of the executive branch ethics program.

(c) *Role of the formal advisory opinion service.* The formal advisory opinion service of the Office of Government Ethics is not intended to replace the government ethics advice and counseling programs maintained by executive branch agencies. Normally, formal advisory opinions will not be issued with regard to the types of questions appropriately directed to an agency's DAEO. If a DAEO receives a request that the DAEO believes might appropriately be answered by the Office of Government Ethics through a formal advisory opinion, the DAEO will consult informally with the General Counsel of the Office of Government Ethics for instructions as to whether the matter should be referred to the Office of Government Ethics or retained by the agency for handling. Except in unusual circumstances, the Office of Government Ethics will not render formal advisory opinions with respect to hypothetical situations posed in requests for formal advisory opinions. At the discretion of the Director, however, the Office of Government Ethics may render formal advisory

opinions on certain proposed activities or financial transactions.

(d) *Eligible persons.* Any person may request an opinion with respect to a situation in which that person is directly involved, and an authorized representative may request an opinion on behalf of that person. However, an employee will normally be required to seek an opinion from the agency's DAEO before requesting a formal advisory opinion from the Office of Government Ethics. In addition, a DAEO may request a formal advisory opinion on behalf of the agency or a prospective, current, or former employee of that agency.

(e) *Submitting a request for a formal advisory opinion.* The request must be submitted either by electronic mail addressed to [ContactOGE@oge.gov](mailto:ContactOGE@oge.gov) or by mail, through either the United States Postal Service or a private shipment service, to the Director of the Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005–3917. Personal deliveries will not be accepted.

(f) *Requirements for request.* The request must include:

- (1) An express statement indicating that the submission is a request for a formal advisory opinion;
- (2) The name, street address, and telephone number of the person requesting the opinion;
- (3) The name, street address, and telephone number of any representative of that person;
- (4) All material facts necessary for the Director to render a complete and correct opinion;
- (5) The date of the request and the signature of either the requester or the requester's representative; and
- (6) In the case of a request signed by a representative, a written designation of the representative that is dated and signed by the requester.

(g) *Optional materials.* At the election of the requester, the request may also include legal memoranda or other material relevant to the requested formal advisory opinion.

(h) *Additional information.* The Director may request such additional information or documentation as the Director deems necessary to the development of a formal advisory opinion, from either the requester or other sources. If the requester or the requester's representative fails to cooperate with such a request, the Office of Government Ethics normally will close the matter without issuing a formal advisory opinion.

(i) *Comments from interested parties.* The Office of Government Ethics will, to the extent practicable, solicit written

comments on a request by posting a prominent notice on its official Web site. Any such notice will summarize relevant information in the request, provide interested parties 30 days to submit written comments, and include instructions for submitting written comments. Written comments submitted after the deadline will be considered only at the discretion of the Director.

(j) *Consultation with the Department of Justice.* Whenever the Office of the Government Ethics is considering rendering a formal advisory opinion, the Director will consult with the Office of Legal Counsel of the Department of Justice sufficiently in advance to afford that office an opportunity to review the matter. In addition, whenever a request involves an actual or apparent violation of any provision of 18 U.S.C. 202–209, the Director will consult with the Criminal Division of the Department of Justice. If the Criminal Division determines that an investigation or prosecution will be undertaken, the Director will take no further action on the request, unless the Criminal Division makes a determination not to prosecute.

(k) *Consultation with other executive branch officials.* The Director will consult with such other executive branch officials as the Director deems necessary to ensure thorough consideration of issues and information relevant to the request by the Office of Government Ethics. In the case of a request submitted by a prospective or current employee, the Director will share a copy of the request with the DAEO of the employee's agency.

(l) *Publication.* The Office of Government Ethics will publish each formal advisory opinion on its official Web site. Prior to publishing a formal advisory opinion on its Web site, the Office of Government Ethics will delete information that identifies individuals involved and that is unnecessary to a complete understanding of the opinion.

(m) *Reliance on formal advisory opinions.* (1) Any formal advisory opinion referred to in this section or any provisions or finding of a formal advisory opinion involving the application of the Act or the regulations promulgated pursuant to the Act or Executive order may be relied upon by:

(i) Any person directly involved in the specific transaction or activity with respect to which such advisory opinion has been rendered; and

(ii) Any person directly involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such formal advisory opinion was rendered.

(2) Any person who relies upon any provision or finding of any formal advisory opinion in accordance with this paragraph and who acts in good faith in accordance with the provisions and findings of such opinion will not, as a result of such act, be subject to prosecution under 18 U.S.C. 202–209 or, when the opinion is exculpatory, be subject to any disciplinary action or civil action based upon legal authority cited in that opinion.

#### **§ 2638.210 Presidential transition planning.**

Prior to any Presidential election, each agency has a responsibility to prepare its agency ethics program for a Presidential transition. Such preparations do not constitute support for a particular candidate and are not reflective of a belief regarding the likely outcome of the election; rather, they reflect an understanding that agencies are responsible for ensuring the continuity of government operations.

(a) *Preparing the ethics program for a transition.* The agency head or the DAEO must, not later than 12 months before any Presidential election, evaluate whether the agency's ethics program has an adequate number of trained agency ethics officials to effectively support a Presidential transition.

(b) *Support by the Office of Government Ethics.* In connection with any Presidential election, the Office of Government Ethics will:

(1) Prior to the election, offer training opportunities for agency ethics officials on counseling departing noncareer appointees on post-employment restrictions, reviewing financial disclosure reports, drafting ethics agreements for Presidential nominees, and counseling new noncareer appointees on conflict of interest laws and the Standards of Conduct; and

(2) After the election, in the event of a Presidential transition, proactively assist the Presidential Transition Team in preparing for Presidential nominations, coordinate with agency ethics officials, and develop plans to implement new initiatives related to government ethics.

#### **Subpart C—Government Ethics Education**

##### **§ 2638.301 In general.**

Every agency must carry out a government ethics education program to teach employees how to identify government ethics issues and obtain assistance in complying with government ethics laws and regulations. An agency's failure to comply with any

of the education or notice requirements set forth in this subpart does not exempt an employee from applicable government ethics requirements.

#### § 2638.302 Definitions.

The following definitions apply to the format of the various types of training required in this subpart. The agency may deviate from these prescribed formats to the extent necessary to provide reasonable accommodations to participants under the Rehabilitation Act of 1973 (Pub. L. 93–112), as amended, or other applicable legal authority.

(a) *Live*. A training presentation is considered live if the presenter personally communicates a substantial portion of the material at the same time as the employees being trained are receiving the material, even if part of the training is prerecorded or automated. The training may be delivered in person or through video or audio technology. The presenter must respond to questions posed during the training and provide instructions for participants to submit questions after the training.

*Example 1.* An agency ethics official provides a presentation regarding government ethics and takes questions from participants who are assembled in a training room with the ethics official. At the end of the session, the ethics official provides contact information for participants who wish to pose additional questions. This training is considered live.

*Example 2.* An agency ethics official provides a presentation to a group of employees in an auditorium. She presents an introduction and a brief overview of the material that will be covered in the training. She has participants watch a prerecorded video regarding government ethics. She stops the video frequently to elaborate on key concepts and offer participants opportunities to pose questions before resuming the video. At the end of the session, she recaps key concepts and answers additional questions. She then provides contact information for employees who wish to pose additional questions. This training is considered live.

*Example 3.* The ethics official in Example 2 arranges for several Senate-confirmed public filers stationed outside of headquarters to participate in the live training via streaming video or telephone. For these remote participants, the ethics official also establishes a means for them to pose questions during the training, such as by emailing questions to her assistant. She also provides these remote participants with instructions for contacting the ethics office to pose additional questions after the training. This training is also considered live for the remote participants.

*Example 4.* Agency ethics officials present training via a telephone conference. A few dozen agency employees dial into the conference call. The ethics officials take questions that are submitted by email and provide contact information for employees

who wish to pose additional questions later. This training is considered live.

*Example 5.* Several Senate-confirmed public filers required to complete live training in a particular year are stationed at various facilities throughout the country. For these filers, an ethics official schedules a 20-minute conference call, emails them copies of the written materials and a link to a 40-minute video on government ethics, and instructs them to view the video before the conference call. During the conference call, the ethics official recaps key concepts, takes questions, and provides his contact information in case participants have additional questions. The public filers then confirm by email that they watched the video and participated in the conference call. This training is considered live because a substantial portion of the training was live.

(b) *Interactive*. A training presentation is considered interactive if the employee being trained is required to take an action with regard to the subject of the training. The required action must involve the employee's use of knowledge gained through the training and may not be limited to merely advancing from one section of the training to another section. Training that satisfies the requirements of paragraph (a) of this section will also satisfy the requirements of this paragraph.

*Example 1.* An automated system allows employees to view a prerecorded video in which an agency ethics official provides training. At various points, the system poses questions and an employee selects from among a variety of possible answers. The system provides immediate feedback as to whether the selections are correct or incorrect. When the employee's selections are incorrect, the system displays the correct answer and explains the relevant concepts. This training is considered interactive.

*Example 2.* If, instead of a video, the training described in Example 1 were to include animated or written materials interspersed with questions and answers, the training would still be considered interactive.

*Example 3.* A DAEO emails materials to employees who are permitted under part 2638 to complete interactive training. The materials include a written training presentation, questions, and space for employees to provide written responses. Employees are instructed to submit their answers to agency ethics officials, who provide individualized feedback. This training is considered interactive.

*Example 4.* A DAEO emails materials to employees who are permitted under part 2638 to complete interactive training. The materials include a written training presentation, questions, and an answer key. The DAEO also distributes instructions for contacting an ethics official with any questions about the subjects covered. This training meets the minimum requirements to be considered interactive, even though the employees are not required to submit their answers for review and feedback. However, any DAEO who uses this minimally interactive format is encouraged to provide

employees with other opportunities for more direct and personalized feedback.

#### § 2638.303 Notice to prospective employees.

Written offers of employment for positions covered by the Standards of Conduct must include the information required in this section to provide prospective employees with notice of the ethical obligations associated with the positions.

(a) *Content*. The written offer must include, in either the body of the offer or an attachment:

(1) A statement regarding the agency's commitment to government ethics;

(2) Notice that the individual will be subject to the Standards of Conduct and the criminal conflict of interest statutes as an employee;

(3) Contact information for an appropriate agency ethics office or an explanation of how to obtain additional information on applicable ethics requirements;

(4) Where applicable, notice of the time frame for completing initial ethics training; and

(5) Where applicable, a statement regarding financial disclosure requirements and an explanation that new entrant reports must be filed within 30 days of appointment.

(b) *DAEO's authority*. At the election of the DAEO, the DAEO may specify the language that the agency will use in the notice required under paragraph (a) of this section or may approve, disapprove, or revise language drafted by other agency officials.

(c) *Tracking*. Each agency must establish written procedures, which the DAEO must review each year, for issuing the notice required in this section. In the case of an agency with 1,000 or more employees, the DAEO must review any submissions under § 2638.310 each year to confirm that the agency has implemented an appropriate process for meeting the requirements of this section.

#### § 2638.304 Initial ethics training.

Each new employee of the agency subject to the Standards of Conduct must complete initial ethics training that meets the requirements of this section.

(a) *Coverage*. (1) This section applies to each employee appointed to a position in an agency who was not an employee of the agency immediately prior to that appointment. This section also permits Presidential nominees for Senate-confirmed positions to complete the initial ethics training prior to appointment.

(2) The DAEO may exclude a non-supervisory position at or below the

GS-8 grade level, or the equivalent, from the requirement to complete the training presentation described in paragraph (e)(1) of this section, provided that:

(i) The DAEO signs a written determination that the duties of the position do not create a substantial likelihood that conflicts of interest will arise;

(ii) The position does not meet the criteria set forth at § 2634.904 of this chapter; and

(iii) The agency provides an employee described in paragraph (a)(1) of this section who is appointed to the position with the written materials required under paragraph (e)(2) of this section within 3 months of appointment.

(b) *Deadline.* Except as provided in this paragraph, each new employee must complete initial ethics training within 3 months of appointment.

(1) In the case of a Presidential nominee for a Senate-confirmed position, the nominee may complete the ethics training before or after appointment, but not later than 3 months after appointment.

(2) In the case of a special Government employee who is reasonably expected to serve for no more than 60 days in a calendar year on a board, commission, or committee, the agency may provide the initial ethics training at any time before, or at the beginning of, the employee's first meeting of the board, commission, or committee.

(c) *Duration.* The duration of the training must be sufficient for the agency to communicate the basic ethical obligations of federal service and to present the content described in paragraph (e) of this section.

(d) *Format.* Employees covered by this section are required to complete interactive initial ethics training.

(e) *Content.* The following content requirements apply to initial ethics training.

(1) *Training presentation.* The training presentation must focus on government ethics laws and regulations that the DAEO deems appropriate for the employees participating in the training. The presentation must address concepts related to the following subjects:

- (i) Financial conflicts of interest;
- (ii) Impartiality;
- (iii) Misuse of position; and
- (iv) Gifts.

(2) *Written materials.* In addition to the training presentation, the agency must provide the employee with either the following written materials or written instructions for accessing them:

(i) The summary of the Standards of Conduct distributed by the Office of

Government Ethics or an equivalent summary prepared by the agency;

(ii) Provisions of any supplemental agency regulations that the DAEO determines to be relevant or a summary of those provisions;

(iii) Such other written materials as the DAEO determines should be included; and

(iv) Instructions for contacting the agency's ethics office.

(f) *Tracking.* Each agency must establish written procedures, which the DAEO must review each year, for initial ethics training. In the case of an agency with 1,000 or more employees, the DAEO must review any submissions under § 2638.310 each year to confirm that the agency has implemented an appropriate process for meeting the requirements of this section.

*Example 1.* The DAEO of a large agency decides that the agency's ethics officials will conduct live initial ethics training for high-level employees and certain procurement officials. The DAEO directs ethics officials to cover concepts related to financial conflicts of interest, impartiality, misuse of position, and gifts during the live training sessions. She also coordinates with the agency's Chief Information Officer to develop computerized training for all other new employees, and she directs her staff to include concepts related to financial conflicts of interest, impartiality, misuse of position, and gifts in the computerized training. The computerized training poses multiple-choice questions and provides feedback when employees answer the questions. At the DAEO's request, the agency's human resources officials distribute the required written materials as part of the onboarding procedures for new employees. The computerized training automatically tracks completion of the training, and the ethics officials use sign-in sheets to track participation in the live training. After the end of the calendar year, the DAEO reviews the materials submitted by the Office of Human Resources under § 2638.310 to confirm that the agency has implemented procedures for identifying new employees, distributing the written materials, and providing their initial ethics training. The agency's program for initial ethics training complies with the requirements of § 2638.304.

*Example 2.* The agency head, the DAEO, and the lead human resources official of an agency with more than 1,000 employees have agreed that human resources officials will conduct initial ethics training. The DAEO provides the lead human resources official with written materials for use during the training, approves the content of the presentations, and trains the human resources officials who will conduct the initial ethics training. After the end of the calendar year, the lead human resources official provides the DAEO with a copy of the agency's procedures for identifying new employees and providing initial ethics training, and the lead human resources official confirms that there is a reasonable basis for concluding that the procedures have

been implemented. The DAEO reviews these procedures and finds them satisfactory. The agency has complied with its tracking obligations with regard to initial ethics training.

#### **§ 2638.305 Additional ethics briefing for certain agency leaders.**

In addition to other applicable requirements, each individual covered by this section must complete an ethics briefing to discuss the individual's immediate ethics obligations. Although the ethics briefing is separate from the initial ethics training, the agency may elect to combine the ethics briefing and the initial ethics training, provided that the requirements of both this section and § 2638.304 are met.

(a) *Coverage.* This section applies to Senate-confirmed Presidential nominees and appointees, except for those in positions identified in § 2634.201(c)(2) of this chapter.

(b) *Deadline.* The following deadlines apply to the ethics briefing.

(1) Except as provided in paragraph (b)(2) of this section, each individual covered by this section must complete the ethics briefing after confirmation but not later than 15 days after appointment. The DAEO may grant an extension of the deadline not to exceed 30 days after appointment.

(2)(i) In extraordinary circumstances, the DAEO may grant an additional extension to an individual by issuing a written determination that an extension is necessary. The determination must describe the extraordinary circumstances necessitating the extension, caution the individual to be vigilant for conflicts of interest created by any newly acquired financial interests, remind the individual to comply with any applicable ethics agreement, and be accompanied by a copy of the ethics agreement(s). The DAEO must send a copy of the determination to the individual before expiration of the time period established in paragraph (b)(1) of this section. The agency must conduct the briefing at the earliest practicable date thereafter. The written determination must be retained with the record of the individual's briefing.

(ii) In the case of a special Government employee who is expected to serve for no more than 60 days in a calendar year on a board, commission, or committee, the agency must provide the ethics briefing before the first meeting of the board, commission, or committee.

(c) *Qualifications of presenter.* The employee conducting the briefing must have knowledge of government ethics laws and regulations and must be



qualified, as the DAEO deems appropriate, to answer the types of basic and advanced questions that are likely to arise regarding the required content.

(d) *Duration.* The duration of the ethics briefing must be sufficient for the agency to communicate the required content.

(e) *Format.* The ethics briefing must be conducted live.

(f) *Content.* The ethics briefing must include the following activities.

(1) If the individual acquired new financial interests reportable under section 102 of the Act after filing the nominee financial disclosure report, the agency ethics official must appropriately address the potential for conflicts of interest arising from those financial interests.

(2) The agency ethics official must counsel the individual on the basic recusal obligation under 18 U.S.C. 208(a).

(3) The agency ethics official must explain the recusal obligations and other commitments addressed in the individual's ethics agreement and ensure that the individual understands what is specifically required in order to comply with each of them, including any deadline for compliance. The ethics official and the individual must establish a process by which the recusals will be achieved, which may consist of a screening arrangement or, when the DAEO deems appropriate, vigilance on the part of the individual with regard to recusal obligations as they arise in particular matters.

(4) The agency ethics official must provide the individual with instructions and the deadline for completing initial ethics training, unless the individual completes the initial ethics training either before or during the ethics briefing.

(g) *Tracking.* The DAEO must maintain a record of the date of the ethics briefing for each current employee covered by this section.

*Example 1.* A group of ethics officials conducts initial ethics training for six Senate-confirmed Presidential appointees within 15 days of their appointments. At the end of the training, ethics officials meet individually with each of the appointees to conduct their ethics briefings. The agency and the appointees have complied with both § 2638.304 and § 2638.305.

*Example 2.* The Senate confirms a nominee for a position as an Assistant Secretary. After the nominee's confirmation but several days before her appointment, the nominee completes her initial ethics briefing during a telephone call with an agency ethics official, and the ethics official records the date of the briefing. The agency and the nominee have complied with § 2638.305. During the telephone call, the ethics official

also discusses the content required for initial ethics training and provides the nominee with instructions for accessing the required written materials online. The agency and the nominee have also complied with § 2638.304.

#### **§ 2638.306 Notice to new supervisors.**

The agency must provide each employee upon initial appointment to a supervisory position with the written information required under this section.

(a) *Coverage.* This requirement applies to each civilian employee who is required to receive training pursuant to 5 CFR 412.202(b).

(b) *Deadline.* The agency must provide the written materials required by this section within 1 year of the employee's initial appointment to the supervisory position.

(c) *Written materials.* The written materials must include contact information for the agency's ethics office and the text of § 2638.103. In addition, a copy of, a hyperlink to, or the address of a Web site containing the Principles of Ethical Conduct must be included, as well as such other information as the DAEO deems necessary for new supervisors.

(d) *Tracking.* Each agency must establish written procedures, which the DAEO must review each year, for supervisory ethics notices. In the case of an agency with 1,000 or more employees, the DAEO must review any submissions under § 2638.310 each year to confirm that the agency has implemented an appropriate process for meeting the requirements of this section.

#### **§ 2638.307 Annual ethics training for confidential filers and certain other employees.**

Each calendar year, employees covered by this section must complete ethics training that meets the following requirements.

(a) *Coverage.* In any calendar year, this section applies to the following employees, unless they are public filers:

(1) Each employee who is required to file an annual confidential financial disclosure report pursuant to § 2634.904 of this chapter during that calendar year, except an employee who ceases to be a confidential filer before the end of the calendar year;

(2) Employees appointed by the President and employees of the Executive Office of the President;

(3) Contracting officers described in 41 U.S.C. 2101; and

(4) Other employees designated by the head of the agency.

(b) *Deadline.* The employee must complete required annual ethics training before the end of the calendar year.

(c) *Duration.* Agencies must provide employees with 1 hour of duty time to complete interactive training and review any written materials.

(d) *Format.* The following formatting requirements apply.

(1) Except as provided in paragraph (d)(2) of this section, employees covered by this section are required to complete interactive training.

(2) If the DAEO determines that it is impracticable to provide interactive training to a special Government employee covered by this section who is expected to work no more than 60 days in a calendar year, or to an employee who is an officer in the uniformed services serving on active duty for no more than 30 consecutive days, only the requirement to provide the written materials required by this section will apply to that employee each year. The DAEO may make the determination as to individual employees or a group of employees.

(e) *Content.* The following content requirements apply to annual ethics training for employees covered by this section.

(1) *Training presentation.* The training presentation must focus on government ethics laws and regulations that the DAEO deems appropriate for the employees participating in the training. The presentation must address concepts related to the following subjects:

- (i) Financial conflicts of interest;
- (ii) Impartiality;
- (iii) Misuse of position; and
- (iv) Gifts.

(2) *Written materials.* In addition to the training presentation, the agency must provide the employee with either the following written materials or written instructions for accessing them:

(i) The summary of the Standards of Conduct distributed by the Office of Government Ethics or an equivalent summary prepared by the agency;

(ii) Provisions of any supplemental agency regulations that the DAEO determines to be relevant or a summary of those provisions;

(iii) Such other written materials as the DAEO determines should be included; and

(iv) Instructions for contacting the agency's ethics office.

(f) *Tracking.* The following tracking requirements apply to training conducted pursuant to this section. An employee covered by this section must confirm in writing the completion of annual ethics training and must comply with any procedures established by the DAEO for such confirmation. If the DAEO or other presenter has knowledge that an employee completed required



training, that individual may record the employee's completion of the training, in lieu of requiring the employee to provide written confirmation. In the case of an automated system that delivers interactive training, the DAEO may deem the employee to have confirmed the completion of the training if the system tracks completion automatically.

**§ 2638.308 Annual ethics training for public filers.**

Each calendar year, public filers and other employees specified in this section must complete ethics training that meets the following requirements.

(a) *Coverage.* In any calendar year, this section applies to each employee who is required to file an annual public financial disclosure report pursuant to § 2634.201(a) of this chapter during that calendar year, except for an employee who ceases to be a public filer during that calendar year.

(b) *Deadline.* A public filer must complete required annual ethics training before the end of the calendar year.

(c) *Qualifications of presenter.* The employee conducting any live training presentation must have knowledge of government ethics laws and regulations and must be qualified, as the DAEO deems appropriate, to answer the types of basic and advanced questions that are likely to arise regarding the required content.

(d) *Duration.* The duration of training must be sufficient for the agency to communicate the required content, but at least 1 hour. Agencies must provide employees with 1 hour of duty time to complete interactive training and review any written materials.

(e) *Format.* The annual ethics training must meet the following formatting requirements.

(1) Employees whose pay is set at Level I or Level II of the Executive Schedule must complete 1 hour of live training each year, unless a matter of vital national interest makes it necessary for an employee to complete interactive training in lieu of live training in a particular year.

(2) Other civilian employees identified in section 103(c) of the Act who are stationed in the United States must complete live training once every 2 years and interactive training in alternate years. In extraordinary circumstances, the DAEO may grant written authorization for an employee who is required to complete live training in a particular year to complete interactive training.

(3) All other employees covered by this section must complete interactive training.

(f) *Content.* The following content requirements apply to annual ethics training for employees covered by this section.

(1) *Training presentation.* The training presentation must focus on government ethics laws and regulations that the DAEO deems appropriate for the employees participating in the training. The presentation must address concepts related to the following subjects:

- (i) Financial conflicts of interest;
- (ii) Impartiality;
- (iii) Misuse of position; and
- (iv) Gifts.

(2) *Written materials.* In addition to the training presentation, the agency must provide the employee with either the following written materials or written instructions for accessing them:

- (i) The summary of the Standards of Conduct distributed by the Office of Government Ethics or an equivalent summary prepared by the agency;
- (ii) Provisions of any supplemental agency regulations that the DAEO determines to be relevant or a summary of those provisions;
- (iii) Such other written materials as the DAEO determines should be included; and
- (iv) Instructions for contacting the agency's ethics office.

(g) *Tracking.* The following tracking requirements apply to training conducted pursuant to this section. An employee covered by this section must confirm in writing the completion of annual ethics training and must comply with any procedures established by the DAEO for such confirmation. If the DAEO or other presenter has knowledge that an employee completed required training, that individual may record the employee's completion of the training, in lieu of requiring the employee to provide written confirmation. In the case of an automated system that delivers interactive training, the DAEO may deem the employee to have confirmed the completion of the training if the system tracks completion automatically.

*Example 1.* The DAEO of a small agency distributes the written materials for annual training by emailing a link to a Web site that contains the required materials. He then conducts a live training session for all of the agency's public filers. He spends the first 15 minutes of the training addressing concepts related to financial conflicts of interest, impartiality, misuse of position, and gifts. Because several participants are published authors, he spends the next 15 minutes covering restrictions on compensation for

speaking, teaching, and writing. He then spends 20 minutes discussing hypothetical examples related to the work of the agency and 10 minutes answering questions. The training meets the content requirements of this section. Further, because live training satisfies the requirements for interactive training, this training meets the formatting requirements for all public filers, including those required to complete interactive training.

*Example 2.* An ethics official personally appears at each monthly senior staff meeting to conduct a 10-minute training session on government ethics. Across the year, he addresses concepts related to financial conflicts of interest, impartiality, misuse of position, gifts, and other subjects related to government ethics laws and regulations, although no one session covers all of these subjects. During each meeting, he distributes a one-page handout summarizing the key points of his presentation, takes questions, and provides contact information for employees who wish to pose additional questions. He records the names of the public filers in attendance at each meeting. Once a year, he emails them the required written materials, as well as the one-page summaries. While many of these public filers do not attend all 12 meetings, each attends at least six sessions during the calendar year. Although some of the filers missed the sessions that addressed gifts, they all received the handout summarizing the presentation on gifts. The training satisfies the annual training requirement for the public filers who attended the meetings, including those required to complete interactive training. Moreover, because the ethics official recorded the names of the public filers who attended, the filers are not required to separately confirm their completion of the training.

*Example 3.* One of the Presidentially appointed, Senate-confirmed employees in Example 2 was required to complete live training that year. Because she attended only four senior staff meetings during the year, she completed only 40 minutes of annual ethics training. The DAEO allows the employee to spend 20 minutes reviewing the handouts and written materials and send an email confirming that she completed her review before the end of the calendar year. This arrangement satisfies the requirements for live annual training because a substantial portion of the training was live.

**§ 2638.309 Agency-specific ethics education requirements.**

The DAEO may establish additional requirements for the agency's ethics education program, with or without a supplemental agency regulation under § 2635.105 of this chapter.

(a) *Groups of employees.* The DAEO may establish specific government ethics training requirements for groups of agency employees.

(b) *Employees performing ethics duties.* The DAEO has an obligation to ensure that employees performing assigned ethics duties have the necessary expertise with regard to

government ethics laws and regulations. If the DAEO determines that employees engaged in any activities described in §§ 2638.104 and 2638.105 require training, the DAEO may establish specific training requirements for them either as a group or individually.

(c) *Procedures.* The DAEO may establish specific procedures for training that the DAEO requires under paragraph (a) or (b) of this section, including any certification procedures the DAEO deems necessary. Agency employees must comply with the requirements and procedures that the DAEO establishes under this section.

**§ 2638.310 Coordinating the agency's ethics education program.**

In an agency with 1,000 or more employees, any office that is not under the supervision of the DAEO but has been delegated responsibility for issuing notices, pursuant to § 2638.303 or § 2638.306, or conducting training, pursuant to § 2638.304, must submit the following materials to the DAEO by January 15 each year:

- (a) A written summary of procedures that office has established to ensure compliance with this subpart; and
- (b) Written confirmation that there is a reasonable basis for concluding that the procedures have been implemented.

**Subpart D—Correction of Executive Branch Agency Ethics Programs**

**§ 2638.401 In general.**

The Office of Government Ethics has authority, pursuant to sections 402(b)(9) and 402(f)(1) of the Act, to take the action described in this subpart with respect to deficiencies in agency ethics programs. Agency ethics programs comprise the matters described in this subchapter for which agencies are responsible.

**§ 2638.402 Informal action.**

If the Director has information indicating that an agency ethics program is not compliant with the requirements set forth in applicable government ethics laws and regulations, the Director is authorized to take any or all of the measures described in this section. The Director may:

- (a) Contact agency ethics officials informally to identify the relevant issues and resolve them expeditiously;
- (b) Issue a notice of deficiency to make the agency aware of its possible noncompliance with an applicable government ethics law or regulation;
- (c) Require the agency to respond in writing to the notice of deficiency;
- (d) Require the agency to provide such additional information or

documentation as the Director determines to be necessary;

(e) Issue an initial decision with findings as to the existence of a deficiency in the agency's ethics program;

(f) Require the agency to correct or, at the Director's discretion, satisfactorily mitigate any deficiency in its ethics program;

(g) Provide the agency with guidance on measures that would correct or satisfactorily mitigate any program deficiency;

(h) Monitor the agency's efforts to correct or satisfactorily mitigate the deficiency and require the agency to submit progress reports; or

(i) Take other actions authorized under the Act to resolve the matter informally.

**§ 2638.403 Formal action.**

If the Director determines that informal action, pursuant to § 2638.402, has not produced an acceptable resolution, the Director may issue an order directing the agency to take specific corrective action.

(a) Before issuing such an order, the Director will:

- (1) Advise the agency in writing of the deficiency in its ethics program;
- (2) Describe the action that the Director is considering taking;
- (3) Provide the agency with 30 days to respond in writing; and
- (4) Consider any timely written response submitted by the agency.

(b) If the Director is satisfied with the agency's response, no order will be issued.

(c) If the Director decides to issue an order, the order will describe the corrective action to be taken.

(d) If the agency does not comply with the order within a reasonable time, the Director will:

- (1) Notify the head of the agency of intent to furnish a report of noncompliance to the President and the Congress;
- (2) Provide the agency 14 calendar days within which to furnish written comments for submission with the report of noncompliance; and
- (3) Report the agency's noncompliance to the President and to the Congress.

**Subpart E—Corrective Action Involving Individual Employees**

**§ 2638.501 In general.**

This subpart addresses the Director's limited authority, pursuant to sections 402(b)(9) and 402(f)(2) of the Act, to take certain actions with regard to individual employees if the Director suspects a

violation of a noncriminal government ethics law or regulation. Section 402(f)(5) of the Act prohibits the Director from making any finding regarding a violation of a criminal law. Therefore, the Director will refer possible criminal violations to an Inspector General or the Department of Justice, pursuant to § 2638.502. If, however, the Director is concerned about a possible violation of a noncriminal government ethics law or regulation by an employee, the Director may notify the employee's agency, pursuant to § 2638.503. In the rare circumstance that an agency does not address a matter after receiving this notice, the Director may use the procedures in § 2638.504 to issue a nonbinding recommendation of a disciplinary action or an order to terminate an ongoing violation. Nothing in this subpart relieves an agency of its primary responsibility to ensure compliance with government ethics laws and regulations.

**§ 2638.502 Violations of criminal provisions related to government ethics.**

Consistent with section 402(f) of the Act, nothing in this subpart authorizes the Director or any agency official to make a finding as to whether a provision of title 18, United States Code, or any other criminal law of the United States outside of such title, has been or is being violated. If the Director has information regarding the violation of a criminal law by an individual employee, the Director will notify an Inspector General or the Department of Justice.

**§ 2638.503 Recommendations and advice to employees and agencies.**

The Director may make such recommendations and provide such advice to employees or agencies as the Director deems necessary to ensure compliance with applicable government ethics laws and regulations. The Director's authority under this section includes the authority to communicate with agency heads and other officials regarding government ethics and to recommend that the agency investigate a matter or consider taking disciplinary or corrective action against individual employees.

**§ 2638.504 Violations of noncriminal provisions related to government ethics.**

In the rare case that consultations made pursuant to § 2638.503 have not resolved the matter, the Director may use the procedures in this section if the Director has reason to believe that an employee is violating, or has violated, any noncriminal government ethics law or regulation. Any proceedings pursuant

to this section will be conducted in accordance with applicable national security requirements.

(a) *Agency investigation.* The Director may recommend that the agency head or the Inspector General conduct an investigation. If the Director determines thereafter that an agency head has not conducted an investigation within a reasonable time, the Director will notify the President.

(b) *Initiating further proceedings.* Following an investigation pursuant to paragraph (a) of this section or a determination by the Director that an investigation has not been conducted within a reasonable time, the Director may either initiate further proceedings under this section or close the involvement of the Office of Government Ethics in the matter.

(1) If the Director initiates further proceedings, the Director will notify the employee in writing of the suspected violation, the right to respond orally and in writing, and the right to be represented. The notice will include instructions for submitting a written response and requesting an opportunity to present an oral response, copies of this section and sections 401–403 of the Act, and copies of the material relied upon by the Office of Government Ethics.

(2) If the Director is considering issuing an order directing the employee to take specific action to terminate an ongoing violation, the Director will also provide notice of the potential issuance of an order and the right to request a hearing, pursuant to paragraph (f) of this section.

(c) *Employee's response.* The employee will be provided with a reasonable opportunity to present an oral response to the General Counsel of the Office of Government Ethics within 30 calendar days of the date of the employee's receipt of the notice described in paragraph (b) of this section. If the employee fails to timely request an opportunity to present an oral response or fails to cooperate with reasonable efforts to schedule the oral response, only a timely submitted written response will be considered.

(d) *General Counsel's recommendation.* After affording the employee 30 calendar days to respond, the General Counsel will provide the Director with a written recommendation as to the action warranted by the circumstances. However, if the employee has timely exercised an applicable right to request a hearing pursuant to paragraph (g) of this section, the provisions of paragraph (g) will apply instead of the provisions of this paragraph.

(1) If the employee has not had an opportunity to comment on any newly obtained material relied upon for the recommendation, the General Counsel will provide the employee with an opportunity to comment on that material before submitting the recommendation to the Director.

(2) The recommendation will include findings of fact and a conclusion as to whether it is more likely than not that a violation has occurred. The General Counsel will provide the Director with copies of the material relied upon for the recommendation, including any timely written response and a transcript of any oral response of the employee.

(3) In the case of an ongoing violation, the General Counsel may recommend an order directing the employee to take specific action to terminate the violation, provided that the employee has been afforded the notice required under paragraph (f) of this section and an opportunity for a hearing.

(e) *Decisions and orders of the Director.* After reviewing the recommendation of the General Counsel pursuant to paragraph (d) of this section or, in the event of a hearing, the recommendation of the administrative law judge pursuant to paragraph (g)(7) of this section, the Director may issue a decision and, if applicable, an order. The authority of the Director to issue decisions and orders under this paragraph may not be delegated to any other official. The Director's decision will include written findings and conclusions with respect to all material issues and will be supported by substantial evidence of record.

(1) A copy of the decision and order will be furnished to the employee and, if applicable, the employee's representative. Copies will also be provided to the DAEO and the head of the agency or, where the employee is the head of an agency, to the President. The Director's decision and any order will be posted on the official Web site of the Office of Government Ethics, except to the extent prohibited by law.

(2) The Director's decision may include a nonbinding recommendation that appropriate disciplinary or corrective action be taken against the employee. If the agency head does not take the action recommended within a reasonable period of time, the Director may notify the President.

(3) In the case of an ongoing violation, the Director may issue an order directing the employee to take specific action to terminate the violation, provided that the employee has been afforded the notice required under paragraph (f) of this section and an opportunity for a hearing.

(f) *Notice of the right to request a hearing regarding an order to terminate a violation.* Before an order to terminate an ongoing violation may be recommended or issued under this section, the employee must be provided with written notice of the potential issuance of an order, the right to request a hearing, and instructions for requesting a hearing.

(1) If the employee submits a written request for a hearing within 30 calendar days of the date of the employee's receipt of the notice, the hearing will be conducted pursuant to paragraph (g) of this section;

(2) If the employee does not submit a written request for a hearing within 30 days of receipt of the notice, the General Counsel may issue a recommendation, pursuant to paragraph (d) of this section, in lieu of a hearing after first considering any timely response of the employee, pursuant to paragraph (c) of this section; and

(3) If the employee timely submits written requests for both a hearing, pursuant to paragraph (f) of this section, and an oral response, pursuant to paragraph (c) of this section, only a hearing will be conducted, pursuant to paragraph (g) of this section.

(g) *Hearings.* If, after receiving a notice required pursuant to paragraph (f) of this section, the employee submits a timely request for a hearing, an administrative law judge who has been appointed under 5 U.S.C. 3105 will serve as the hearing officer, and the following procedures will apply to the hearing. An employee of the Office of Government Ethics will be assigned to provide the administrative law judge with logistical support in connection with the hearing.

(1) The General Counsel of the Office of Government Ethics will designate attorneys to present evidence and argument at the hearing in support of a possible finding that the employee is engaging in an ongoing violation. The General Counsel will serve as Advisor to the Director and will not, in connection with the presentation of evidence and argument against the employee, direct or supervise these attorneys. Any attorney who presents evidence, argument, or testimony against the employee at the hearing will be recused from assisting the Director or the General Counsel in connection with the contemplated order.

(2) The administrative law judge will issue written instructions for the conduct of the hearing, including deadlines for submitting lists of proposed witnesses and exchanging copies of documentary evidence. The hearing will be conducted informally,

and the administrative law judge may make such rulings as are necessary to ensure that the hearing is conducted equitably and expeditiously.

(3) The parties to the hearing will be the employee and the attorneys of the Office of Government Ethics designated to present evidence and arguments supporting a finding that a violation is ongoing, respectively. The parties will not engage in *ex parte* communications with the administrative law judge, unless the administrative law judge authorizes limited *ex parte* communications regarding scheduling and logistical matters.

(4) If either party requests assistance in securing the appearance of an approved witness who is an employee, the administrative law judge may, at his or her discretion, notify the General Counsel, who will assist the Director in requesting that the head of the employing agency produce the witness, pursuant to section 403(a)(1) of the Act. The Director will notify the President if an agency head fails to produce the approved witness.

(5) The hearing will be conducted on the record and witnesses will be placed under oath and subject to cross-examination. Following the hearing, the administrative law judge will provide each party with a copy of the hearing transcript.

(6) Hearings will generally be open to the public, but the administrative law judge may issue a written order closing, in whole or in part, the hearing in the best interests of national security, the employee, a witness, or an affected person. The order will set forth the reasons for closing the hearing and, along with any objection to the order by a party, will be made a part of the record. Unless specifically excluded by the administrative law judge, the DAEO of the employee's agency will be permitted to attend a closed hearing. If the administrative law judge denies a request by a party or an affected person to close the hearing, in whole or in part, that denial will be immediately appealable by the requester. The requester must file a notice of appeal with the Director within 3 working days. In the event that such a notice is filed, the hearing will be held in abeyance pending resolution of the appeal. The notice of appeal, exclusive of attachments, may not exceed 10 pages of double-spaced type. The Director will afford the parties and, if not a party, the requester the opportunity to make an oral presentation in person or via telecommunications technology within 3 working days of the filing of the appeal. The oral presentation will be conducted on the record. If the

appellant or either party is unavailable to participate in the oral presentation within the 3-working-day period, the Director will convene the oral presentation without that party or affected person. The Director will issue a decision on the appeal within 3 working days of the oral presentation. If the Director is unavailable during this time period, the Director may designate a senior executive of the Office of Government Ethics to hear the oral presentation and decide the appeal. The notice of appeal, the record of the oral presentation, the decision on the appeal, and any other document considered by the Director or the Director's designee in connection with the appeal will be made a part of the record of the hearing.

(7) After closing the record, the administrative law judge will certify the entire record to the Director for decision. When so certifying the record, the administrative law judge will make a recommended decision, which will include his or her written findings of fact and conclusions of law with respect to material issues. After considering the certified record, the Director may issue a decision and an order, pursuant to paragraph (e) of this section.

(h) *Dismissal*. The Director may dismiss a proceeding under this section at any time, without a finding as to the alleged violation, upon a finding that:

(1) The employee or the agency has taken appropriate action to address the Director's concerns;

(2) The employee has undertaken, or agreed in writing to undertake, measures the Director deems satisfactory; or

(3) A question has arisen involving the potential application of a criminal law.

(i) *Notice procedure*. The notices required by paragraphs (b)(1) and (f) of this section may be delivered by U.S. mail, electronic mail, or personal delivery. There will be a rebuttable presumption that notice sent by U.S. mail is received within 5 working days. If the agency does not promptly provide the Office of Government Ethics with an employee's contact information upon request, the notice may be sent to the agency's DAEO, who will bear responsibility for promptly delivering that notice to the employee and promptly notifying the Director after its delivery.

## Subpart F—General Provisions

### § 2638.601 Authority and purpose.

(a) *Authority*. The regulations of this part are issued pursuant to the authority of titles I and IV of the Ethics in

Government Act of 1978 (Pub. L. 95–521, as amended) (“the Act”).

(b) *Purpose*. These executive branch regulations supplement and implement titles I, IV and V of the Act and set forth more specifically certain procedures provided in those titles, and furnish examples, where appropriate.

(c) *Agency authority*. Subject only to the authority of the Office of Government Ethics as the supervising ethics office for the executive branch, all authority conferred on agencies in this subchapter B of chapter XVI of title 5 of the Code of Federal Regulations is sole and exclusive authority.

### § 2638.602 Agency regulations.

Each agency may, subject to the prior approval of the Office of Government Ethics, issue regulations not inconsistent with this part and this subchapter, using the procedures set forth in § 2635.105 of this chapter.

### § 2638.603 Definitions.

For the purposes of this part:

*Act* means the Ethics in Government Act of 1978 (Pub. L. 95–521, as amended).

*ADAEO or Alternate Designated Agency Ethics Official* means an officer or employee who is designated by the head of the agency as the primary deputy to the DAEO in coordinating and managing the agency's ethics program in accordance with the provisions of § 2638.104.

*Agency or agencies* means any executive department, military department, Government corporation, independent establishment, board, commission, or agency, including the United States Postal Service and Postal Regulatory Commission, of the executive branch.

*Agency head* means the head of an agency. In the case of a department, it means the Secretary of the department. In the case of a board or commission, it means the Chair of the board or commission.

*Confidential filer* means an employee who is required to file a confidential financial disclosure report pursuant to § 2634.904 of this chapter.

*Conflict of interest laws* means 18 U.S.C. 202–209, and *conflict of interest law* means any provision of 18 U.S.C. 202–209.

*Corrective action* means any action necessary to remedy a past violation or prevent a continuing violation of this part, including but not limited to restitution, change of assignment, disqualification, divestiture, termination of an activity, waiver, the creation of a qualified diversified or blind trust, or counseling.

*DAEO or Designated Agency Ethics Official* means an officer or employee who is designated by the head of the agency to coordinate and manage the agency's ethics program in accordance with the provisions of § 2638.104.

*Department* means a department of the executive branch.

*Director* means the Director of the Office of Government Ethics.

*Disciplinary action* means those disciplinary actions referred to in Office of Personnel Management regulations and instructions implementing provisions of title 5 of the United States Code or provided for in comparable provisions applicable to employees not subject to title 5.

*Employee* means any officer or employee of an agency, including a special Government employee. It includes officers but not enlisted members of the uniformed services. It includes employees of a state or local government or other organization who are serving on detail to an agency, pursuant to 5 U.S.C. 3371, *et seq.* It does not include the President or Vice President. Status as an employee is unaffected by pay or leave status or, in the case of a special Government employee, by the fact that the individual does not perform official duties on a given day.

*Executive branch* includes each executive agency as defined in 5 U.S.C. 105 and any other entity or administrative unit in the executive branch. However, it does not include any agency, entity, office, or commission that is defined by or referred to in 5 U.S.C. app. sections 109(8)–(11) of the Act as within the judicial or legislative branch.

*Government ethics laws and regulations* include, among other applicable authorities, the provisions related to government ethics or financial disclosure of the following authorities:

(1) Chapter 11 of title 18 of the United States Code;

(2) The Ethics in Government Act of 1978 (Pub. L. 95–521, as amended);

(3) The Stop Trading on Congressional Knowledge Act of 2012 (STOCK Act) (Pub. L. 112–105, as amended);

(4) Executive Order 12674 (Apr. 12, 1989) as amended by Executive Order 12731 (Oct. 17, 1990); and

(5) Subchapter B of this chapter.

*Lead human resources official* means the agency's chief policy advisor on all human resources management issues who is charged with selecting, developing, training, and managing a high-quality, productive workforce. For agencies covered by the Chief Human Capital Officers Act of 2002 (Pub. L.

107–296), the Chief Human Capital Officer is the lead human resources official.

*Person* includes an individual, partnership, corporation, association, government agency, or public or private organization.

*Principles of Ethical Conduct* means the collection of general principles set forth in § 2635.101(b) of this chapter.

*Public filer* means an employee, former employee, or nominee who is required to file a public financial disclosure report, pursuant to § 2634.202 of this chapter.

*Senior executive* means a career or noncareer appointee in the Senior Executive Service or equivalent federal executive service. It also includes employees in Senior Level (SL) and Senior Technical (ST) positions. In addition, it includes equivalent positions in agencies that do not have a federal executive service.

*Special Government employee* means an employee who meets the definition at 18 U.S.C. 202(a). The term does not relate to a specific category of employee, and 18 U.S.C. 202(a) is not an appointment authority. The term describes individuals appointed to positions in the executive branch, the legislative branch, any independent agency of the United States, or the District of Columbia who are covered less expansively by conflict of interest laws at 18 U.S.C. 202–209. As a general matter, an individual appointed to a position in the legislative or executive branch who is expected to serve for 130 days or less during any period of 365 consecutive days is characterized as a special Government employee. The appointment of special Government employees is not administered or overseen by the Office of Government Ethics but is carried out under legal authorities administered by the Office of Personnel Management and other agencies.

*Standards of Conduct* means the Standards of Ethical Conduct for Employees of the Executive Branch set forth in part 2635 of this chapter.

#### **§ 2638.604 Key program dates.**

Except as amended by program advisories of the Office of Government Ethics, the following list summarizes key deadlines of the executive branch ethics program:

(a) *January 15* is the deadline for:

(1) The Office of Government Ethics to issue its year-end status reports, pursuant to § 2638.108(a)(11); and

(2) In an agency with 1,000 or more employees, any office not under the supervision of the DAEO that provides notices or training required under

subpart C of this part to provide a written summary and confirmation, pursuant to § 2638.310.

(b) *February 1* is the deadline for the DAEO to submit the annual report on the agency's ethics program, pursuant to § 2638.207.

(c) *February 15* is the deadline for employees to file annual confidential financial disclosure reports, pursuant to § 2634.903(a) of this chapter.

(d) *May 15* is the deadline for employees to file annual public financial disclosure reports, pursuant to § 2634.201(a) of this chapter.

(e) *May 31* is the deadline for the agency to submit required travel reports to the Office of Government Ethics, pursuant to § 2638.107(g).

(f) *July 1* is the deadline for the DAEO to submit a letter stating whether components currently designated should remain designated, pursuant to § 2641.302(e)(2) of this chapter.

(g) *November 30* is the deadline for the agency to submit required travel reports to the Office of Government Ethics, pursuant to § 2638.107(h).

(h) *December 31* is the deadline for completion of annual ethics training for employees covered by §§ 2638.307 and 2638.308.

(i) *By the deadline specified in the request* is the deadline, pursuant to § 2638.202, for submission of all documents and information requested by the Office of Government Ethics in connection with a review of the agency's ethics program, except when the submission of the information or reports would be prohibited by law.

(j) *Prior to appointment whenever practicable but in no case more than 15 days after appointment* is the deadline, pursuant to § 2638.105(a)(1), for the lead human resources official to notify the DAEO that the agency has appointed a confidential or public financial disclosure filer.

(k) *Prior to termination whenever practicable but in no case more than 15 days after termination* is the deadline, pursuant to § 2638.105(a)(2), for the lead human resources official to notify the DAEO of the termination of a public financial disclosure filer.

(l) *Within 15 days of appointment* is the deadline for certain agency leaders to complete ethics briefings, pursuant to § 2638.305(b).

(m) *Within 30 days of designation* is the deadline for the agency head to notify the Director of the designation of any DAEO or ADAEO, pursuant to § 2638.107(a).

(n) *Within 3 months of appointment* is the deadline for new employees to complete initial ethics training, pursuant to § 2638.304(b).

(o) *Within 1 year of appointment* is the deadline for new supervisors to receive supervisory ethics notices, pursuant to § 2638.306(b).

(p) *Not later than 12 months before any Presidential election* is the deadline for the agency head or the DAEO to evaluate whether the agency's ethics program has an adequate number of trained agency ethics officials to deliver effective support in the event of a Presidential transition, pursuant to § 2638.210(a).

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BILLING CODE 6345-03-P

## DEPARTMENT OF THE INTERIOR

### 5 CFR Part 3501

[Docket ID: DOI-2016-0007; 167D0102R2; DS636440000; DR2000000.CH7000]

RIN 1092-AA12

#### Supplemental Standards of Ethical Conduct for Employees of the Department of the Interior

**AGENCY:** Department of the Interior (DOI).

**ACTION:** Direct final rule.

**SUMMARY:** The Department of the Interior (DOI), with the concurrence of the Office of Government Ethics (OGE), is amending the Supplemental Standards of Ethical Conduct for Employees of the Department of the Interior (Supplemental Standards). The Supplemental Standards apply only to DOI personnel and augment the Standards of Ethical Conduct for Employees of the Executive Branch (OGE Standards). This direct final rule amends portions of the Supplemental Standards to account for the current DOI structure resulting from organizational changes that established new bureaus and an office within DOI.

**DATES:** This rule is effective on January 3, 2017 unless we receive any significant adverse comments on or before December 2, 2016. If adverse comment is received, DOI will publish a timely withdrawal of the rule in the *Federal Register*.

**ADDRESSES:** You may submit comments on this rule by either of the methods listed below. Please use Regulation Identifier Number 1092-AA12 in your message.

1. Federal eRulemaking Portal: <http://www.regulations.gov>. In the "Search" bar, enter DOI-2016-0007 (the docket number for this rule) and then click "Search." Follow the instructions on the Web site for submitting comments.

2. U.S. mail, courier, or hand delivery: Departmental Ethics Office, Department of the Interior, 1849 C Street NW., MS 7346, Washington, DC 20240.

We request that you send comments only by one of the methods described above. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us.

#### FOR FURTHER INFORMATION CONTACT:

Edward McDonnell, Departmental Ethics Office, [edward.mcdonnell@sol.doi.gov](mailto:edward.mcdonnell@sol.doi.gov), (202) 208-5916.

#### SUPPLEMENTARY INFORMATION.

#### I. Background

On August 7, 1992, OGE published the OGE Standards, which, as corrected and amended, are codified at 5 CFR part 2635 (57 FR 35006). Effective on February 3, 1993, the OGE Standards establish uniform standards of ethical conduct that apply to all executive branch officers and employees. Section 2635.105 of the OGE Standards authorizes an agency, with the concurrence of OGE, to adopt and jointly issue agency-specific supplemental regulations that are necessary to properly implement its ethics program. On October 16, 1997, DOI, with OGE's concurrence and joint issuance, established the Supplemental Standards that became effective on June 24, 1998. See 62 FR 53713-53726; 63 FR 34258-34259. Employees of DOI are subject to the Supplemental Standards promulgated by OGE and DOI. The Supplemental Standards are necessary for successful implementation of DOI's ethics program in light of DOI's unique programs and operations. DOI is therefore amending portions of the Supplemental Standards to account for current DOI structure resulting from organizational changes that established new bureaus and an office within DOI.

#### II. Analysis of the Regulation

##### A. Section 3501.102 Designation of Separate Agency Components

The direct final rule amends § 3501.102(a) of the Supplemental Standards to reflect the current organizational structure mandated by Secretarial Order 3299 issued on May 19, 2010, and as further amended, in accordance with statutory authority that resulted in the establishment of new bureaus and an office within DOI. As currently organized and relevant to the Supplemental Standards, the duties and responsibilities of the former Minerals Management Service (MMS) were separated and reassigned to two newly established bureaus and an office. The new bureaus and office are the Bureau

of Ocean Energy Management (BOEM), the Bureau of Safety and Environmental Enforcement (BSEE), and the Office of Natural Resources Revenue (ONRR). BOEM and BSEE are distinct and separate bureaus under the Assistant Secretary for Land and Minerals Management. Section 2635.203(a) of the OGE Standards authorizes an executive department, by supplemental regulation, to designate as a separate agency any component of the department that the department determines exercises a distinct and separate function. Pursuant to this authority, DOI amends the Supplemental Standards to designate BOEM and BSEE as separate agencies in § 3501.102(a) for purposes of the regulations contained in subpart B of 5 CFR part 2635, government gifts from outside sources, including determining whether the donor of a gift is a prohibited source under 5 CFR 2635.203(d); 5 CFR 2635.807 governing teaching, speaking and writing; and § 3501.105(b) of this part governing prior approval requirements for outside employment by an employee with a prohibited source (other than for an employee of the U.S. Geological Survey or for a special Government employee). ONRR is organizationally placed within DOI under the Assistant Secretary for Policy, Management and Budget. Therefore, ONRR is included in the remainder of DOI under § 3501.102(b).

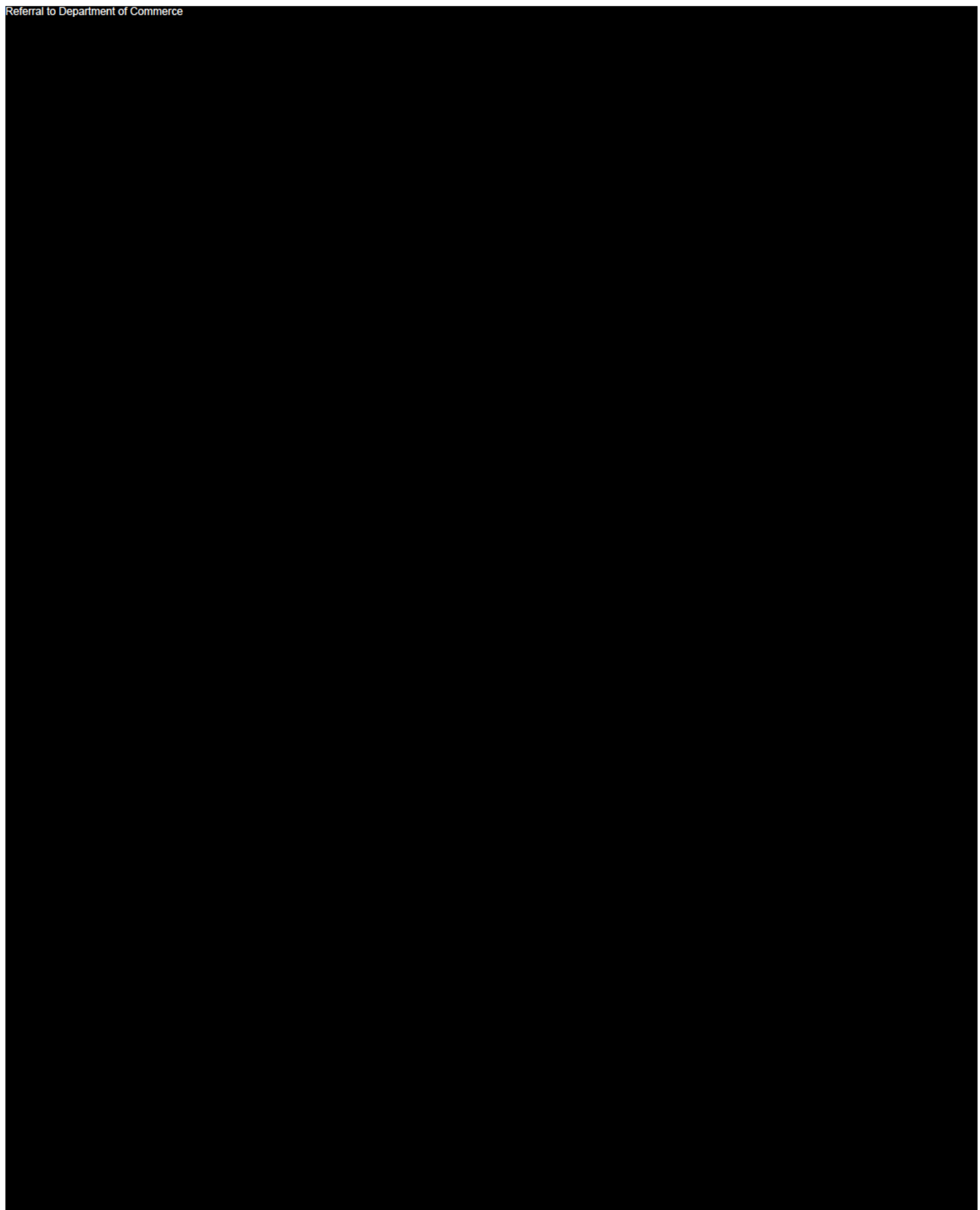
##### B. Section 3501.103 Prohibited Interests in Federal Lands

The direct final rule amends § 3501.103(b)(1)(i) of the Supplemental Standards to include all BOEM, BSEE and ONRR employees in the restrictions against holding financial interests in Federal lands or resources administered or controlled by DOI. Following the establishment of MMS in 1982, to address ethics concerns, DOI promulgated a regulation extending the restrictions on ownership of interests in Federal lands to all employees of the MMS. See 62 FR 53714 (October 16, 1997). Therefore, in order to continue to protect the integrity of the programs of the former MMS, that were subsequently reassigned to the newly established entities of BOEM, BSEE and ONRR, DOI is revising § 3501.103(b) to explicitly cover all employees of these three entities.

#### Procedural Matters

*Regulatory Planning and Review (Executive Order (E.O.) 12866 and 13563)*

Executive Order 12866 provides that the Office of Information and Regulatory



**From:** [Deborah J. Bortot](#)  
**To:** [Emory A. Rounds III](#); [Heather A. Jones](#); [Sandra S. Mabry](#); [Teresa L. Williamson](#); [Keith Labeledz](#)  
**Subject:** FW: Senate Transmissions  
**Date:** Thursday, December 22, 2016 4:43:14 PM

---

**From:** Ann M Donaldson (b)(6)  
**Sent:** Thursday, December 22, 2016 3:46 PM  
**To:** Deborah J. Bortot  
**Subject:** Senate Transmissions

Deb,

You will be receiving emails shortly regarding transmitting (b)(6) and (b)(6) pre-cleared 278 Reports and Ethics Agreements to the appropriate Senate committee. Going forward, we will send such emails to confirm the President-elect's intent to nominate once we have received confirmation of a filer's pre-clearance from your office. We will continue this process until Inauguration Day.

Thanks,  
Annie

Ann M. Donaldson  
Associate

[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)

(b)(6)

=====

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**From:** [Deborah J. Bortot](#)  
**To:** (b)(6) - Ann  
**Cc:** [Lorna A. Syme](#); [Emory A. Rounds III](#); [Heather A. Jones](#); (b)(6); (b)(6) v"; [Teresa L. Williamson](#); [David J. Apol](#); [Sandra S. Mabry](#); [Rodrick T. Johnson](#)  
**Subject:** PRECleared: (b)(6)  
**Date:** Wednesday, December 14, 2016 4:33:00 PM

---

Annie, (b)(6) is precleared. Lorna, please forward the ethics agreement to the Annie.

Thanks!

Deb

Deborah J. Bortot

Chief, Presidential Nominations Branch

U.S. Office of Government Ethics

1201 New York Ave., NW, Suite 500

Washington, DC 20005-3917

Telephone: (202) 482-9227

Facsimile: (202) 482-9237

**From:** [Deborah J. Bortot](#)  
**To:** ["Ann M. Donaldson"](#)  
**Cc:** [Stephanie Nonluecha](#); [Emory A. Rounds III](#); [David J. Apol](#); [Teresa L. Williamson](#); [Sandra S. Mabry](#); [Keith Labedz](#); [Rodrick T. Johnson](#); ["Alexander, M. J."](#); [Martin, Janice N](#); ["Huitema, David P"](#); [Heather A. Jones](#)  
**Subject:** PRECLEASED: (b)(6)  
**Date:** Thursday, December 22, 2016 3:47:34 PM

---

Annie, (b)(6) is precleared.

Alex, Stephanie will call you with a minor edit to the ethics agreement.

Stephanie, please forward the ethics agreement to Annie.

Thanks!

Deb

Deborah J. Bortot

Chief, Presidential Nominations Branch

U.S. Office of Government Ethics

1201 New York Ave., NW, Suite 500

Washington, DC 20005-3917

Telephone: (202) 482-9227

Facsimile: (202) 482-9237

**From:** [Heather A. Jones](#)  
**To:** ["Ann M Donaldson"](#)  
**Subject:** RE: Call with Director  
**Date:** Thursday, December 22, 2016 6:56:07 PM

---

I'm happy to handle it next week.

**From:** Ann M Donaldson (b)(6)  
**Sent:** Thursday, December 22, 2016 6:29 PM  
**To:** Heather A. Jones  
**Subject:** RE: Call with Director  
Merry Christmas and enjoy a short break!

Thanks for dealing with the scheduling of this call. Let's plan for Tuesday at 11, but we'll touch base in the morning. I'm not entirely sure what will shape up over the weekend. Should I circle back with you or someone else Tuesday morning?

Ann M. Donaldson  
Associate

[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)

(b)(6)

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From: "Heather A. Jones" <[hajones@oge.gov](mailto:hajones@oge.gov)>  
To: 'Ann M Donaldson' (b)(6)  
Date: 12/22/2016 06:20 PM  
Subject: RE: Call with Director

---

Walt will be in next week (except the holiday on Monday). He suggested Tuesday at 11.

I'm out tomorrow but will have e-mail access and I will be back in the office on Tuesday.

Merry Christmas,  
Heather

**From:** Ann M Donaldson (b)(6)  
**Sent:** Thursday, December 22, 2016 5:16 PM  
**To:** Heather A. Jones  
**Subject:** Re: Call with Director

Heather,  
I'm sorry this didn't work today. Please relay our apologies to Walt and David. We will schedule a time to talk early next week. Probably Tuesday morning if folks will be back then.  
Thanks,  
Annie

Ann M. Donaldson

Associate

[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)

(b)(6)



From: Ann M Donaldson/JonesDay

To: "Heather A. Jones" <[hajones@oge.gov](mailto:hajones@oge.gov)>

Date: 12/22/2016 12:04 PM

Subject: Re: Call with Director

---

Ok. Will work on it.

Ann M. Donaldson

Associate

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(b)(6)



From: "Heather A. Jones" <[hajones@oge.gov](mailto:hajones@oge.gov)>

To: Ann M Donaldson (b)(6)

Date: 12/22/2016 12:03 PM

Subject: Re: Call with Director

---

We would also like to avoid 2 if possible

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

**From:** Ann M Donaldson

**Sent:** Thursday, December 22, 2016 11:52 AM

**To:** Heather A. Jones

**Subject:** Re: Call with Director

Heather,

I'm sorry -- he was unavailable after all. I am trying to find a time this afternoon.  
Thanks,  
Annie

Ann M. Donaldson  
Associate  
[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)  
51 Louisiana Avenue, NW  
Washington, DC 20001  
(b)(6)

From: "Heather A. Jones" <[hajones@oge.gov](mailto:hajones@oge.gov)>  
To: Ann M Donaldson (b)(6)  
Date: 12/22/2016 11:41 AM  
Subject: Re: Call with Director

---

Yes he will call then

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

**From:** Ann M Donaldson  
**Sent:** Thursday, December 22, 2016 11:31 AM  
**To:** Heather A. Jones  
**Subject:** Re: Call with Director

Can he call at 11:45? (b)(6) Sorry to push another 15 minutes.

Ann M. Donaldson  
Associate  
[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)  
51 Louisiana Avenue, NW  
Washington, DC 20001  
(b)(6)

From: "Heather A. Jones" <[hajones@oge.gov](mailto:hajones@oge.gov)>  
To: Ann M Donaldson (b)(6)  
Date: 12/22/2016 11:22 AM  
Subject: Re: Call with Director

---

Is there a call in number?

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

**From:** Ann M Donaldson  
**Sent:** Thursday, December 22, 2016 9:47 AM  
**To:** Heather A. Jones  
**Subject:** Re: Call with Director

Great -- thanks for reaching out. I had left a message for Shelley earlier. We would like to have the call, but need to move it back if possible to 11:30 or thereabouts. Can you check on that possibility?

Thanks

Annie

Ann M. Donaldson  
Associate  
[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)  
51 Louisiana Avenue, NW  
Washington, DC 20001  
(b)(6)

---

From: "Heather A. Jones" <[hajones@oge.gov](mailto:hajones@oge.gov)>  
To: 'Ann M Donaldson' (b)(6)  
Date: 12/22/2016 09:44 AM  
Subject: Call with Director

---

Annie-

We have several people out of the office for the holiday today. If Don needs to cancel the call today, would you ask him to e-mail me and I will let Walt know.

Thanks,  
Heather

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

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Follow OGE on Twitter: @OfficeGovEthics

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**From:** [Deborah J. Bortot](#)  
**To:** ["Ann M Donaldson"](#)  
**Cc:** [Emory A. Rounds III](#); [Heather A. Jones](#); [Teresa L. Williamson](#)  
**Subject:** (b)(6)  
**Date:** Thursday, December 22, 2016 8:13:38 AM

---

Annie,

There has been no movement on this report on the part of the filer. The questions have been pending with the filer since 12/9/2016. Could someone in PTT call the filer/filer's representative to get movement on addressing the comments?

Thanks,

Deb

**From:** Ann M Donaldson (b)(6)  
**Sent:** Friday, December 16, 2016 6:19 PM  
**To:** Deborah J. Bortot  
**Cc:** Emory A. Rounds III  
**Subject:** (b)(6)

We'll shake the branches.

Thanks,

Annie

Ann M. Donaldson

Associate

[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)

51 Louisiana Avenue, NW

(b)(6)

---

From: "Deborah J. Bortot" <[djbortot@oge.gov](mailto:djbortot@oge.gov)>

To: (b)(6) (b)(6)

Cc: "Emory A. Rounds III" <[earounds@oge.gov](mailto:earounds@oge.gov)>

Date: 12/16/2016 05:45 PM

Subject: (b)(6)

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Annie,

Questions about the report have been pending with the filer for a week. Could someone in PTT call the filer/filer's representative to get movement on addressing the comments?

Thanks,

Deb

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**From:** [Ann M Donaldson](#)  
**To:** [Heather A. Jones](#)  
**Subject:** Re: Revised Gift Rule and Ethics Program Rule  
**Date:** Tuesday, December 06, 2016 9:22:18 AM

---

Thanks, Heather.  
Annie

Ann M. Donaldson  
Associate

[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)

(b)(6)

A large black rectangular redaction box covering several lines of text.

From: "Heather A. Jones"  
To: 'Ann M Donaldson'  
Date: 12/06/2016 09:17 AM  
Subject: Revised Gift Rule and Ethics Program Rule

---

Annie-

Attached are the revised gift rule and the Executive Branch ethics program rule. I think the ethics program rule may be helpful as you set up the White House ethics office.

Best,  
Heather

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

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please notify the sender by responding to the email and then immediately delete the email.  
[attachment "2016-27036.pdf" deleted by Ann M Donaldson/JonesDay] [attachment "2016-26418.pdf" deleted by Ann M Donaldson/JonesDay]

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**From:** [Ann M Donaldson](#)  
**To:** [Deborah J. Bortot](#); [Heather A. Jones](#)  
**Subject:** Representative Mike Pompeo  
**Date:** Thursday, December 22, 2016 3:53:13 PM

---

On behalf of the President-Elect, this email serves as confirmation that the President-Elect intends to nominate Representative Mike Pompeo to be CIA Director. Please transmit his pre-cleared 278 report and any accompanying documents to the appropriate Senate committee.

Thank you,  
Annie

Ann M. Donaldson  
Associate

[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)

(b)(6)

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**From:** [Ann M Donaldson](#)  
**To:** [Deborah J. Bortot](#); [Heather A. Jones](#)  
**Subject:** Senator Sessions  
**Date:** Thursday, December 22, 2016 3:50:21 PM

---

On behalf of the President-Elect, this email serves as confirmation that the President-Elect intends to nominate Senator Jeff Sessions to be Attorney General. Please transmit his pre-cleared 278 report and any accompanying documents to the appropriate Senate committee.

Thank you,  
Annie

Ann M. Donaldson  
Associate

[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)

(b)(6)

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UNITED STATES OFFICE OF  
GOVERNMENT ETHICS



December 12, 2016

The Honorable Thomas R. Carper  
Ranking Member  
Committee on Homeland Security  
and Governmental Affairs  
United States Senate  
513 Hart Senate Office Building  
Washington, DC 20510-6250

Dear Ranking Member Carper:

Thank for your letter dated November 20, 2016, regarding the role of the United States Office of Government Ethics (OGE) in preventing conflicts of interest. Your letter initially set a response deadline of December 5, 2016, but your office extended that deadline to December 12, 2016. I have enclosed OGE's responses to the questions posed in your letter.

If your staff has any questions or would like to discuss these responses, they may feel free to contact OGE's Chief of Staff, Shelley K. Finlayson, at (202) 482-9292.

Sincerely,

A handwritten signature in blue ink, reading "Walter M. Shaub, Jr.", is positioned above the printed name and title.

Walter M. Shaub, Jr.  
Director

Enclosure

cc. The Honorable Ron Johnson  
Chairman



RESPONSES TO THE QUESTIONS POSED IN THE NOVEMBER 20, 2016, LETTER OF THOMAS R. CARPER, RANKING MEMBER, COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS, UNITED STATES SENATE (DECEMBER 12, 2016)

Before responding to each of your questions, some background on OGE and its legal authorities may prove helpful. As your letter correctly indicates, OGE oversees the executive branch ethics program and works with ethics practitioners in more than 130 federal agencies to carry out its important mission of preventing conflicts of interest on the part of the approximately 2.7 million federal employees. However, OGE is not, as your letter indicates, an “independent” agency, with the protections and authorities<sup>1</sup> that such status would confer. Instead, OGE is an executive agency with the limited authorities that the Ethics in Government Act vests in it.<sup>2</sup>

As your letter suggests, OGE has some involvement in ethics issues related to Presidents. For example, the Stop Trading on Congressional Knowledge Act (STOCK Act) imposes limited ethics-related restrictions on the President.<sup>3</sup> The STOCK Act bars the President from: using nonpublic information for private profit;<sup>4</sup> engaging in insider trading;<sup>5</sup> participating in an initial public offering;<sup>6</sup> intentionally influencing an employment decision or practice of a private entity solely on the basis of partisan political affiliation;<sup>7</sup> and participating in a particular matter directly and predictably affecting the financial interests of any person with whom he has, or is negotiating for, an agreement of future employment or compensation.<sup>8</sup> In addition, OGE is authorized to review the President’s annual, periodic transaction, and termination financial disclosure reports.<sup>9</sup> OGE’s regulations on gifts from outside sources and gifts from employees also apply to the President.<sup>10</sup>

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<sup>1</sup> Such protections and authorities typically include: a restriction on removing the agency head, except for cause; a requirement that Congress be notified of the agency’s independent budget request; and bypass authority for unrestricted communications with Congress. *See, e.g.*, 5 U.S.C. §§ 1202(d), 1204(k)-(l), 1205-1206, 1211(b), 1212(e), 1217-18 (2012); 5 U.S.C. app. §§ 3(b), 5, 6(f) (2012).

<sup>2</sup> 5 U.S.C. app. §§ 401-408 (2012).

<sup>3</sup> *See* STOCK Act, Pub. L. No. 112-105, § 2(3)(B)(i), 126 Stat. 291 (2012), as amended.

<sup>4</sup> *See* STOCK Act, Pub. L. No. 112-105, § 9(a), 126 Stat. 291 (2012) (linked to the subject of OGE’s regulation on the misuse of nonpublic information at 5 C.F.R. § 2635.703 (2016)).

<sup>5</sup> *See* STOCK Act, Pub. L. No. 112-105, § 9(b), 126 Stat. 291 (2012).

<sup>6</sup> *See* STOCK Act, Pub. L. No. 112-105, § 12, 126 Stat. 291 (2012). However, note that, except for identifying and advising covered executive branch officials, OGE is not involved in interpreting section 12 because that section amends the Securities and Exchange Act of 1934, 15 U.S.C. 78u-1. *Cf.* OGE LA-14-02 (Mar. 7, 2014).

<sup>7</sup> *See* STOCK Act, Pub. L. No. 112-105, § 18, 126 Stat. 291 (2012), (codified at 18 U.S.C. § 227 (2012)). Note, however, that the Ethics in Government Act does not authorize OGE to make any finding that a criminal law has been violated. 5 U.S.C. app. § 402(f)(5).

<sup>8</sup> *See* STOCK Act, Pub. L. No. 112-105, § 17, 126 Stat. 291 (2012). Note that OGE has interpreted future employment or compensation as employment or compensation that will commence after a covered individual’s government service has ended. *See* OGE LA-13-06 (Apr. 25, 2013); OGE LA-12-01 (Apr. 6, 2012).

<sup>9</sup> *See* 5 U.S.C. app. §§ 101(f)(1), 103(b), 106 (2012).

<sup>10</sup> *See* 5 C.F.R. 2635.102(h) (2016). Note that an exception to the gift rules generally permits the President to accept gifts from outside sources, but that exception does not except him from overarching considerations relating to the acceptance of gifts. *See* 5 C.F.R. §§ 2635.204(j), 2635.202(c) (2016); *see also* 81 Fed. Reg. 81,641, 81,648-49 (Nov. 18, 2016) (to be codified at 5 C.F.R. § 2635.201).



At the same time, OGE's involvement in ethics issues related to the President has significant limits. For example, although the bribery statute applies to the President, a 1980 memorandum of understanding between OGE and the U.S. Department of Justice withholds from OGE authority to issue binding opinions on the statutory prohibition against bribery.<sup>11</sup> Similarly, although the President is subject to the Emoluments Clause<sup>12</sup> and the Presidential Emoluments Clause<sup>13</sup> of the United States Constitution, OGE lacks authority and expertise to address issues arising under those clauses. In addition, provisions of the Ethics in Government Act limiting outside earned income and outside employment are inapplicable to the President because they employ the terms "officer" and "employee," which are subject to definitions that exclude the President in the same title of the United States Code.<sup>14</sup> Most important to the questions raised in your letter, the primary criminal conflicts of interest statute, 18 U.S.C. § 208, is inapplicable to the President, though OGE has for more than three decades asserted authority to make nonbinding recommendations regarding a President's conflicts of interest.<sup>15</sup>

While OGE's role in ethics issues involving the President is limited, OGE has significant involvement in ethics issues related to the President's nominees. The law requires OGE to review the financial disclosure reports of most Presidential nominees for civilian positions requiring Senate confirmation. If confirmed, these individuals become, upon assuming their government positions, subject to the criminal conflict of interest laws at 18 U.S.C. §§ 201-208, as well as the Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct) and other OGE regulations. Those who are not special government employees also become subject to 18 U.S.C. § 209.<sup>16</sup> Therefore, OGE reviews their financial disclosure reports not only for compliance with applicable disclosure requirements but also for conflicts of interest. OGE approaches this work from the perspective of managing risk, preparing ethics agreements to prescribe concrete steps they must take to reduce the potential for conflicts of interest to arise. OGE then transmits their nominee packages directly to the Senate.<sup>17</sup>

With this background, please find below OGE's responses to each of the questions posed in your November 20, 2016, letter.

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<sup>11</sup> See 18 U.S.C. § 201 (2012).

<sup>12</sup> U.S. Const., art. I, § 9, cl. 8.

<sup>13</sup> U.S. Const., art. II, § 1, cl. 7.

<sup>14</sup> See 5 U.S.C. §§ 2104 (officer), 2105 (employee); 5 U.S.C. app. §§ 501 (Outside earned income limitation), 502 (Limitations on outside employment), 505(2) (modifying the definitions of "officer" and "employee" in title 5, United States Code to exclude from those definitions special government employees for purposes of title V of the Ethics in Government Act).

<sup>15</sup> See 18 U.S.C. § 202(c) (2012); *see also* OGE opinion 83x16 (October 20, 1983) available online at [https://www.oge.gov/web/oge.nsf/Legal%20Advisories/01F8E09232041FD185257E96005FBBE8/\\$FILE/64ed9ad9bd294b45a88ac8729a97968a3.pdf?open](https://www.oge.gov/web/oge.nsf/Legal%20Advisories/01F8E09232041FD185257E96005FBBE8/$FILE/64ed9ad9bd294b45a88ac8729a97968a3.pdf?open).

<sup>16</sup> For additional information, you may find it helpful to review OGE's Transition Guide, OGE's Nominee Ethics Guide, and the appendix to OGE's Nominee Ethics Guide. All three of these documents are available online at: <https://www.oge.gov/web/oge.nsf/Resources/PRESIDENTIAL+TRANSITION>.

<sup>17</sup> For more information about OGE's mission, structure and operations, you might find it useful to review OGE's newly released agency profile publication, which is available online at [https://www.oge.gov/web/oge.nsf/0/AAD52FD1763F7B6A85258082005E8840/\\$FILE/OGE%20Agency%20Profile%20Book%20Spread%20View.pdf](https://www.oge.gov/web/oge.nsf/0/AAD52FD1763F7B6A85258082005E8840/$FILE/OGE%20Agency%20Profile%20Book%20Spread%20View.pdf)



## QUESTION 1:

1. ***Handling of Trump Organization***—*For constitutional reasons, the President is exempt from certain conflict of interest rules, such as the prohibition on acting in matters affecting his personal financial interest or representing his own claims and business interests to the government. However, the President remains subject to many related statutes, such as prohibitions on bribery and embezzlement. President-elect Trump and the Trump Organization reportedly have business with the federal government, lease federal property, and have regulatory and enforcement matters presently being adjudicated by federal government agencies.*
  - a. *What guidance has Office of Government Ethics (OGE) provided to agency ethics officials regarding the protocols for handling matters directly affecting President-elect Trump and the Trump Organization?*

For approximately the past 18 months, OGE has worked diligently to prepare the executive branch ethics community for the types of ethics issues that demand greater focus during a Presidential transition. As part of that preparation, OGE undertook significant regulatory reforms and provided extensive guidance and training to agency ethics officials across the executive branch. The effort included, among other measures, strengthening OGE's regulations on seeking employment, gifts from outside sources, and requirements for the executive branch ethics program.<sup>18</sup> 81 Fed. Reg. 48,687 (July 26, 2016); 81 Fed. Reg. 81,641 (November 18, 2016) (gifts from outside sources); and 81 Fed. Reg. 36,193 (June 6, 2016) (ethics program requirements). The effort also included proposed revisions to OGE's financial disclosure regulations. 81 Fed. Reg. 69,204 (October 5, 2016). In addition, OGE developed and distributed a number of new guidance and resource materials to ethics officials on topics such as nominee financial disclosure, ethics agreements, and post-employment restrictions.<sup>19</sup> OGE provided extensive training to agency ethics officials on ethics issues related to the transition, including: a three-day training event regarding the Presidential transition with over 500 in-person participants and thousands of online viewers; a full day of financial disclosure training, with separate tracks for beginner and advanced reviewers; and a transition readiness program, comprising six distance learning events. This transition-specific training was in addition to the regular training that OGE presents in order to ensure that agency ethics officials have the requisite skills to support executive branch officials. In fiscal year 2016, OGE received nearly 7,000 registrations for its training courses, and recorded sessions from its past training events were viewed online over 20,000 times across the year.

OGE also worked extensively with the nonpartisan Partnership for Public Service and a number of agency service providers to advance the Partnership's transition readiness project. This project involved the development of guidance, training, and an expansive database of resource materials<sup>20</sup> for the transition teams of both major party Presidential candidates. In

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<sup>18</sup> Significantly, OGE's regulatory revisions to ethics program requirements included expanded ethics training requirements for executive branch employees, with specific emphasis on impartiality and misuse of position.

<sup>19</sup> These materials are all available on OGE's website at [www.oge.gov](http://www.oge.gov).

<sup>20</sup> For additional information, you may want to review the Partnership for Public Service's Center for Presidential Transition online at <http://presidentialtransition.org/>.



conjunction with this project, OGE met separately with each of the two transition teams and provided additional technical information and training on establishing transition procedures and operating *Integrity*,<sup>21</sup> OGE's electronic public financial disclosure filing system. OGE also developed a page on its website dedicated to the Presidential transition, which is linked through a prominent banner on the homepage of its website.<sup>22</sup> OGE contributed other information and materials to websites operated by the General Services Administration, as well.<sup>23</sup>

*b. Will OGE recommend safeguards to protect federal officials from fear of reprisal in dealings with the Trump Organization?*

OGE believes that a strong ethical culture inherently depends on protecting whistleblowers. For this reason, OGE is supportive of the important work of the U.S. Office of Special Counsel, which is the agency authorized to investigate and administratively prosecute executive branch officials for whistleblower retaliation, and the U.S. Merit Systems Protection Board, which is the agency authorized to adjudicate claims of whistleblower retaliation.

*c. Will OGE take steps to ensure Trump Organization employees do not have privileged access to decision-makers or access to nonpublic government information?*

As an initial matter, it bears emphasizing that members of President-elect's Transition Team (PETT) will necessarily interact with executive branch officials, some of whom may have decision-making authority. Such interaction is not only permitted but encouraged by the authorities that establish processes for Presidential transitions.<sup>24</sup> Moreover, the PETT is not a federal agency and its members are not executive branch employees.<sup>25</sup> Therefore, the ethics restrictions applicable to federal employees are inapplicable to PETT members, and OGE has no authority over them.<sup>26</sup>

OGE is aware of a memorandum of understanding (MOU) between the Chief of Staff to the President and the Chair of the PETT that addresses the confidentiality of nonpublic government information. That agreement addresses the responsibilities of PETT members with regard to nonpublic information and related conflicts of interest.<sup>27</sup> The MOU also references a Code of Ethical Conduct for the transition, as well as the public disclosure requirements of the Presidential Transition Act, as amended.<sup>28</sup> OGE has no role in drafting either such an MOU or a

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<sup>21</sup> Available online at <https://integrity.gov/efeds-login/> or simply [integrity.gov](https://integrity.gov).

<sup>22</sup> Available online at <https://www.oge.gov/web/oge.nsf/Resources/PRESIDENTIAL+TRANSITION>.

<sup>23</sup> Available online at <https://presidentialtransition.usa.gov/>.

<sup>24</sup> See Pub. L. No. 88-277 (1963), Pub. L. No. 94-499 (1976), Pub. L. No. 100-398 (1988), Pub. L. No. 106-293 (2000), Pub. L. No. 111-283 (2010), Pub. L. No. 114-136 (2016); Exec. Order 13,727 (May 6, 2016).

<sup>25</sup> See Pub. L. No. 88-277, § 3(a)(2) (1963); see also Applicability of 18 U.S.C. § 207(c) to President-Elect's Transition Team, Letter for the Director, Office of Government Ethics, 12 Op. O.L.C. 264, 265 n.1, (Nov. 18, 1988).

<sup>26</sup> See 5 U.S.C. app. § 402(a) (2012).

<sup>27</sup> See Mem. of Understanding between Denis R. McDonough, Chief of Staff to the President, and Michael R. Pence, Chair of the President-elect's Transition Team (Nov. 15, 2016), available online at <https://presidentialtransition.usa.gov/files/2015/11/16-11-15-Final-Signed-MOU.pdf>.

<sup>28</sup> See *id.* In addition, the disclosure provisions of the Presidential Transition Act, as amended, require the PETT, as a condition of receiving funds and services from the government, to make public (1) the names and most recent employment of all transition personnel who are members of agency transition teams, and (2) information regarding the sources of funding that support the transition activities of each transition team member. Presidential Transition

transition code of ethical conduct. The Office of Management and Budget or the PETT may be able to supply additional information about these documents.

It is OGE's understanding that the requirements set forth in the MOU and the Code of Ethical Conduct are contractual and cannot be enforced against PETT members using the mechanisms generally applicable to federal employees. Federal employees who interact with the PETT, however, continue to be subject to the full range of executive branch ethics laws, including restrictions on the use of nonpublic information and the use of public office for private gain established in the Standards of Conduct.<sup>29</sup> Accordingly, federal employees may not provide PETT members with nonpublic information unless the requirements of the MOU and the Presidential Transition Act, as amended, have been met. Their employing agencies have authority to impose disciplinary sanctions for violations of these authorities.<sup>30</sup>

With regard to other potential contacts between outside organizations, such as the one mentioned in your question, executive branch employees are subject to requirements in the Standards of Conduct related to impartiality, misuse of position, and release of nonpublic information.<sup>31</sup> To ensure that employees comply with these requirements, OGE will continue providing training and guidance to the nearly 4,500 agency ethics officials in the executive branch, who in turn will continue to provide training and guidance to the 2.7 million federal employees in their agencies. OGE similarly supports Offices of Inspectors General through training and guidance related to the enforcement of ethics laws and regulations.

*d. President-elect Trump reportedly intends to transfer control of the Trump Organization to his three oldest children. Does this transfer meet the standards of a qualified blind trust, as defined under the Ethics in Government Act?*

OGE does not have any independent knowledge of facts that would either support or refute the premise of this question. As to the question itself, the Ethics in Government Act prescribes specific requirements for establishing a qualified blind trust.<sup>32</sup> Transferring operational control of a company to one's children would not constitute the establishment of a qualified blind trust, nor would it eliminate conflicts of interest under 18 U.S.C. § 208 if applicable.<sup>33</sup>

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Act of 1963, 3 U.S.C. § 102 note, Sec. 6(b)(1), *amended by* Edward 'Ted' Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015, Pub. L. No. 114-136, 130 Stat. 301.

<sup>29</sup> See 5 C.F.R. §§ 2635.702-2635.703 (2016). In addition, the MOU states that a government employee may not allow the improper use of nonpublic information to further his or her own private interest or that of another. This provision is enforceable, through normal disciplinary procedures, by the employing agency of any employee who violates it.

<sup>30</sup> See, e.g., 5 U.S.C. ch. 75 (2012).

<sup>31</sup> See 5 C.F.R. 2635, subparts E and G (2016).

<sup>32</sup> See 5 U.S.C. app. § 102(f) (2012).

<sup>33</sup> *Id.*



## QUESTION 2:

2. ***President-elect Trump's Financial Conflicts***—*President-elect Trump's previous financial disclosure reports reveal potential financial conflicts of interest in several areas of the economy and foreign relations. While Presidents are exempt from conflict of interest rules for constitutional reasons, Presidents of both parties, dating back to Lyndon Johnson, have taken significant steps to avoid the appearance of a conflict.*
- a. *Please identify the information that must be included in the President's annual financial disclosure, when a President must file his first disclosure, and whether the public will receive access to these disclosures.*

The President-elect's first annual public financial disclosure report will be due on or before May 15, 2018.<sup>34 35</sup> Traditionally, Presidents voluntarily file an annual financial disclosure report by May 15 during their first year in office, but OGE does not know whether the President-elect will choose to adhere to that tradition. Because the STOCK Act requires that his annual public financial disclosure report be posted online, it will be posted on either OGE's website or the White House's website.<sup>36</sup> The items below describe the information that a President is required to disclose in an annual public financial disclosure report (OGE Form 278e).<sup>37</sup>

- *Filer's Positions Held Outside United States Government*

Part 1 of the OGE Form 278e discloses positions that the filer held at any time during the reporting period (excluding positions with the United States Government). Positions are reportable even if the filer did not receive compensation. This section does not include the following: (1) positions with religious, social, fraternal, or political organizations; (2) positions solely of an honorary nature; (3) positions held as part of the filer's official duties with the United States Government; (4) mere membership in an organization; and (5) passive investment interests as a limited partner or non-managing member of a limited liability company.

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<sup>34</sup> See 5 U.S.C. app. § 101(a) and (d) (2012).

<sup>35</sup> Note that in 2012 the STOCK Act amended the Ethics in Government Act, in part, by requiring Presidents to file periodic transaction reports in order to disclose each covered transaction. See 5 U.S.C. app. § 103(l) (2012). In the case of the President-elect, this requirement will apply only to transactions occurring on or after January 20, 2017. The deadline for disclosing each such transaction is "[n]ot later than 30 days after receiving notification of any transaction required to be reported under section 102(a)(5)(B), but in no case later than 45 days after such transaction." *Id.*

<sup>36</sup> See STOCK Act, Pub. L. No. 112-105, 126 Stat. 291, § 11(b) (2012), as amended by Pub. Law No. 113-7, § 1(b)(2) (2013). Note that the public posting requirement applies equally to periodic transaction reports. *Id.*

<sup>37</sup> 5 U.S.C. app. § 102 (2012); 5 C.F.R. part 2634, subpart C (2016).

- *Filer's Employment Assets & Income and Retirement Accounts*

Part 2 of the OGE Form 278e discloses the following:

- Sources of earned and other non-investment income of the filer totaling more than \$200 during the reporting period (e.g., salary, fees, partnership share, honoraria, scholarships, and prizes); and
- Assets related to the filer's business, employment, or other income-generating activities that (1) ended the reporting period with a value greater than \$1,000 or (2) produced more than \$200 in income during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents).

This section does not include assets or income from United States Government employment or assets that were acquired separately from the filer's business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note that the type of income is not required to be identified if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF).

- *Filer's Employment Agreements and Arrangements*

Part 3 of the OGE Form 278e discloses agreements and arrangements that the filer had during the reporting period with an employer or former employer (except the United States Government), such as the following:

- Future employment;
- Leave of absence;
- Continuing payments from an employer, including severance and payments not yet received for previous work (excluding ordinary salary from a current employer);
- Continuing participation in an employee welfare, retirement, or other benefit plan, such as pensions or a deferred compensation plan; and
- Retention or disposition of employer-awarded equity, sharing in profits or carried interests (e.g., vested and unvested stock options, restricted stock, future share of a company's profits, etc.).



- *Spouse's Employment Assets & Income and Retirement Accounts*

Part 5 of the OGE Form 278e discloses the following:

- Sources of earned income (excluding honoraria) for the filer's spouse totaling more than \$1,000 during the reporting period (e.g., salary, consulting fees, and partnership share);
- Sources of honoraria for the filer's spouse greater than \$200 during the reporting period; and
- Assets related to the filer's spouse's employment, business activities, other income-generating activities that (1) ended the reporting period with a value greater than \$1,000, or (2) produced more than \$200 in income during the reporting period (e.g., equity in a business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents).

Information disclosed in Part 5 does not include assets or income from United States Government employment or assets that were acquired separately from the filer's spouse's business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note that the type of income is not required to be identified if the amount of income is \$0 - \$200 or if the asset qualifies as an EIF. Amounts of income are not required for a spouse's earned income (excluding honoraria).

- *Other Assets and Income*

Part 6 of the OGE Form 278e discloses each asset, not already reported, that (1) ended the reporting period with a value greater than \$1,000 or (2) produced more than \$200 in investment income during the reporting period. For purposes of the value and income thresholds, the filer aggregates the filer's interests with those of the filer's spouse and dependent children. This section does not include the following types of assets: (1) a personal residence (unless it was rented out during the reporting period); (2) income or retirement benefits associated with United States Government employment (e.g., Thrift Savings Plan); and (3) cash accounts (e.g., checking, savings, certificates of deposit, money market accounts, etc.) at a single financial institution with a value of \$5,000 or less (unless more than \$200 of income was produced). Additional exceptions apply. Note that the type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an EIF.



- *Transactions*

Part 7 of the OGE Form 278e discloses purchases, sales, or exchanges of real property or securities in excess of \$1,000 made on behalf of the filer, the filer's spouse or dependent child during the reporting period. This section does not include transactions that concern the following: (1) a personal residence, unless rented out; (2) cash accounts (e.g., checking, savings, certificates of deposit, money market accounts, etc.) and money market mutual funds; (3) Treasury bills, bonds, and notes; and (4) holdings within a federal Thrift Savings Plan account. Additional exceptions apply.

- *Liabilities*

Part 8 of the OGE Form 278e discloses liabilities over \$10,000 that the filer, the filer's spouse, or the filer's dependent child owed at any time during the reporting period. With regard to a President, this section does not include the following types of liabilities: (1) loans secured by a personal motor vehicle, household furniture, or appliances, unless the loan exceeds the item's purchase price; and (2) revolving charge accounts, such as credit card balances, if the outstanding liability did not exceed \$10,000 at the end of the reporting period. Additional exceptions apply.

- *Gifts and Travel Reimbursements*

Part 9 of the OGE Form 278e discloses:

- Gifts totaling more than \$375 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period; and
- Travel reimbursements totaling more than \$375 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period.

For purposes of this section, the filer need not aggregate any gift or travel reimbursement with a value of \$150 or less. Regardless of the value, this section does not include the following items: (1) anything received from relatives; (2) anything received from the United States Government or from the District of Columbia, state, or local governments; (3) bequests and other forms of inheritance; (4) gifts and travel reimbursements given to the filer's agency in connection with the filer's official travel; (5) gifts of hospitality (food, lodging, entertainment, etc.) at the donor's residence or personal premises; and (6) anything received by the filer's spouse or dependent children totally independent of their relationship to the filer. Additional exceptions apply.

Note that annual filers are not required to complete Part 4 of the OGE Form 278e. Part 4 discloses sources (except the United States Government) that paid more than \$5,000 in a

calendar year for the filer's services during any year of the reporting period. The filer discloses payments both from employers and from any clients to whom the filer personally provided services. The filer discloses a source even if the source made its payment to the filer's employer and not to the filer. The filer does not disclose a client's payment to the filer's employer if the filer did not provide the services for which the client is paying.

*b. What steps does OGE require a President to take if any conflicts of interest are apparent on the face of a financial disclosure?*

Congress amended 18 U.S.C. § 202 in 1989 to clarify that 18 U.S.C. § 208 does not apply to a President.<sup>38 39</sup> Even prior to that amendment, OGE did not construe 18 U.S.C. § 208 as applicable to a President.<sup>40</sup> Nevertheless, it has been the consistent policy of the executive branch that a President should conduct himself “as if” he were bound by this financial conflict of interest law.<sup>41</sup> Given the unique circumstances of the Presidency, OGE's view is that a President should comply with this law by divesting conflicting assets,<sup>42</sup> establishing a qualified blind trust,<sup>43</sup> or both. However, although every President in modern times has adopted OGE's recommended approach, OGE has no power to require adherence to this tradition.

*c. What steps will OGE require to prevent acquisition of new conflicts by President-elect Trump and his Trump Organization?*

Please refer to OGE's response to (2)(b), above.

QUESTION 3:

**3. *Transition Team*—President-elect Trump's three oldest children are members of the Presidential Transition team while continuing to serve as executives and officers in the Trump Organization. As leaders on the Transition team, his children will be party to**

<sup>38</sup> See Ethics Reform Act of 1989, Pub. L. No. 101-194, § 401 (1989); see also 18 U.S.C. § 202(c) (2012).

<sup>39</sup> Note that, as mentioned earlier, the STOCK Act separately imposes one limited conflict of interest restriction on the President. That law prohibits the President from participating in any particular matter directly and predictably affecting the financial interests of any person with whom he has, or is negotiating for, an agreement of future employment or compensation. STOCK Act, Pub. L. 112-105 at § 17. OGE has interpreted future employment or compensation as employment or compensation that will commence after a covered individual's government service has ended. See OGE LA-13-06 (Apr. 25, 2013); OGE LA-12-01 (Apr. 6, 2012). However, it is Congress, not OGE, that possesses authority to address violations of law by sitting Presidents. U.S. Const., art. II, § 4.

<sup>40</sup> See OGE Opinion 83 x 16 (Oct. 20, 1983). Setting aside constitutional arguments, the merits of which are the subject of differing views, the inapplicability of the prohibition under 18 U.S.C. § 208(a) stems from the statute's use of the terms “officer” and “employee,” which are generally construed to have the meanings assigned in 5 U.S.C. §§ 2104-05. See Applicability of 18 U.S.C. § 207(c) to President-Elect's Transition Team, 29 Op. O.L.C. 127, 128 (Jul. 22, 2005) (“Title 18 does not define ‘officer’ or ‘employee,’ but we have found the definitions in title 5 to be the most obvious source of a definition for title 18 purposes” (internal quotation marks omitted)); see also Application of Conflict of Interest Rules to Appointees Who Have Not Begun Service, 26 Op. O.L.C. 32 (May 8, 2002) (“Because title 18 sets out no definition of ‘officer’ or ‘employee,’ we have looked to the definitions in title 5 as the most obvious source of a definition for title 18 purposes” (internal quotation marks omitted)).

<sup>41</sup> See OGE Advisory 83 x 16 (Oct. 20, 1983) (and authorities cited therein).

<sup>42</sup> In lieu of a blind trust, the proceeds could be reinvested in diversified mutual funds. See 5 C.F.R. § 2640.201(a) (2016).

<sup>43</sup> See 5 U.S.C. app. § 102(f) (2012).



*sensitive government information and empowered to discuss matters of government policy and operations with the leadership of several federal agencies.*

- a. What guidance has OGE provided to agency ethics officials regarding the handling of non-transition business communications from Mr. Trump's children and the Trump Organization during the transition?*

As explained in response to Question 1(c), OGE lacks authority over the Presidential transition team and its members, but will continue to provide training and guidance to agency ethics officials regarding provisions of the Standards of Conduct related to impartiality, misuse of position, and release of nonpublic information.

QUESTION 4:

- 4. *President-elect Trump's Oldest Children and Jared Kushner*—President-elect Trump has reportedly expressed interest in obtaining security clearances for his three oldest children and his son-in-law, Jared Kushner.**

- a. What guidance has OGE provided to President-elect Trump's oldest children and Mr. Kushner concerning the management of their conflicts of interest while participating in executive branch deliberations?*

To the best of OGE's knowledge, these individuals are private citizens who have not been appointed to positions as officers or employees of the federal executive branch. For this reason, the criminal conflicts of interest law, 18 U.S.C. § 208, is inapplicable to them. Please refer to OGE's response to Question 1(c) for discussion of documents governing their activities in the capacity of PETT members.

- b. Does President-elect Trump have legal authority to appoint these individuals to government positions?*

The Constitution of the United States authorizes the President to appoint officers and employees in the executive branch.<sup>44</sup> Various statutes and regulations outside OGE's purview may address the exercise of that authority.<sup>45</sup> The U.S. Department of Justice, the U.S. Office of Personnel Management, the U.S. Office of Special Counsel, and the U.S. Merit Systems Protection Board may have some role in interpreting such authorities.

- c. Are President-elect Trump's children and Mr. Kushner exempt from conflict of interest laws?*

Please refer to OGE's response to Question 4(a).

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<sup>44</sup> U.S. Const., art. II, § 2, cl. 2.

<sup>45</sup> See, e.g., 5 U.S.C. § 3110 (2012).

- d. *Has OGE provided guidance to these individuals to ensure they disqualify themselves from matters in which they have financial interests and to prevent inadvertent disclosure of confidential government information?*

Please refer to OGE's response to Question 4(a).

QUESTION 5:

5. ***Ongoing Financial Disclosure Obligations***—*President-elect Trump has disclosed a large portfolio of financial interests that include securities interests in several investment companies. President-elect Trump will be under an ongoing obligation to file public reports of any securities transactions so that the public may understand his financial interests.*

- a. *What guidance has OGE provided to President-elect Trump to ensure he continues to file any required financial disclosures of securities transactions?*

OGE provides assistance to the PETT and the White House. As part of this effort, OGE will be providing the PETT and, after January 20, 2016, the White House assistance in complying with applicable financial disclosure requirements. OGE has also made information available on its website in the form of legal advisories, a public financial disclosure guide, and training materials.<sup>46</sup> In addition, OGE's electronic filing system is available to assist public filers with satisfying public financial disclosure requirements.<sup>47</sup> A President's public financial disclosure reports are filed with OGE.<sup>48</sup>

- b. *How often will President-elect Trump be required to file such disclosures?*

Annual public financial disclosure reports are filed annually on or before May 15 each year.<sup>49</sup> Periodic transaction reports are filed by the earlier of 45 days after the transaction or 30 days after receiving notification of the transaction.<sup>50</sup> Additional information regarding periodic

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<sup>46</sup> OGE's legal advisories are available online at <https://www.oge.gov/Web/OGE.nsf/Legal%20Advisories>. OGE's online Public Financial Disclosure Guide is available online at <https://www.oge.gov/Web/278eGuide.nsf>. Examples of OGE's training materials are available online at <https://www.youtube.com/user/OGEInstitute> and <https://plus.google.com/+OGEInstitute>. Checklists for nominee financial disclosure reports, which would also be useful for a President's representatives, are available at [https://www.oge.gov/Web/OGE.nsf/0/BC975C546E68A21C852580560045BE83/\\$FILE/Financial%20Disclosure%20Checklists.pdf](https://www.oge.gov/Web/OGE.nsf/0/BC975C546E68A21C852580560045BE83/$FILE/Financial%20Disclosure%20Checklists.pdf). A guide for Presidential nominees and an appendix to that guide, both of which contain information that would be useful for a President's representatives are available at [https://www.oge.gov/Web/OGE.nsf/0/908088E45E5A64778525801B00590DD5/\\$FILE/Final%20Nomination%20Guide%20Spreads%20Optimized%20Web.pdf](https://www.oge.gov/Web/OGE.nsf/0/908088E45E5A64778525801B00590DD5/$FILE/Final%20Nomination%20Guide%20Spreads%20Optimized%20Web.pdf) and [https://www.oge.gov/Web/OGE.nsf/0/0EA56347F998FFA78525801B0058E0F9/\\$FILE/Final%20Appendix%20Spreads%20Web%20.pdf](https://www.oge.gov/Web/OGE.nsf/0/0EA56347F998FFA78525801B0058E0F9/$FILE/Final%20Appendix%20Spreads%20Web%20.pdf), respectively. A guide for the transition team is available online at [https://www.oge.gov/Web/OGE.nsf/0/915128106F6180848525801B0059371D/\\$FILE/Transition%20Guide%20Spread.pdf](https://www.oge.gov/Web/OGE.nsf/0/915128106F6180848525801B0059371D/$FILE/Transition%20Guide%20Spread.pdf).

<sup>47</sup> That system is available online at <https://integrity.gov/efeds-login/>.

<sup>48</sup> 5 U.S.C. app. § 103(b) (2012).

<sup>49</sup> 5 U.S.C. app. § 101(c) (2012).

<sup>50</sup> 5 U.S.C. app. § 103(l) (2012).



transaction reports can be found in OGE's legal advisories.<sup>51</sup> Termination financial disclosure reports are filed on or before the thirtieth day after terminating employment in a filing position.<sup>52</sup>

*c. Will OGE or the White House Counsel be responsible for assessing fines for any late filings?*

Having never encountered this issue, OGE does not currently know whether a sitting President can be assessed late filing fees.<sup>53</sup> If so, the Counsel to the President is responsible for collecting them.<sup>54</sup>

QUESTION 6:

**6. *Outside Fiduciary Positions***—*President-elect Trump has disclosed that he serves as chairman or board member of hundreds of companies. As a board member or officer, he owes those entities and their investors legal fiduciary duties that have the potential to interfere with his duties as president.*

*a. What guidance has OGE provided to President-elect Trump regarding his outside positions and the steps he should take to address potential conflicts of interest?*

The President-elect has indicated publicly that he will announce a plan for resolving his conflicts of interest on December 15, 2016. Although OGE offered to provide recommendations, OGE has not been involved in developing that plan. Please refer to Question 2(b) for discussion of OGE's views on conflicts of interest.

*b. What safeguards will OGE establish to prevent conflicts of interest between his legal fiduciary obligations to these companies and his legal obligations and duties as President?*

Please refer to Question 2(b).

**7. *Misuse of Image***—*Longstanding White House policy across Administrations prohibits the use of the President's name or image in advertising or for the endorsement of any commercial product or service.*

*a. What guidance has OGE provided to President-elect Trump regarding the use of his name and image for the endorsement of the Trump Organization or his children's businesses?*

The policy to which this question refers is outside OGE's purview. Furthermore, OGE is not familiar with that policy or its interpretation and application by the White House.

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<sup>51</sup> See OGE LA-12-04 (Jun. 20, 2012); OGE LA-13-01 (Jan. 18, 2013).

<sup>52</sup> 5 U.S.C. app. § 101(e) (2012).

<sup>53</sup> See 5 U.S.C. app. § 104 (2012); cf. A Sitting President's Amenability to Indictment and Criminal Prosecution, 24 Op. O.L.C. 222 (Oct. 16, 2000).

<sup>54</sup> 5 U.S.C. app. § 104(d) (2012); 5 C.F.R. § 2634.704 (2016).



# AIMS Agency Information Management System

**Announcement:** If you create a duplicate interaction, please contact Gwen Cannon-Jenkins to have it deleted

## Resolved Interactions Details

### Reopen Interaction

**Title:**

34 press calls

**Interaction #:** 10260

**Status:** Resolved

### Customer Information

**Source:** Press

**First Name:** James

**Last Name:** Lipton

**Title:** Reporter - NYT

**Position:**

**Email:** (b)(6)

**Phone:**

**Other Notes:** This contact is a stand-in contact for the 34 separate news organizations who contacted us and who received our statement on the issue.

### Interaction Details

**Initiated:** 11/30/2016

**Call Origination:** Phone

**Assigned:** Seth Jaffe

**Watching:**

### Questions

We received inquiries from 34 separate news organizations concerning tweets from OGE's twitter account addressing the President-elect's plans to avoid conflicts of interest.

### Category(s)

Conflicting Financial Interests

### Interaction History

12/1/2016: **Resolved**

Seth Jaffe

Like everyone else, we were excited this morning to read the President-elect's twitter feed indicating that he wants to be free of conflicts of interest. OGE applauds that goal, which is consistent with an opinion OGE issued in 1983. Divestiture resolves conflicts of interest in a way that transferring control does not. We don't know the details of their plan, but we are willing and eager to help them with it. The tweets that OGE posted today were responding only to the public statement that the President-elect made on his Twitter feed about his plans regarding conflicts of interest. OGE's tweets were not based on any information about the President-elect's plans beyond what was shared on his Twitter feed. OGE is non-partisan and does not endorse any individual. <https://twitter.com/OfficeGovEthics>

12/1/2016: **Interaction Created**

Seth Jaffe

### Resolution Details

**Interaction Resolved:** 11/30/2016

**Resolution Category:** Resolved

**Response:**

Like everyone else, we were excited this morning to read the President-elect's twitter feed indicating that he wants to be free of conflicts of interest. OGE applauds that goal, which is consistent with an opinion OGE issued in 1983. Divestiture resolves conflicts of interest in a way that transferring control does not. We don't know the details of their plan, but we are willing and eager to help them with it. The tweets that OGE posted today were responding only to the public statement that the President-elect made on his Twitter feed about his plans regarding conflicts of interest. OGE's tweets were not based on any information about the President-elect's plans beyond what was shared on his Twitter feed. OGE is non-partisan and does not endorse any individual. <https://twitter.com/OfficeGovEthics>

**Complexity:**

**Amount Of Time Spent On Interaction:** More than 8 hours

**Individuals Credited:** Leigh Francis, Seth Jaffe

**Add To Agency Profile:** No

**Memorialize Content:** No

**Do Not Destroy:** No



# AIMS Agency Information Management System

**Announcement:** If you create a duplicate interaction, please contact Gwen Cannon-Jenkins to have it deleted

## Resolved Interactions Details

### Reopen Interaction

#### Title:

Questions concerning President-elect's previous 278 filing (Voice of America)

**Interaction #:** 10281

**Status:** Resolved

### Customer Information

**Source:** Press

**First Name:** Masood

**Last Name:** Farivar

**Title:** Reporter, Voice of America

**Position:**

**Email:** None provided.

**Phone:** (b)(6)

**Other Notes:**

### Interaction Details

**Initiated:** 12/1/2016

**Call Origination:** Email

**Assigned:** Vincent Salamone

**Watching:**

### Questions

Reporter is writing a story about the President-elect Trump's business interests. He has some questions about his most recent form 278e, such as What period does it cover? is the income listed in the form for the calendar or fiscal year 2015 or another period?

### Category(s)

278s

### Interaction History

12/5/2016: **Resolved**

Vincent Salamone

I directed the reporter to information (available on OGE's website) that provided the reporter with information about the reporting periods for the President-elect's most recent public financial disclosure filing and related information concerning the reporting of income (both earned and investment income) on the 278e report as well as other requested information.

12/1/2016: **Interaction Created**

Vincent Salamone

### Resolution Details

**Interaction Resolved:** 12/1/2016

**Resolution Category:** Resolved

#### Response:

I directed the reporter to information (available on OGE's website) that provided the reporter with information about the reporting periods for the President-elect's most recent public financial disclosure filing and related information concerning the reporting of income (both earned and investment income) on the 278e report as well as other requested information.

**Complexity:** 1

**Amount Of Time Spent On Interaction:** 0-1 hour

**Individuals Credited:** Vincent Salamone

**Add To Agency Profile:** No

**Memorialize Content:** No

**Do Not Destroy:** No



# AIMS Agency Information Management System

**Announcement:** If you create a duplicate interaction, please contact Gwen Cannon-Jenkins to have it deleted

## Resolved Interactions Details

### Reopen Interaction

#### Title:

Call about GSA Lease

**Interaction #:** 10242

**Status:** Resolved

### Customer Information

**Source:** Press

**First Name:** Jackie

**Last Name:** Northam

**Title:**

**Position:**

**Email:**

**Phone:** (b)(6)

**Other Notes:**

### Interaction Details

**Initiated:** 11/29/2016

**Call Origination:** Phone

**Assigned:** Leigh Francis, Vincent Salamone

**Watching:**

### Questions

Does OGE have any comment on the terms of a lease between the GSA and the Trump Organization?

### Category(s)

Procurement Integrity

### Interaction History

11/29/2016: **Resolved**

Leigh Francis

Off-the-record and on background, I advised that a GSA lease and its terms were outside OGE's jurisdiction. I advised what OGE's jurisdiction covered, and that it did not include PIA, contracting laws or regulations, generally, or contract provisions.

11/29/2016: **Interaction Created**

Leigh Francis

### Resolution Details

**Interaction Resolved:** 11/29/2016

**Resolution Category:** Resolved

#### Response:

Off-the-record and on background, I advised that a GSA lease and its terms were outside OGE's jurisdiction. I advised what OGE's jurisdiction covered, and that it did not include PIA, contracting laws or regulations, generally, or contract provisions.

**Complexity:**

**Amount Of Time Spent On Interaction:** 0-1 hour

**Individuals Credited:** Leigh Francis, Vincent Salamone

**Add To Agency Profile:** No

**Memorialize Content:** No

**Do Not Destroy:** No





# AIMS Agency Information Management System

**Announcement:** If you create a duplicate interaction, please contact Gwen Cannon-Jenkins to have it deleted

## Resolved Interactions Details

### Reopen Interaction

**Title:**

Call About GSA Lease

**Interaction #:** 10244

**Status:** Resolved

### Customer Information

**Source:** Press

**First Name:** Greg

**Last Name:** Gordon

**Title:** Reporter

**Position:**

**Email:**

**Phone:** (b)(6)

**Other Notes:**

### Interaction Details

**Initiated:** 11/29/2016

**Call Origination:** Phone

**Assigned:** Leigh Francis

**Watching:**

### Questions

Does OGE have any comment regarding the lease between the GSA and the Trump organization?

### Category(s)

Procurement Integrity

### Interaction History

11/29/2016: **Resolved**

Leigh Francis

Off-the-record and on background, I advised that a GSA lease and its terms were outside OGE's jurisdiction. I advised what OGE's jurisdiction covered, and that it did not include PIA, contracting laws or regulations, generally, or contract provisions.

11/29/2016: **Interaction Created**

Leigh Francis

### Resolution Details

**Interaction Resolved:** 11/29/2016

**Resolution Category:** Resolved

**Response:**

Off-the-record and on background, I advised that a GSA lease and its terms were outside OGE's jurisdiction. I advised what OGE's jurisdiction covered, and that it did not include PIA, contracting laws or regulations, generally, or contract provisions.

**Complexity:**

**Amount Of Time Spent On Interaction:** 0-1 hour

**Individuals Credited:** Leigh Francis, Vincent Salamone

**Add To Agency Profile:** No

**Memorialize Content:** No

**Do Not Destroy:** No



# AIMS Agency Information Management System

**Announcement:** If you create a duplicate interaction, please contact Gwen Cannon-Jenkins to have it deleted

## Resolved Interactions Details

### Reopen Interaction

#### Title:

Application of CD rule to the President-elect

**Interaction #:** 10313

**Status:** Resolved

### Customer Information

**Source:** Press

**First Name:** Steven

**Last Name:** Rosenthal

**Title:** Senior Fellow, Urban-Brookings  
Tax Policy Center

**Position:**

**Email:** (b)(6)

**Phone:** (b)(6)

**Other Notes:**

### Interaction Details

**Initiated:** 12/5/2016

**Call Origination:** Email

**Assigned:** Vincent Salamone

**Watching:**

### Questions

The requester shared his interpretation and summary about the ability of the President-elect to divest his businesses utilizing certificates of divestiture.

### Category(s)

CDs

### Interaction History

12/5/2016: **Resolved**

Vincent Salamone

The reporter provided OGE with an article containing his views on whether whether CDs would available to the President-elect in divesting his business interests. No response was requested. The summary is contained in the following link:

<http://www.taxpolicycenter.org/taxvox/could-president-trump-sell-his-business-tax-free>.

12/5/2016: **Interaction Created**

Vincent Salamone

### Resolution Details

**Interaction Resolved:** 12/5/2016

**Resolution Category:** No Response Sent

#### Response:

The reporter provided OGE with an article containing his views on whether whether CDs would available to the President-elect in divesting his business interests. No response was requested. The summary is contained in the following link: <http://www.taxpolicycenter.org/taxvox/could-president-trump-sell-his-business-tax-free>.

**Complexity:** 1

**Amount Of Time Spent On Interaction:** 0-1 hour

**Individuals Credited:** Vincent Salamone

**Add To Agency Profile:** No

**Memorialize Content:** No

**Do Not Destroy:** No



# AIMS Agency Information Management System

**Announcement:** If you create a duplicate interaction, please contact Gwen Cannon-Jenkins to have it deleted

## Resolved Interactions Details

### Reopen Interaction

#### Title:

Comments about OGE tweets/account hacked (Vocativ.com)

**Interaction #:** 10306

**Status:** Resolved

### Customer Information

**Source:** Press

**First Name:** Kevin

**Last Name:** Collier

**Title:** Reporter, Vocativ.com

**Position:**

**Email:** None provided.

**Phone:** (b)(6)

**Other Notes:**

### Interaction Details

**Initiated:** 12/2/2016

**Call Origination:** Email

**Assigned:** Vincent Salamone

**Watching:**

### Questions

Reporter has questions concerning OGE's twitter account and its recent tweets.

### Category(s)

Ethics Program Administration

Other

### Interaction History

12/5/2016: **Resolved**

Vincent Salamone

The reporter was informed that OGE had not been hacked and that the OGE tweets were authorized by OGE. I did not provide any further comment concerning the OGE tweets.

12/3/2016: **Update to Title**

Vincent Salamone

Comments about OGE tweets/account hacked (Vocativ.com)

12/3/2016: **Update to Customer Title**

Vincent Salamone

Reporter, Vocativ.com

12/3/2016: **Update to Customer Position**

Vincent Salamone

12/3/2016: **Update to Title**

Vincent Salamone

Comments about OGE tweets/account hacked

### Resolution Details

**Interaction Resolved:** 12/2/2016

**Resolution Category:** Resolved

**Response:**

The reporter was informed that OGE had not been hacked and that the OGE tweets were authorized by OGE. I did not provide any further comment concerning the OGE tweets.

**Complexity:**

**Amount Of Time Spent On Interaction:** 0-1 hour

**Individuals Credited:** Vincent Salamone

**Add To Agency Profile:** No

**Memorialize Content:** No

**Do Not Destroy:** No



# AIMS Agency Information Management System

**Announcement:** If you create a duplicate interaction, please contact Gwen Cannon-Jenkins to have it deleted

## Resolved Interactions Details

### Reopen Interaction

#### Title:

GSA Lease Provisions

**Interaction #:** 10243

**Status:** Resolved

### Customer Information

**Source:** Press

**First Name:** Tory

**Last Name:** Neumeyer

**Title:** Reporter

**Position:**

**Email:**

**Phone:** (b)(6)

**Other Notes:**

### Interaction Details

**Initiated:** 11/29/2016

**Call Origination:** Phone

**Assigned:** Leigh Francis

**Watching:**

### Questions

Does OGE have any comment on the lease between GSA and the Trump organization?

### Category(s)

Procurement Integrity

### Interaction History

11/29/2016: **Resolved**

Leigh Francis

Off-the-record and on background, I advised that a GSA lease and its terms were outside OGE's jurisdiction. I advised what OGE's jurisdiction covered, and that it did not include PIA, contracting laws or regulations, generally, or contract provisions.

11/29/2016: **Interaction Created**

Leigh Francis

### Resolution Details

**Interaction Resolved:** 11/29/2016

**Resolution Category:** Resolved

#### Response:

Off-the-record and on background, I advised that a GSA lease and its terms were outside OGE's jurisdiction. I advised what OGE's jurisdiction covered, and that it did not include PIA, contracting laws or regulations, generally, or contract provisions.

**Complexity:** [REDACTED]

**Amount Of Time Spent On Interaction:** 0-1 hour

**Individuals Credited:** Leigh Francis

**Add To Agency Profile:** No

**Memorialize Content:** No

**Do Not Destroy:** No



# AIMS Agency Information Management System

**Announcement:** If you create a duplicate interaction, please contact Gwen Cannon-Jenkins to have it deleted

## Resolved Interactions Details

### Reopen Interaction

**Title:**  
Hatch Act  
**Interaction #:** 10344  
**Status:** Resolved

### Customer Information

<b>Source:</b> Public Citizen	<b>Position:</b>
<b>First Name:</b> R	<b>Email:</b>
<b>Last Name:</b> (b)(6)	<b>Phone:</b>
<b>Title:</b>	<b>Other Notes:</b>

### Interaction Details

**Initiated:** 12/7/2016  
**Call Origination:** Email  
**Assigned:** Suzanne Meyer  
**Watching:**

### Questions

You have recently indicated that even though Trump isn't legally obligated to distance himself from his businesses that he should anyway. What about Obama/Biden using their positions within the government to influence the last election? Seems like the same thing, they were legally allowed to do this as they were exempted from the Hatch Act but shouldn't they have refrained from campaigning for Clinton anyway the way you expect Trump to divest even though he doesn't have to legally? Where was your voice on the Hatch Act issue? (b)

### Category(s)

Hatch Act

### Interaction History

12/7/2016: **Resolved**  
Suzanne Meyer  
Dear (b)(6): Thank you for your e-mail to the United States Office of Government Ethics (OGE). OGE was established by the Ethics in Government Act of 1978 to be the office responsible for setting policies aimed at the prevention of conflicts of interest in the executive branch of the Federal Government. OGE, a small agency within the executive branch, assists other executive branch departments and agencies to implement ethics rules and policies that deal with conflict-of-interest laws, post-employment restrictions, the standards of ethical conduct, and the public and confidential financial disclosure systems for executive branch federal employees. OGE's jurisdiction extends only to the specific ethics issues described above within the executive branch of the U.S. Government. Information concerning the Hatch Act can be found at <https://osc.gov/>. Thank you, Contact OGE U.S. Office of Government Ethics

12/7/2016: **Interaction Created**

### Resolution Details

**Interaction Resolved:** 12/7/2016

**Resolution Category:** Resolved

#### Response:

Dear (b)(6): Thank you for your e-mail to the United States Office of Government Ethics (OGE). OGE was established by the Ethics in Government Act of 1978 to be the office responsible for setting policies aimed at the prevention of conflicts of interest in the executive branch of the Federal Government. OGE, a small agency within the executive branch, assists other executive branch departments and agencies to implement ethics rules and policies that deal with conflict-of-interest laws, post-employment restrictions, the standards of ethical conduct, and the public and confidential financial disclosure systems for executive branch federal employees. OGE's jurisdiction extends only to the specific ethics issues described above within the executive branch of the U.S. Government. Information concerning the Hatch Act can be found at <https://osc.gov/>. Thank you, Contact OGE U.S. Office of Government Ethics

#### Complexity:

**Amount Of Time Spent On Interaction:** 0-1 hour

**Individuals Credited:** Suzanne Meyer

**Add To Agency Profile:** No

**Memorialize Content:** No

**Do Not Destroy:** No



# AIMS Agency Information Management System

**Announcement:** If you create a duplicate interaction, please contact Gwen Cannon-Jenkins to have it deleted

## Resolved Interactions Details

### Reopen Interaction

#### Title:

Media Coverage of tweets (Mouthwater)

**Interaction #:** 10311

**Status:** Resolved

### Customer Information

**Source:** Press

**First Name:** Megan

**Last Name:** (no last name provided)

**Title:**

**Position:**

**Email:**

**Phone:** (b)(6)

**Other Notes:**

### Interaction Details

**Initiated:** 12/1/2016

**Call Origination:** Phone

**Assigned:** Vincent Salamone

**Watching:**

### Questions

Reporter has some questions concerning OGE's media coverage involving recent news.

### Category(s)

Ethics Program Administration

### Interaction History

12/5/2016: **Resolved**

Vincent Salamone

I thanked the requester for bringing their service to OGE's attention but informed her that I did not believe the service was needed at this time. I said that I would get back to the reporter if this position changed. I told her that she was free to send me any type of informational materials that was useful to me in understanding the media-related service.

12/3/2016: **Interaction Created**

Vincent Salamone

### Resolution Details

**Interaction Resolved:** 12/2/2016

**Resolution Category:** Resolved

#### Response:

I thanked the requester for bringing their service to OGE's attention but informed her that I did not believe the service was needed at this time. I said that I would get back to the reporter if this position changed. I told her that she was free to send me any type of informational materials that was useful to me in understanding the media-related service.

**Complexity:**

**Amount Of Time Spent On Interaction:** 0-1 hour

**Individuals Credited:** Vincent Salamone

**Add To Agency Profile:** No

**Memorialize Content:** No

**Do Not Destroy:** No



# AIMS Agency Information Management System

**Announcement:** If you create a duplicate interaction, please contact Gwen Cannon-Jenkins to have it deleted

## Resolved Interactions Details

### Reopen Interaction

**Title:**

OGE Transition

**Interaction #:** 10318

**Status:** Resolved

### Customer Information

**Source:** Public Citizen

**First Name:** L

**Last Name:** (b)

**Title:**

**Position:**

**Email:**

**Phone:**

**Other Notes:**

### Interaction Details

**Initiated:** 12/4/2016

**Call Origination:** Email

**Assigned:** Suzanne Meyer

**Watching:**

### Questions

Will your office staff and leadership soon include appointees of President Elect Trump? (b)  
(b)

### Category(s)

Schedule C

Senior Employee

### Interaction History

12/5/2016: **Resolved**

Suzanne Meyer

Dear (b)(6): Thank you for your email to Contact OGE. The Director is appointed to a five-year term by the President and is confirmed by the Senate. The Director is a member of the Council of Inspectors General for Integrity and Efficiency (CIGIE) and the Integrity Committee of the CIGIE, which reviews allegations of misconduct against inspectors general. The Director also serves as a member of the Administrative Conference of the United States. Thank you. Contact OGE U.S. Office of Government Ethics

12/5/2016: **Interaction Created**

Suzanne Meyer

### Resolution Details

**Interaction Resolved:** 12/5/2016

**Resolution Category:** Resolved

**Response:**

Dear (b)(6): Thank you for your email to Contact OGE. The Director is appointed to a five-year term by the President and is confirmed by the Senate. The Director is a member of the Council of Inspectors General for Integrity and Efficiency (CIGIE) and the Integrity Committee of the CIGIE, which reviews allegations of misconduct against inspectors general. The Director also serves as a member of the Administrative Conference of the United States. Thank you. Contact OGE U.S. Office of Government Ethics

**Complexity:**

**Amount Of Time Spent On Interaction:** 0-1 hour

**Individuals Credited:** Suzanne Meyer

**Add To Agency Profile:** No

**Memorialize Content:** No

**Do Not Destroy:** No





# AIMS Agency Information Management System

**Announcement:** If you create a duplicate interaction, please contact Gwen Cannon-Jenkins to have it deleted

## Resolved Interactions Details

### Reopen Interaction

#### Title:

OGE twitter comments (WMAL Radio)

**Interaction #:** 10278

**Status:** Resolved

### Customer Information

**Source:** Press

**First Name:** Joseph

**Last Name:** di Genova

**Title:** WMAL Radio Presenter

**Position:**

**Email:** [REDACTED]

**Phone:** (b)(6) [REDACTED]

**Other Notes:**

### Interaction Details

**Initiated:** 12/1/2016

**Call Origination:** Email

**Assigned:** Vincent Salamone

**Watching:**

### Questions

The attorney is doing preparation for a legal commentary on this subject for Monday, December 5th, on WMAL RADIO and would like to discuss the process that was utilized to send out the OGE tweets on the above subject. He is looking for the process, who decided to do this, what is the historical precedent for such tweets, what other presidents-elect have received such tweets, etc.

### Category(s)

Other

### Interaction History

12/5/2016: **Resolved**

Vincent Salamone

I informed the reporter that OGE had not been hacked and that the OGE tweets were authorized by OGE. I did not provide any further comment concerning the OGE tweets in response to several other questions posed by the reporter concerning the tweets.

12/1/2016: **Interaction Created**

Vincent Salamone

### Resolution Details

**Interaction Resolved:** 12/2/2016

**Resolution Category:** Resolved

#### Response:

I informed the reporter that OGE had not been hacked and that the OGE tweets were authorized by OGE. I did not provide any further comment concerning the OGE tweets in response to several other questions posed by the reporter concerning the tweets.

**Complexity:** [REDACTED]

**Amount Of Time Spent On Interaction:** 0-1 hour

**Individuals Credited:** Vincent Salamone

**Add To Agency Profile:** No

**Memorialize Content:** No

**Do Not Destroy:** No





# AIMS Agency Information Management System

**Announcement:** If you create a duplicate interaction, please contact Gwen Cannon-Jenkins to have it deleted

## Resolved Interactions Details

### Reopen Interaction

#### Title:

Use of Publishing Platform (Medium)

**Interaction #:** 10283

**Status:** Resolved

### Customer Information

**Source:** Press

**First Name:** Matt

**Last Name:** Higginson

**Title:** None provided

**Position:**

**Email:** (b)(6)

**Phone:** (b)(6)

**Other Notes:**

### Interaction Details

**Initiated:** 12/1/2016

**Call Origination:** Email

**Assigned:** Vincent Salamone

**Watching:**

### Questions

The publishing service wanted to see if someone at OGE, Director Shaub, and/or another voice from OGE might be interested in using Medium to share more about how the agency recommends President-elect Trump proceed to avoid and ethical conflicts between his businesses and the presidency--or see if there is something else the office would like to communicate to the public.

### Category(s)

Other

### Interaction History

12/5/2016: **Resolved**

Vincent Salamone

I thanked the requester for bringing their service to OGE's attention but informed him that I did not believe the service was needed at this time. I said that I would get back to the reporter if this position changed.

12/1/2016: **Interaction Created**

Vincent Salamone

### Resolution Details

**Interaction Resolved:** 12/2/2016

**Resolution Category:** Resolved

#### Response:

I thanked the requester for bringing their service to OGE's attention but informed him that I did not believe the service was needed at this time. I said that I would get back to the reporter if this position changed.

**Complexity:**

**Amount Of Time Spent On Interaction:** 0-1 hour

**Individuals Credited:** Vincent Salamone

**Add To Agency Profile:** No

**Memorialize Content:** No

**Do Not Destroy:** No



# AIMS Agency Information Management System

**Announcement:** If you create a duplicate interaction, please contact Gwen Cannon-Jenkins to have it deleted

## Resolved Interactions Details

### Reopen Interaction

#### Title:

Query about whether OGE was hacked and about OGE tweets (Wired)

**Interaction #:** 10272

**Status:** Resolved

### Customer Information

**Source:** Press

**First Name:** Emily

**Last Name:** Dreyfuss

**Title:** Reporter, Wired News and Opinion Editor

**Position:**

**Email:** None provided

**Phone:** (b)(6)

**Other Notes:**

### Interaction Details

**Initiated:** 12/1/2016

**Call Origination:** Phone

**Assigned:** Vincent Salamone

**Watching:**

### Questions

The editor sought confirmation about whether OGE had been in fact been hacked and posed several questions about OGE's subsequent tweets

### Category(s)

Other

### Interaction History

12/5/2016: **Resolved**

Vincent Salamone

I informed the editor that OGE's twitter account had not been hacked. I also had a general conversation about subsequent tweets to include the fact that the tweets were in fact authorized OGE tweets.

12/5/2016: **Update to Question**

Vincent Salamone

The editor sought confirmation about whether OGE had been in fact been hacked and posed several questions about OGE's subsequent tweets

12/5/2016: **Reopened**

Vincent Salamone

Reopening Reason: Correct TYPO.

*Original Information*

Question: The edditor sought confirmation about whether OGE had been in fact been hacked and posed several questions about OGE's subsequent tweets

Response: I informed the editor that OGE's twitter account had not been hacked. I also had a general conversation about subsequent tweets to include the fact that the tweets were in fact

### Resolution Details

**Interaction Resolved:** 12/1/2016

**Resolution Category:** Resolved

**Response:**

I informed the editor that OGE's twitter account had not been hacked. I also had a general conversation about subsequent tweets to include the fact that the tweets were in fact authorized OGE tweets.

**Complexity:**

**Amount Of Time Spent On Interaction:** 0-1 hour

**Individuals Credited:** Vincent Salamone

**Add To Agency Profile:** No

**Memorialize Content:** No

**Do Not Destroy:** No

OGE tweets.  
Categories: Other  
Resolution Date: 12/1/2016 12  
Resolution Category: ResolvedComplexity  
Memorialize: No  
Do not destroy: No

12/1/2016: **Resolved**

Vincent Salamone

I informed the editor that OGE's twitter account had not been hacked. I also had a general conversation about subsequent tweets to include the fact that the tweets were in fact OGE tweets.

12/1/2016: **Update to Customer Title**

Vincent Salamone

Reporter, Wired News and Opinion Editor

12/1/2016: **Update to Customer Position**

Vincent Salamone

12/1/2016: **Reopened**

Vincent Salamone

Reopening Reason: Correct typo.

*Original Information*

Question: The edditor sought confirmation about whether OGE had been in fact been hacked and posed several questions about OGE's subsequent tweets

Response: I informed the editor that OGE's twitter account had not been hacked. I also had a general conversation about subsequent tweets to include the fact that the tweets were in fact OGE tweets.

Categories: Other  
Resolution Date: 12/2/2016 12  
Resolution Category: ResolvedComplexity  
Memorialize: No  
Do not destroy: No

12/1/2016: **Resolved**

Vincent Salamone

I informed the editor that OGE's twitter account had not been hacked. I also had a general conversation about subsequent tweets to include the fact that the tweets were in fact OGE tweets.

12/1/2016: **Interaction Created**

Vincent Salamone



# AIMS Agency Information Management System

**Announcement:** If you create a duplicate interaction, please contact Gwen Cannon-Jenkins to have it deleted

## Resolved Interactions Details

### Reopen Interaction

#### Title:

Questions about OGE tweets

**Interaction #:** 10285

**Status:** Resolved

### Customer Information

**Source:** Press

**First Name:** Davis

**Last Name:** Merritt

**Title:** Newspaper Columnist

**Position:**

**Email:**

**Phone:** (b)(6)

**Other Notes:**

### Interaction Details

**Initiated:** 12/1/2016

**Call Origination:** Phone

**Assigned:** Vincent Salamone

**Watching:**

### Questions

Reporter has a couple of questions about events that occurred involving OGE tweets on November 30, 2016.

### Category(s)

Other

### Interaction History

12/5/2016: **Resolved**

Vincent Salamone

I informed the reporter that OGE had not been hacked and that the OGE tweets were authorized by OGE. I did not provide any further comment concerning the OGE tweets.

12/1/2016: **Interaction Created**

Vincent Salamone

### Resolution Details

**Interaction Resolved:** 12/1/2016

**Resolution Category:** Resolved

#### Response:

I informed the reporter that OGE had not been hacked and that the OGE tweets were authorized by OGE. I did not provide any further comment concerning the OGE tweets.

**Complexity:**

**Amount Of Time Spent On Interaction:** 0-1 hour

**Individuals Credited:** Vincent Salamone

**Add To Agency Profile:** No

**Memorialize Content:** No

**Do Not Destroy:** No



# AIMS Agency Information Management System

**Announcement:** If you create a duplicate interaction, please contact Gwen Cannon-Jenkins to have it deleted

## Resolved Interactions Details

### Reopen Interaction

#### Title:

Questions concerning OGE's twitter account (USA Today)

**Interaction #:** 10310

**Status:** Resolved

### Customer Information

**Source:** Press

**First Name:** Eliza

**Last Name:** (not discernable)

**Title:** Reporter, USA Today

**Position:**

**Email:** None provided

**Phone:** (b)(6)

**Other Notes:**

### Interaction Details

**Initiated:** 12/2/2016

**Call Origination:** Phone

**Assigned:** Vincent Salamone

**Watching:**

### Questions

Reporter has some questions about OGE's twitter account.

### Category(s)

Ethics Program Administration

### Interaction History

12/5/2016: **Resolved**

Vincent Salamone

I informed the reporter that OGE had not been hacked and that the OGE tweets were authorized by OGE. I did not provide any further comment concerning the OGE tweets.

12/3/2016: **Interaction Created**

Vincent Salamone

### Resolution Details

**Interaction Resolved:** 12/2/2016

**Resolution Category:** Resolved

#### Response:

I informed the reporter that OGE had not been hacked and that the OGE tweets were authorized by OGE. I did not provide any further comment concerning the OGE tweets.

**Complexity:**

**Amount Of Time Spent On Interaction:** 0-1 hour

**Individuals Credited:** Vincent Salamone

**Add To Agency Profile:** No

**Memorialize Content:** No

**Do Not Destroy:** No



# AIMS Agency Information Management System

**Announcement:** If you create a duplicate interaction, please contact Gwen Cannon-Jenkins to have it deleted

## Resolved Interactions Details

### Reopen Interaction

#### Title:

Seeking information about OGE and about recent tweets from OGE (Smithsonian.com)

**Interaction #:** 10307

**Status:** Resolved

### Customer Information

**Source:** Press

**First Name:** Jackie

**Last Name:** Masky

**Title:** Assistant Editor,  
Smithsonian.com

**Position:**

**Email:** None provided

**Phone:** (b)(6)

**Other Notes:**

### Interaction Details

**Initiated:** 12/2/2016

**Call Origination:** Phone

**Assigned:** Vincent Salamone

**Watching:**

### Questions

An Assistance Editor was seeking general information about OGE and its programs and operations. Also, she was seeking comment or information about about recent tweets made by the agency.

### Category(s)

Ethics Program Administration

Website

### Interaction History

12/5/2016: **Resolved**

Vincent Salamone

With respect to the editor's questions about OGE's recent tweets, I informed the reporter that OGE had not been hacked and that the OGE tweets were authorized by OGE. I did not provide any further comment concerning the OGE tweets. With respect to the editor's questions about OGE's role in the Executive Branch, I directed the reporter to several resources on OGE's website providing her with statistical information that she requested. I also answered a number of questions about OGE and its mission. I also directed the editor to OGE's recently published rule that significantly amended the administration of Executive Branch ethics program and also its ethics training requirements. I noted that The rule was published in November of this year.

12/3/2016: **Update to Customer Position**

Vincent Salamone

12/3/2016: **Update to Customer Title**

Vincent Salamone

### Resolution Details

**Interaction Resolved:** 12/2/2016

**Resolution Category:** Resolved

**Response:**

With respect to the editor's questions about OGE's recent tweets, I informed the reporter that OGE had not been hacked and that the OGE tweets were authorized by OGE. I did not provide any further comment concerning the OGE tweets. With respect to the editor's questions about OGE's role in the Executive Branch, I directed the reporter to several resources on OGE's website providing her with statistical information that she requested. I also answered a number of questions about OGE and its mission. I also directed the editor to OGE's recently published rule that significantly amended the administration of Executive Branch ethics program and also its ethics training requirements. I noted that The rule was published in November of this year.

**Complexity:** [REDACTED]

**Amount Of Time Spent On Interaction:** 0-1 hour

**Individuals Credited:** Vincent Salamone

**Add To Agency Profile:** No

**Memorialize Content:** No

**Do Not Destroy:** No





# AIMS Agency Information Management System

**Announcement:** If you create a duplicate interaction, please contact Gwen Cannon-Jenkins to have it deleted

## Resolved Interactions Details

### Reopen Interaction

#### Title:

Story about OGE tweets, availability of 278e reports and the conflicts of interest review process (The Intercept)

**Interaction #:** 10330

**Status:** Resolved

### Customer Information

**Source:** Press

**First Name:** Matt

**Last Name:** Schwartz

**Title:** Reporter, National Security

**Position:**

**Email:** (b)(6)

**Phone:** (b)(6)

**Other Notes:**

### Interaction Details

**Initiated:** 12/5/2016

**Call Origination:** Phone

**Assigned:** Vincent Salamone

**Watching:**

### Questions

The reporter called about OGE's thoughts about him possibly writing a back story about OGE's tweets made last week as an unusual and telling bureaucratic response to the coming change of Administrations.

### Category(s)

208

Ethics Program Administration

Trusts

### Interaction History

12/6/2016: **Resolved**

Vincent Salamone

I informed the reporter that OGE had provided two written statements (I provided the text of the second statement to the reporter during the call) and various tweets last week and would not be providing any further comment or supporting any "back story" about those tweets. In answer to various other questions. I informed the reporter that I was not able to discuss conflict concerns involving specific individuals or prospective nominees. However, I was able to generally provide information concerning conflicts of interest and to discuss various other ethics rules and requirements. I had a lengthy discussion with the reporter and provided the reporter with a quick overview of some or all of the the following topics: 18 USC 208 and its requirements, remedying conflicts of interests including the availability of CDs, the standards of ethical conduct and impartiality concerns, restrictions on outside activities, earned income restrictions, public financial disclosure reporting, the nominee vetting process, as well as information about other related ethics laws and rules as requested by the reporter. I also discussed OGE's role in the ethics program and in vetting Presidential nominees during the

### Resolution Details

**Interaction Resolved:** 12/5/2016

**Resolution Category:** Resolved

**Response:**

I informed the reporter that OGE had provided two written statements (I provided the text of the second statement to the reporter during the call) and various tweets last week and would not be providing any further comment or supporting any "back story" about those tweets. In answer to various other questions. I informed the reporter that I was not able to discuss conflict concerns involving specific individuals or prospective nominees. However, I was able to generally provide information concerning conflicts of interest and to discuss various other ethics rules and requirements. I had a lengthy discussion with the reporter and provided the reporter with a quick overview of some or all of the the following topics: 18 USC 208 and its requirements, remedying conflicts of interests including the availability of CDs, the standards of ethical conduct and impartiality concerns, restrictions on outside activities, earned income restrictions, public financial disclosure reporting, the nominee vetting process, as well as information about other related ethics laws and rules as requested by the reporter. I also discussed OGE's role in the ethics program and in vetting Presidential nominees during the Transition. I also directed the reporter to various materials on OGE's website that would provide additional information on many of the above topic areas. I also directed the reporting to relevant ethics regulations and laws as requested.

**Complexity:**

**Amount Of Time Spent On Interaction:** 0-1 hour

**Individuals Credited:** Vincent Salamone

**Add To Agency Profile:** No

**Memorialize Content:** No

**Do Not Destroy:** No

Transition. I also directed the reporter to various materials on OGE's website that would provide additional information on many of the above topic areas. I also directed the reporting to relevant ethics regulations and laws as requested.

12/6/2016: **Update to Title**

Vincent Salamone

Story about OGE tweets, availability of 278e reports and the conflicts of interest review process (The Intercept)

12/6/2016: **Update to Customer Title**

Vincent Salamone

Reporter, National Security

12/6/2016: **Update to Customer Position**

Vincent Salamone

12/6/2016: **Interaction Created**

Vincent Salamone





# AIMS Agency Information Management System

**Announcement:** If you create a duplicate interaction, please contact Gwen Cannon-Jenkins to have it deleted

## Resolved Interactions Details

### Reopen Interaction

**Title:**

Thanking OGE for recent messages/tweets

**Interaction #:** 10309

**Status:** Resolved

### Customer Information

**Source:** Public Citizen

**First Name:** (b)(6)

**Last Name:** (b)(6)

**Title:** None

**Position:**

**Email:** None

**Phone:** None

**Other Notes:**

### Interaction Details

**Initiated:** 12/2/2016

**Call Origination:** Phone

**Assigned:** Vincent Salamone

**Watching:**

### Questions

Reporter wanted to thank OGE for its recent twitter messages encouraging President-elect to divest his interests. It just felt really good to hear someone making a stand. Thank you.

### Category(s)

Ethics Program Administration

### Interaction History

12/5/2016: **Resolved**

Vincent Salamone

This comment required no response from OGE.

12/3/2016: **Interaction Created**

Vincent Salamone

### Resolution Details

**Interaction Resolved:** 12/2/2016

**Resolution Category:** Resolved

**Response:**

This comment required no response from OGE.

**Complexity:** 1

**Amount Of Time Spent On Interaction:** 0-1 hour

**Individuals Credited:** Vincent Salamone

**Add To Agency Profile:** No

**Memorialize Content:** No

**Do Not Destroy:** No



# AIMS Agency Information Management System

**Announcement:** If you create a duplicate interaction, please contact Gwen Cannon-Jenkins to have it deleted

## Open Interactions Details

[Flag Interaction](#) [Add Update](#) [Change Assignment](#) [Resolve Interaction](#)

**Title:** [Edit](#)

Interview to discuss the input of former White House ethics lawyers (Politico)

**Interaction #:** 10322

**Status:** Open

### Customer Information

[Edit](#)

**Source:** Press

**Position:**

**First Name:** Darren

**Email:** (b)(6)

**Last Name:** Samuelsohn

**Phone:** (b)(6)

**Title:** Senior reporter, POLITICO

**Other Notes:**

### Interaction Details

**Initiated:** 12/5/2016

**Call Origination:** Email

**Assigned:** Vincent Salamone

**Watching:**

### Questions

[Edit](#)

Reporter is writing about the various ethical issues before President-elect Trump, and taking a step back for a moment to do a feature-length profile of the two ethicists who have been most prominently featured in this story in recent weeks: Norm Eisen and Richard Painter. He is checking in with OGE to see if the OGE Director might be willing to do an interview with me to talk about the two former White House ethics lawyers and what they bring to this discussion.

### Category(s)

[Edit](#)

Other

### Interaction History

12/5/2016: **Interaction Created**

Vincent Salamone

### Notes

[Edit](#)

\* This information is deleted upon resolution of interaction.

## Kelsey D. Phipps

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**From:** Kelsey D. Phipps  
**Sent:** Monday, November 28, 2016 11:00 AM  
**To:** Agency Wide; News Clippings  
**Subject:** Legislative Update for Monday, November 28, 2016

### **The Senate reconvenes at 3 p.m.**

The Senate reconvenes at 3 p.m. and will be in a period of morning business. No roll call votes are expected.

### **The House is not in session.**

### **Executive Branch Ethics and Related News**

*Forbes* reports that President-elect Donald Trump owns stock in the company building the Dakota Access pipeline, something that protesters say could sway any decision the new president would have to make next year over its fate. [Trump Owns Stake In Hotly Disputed \\$3.8 Billion Oil Pipeline, Conflict Of Interest Looms](#)

*The Guardian* reports that Constitutional lawyers and White House ethics counsellors from Democratic and Republican administrations have warned Donald Trump his presidency might be blocked by the electoral college if he does not give up ownership of at least some of his business empire. [‘A recipe for scandal’: Trump conflicts of interest point to constitutional crisis](#)

### **Next Scheduled Recess:**

**House:** December 9-12; 19-30

**Senate:** December 19-30

## Kelsey D. Phipps

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**From:** Kelsey D. Phipps  
**Sent:** Thursday, December 01, 2016 11:10 AM  
**To:** Agency Wide; News Clippings  
**Subject:** Legislative Update for Thursday, December 1, 2016

### **The Senate reconvenes at 9:30 am.**

The Senate reconvenes at 9:30 a.m. and will be in a period of morning business. At 1:45 p.m., the Senate will vote on passage of a bill (HR 6297) that would reauthorize the 1996 Iran Sanctions Act for 10 years.

### **The House reconvenes at noon for legislative business.**

The House reconvenes at noon for legislative business. The chamber is expected to consider a bill (HR 6392) that would eliminate the \$50 billion or greater asset threshold for enhanced supervision and regulation of bank holding companies and a resolution (H Res 933) that would provide additional funding for the Energy and Commerce Committee.

### **Legislative and Related News**

*The Daily Beast* and *Law Newz* report that all 16 Democrats on the House Judiciary Committee signed a letter to Chairman Bob Goodlatte requesting that they hold hearings on President-elect Trump's conflicts of interest. <http://www.thedailybeast.com/articles/2016/12/01/democrats-target-trump-hotel-as-federal-government-shrugs.html> [dems-call-for-hearing-citing-trumps-tweets-about-conflict-of-interest](http://www.thedailybeast.com/articles/2016/12/01/democrats-target-trump-hotel-as-federal-government-shrugs.html)

*Politico* reports that top House Democrats are calling on the General Services Administration to explain how it plans to handle legal concerns presented by Donald Trump's lease of the Old Post Office building in Washington. <http://www.politico.com/story/2016/11/democrats-trump-post-office-232030>

### **Executive Branch Ethics and Related News**

*ABC* reports that President-elect Donald Trump announced Wednesday he plans to nominate Todd Ricketts as Deputy Secretary of Commerce. <http://abc7chicago.com/politics/trump-nominates-todd-ricketts-as-deputy-secretary-of-commerce/1632408/>

*Bloomberg News* reports that former White House ethics attorneys have advised Trump to completely divest his assets. <http://www.crainsnewyork.com/article/20161130/POLITICS/161139996/president-elect-donald-trump-vows-to-get-out-of-business-operations>

*ABC* reports that the Trump transition team is requiring applicants to file financial disclosures to avoid conflicts of interest. <http://abcnews.go.com/Politics/trump-transition-team-members-disclose-finances-president-elect/story?id=43434537>

*Fox Business* reports that it is the opinion of attorneys that President-elect Trump must sell his D.C. hotel before inauguration. <http://www.foxbusiness.com/markets/2016/12/01/lawyers-trump-has-to-sell-dc-hotel-before-taking-office.html>

*Multiple outlets* report on OGE's tweets regarding President-elect Trump's potential divestiture.

<http://www.nytimes.com/2016/11/30/us/politics/donald-trump-transition.html>  
<http://www.vox.com/2016/11/30/13801484/vox-sentences-office-of-government-ethics-trump>  
<http://www.rollcall.com/news/politics/donald-trump-office-of-government-ethics-tweetstorm>  
<https://boingboing.net/2016/11/30/u-s-ethics-office-tweets-sarc.html>  
<http://nypost.com/2016/12/01/trump-on-receiving-end-of-twitter-rant-from-feds-ethics-office/>  
<http://www.vox.com/2016/11/30/13797226/trump-conflict-of-interest-office-government-ethics-tweets>  
<http://www.ibtimes.co.uk/us-ethics-agency-responds-trumps-business-announcement-snarky-tweets-1594298>  
<http://www.theindychannel.com/newsy/the-us-office-of-government-ethics-is-really-really-happy-with-trump>  
<http://www.newser.com/story/234810/office-of-government-ethics-sends-odd-tweets-about-trump.html>  
[http://www.slate.com/blogs/the\\_slatest/2016/11/30/office\\_of\\_government\\_ethics\\_sarcastically\\_praises\\_donald\\_trump\\_on\\_twitter.html](http://www.slate.com/blogs/the_slatest/2016/11/30/office_of_government_ethics_sarcastically_praises_donald_trump_on_twitter.html)  
[https://www.washingtonpost.com/business/economy/trumps-pledge-to-leave-his-business-prompts-calls-to-divest/2016/11/30/e5a12658-b746-11e6-b8df-600bd9d38a02\\_story.html?utm\\_term=.1b456783b691](https://www.washingtonpost.com/business/economy/trumps-pledge-to-leave-his-business-prompts-calls-to-divest/2016/11/30/e5a12658-b746-11e6-b8df-600bd9d38a02_story.html?utm_term=.1b456783b691)  
<http://dailycaller.com/2016/11/30/obama-ethics-office-unleashes-tweet-storm-praising-trump/>  
<http://www.usatoday.com/story/news/politics/onpolitics/2016/11/30/office-government-ethics-praises-trump-over-announcement-leave-business/94677196/>  
<http://www.npr.org/sections/thetwo-way/2016/11/30/503879587/not-a-hack-u-s-office-of-government-ethics-tweets-at-trump>  
<http://www.nytimes.com/2016/11/30/us/politics/donald-trump-business-president-elect.html>  
<http://www.dailydot.com/layer8/office-government-ethics-trump-twitter/>  
<http://www.washingtonexaminer.com/ethics-office-reacts-with-joy-at-trumps-decision-to-avoid-conflicts-of-interest/article/2608541>  
<http://kfgo.com/news/articles/2016/nov/30/democrats-urge-hearings-on-trump-conflict-of-interest-rules/>  
<https://mic.com/articles/160825/office-of-government-ethics-trolls-donald-trump-in-bizarre-tweetstorm#.5Spl49e6G>  
<http://blogs.wsj.com/washwire/2016/11/30/ethics-offices-tweets-at-donald-trump-cause-a-stir/>  
<http://money.cnn.com/2016/11/30/news/office-government-ethics-trump-tweets/>  
[http://www.huffingtonpost.com/entry/donald-trump-government-ethics\\_us\\_583f46cee4b017f37fe27a88](http://www.huffingtonpost.com/entry/donald-trump-government-ethics_us_583f46cee4b017f37fe27a88)  
<http://www.businessinsider.com/office-government-ethics-trump-business-conflict-2016-11>

## **Federal Agency and Related News**

*Federal News Radio* reports that a major rewrite of federal HR policies is almost complete and is under final review. <http://federalnewsradio.com/workforce/2016/11/major-rewrite-federal-hr-policies-final-review/>

## **Next Scheduled Recess:**

**House:** December 9-12; 19-30

**Senate:** December 19-30

## Kelsey D. Phipps

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**From:** Brandon A. Steele  
**Sent:** Tuesday, December 06, 2016 11:53 AM  
**To:** Agency Wide  
**Cc:** News Clippings  
**Subject:** Legislative Update for Tuesday, December 6, 2016

### **The Senate reconvened at 10 a.m.**

The Senate reconvened at 10 a.m. and will resume consideration the 21st Century Cures Act (HR 34).

### **The House reconvenes at 12 p.m.**

The House reconvenes at 12 p.m. for legislative business and is expected to consider measures under suspension of the rules.

### **Legislative and Related News**

*Federal News Radio* reports that the House Appropriations Committee is working on a stopgap government spending bill, known as a continuing resolution (CR). Current government spending expires on Friday. [Stopgap spending bill to be unveiled as Congress finishes up](#)

### **Executive Branch Ethics and Related News**

*NPR* categorizes the alleged conflicts of interest of President-Elect Trump. [Trump's Businesses And Potential Conflicts: Sorting It Out](#)

*Fortune* reports that Ivanka Trump “was also hammering out a deal with a company backed by a Japan government-owned development bank” while “she sat in on a meeting between her father Donald Trump and Japan’s Prime Minister Shinzo Abe in Nov.” [Ivanka Trump Had Business at Stake When She Met Japan’s Prime Minister](#) *Politico* reports that the State Department is allegedly concerned that President-Elect Trump’s children will “assume the role of freelance ambassadors, further blurring the line between their business affairs and America’s foreign affairs.” [Trump kids' diplomatic forays rattle State Dept.](#)

*CNBC* reports that the Plum Book -a listing of over 9,000 civil service positions in President-Elect Trump’s administration- dropped Monday. The piece notes that it lists 3 positions at OGE. [Wanna work for Trump? Try the gig protecting humpback whales or 9,000 other jobs](#) *The Washington Post* quotes a transition official as stating: “In addition to imposing a hiring freeze on all federal employees, which will reduce the federal workforce through attrition, the number of political appointees will drop significantly. ‘Drain the swamp’ was not just a campaign slogan.” [The Plum Book is here for those angling for jobs in Trump’s Washington](#)

*The Wichita Eagle* discusses OGE’s tweets and opines that they were “authorized at the highest level of the OGE” and “were a signal [...] that if he does not fully divest himself of his businesses, the OGE will declare that his position is ethically unsound and invites a compromised administration.” The piece opines that while “OGE has no enforcement power” there is a “1983 agreement between Justice and OGE that, as a matter of policy, presidents should act as if the rules apply to them.” [Ethics office sends signal to Trump on real divesting](#)

*Government Executive* reports that a Navy contracting official was sentenced to 72 months in prison for accepting bribes as part of the “Fat Leonard” scandal. [Ex-Navy Contract Officer Gets Prison Time in 'Fat Leonard' Scandal](#)

*Government Executive* and *Politico* discuss the transition. [Is Trump Running the Fastest Transition in 40 Years, and Does That Matter? Trump marginalizes D.C. transition staff](#)

*Project on Government Oversight* reports that the Senate has not passed the IG Empowerment Act of 2015. The Act would provide IGs with the authority to access all relevant agency information needed to conduct investigations into fraud, waste and abuse. [New Roadblock for Inspectors General Access to Information](#)

*The Washington Post* reports that the Pentagon appears to have “buried an internal study that exposed \$125 billion in administrative waste in its business operations amid fears Congress would use the findings as an excuse to slash the defense budget.” [Pentagon buries evidence of \\$125 billion in bureaucratic waste](#)

*New York Magazine* opines that the two things that prevented the US from being governed by “men who use their office to enrich themselves and their families” were “that presidential candidates release publish their tax returns” and “that presidents divest their wealth and place it in a blind trust, so that they cannot knowingly make any decision that might redound to their personal benefit.” [How Republicans Justify Unlimited Trump Corruption](#)

*Politico* reports that for the second time a foreign embassy will host an event at President-Elect Trump’s DC hotel. The piece refers to these as possible conflicts of interest. [Embassy of Azerbaijan to co-host event at Trump's D.C. hotel](#)

*Newsweek* discusses the constitutional gift acceptance ban in light of President Elect Trump’s promise to turn over his business to his children. [WHY DONALD TRUMP MAY GET AWAY WITH FLOUTING THE CONSTITUTION'S GIFTS CLAUSE](#)

*TPM* and *Politico* discuss conflict of interest questions surrounding a member of the transition team. [Thiel Won't Confirm That He's Signed Trump Transition Ethics Agreement](#) [Thiel could gain from Trump transition](#)

*Foreign Policy* reports that bribery is on the rise internationally. [Bribery Is on the Rise Worldwide, and It Costs A Lot More Than Just Money](#)

#### **Next Scheduled Recess:**

**House:** December 9-12; 19-30

**Senate:** December 19-30

Visit OGE's website: [www.oge.gov](http://www.oge.gov)

Follow OGE on Twitter: @OfficeGovEthics



## Kelsey D. Phipps

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**From:** Jennifer Matis  
**Sent:** Wednesday, November 23, 2016 12:00 PM  
**To:** Agency Wide; News Clippings  
**Subject:** Legislative Update for Tuesday, November 23, 2016

**The Senate and the House are not in session.**

### **Legislative and Related News**

*Roll Call* reports that the Pentagon comptroller has warned Congress that continuing to rely on stopgap spending bills will undermine U.S. forces in Syria, Iraq and Afghanistan. The article notes that lawmakers are expected to send President Obama a continuing resolution that would fund government operations at current levels through the end of March after they return from Thanksgiving break. [Pentagon Warns Stopgap Spending Bill Could Hurt Terrorism Fight](#)

### **Executive Branch Ethics and Related News**

*Politico* reports on the process of vetting President-elect Trump's nominees, including a discussion of OGE's role in reviewing nominees' financial disclosure reports. [Inside Trump's freewheeling vetting operation](#)

*Mondaq.com* published a summary of OGE's changes to the gift rules. [United States: Office Of Government Ethics Revises Executive Branch Gift Rules](#)

*Politico* and multiple other outlets report on ethics-related issues discussed during President-elect Trump's meeting with The New York Times yesterday. The Politico article provides an in-depth look at George H. W. Bush's role in the passage of the 1989 Ethics Reform Act. [Trump owes ethics exemption to George H.W. Bush](#)

### **Federal Agency and Related News**

*Federal News Radio* reports that, after a six-year freeze, agencies are getting approval to raise their limits on spending for employee awards in fiscal 2017. [Feds' bonuses to grow slightly in 2017, after 6-year freeze](#)

### **Next Scheduled Recess:**

**House:** November 18-28  
**Senate:** November 19-27



## Kelsey D. Phipps

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**From:** Brandon A. Steele  
**Sent:** Tuesday, November 29, 2016 12:40 PM  
**To:** Agency Wide  
**Cc:** News Clippings  
**Subject:** Legislative Update for Tuesday, November 29, 2016

### **The Senate reconvened at 10 a.m.**

The Senate reconvened at 10 a.m. and began a period of morning business. The Senate is expected to consider S.2873, the ECHO Act.

### **The House reconvenes at 2 p.m.**

The House reconvenes at 2 p.m. for legislative business.

### **Executive Branch Ethics and Related News**

*Multiple outlets* discuss President-Elect Trump's alleged conflicts of interest. [Trump's Business Tangles Rankle Democrats, Watchdog Groups](#) [Congress needs to restrict the president's financial conflicts We May Not Know If Trump's Foreign Business Deals Violate the Constitution](#) [HOW THE TRUMP ADMINISTRATION COULD BE A CONFLICT-RIDDEN NIGHTMARE, A CITIZEN'S GUIDE](#) [The conflict of interest for President-elect Trump that no one's talking about](#) [Dear President-Elect Trump: Here's How to Fix Your Conflict-of-Interest Problem](#) [The Trump conflicts of interest we can see are just the tip of the iceberg](#) [Why Corruption Matters](#)

*The Wall Street Journal* questions whether President-Elect Trump's son-in-law serving as an unpaid adviser presents conflicts of interest given his business dealings. [Donald Trump Son-in-Law Jared Kushner Could Face His Own Conflict-of-Interest Questions](#)

*The National Law Review* alleges that a recently issued proposal by the SEC shows that the agency has been captured by institutional investors. [Is SEC's Universal Proxy Proposal Product Of Agency Capture?](#)

*The Journal Gazette* reports that a former lobbyist working on the Trump Transition Team removed himself from the government's rolls of federal lobbyist two days before the Transition Team announced its policy on registered lobbyists. [Indiana lobbyist on Trump team ends state work](#)

*Bloomberg* reports that former Rep. Price was nominated to lead HHS. [Trump Picks Tom Price to Lead Health and Human Services](#)

*The Washington Times* reports that the majority party in Congress warned President Obama's appointees against burrowing in. [GOP warns against Obama appointees 'burrowing in' for career federal jobs](#)

### **Next Scheduled Recess:**

**House:** December 9-12; 19-30

**Senate:** December 19-30

Follow OGE on Twitter: @OfficeGovEthics

## Kelsey D. Phipps

---

**From:** Elizabeth D. Horton  
**Sent:** Wednesday, November 30, 2016 10:55 AM  
**To:** Agency Wide; News Clippings  
**Subject:** Legislative Update for Wednesday, November 30, 2016

### **The Senate reconvened at 10 a.m.**

The Senate reconvened at 10 a.m. and will be in a period of morning business.

### **The House reconvenes at 12 p.m.**

The House reconvenes at noon for legislative business and is expected to consider measures under suspension of the rules.

### **Legislative and Related News**

*Roll Call* reports that Rep. Rodney Frelinghuysen is expected to become the next chairman of the House Appropriations Committee. [Frelinghuysen Poised to Take the Gavel of House Appropriations](#)

*The Hill* reports that the chairmanship of the House Budget Committee is up for grabs now that President-elect Donald Trump has selected Rep. Tom Price to take the helm of the federal health department. [Budget chairmanship suddenly up for grabs](#)

*The Hill* reports that Senate Democrats are slamming a GOP plan to pass a continuing resolution ahead of the Dec. 9 deadline to fund the government, but stopped short of pledging to block it. [Senate Dems pan talk of short-term spending bill](#)

*Bloomberg BNA* reports that the updated 21st Century Cures bill may revise some financial disclosure requirements designed to prevent federally funded scientists from cozying up to drug and device companies. [New Cures Bill to Reconsider Conflict-of-Interest Rules](#)

*USA Today* reports that Sen. Ben Cardin is planning to ask his colleagues to pass a resolution that would require Donald Trump to hand over control of his businesses to someone who doesn't have a relationship to him while he is president. [Sen. Cardin pushes resolution for Trump blind trust](#)

*The Hill* and *The Huffington Post* report that House Oversight Committee Chairman Jason Chaffetz brushed off questions about President-elect Donald Trump's potential conflicts of interest with his business empire, arguing such concerns were premature before the real estate mogul takes office. [The Hill - Oversight chairman downplays Trump conflict of interest concerns](#); [The Huffington Post - Top Congressional Watchdog Uninterested In Trump's Conflicts Of Interest Before He Takes Office](#)

### **Executive Branch Ethics and Related News**

*The Washington Post* reports that at least four lobbyists who are involved in the Donald Trump transition or who are being considered for a Cabinet-level position have filed paperwork in the past week and a half to terminate their status as federal lobbyists — an apparent move to comply with the president-elect's new ban on lobbyists in the administration and transition. [Wave of lobbyist deregistrations in Trump orbit after announcement of new policy](#) See also, [The Wall Street Journal - Trump Names Mortgage Industry Lobbyist to HUD Transition Team](#) and [Standard Examiner - Trump's energy-policy advisers have ties to oil industry](#)

Multiple outlets report that President-elect Donald Trump announced that he will leave his "great business in total in order to fully focus on running the country" in the White House. [Politico - Trump to leave business to 'fully focus on running](#)

[the country](#); [Bloomberg - Trump to Outline Plans for 'Leaving My Great Business' Dec. 15](#); [The Washington Post - Trump announces he will leave business 'in total' — leaving open how he will avoid conflicts of interest](#); [Politico - How Trump can keep his company](#); [Talking Points Memo - Trump: I'll Leave My Business 'In Total' To Avoid Conflict Of Interest](#)

A piece in *Government Executive* opines that GSA cannot foist the challenging situation regarding the Trump Organization's lease of the historic Post Office Pavilion on the Office of Government Ethics because "OGE is a policy shop." [GSA's Trump Hotel Lease Debacle](#) Relatedly, multiple outlets report that the lease—in which Donald Trump would, in effect, be both landlord and tenant—presents unprecedented conflicts of interest. [The Washington Times - Donald Trump would be violating D.C. hotel lease once he takes office: Report](#); [McClatchy DC - Could Trump be forced to sell his DC hotel to keep the White House?](#)

### **Federal Agency and Related News**

*Federal News Radio* reports that President Barack Obama officially raised locality pay for federal employees by 0.6 percent, effective Jan. 1. The increase couples with the 1 percent across-the-board pay raise for all federal employees to equal the 1.6 percent of basic payroll requested in the 2017 budget. [Obama authorizes locality pay raise](#)

### **Next Scheduled Recess:**

**House:** December 9-12; 19-30

**Senate:** December 19-30

**From:** [Paletta, Damian](#)  
**To:** [USOGE](#)  
**Subject:** FOIA Request - Wall Street Journal  
**Date:** Thursday, December 01, 2016 2:12:47 PM

---

OGE FOIA Officer  
Office of Government Ethics  
Suite 500  
1201 New York Avenue, NW.  
Washington, DC 20005-3917  
email: [usoge@oge.gov](mailto:usoge@oge.gov)

To whom it may concern:

This is a request for records under the provisions of the Freedom of Information Act.

I request a copy of each email sent on November 30, 2016, to or from any of the following OGE employees, which contains the words

"TWITTER" or "Tweet"

Walter M. Shaub, Jr.  
Dale A. Christopher  
Barbara A. Mullen-Roth  
Lori Kelly  
Heather A. Jones  
Seth Jaffe  
Elaine Newton  
Vincent J. Salamone  
Monica Ashar  
Rachel Dowell  
Leigh J. Francis  
Patrick Lightfoot  
Kimberly Sikora Panza  
Christopher Swartz  
Rodrick Johnson  
Emory Rounds  
James T. Cooper  
Edith M. Brown  
Michael Hanson  
Danny Lowery  
Timothy Mallon  
Leonard Upson  
Shelley K. Finlayson  
Diana J. Veilleux  
Brandon Steele  
Heidi Fischer

Elizabeth Horton  
Jennifer Matis

This is a request for newsreporting purposes. I agree to pay up to \$25 for applicable fees associated with this request if necessary. Please release all segregable releasable records.

Best,

--

Damian Paletta  
The Wall Street Journal.

(b)(6)

A large black rectangular redaction box covers the text in this block, obscuring the signature and contact information of the sender.

**Kelsey D. Phipps**

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**From:** Avi Asher-Schapiro (b)(6)  
**Sent:** Wednesday, November 30, 2016 9:51 PM  
**To:** USOGE  
**Subject:** FOIA REQUEST: AVI ASHER-SCHAPIRO, INTERNATIONAL BUSINESS TIMES

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

-All communications between any employee of OGE and: President-Elect Donald Trump, his transition team, lawyers representing President-Elect Donald Trump, his children Donald Jr., Eric, and Ivanka, and his son-in-law Jared Kushner, and lawyer's representing the aforementioned individuals, their companies, or business interests, or the individuals themselves. This request includes: emails, meeting minutes, memos, guidelines, or manuals produced to prepare for the aforementioned communications, or prepared afterwards to document such communications.

The time window for the above request is: January 2016-December 1 2016.

-I am also requesting all emails to, from, or cc-ing the following OGE officials: Walter Shaub, Matthew Marinec, Dale A. Christopher, Barbara A. Mullen-Roth, David J. Apol, Seth Jaffe, Diana Veilleux that contain the word "TRUMP

;

I am requesting these records from November 13 to the present.

I request a waiver of fees associated with processing this request for records.  
I am employed as a

politics reporter with

International Business Times,

a news media organization. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government. 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 fees cannot be waived, I would be grateful if you would inform me of the total charges in advance of fulfilling my request.

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.

---

Avi Asher-Schapiro  
Politics Reporter, International Business Times  
(b)(6)

## Kelsey D. Phipps

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**From:** Ed Beeson (b)(6)  
**Sent:** Thursday, December 01, 2016 2:21 PM  
**To:** USOGE  
**Subject:** FOIA Request: Law360

Dear Ms. Diana Veilleux:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of all records related to a series of Twitter messages the U.S. Office of Government Ethics published on November 30, 2016, directed to the Twitter account of President-elect Donald J. Trump (@realDonaldTrump).

The requested documents include but are not limited to electronic and written correspondence and notes, such as email, cell phone text messages and handwritten notes, made or received by staff of the Office of Government Ethics staff, including Director William M. Shaub, about the Twitter messages. This includes correspondence between OGE and representatives of the President-elect and his transition team.

In addition, this request seeks copies of correspondence, notes and documents related to the public statement made in the OGE Twitter message, dated 12:57 p.m. on November 30, 2016, which states, "we told your counsel we'd sing your praises if you divested, we meant it." This includes records of any correspondence or meetings with counsel of the President-elect in which OGE's views on asset divestiture were discussed.

I hereby request the documents be made available in electronic format, as searchable PDFs to the extent possible, and delivered to me via email attachment.

In order to help you determine my status for the purpose of assessing fees, you should know that I am a representative of the news media, affiliated with Law360, an online legal news service that continuously publishes news that is of interest to the legal community and the broader public. This request is made as part of news gathering and is not for commercial use.

As a representative of the news media I am only required to pay for reasonable standard charges for the direct cost of document duplication. However, please waive any applicable fees. Release of the information is in the public interest because it will contribute significantly to public understanding of government operations and activities.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the FOIA Act. I also will expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal a decision to withhold any information or to deny a waiver of fees.

As I am making this request as a journalist and this information is of timely value, I would appreciate your communicating with me by telephone or email if you have questions regarding this request.

I can be reached by phone at (b)(6) and by email at (b)(6)

I look forward to your reply within 20 business days.

Thank you for your assistance.

Sincerely,

Ed Beeson

(b)(6) [Redacted]  
[Redacted]

--



(b)(6) [Redacted]

[Redacted]

[Redacted]

[Redacted]



**Kelsey D. Phipps**

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**From:** Alina Selyukh (b)(6)  
**Sent:** Thursday, December 01, 2016 4:37 PM  
**To:** USOGE  
**Subject:** FOIA request

To whom it may concern:

This is a request for records under the provisions of the Freedom of Information Act.

I request a copy of each email sent on November 30, 2016, to or from any of the following OGE employees, which contains ANY of the following words:

TWITTER

TWEET

TWEETS

TWEETING

TWEETED

Walter M. Shaub, Jr.  
Dale A. Christopher  
Barbara A. Mullen-Roth  
Lori Kelly  
Heather A. Jones  
Seth Jaffe  
Elaine Newton  
Vincent J. Salamone  
Monica Ashar  
Rachel Dowell  
Leigh J. Francis  
Patrick Lightfoot  
Kimberly Sikora Panza  
Christopher Swartz  
Rodrick Johnson  
Emory Rounds  
James T. Cooper  
Edith M. Brown  
Michael Hanson  
Danny Lowery  
Timothy Mallon  
Leonard Upson  
Shelley K. Finlayson  
Diana J. Veilleux

Brandon Steele  
Heidi Fischer  
Elizabeth Horton  
Jennifer Matis

This is a request for newsreporting purposes. I agree to pay up to \$25 for applicable fees associated with this request if necessary. Please release all segregable releasable records.

Thank you and all best,

Alina



Alina Selyukh | [All Tech Considered](#) |

(b)(6)

**Kelsey D. Phipps**

---

**From:** (b)(6)  
**Sent:** Thursday, December 01, 2016 7:21 AM  
**To:** USOGE  
**Subject:** Freedom of Information Act request

December 1, 2016

OGE FOIA Officer  
Office of Government Ethics  
Suite 500  
1201 New York Avenue, NW.  
Washington, DC 20005-3917  
email: [usoge@oge.gov](mailto:usoge@oge.gov)

Dear OGE FOIA Officer:

This is a request for records under the provisions of the Freedom of Information Act.

**I request a copy of each email sent on November 30, 2016, to or from any of the following OGE employees, which contains the word**

**TRUMP**

Walter M. Shaub, Jr.  
Dale A. Christopher  
Barbara A. Mullen-Roth  
Lori Kelly  
Heather A. Jones  
Seth Jaffe  
Elaine Newton  
Vincent J. Salamone  
Monica Ashar  
Rachel Dowell  
Leigh J. Francis  
Patrick Lightfoot  
Kimberly Sikora Panza  
Christopher Swartz  
Rodrick Johnson  
Emory Rounds  
James T. Cooper  
Edith M. Brown  
Michael Hanson  
Danny Lowery  
Timothy Mallon  
Leonard Upson  
Shelley K. Finlayson

Diana J. Veilleux  
Brandon Steele  
Heidi Fischer  
Elizabeth Horton  
Jennifer Matis

This is an individual noncommercial request. I agree to pay up to \$25 for applicable fees associated with this request if necessary. Please release all segregable releasable records.

Sincerely,

Michael Ravnitzky

(b)(6)

A large black rectangular redaction box covers the signature and any accompanying text or contact information for Michael Ravnitzky.

**Kelsey D. Phipps**

---

**From:** Gordon, Greg (b)(6)  
**Sent:** Wednesday, November 30, 2016 7:25 PM  
**To:** USOGE  
**Subject:** Freedom of Information Act request ...

Nov. 30, 2016

OGE FOIA Officer

Office of Government Ethics

Suite 500

1201 New York Avenue, NW.

Washington, DC 20005-3917

Dear sirs and madams:

This is an official request under the Freedom of Information Act, U.S.C. 552, as amended.

I am writing to request all emails transmitted on Nov. 30, 2016 to or from the following employees of the U.S. Office of Government Ethics that contain the word Twitter or the words tweet, tweets or tweeted:

Walter M. Shaub, Jr.  
Dale A. Christopher  
Barbara A. Mullen-Roth  
Lori Kelly  
Heather A. Jones  
Seth Jaffe  
Elaine Newton  
Vincent J. Salamone  
Monica Ashar  
Rachel Dowell  
Leigh J. Francis  
Patrick Lightfoot  
Kimberly Sikora Panza  
Christopher Swartz  
Rodrick Johnson  
Emory Rounds  
James T. Cooper

Edith M. Brown  
Michael Hanson  
Danny Lowery  
Timothy Mallon  
Leonard Upson  
Shelley K. Finlayson  
Diana J. Veilleux  
Brandon Steele  
Heidi Fischer  
Elizabeth Horton  
Jennifer Matis

Should some documents be approved for release while others are being withheld, I request that the documents be made available on a piecemeal basis. If any document is redacted, I request that you cite the applicable exemption in the FOIA law being used to withhold that information.

Further, I request that all documents be delivered to me electronically, via email. If this is not possible, I request a phone call to advise where and when I can pick up a CD containing the requested information.

I'd also request expedited processing, given that there is a compelling public interest in the public learning the validity or legitimacy of certain messages that went out over a Twitter account purportedly belonging to the Office of Government Ethics on Nov. 30, 2016. As a Washington correspondent for the nation's third largest newspaper group, I am primarily engaged in disseminating information to the public.

In the event that this request results in research or copying, McClatchy Newspapers requests a public interest fee waiver because the material being sought is likely to be used in a newspaper story. However, I am willing to pay up to \$25 in fees, if necessary. The requested material is not being sought primarily because it is in McClatchy's commercial interest. With 28 daily newspapers and a news service that serves hundreds of other media outlets, McClatchy easily qualifies as acting in the public interest.

Your office may require public records requesters to commit to paying fees. However, we at McClatchy feel strongly that a public interest fee waiver should prevail in this instance. If your office contests this view, I'd be happy to discuss it with you.

If you have questions, you may reach me at (b)(6)

Sincerely,

Gregory Gordon

National correspondent

McClatchy Newspapers

(b)(6)

Our 29 daily newspapers include the Miami Herald, Sacramento Bee, Ft. Worth Star-Telegram, Kansas City Star, Charlotte Observer, Raleigh News & Observer and others.

## Kelsey D. Phipps

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**From:** Esme Cribb (b)(6)  
**Sent:** Thursday, December 01, 2016 12:29 PM  
**To:** USOGE  
**Subject:** Freedom of Information Act Request

Dear FOIA Officer:

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

Records showing correspondence dated November 8, 2016-present from OGE staff regarding concerns about conflicts of interest between President-elect Donald Trump's business empire and the office of the presidency, including but not limited to the President-elect's Nov. 30 tweets that he plans to leave his businesses.

As the FOIA requires, please release all reasonably segregable nonexempt portions of documents.

In order to help to determine my status to assess fees, you should know that I am a representative of the news media affiliated with the Talking Points Memo news website and this request is made as part of news gathering activity and not for commercial use. I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of how the President-elect may address concerns about conflicts of interest between his business empire and the office of the presidency.

I also request expedited processing. The records requested herein are urgently needed to inform the debate over how the President-elect may resolve conflicts of interest before assuming office, which has become a matter of widespread and exceptional media interest.

If you have any questions regarding this request, please contact me at (b)(6) and/or (b)(6). I look forward to receiving your response within the twenty day statutory time period. Thank you for your consideration of this request.

Sincerely,  
Esme Cribb  
Talking Points Memo



## Kelsey D. Phipps

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**From:** Voorhees, Josh (b)(6)  
**Sent:** Wednesday, November 30, 2016 5:31 PM  
**To:** USOGE  
**Subject:** Freedom of Information Request: Nov. 30, 2016  
**Attachments:** FOIA.OGE.JoshVoorhees.pdf

To whom it may concern:

This is a request for records under the provisions of the Freedom of Information Act. I am also attaching a .pdf version of this request to this email.

I request a copy of each email sent on November 29, 2016 or November 30, 2016, to or from any of the following OGE employees, which contains the word "TWITTER," "TWEET," or "TRUMP":

Walter M. Shaub, Jr.  
Dale A. Christopher  
Barbara A. Mullen-Roth  
Lori Kelly  
Heather A. Jones  
Seth Jaffe  
Elaine Newton  
Vincent J. Salamone  
Monica Ashar  
Rachel Dowell  
Leigh J. Francis  
Patrick Lightfoot  
Kimberly Sikora Panza  
Christopher Swartz  
Rodrick Johnson  
Emory Rounds  
James T. Cooper  
Edith M. Brown  
Michael Hanson  
Danny Lowery  
Timothy Mallon  
Leonard Upson  
Shelley K. Finlayson  
Diana J. Veilleux  
Brandon Steele  
Heidi Fischer  
Elizabeth Horton  
Jennifer Matis

This is a request for news-reporting purposes. I agree to pay up to \$25 for applicable fees associated with this request if necessary. Please release all segregable releasable records.

Sincerely,

Josh Voorhees

Senior writer | *Slate* magazine

(b)(6)

**Kelsey D. Phipps**

---

**From:** Jared Benoff <(b)(6)>  
**Sent:** Wednesday, November 30, 2016 2:44 PM  
**To:** Contact OGE  
**Subject:** @OfficeGovEthics Twitter account

Hi! I work in Twitter's DC office and I wanted to quickly reach out to confirm the activity from your Twitter account today. Thanks!

--

Jared Benoff

Public Policy | Twitter

Follow me at @jbenoff

**Kelsey D. Phipps**

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**From:** Hufford, Austen (b)(6)  
**Sent:** Friday, December 02, 2016 9:49 AM  
**To:** Contact OGE  
**Subject:** Are Cabinet Appointees required to resign from company board seats? -- WSJ

Hi,

Are people serving on the President's cabinet generally required to resign from the Boards of companies (public or private)?

Are they required to sell shares?

--

Austen Hufford  
The Wall Street Journal  
(b)(6)

**Kelsey D. Phipps**

---

**From:** Dore, Maggie (b)(6)  
**Sent:** Wednesday, November 30, 2016 2:12 PM  
**To:** Contact OGE  
**Subject:** CBS News question

Hello can you explain the tweets on your account praising President-Elect Donald Trump for divesting his business interests? Was your account hacked?

Thanks,

Maggie Dore

Producer, CBS Evening News

(b)(6)

**Kelsey D. Phipps**

---

**From:** Harwell, Drew (b)(6)  
**Sent:** Thursday, December 01, 2016 12:11 PM  
**To:** OGE Media; Contact OGE  
**Subject:** Certificates of divestiture - Washington Post

Hey all,

Hoping to ask some quick questions about certificates of divestiture. Please call if you can. Thanks.

Drew Harwell

Business writer

The Washington Post

(b)(6)

## Kelsey D. Phipps

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**From:** (b)(6)  
**Sent:** Wednesday, November 30, 2016 10:38 PM  
**To:** Contact OGE  
**Subject:** Concerns

Walter M. Shaub, Jr.:

I am beyond concerned over the series of tweets issued by this office earlier today regarding president-elect Donald Trump's non-commitment to extract himself from his many businesses. As the major office tasked solely with the responsibility to uncover and prevent conflicts of interest in government agencies and elected officials, we expect that the actions of this office would be impartial and not be motivated by personal gain or political preferences.

What exactly was the intent of these bizarre tweets? What could they possibly accomplish? I fear that you have damaged this office's integrity and have added doubt in the minds of this country's citizens that you will be impartial and effective over the next 4 years. If we cannot trust in, and rely on, the Office of Government Ethics to behave ethically, we are all lost.

I implore you to reread the tenets and purpose of the OGE to recommit yourself and your staff to ensure that your personal feelings and leanings take a backseat to the needs of this country and its' citizens.

Very truly yours,

(b)(6)

**Kelsey D. Phipps**

---

**From:** (b)(6)  
**Sent:** Thursday, December 01, 2016 2:08 AM  
**To:** Contact OGE  
**Subject:** CONFLICT OF INTEREST

What is going on in the OGE office. Thought you are suppose to be non partisan!!!!!!  
Who tweeted trump with the tweets. CONFLICT OF INTEREST?????

Sent from my iPad



## Kelsey D. Phipps

---

**From:** (b)(6)  
**Sent:** Thursday, December 01, 2016 1:54 PM  
**To:** Contact OGE  
**Subject:** Corruption and Misconduct of Eric Holder and the Department of Justice  
**Attachments:** Duxbury - 9-1-15 letter to Judge Walls re Menendez with attachments.pdf; Duxbury - 12-2-13 U.S. Attorney Malkin letter.docx

Office of Government Ethics:

I have an Ethics Complaint against former United States Attorney General Eric Holder and other officials within the United States Department of Justice and it has been swept under the rug by the Office of Inspector General. Please review the attachments which demonstrate corruption and misconduct within the Department of Justice. The DOJ has failed to pursue a \$10 billion Medicare Fraud case against Johnson & Johnson because of misconduct and conflict of interest on the part of former Attorney general Eric Holder, who use to respresent J&J. Please let me know if you would like to receive the documents which support each aspect of what I have said. If this is not something your organization would be interested in pursuing, please let me know if there are other organizations I should contact. Thank you very much.

(b)(6)

**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Wednesday, November 30, 2016 3:24 PM  
**To:** Contact OGE  
**Subject:** Divestiture Tweets

Please advise if indeed a rep of your office made the statements concerning Trump's intended divestiture on Twitter.

Thank you,

☺

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**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Wednesday, November 30, 2016 10:22 PM  
**To:** Contact OGE  
**Subject:** Donald Trump tweets

You claim to be a non-partisan agency of the U.S. Government, yet you praise Donald Trump's announcement with a series of tweets. Another reason for the citizens to have no trust in government agencies. How much did Trump pay you or what promise was made for future employment in order for you to make these proclamations? Disgusting and probably unethical!

Sent from my iPhone

**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Wednesday, November 30, 2016 10:50 PM  
**To:** Contact OGE  
**Subject:** Donald Trump

This country is in serious trouble when our government offices carry on tweet conversations just to stroke Trumps ego. We have lost our moral compass and it will result in the end of our democracy. Disgusting!

**Kelsey D. Phipps**

---

**From:** (b)(6)  
**Sent:** Wednesday, November 30, 2016 10:08 PM  
**To:** Contact OGE  
**Subject:** Donald Trump's conflict's of intetest

I hope you are seriously looking into the conflict of interests Mr. Trump ha with his enormous businesses & holdings. He needs to be held accountable..

Thank you,  
(b)(6)

Sent from my iPhone

**Kelsey D. Phipps**

---

**From:** (b)(6)  
**Sent:** Thursday, December 01, 2016 10:19 PM  
**To:** Contact OGE  
**Subject:** Donald Trump's large family conflict of interest.

Dear Sir or Madam,

Why is the Trump family still using the presidency to highlight their business dealings; I understand they have taken down their President elect web page highlighting their businesses around the world. The issue should have been addressed on November 9th or no later than the 10th that Donald Trump's businesses had to be placed into a blind trust, limiting not just himself but his family from the conflict. The General Services Administration of the US government is his landlord of his Washington hotel and his business has file legal papers to reduce the value of this property to reduce his tax burden. My hourly wage rate is in the range of low income I would like to pay nothing in local, state, and federal tax but I can not afford to hire a tax lawyer like President elect Trump. I would quote Mr. Trump's campaign promises but they change

constantly, so maybe he didn't mean he would drain the Washington swamp but use it to expand his wealth and that of his children. Mr. Trump has a labor dispute in Las Vegas so what would stop him from appointing someone to the NLRB that would serve his financial interest as well. President elect Trump's families asset must be placed into a blind trust.

Concerned citizen, (b)(6)

## Kelsey D. Phipps

---

**From:** (b)(6)  
**Sent:** Wednesday, November 30, 2016 8:16 PM  
**To:** Contact OGE  
**Subject:** Ethics and transparency in Government -Answering citizens concerns

To Whom it May Concern,

I am very concerned about the upholding Government transparency and preventing Conflict of Interest in the for President Elect Trump and his appointments -

Please let me know this rules will be enforced and how to support this effort as an engaged citizen.

Sincerely,

(b)(6)

### OGE Finalizes Updates to Rules Applicable to the Executive Branch Ethics Program

November 2, 2016

On November 2, 2016, OGE published a final rule amending its regulations that govern the Executive Branch Ethics Program, which are found at 5 C.F.R. part 2638. The rule is a comprehensive revision that draws upon the collective experience of agency ethics officials across the executive branch and OGE as the supervising ethics office. It is effective January 1, 2017.

The rule reflects extensive input from the executive branch ethics community and the federal inspector general community, as well as OGE's consultation with the Department of Justice and the Office of Personnel Management pursuant to 5 U.S.C. app. 402(b)(1). The rule defines and describes the program, delineates the responsibilities of various stakeholders, and enumerates key executive branch ethics procedures.

A copy of OGE's final rule can be found here: <https://www.gpo.gov/fdsys/pkg/FR-2016-11-02/pdf/2016-26418.pdf>.

**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Wednesday, November 30, 2016 4:42 PM  
**To:** Contact OGE  
**Subject:** Ethics at the Highest Office

Hello:

I am a concerned American citizen who is watching the Trump administration violate ethics, conflict of interest laws and nepotism. What is the office of Ethics doing to protect the public? What watch-list can the public view to ensure, unethical behavior is NOT going on behind closed doors?

I do not trust Donald Trump or anything he does, all we have to do is observe the unethical and bullying behavior allowed in his business dealings to get what he wanted for his own personal gain.

Please advise who, what, is being done to protect the people.

(b)  
(6)



**Kelsey D. Phipps**

---

**From:** (b)(6)  
**Sent:** Wednesday, November 30, 2016 7:48 PM  
**To:** Contact OGE  
**Subject:** Ethics concerns - Donald Trump

Hello,

I was very surprised and disappointed to see your office post premature praise on Donald Trump before he has actually taken any action to divest himself from his businesses.

The entanglements he has with his overseas investments and his families involvement in both his administration and his businesses are a gross and egregious conflict of interest.

So far, Donald Trump has flip flopped on his positions and doesn't appear to be following through on his commitments so I think in this case praise is certainly premature and not warranted.

I hope the Office of Government Ethics chooses to hold Donald to ethical standards. He shouldn't be praised for approximating something that resembles an ethical decision without the follow through.

[http://www.nytimes.com/2016/11/30/us/politics/donald-trump-business-president-elect.html?\\_r=0](http://www.nytimes.com/2016/11/30/us/politics/donald-trump-business-president-elect.html?_r=0)

Sincerely,

(b)(6)

## Kelsey D. Phipps

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**From:** (b)(6)  
**Sent:** Sunday, December 04, 2016 8:41 AM  
**To:** Contact OGE  
**Subject:** Feedback

US OGE,

I have no idea what your department is, but assume it's paid for with US tax dollars.

Why in the world would you praise Donald J Trump for divesting his businesses - when he has not said or done this?

Have you not been paying attention?

This is BS.

**From:** (b)(6)  
**To:** [Contact OGE](#)  
**Subject:** Concerns  
**Date:** Wednesday, November 30, 2016 10:37:48 PM

---

Walter M. Shaub, Jr.:

I am beyond concerned over the series of tweets issued by this office earlier today regarding president-elect Donald Trump's non-commitment to extract himself from his many businesses. As the major office tasked solely with the responsibility to uncover and prevent conflicts of interest in government agencies and elected officials, we expect that the actions of this office would be impartial and not be motivated by personal gain or political preferences.

What exactly was the intent of these bizarre tweets? What could they possibly accomplish? I fear that you have damaged this office's integrity and have added doubt in the minds of this country's citizens that you will be impartial and effective over the next 4 years. If we cannot trust in, and rely on, the Office of Government Ethics to behave ethically, we are all lost.

I implore you to reread the tenets and purpose of the OGE to recommit yourself and your staff to ensure that your personal feelings and leanings take a backseat to the needs of this country and its' citizens.

Very truly yours,

(b)(6)

**From:** (b)(6)  
**To:** [Contact OGE](#)  
**Subject:** CONFLICT OF INTEREST  
**Date:** Thursday, December 01, 2016 2:07:47 AM

---

What is going on in the OGE office. Thought you are suppose to be non partisan!!!!!!  
Who tweeted trump with the tweets. CONFLICT OF INTEREST?????

Sent from my iPad

**From:** (b)(6)  
**To:** [Contact OGE](#)  
**Subject:** Donald Trump tweets  
**Date:** Wednesday, November 30, 2016 10:21:26 PM

---

You claim to be a non-partisan agency of the U.S. Government, yet you praise Donald Trump's announcement with a series of tweets. Another reason for the citizens to have no trust in government agencies. How much did Trump pay you or what promise was made for future employment in order for you to make these proclamations? Disgusting and probably unethical!

Sent from my iPhone

**From:** (b)(6)  
**To:** [Contact OGE](#)  
**Subject:** Donald Trump  
**Date:** Wednesday, November 30, 2016 10:49:29 PM

---

This country is in serious trouble when our government offices carry on tweet conversations just to stroke Trumps ego. We have lost our moral compass and it will result in the end of our democracy. Disgusting!

**From:** (b)(6)  
**To:** [Contact OGE](#)  
**Subject:** GREAT Tweetstorm!!  
**Date:** Thursday, December 01, 2016 10:27:49 AM

---

Just a quick note to congratulate you on the wonderful idea of fighting the "Trumpster Fire" with your own fire. Keep up the amazing work!

Regards,

(b)(6)

**From:** (b)(6)  
**To:** [Contact OGE](#)  
**Subject:** Has Your Office Gone Insane?  
**Date:** Thursday, December 01, 2016 1:23:43 AM

---

What the heck is going on in the Office of Government Ethics????????????

As an American citizen I expected your office to conduct yourselves like a professional department.

Your seven tweets to President elect Trump this morning were appalling. Bravo? Brilliant? First of all, Donald

Trump laid out NO specifics as to how he was going to handle his extreme conflict of interest. He has 111 business enterprises in 18 different countries.

Apparently you think it is OK for the President elect to invite foreign dignitaries from Bahrain to stay at

his hotel in DC. Apparently you think it is OK for the President elect to petition UK officials to interfere

in wind turbines being established in his golf course in Scotland. He will directly benefit from these breeches.

Have you not heard of the Emolument clause of the Constitution? Educate yourselves before you tweet. Try & figure

out why it is not OK for the President elect to be selling suites at his hotels to foreign government officials.

Pull yourselves together. You are an embarrassment to this country. I am stunned at your lack of unprofessional

behavior. Tweeting? You have been compromised & your department has lost a tremendous amount of respect & dignity.

You are supposed to be setting an example. Instead, you spend valuable time tweeting nonsense back & forth.

Are you all on crack? Are you drunk before lunch? Is someone baking marijuana brownies that you are all gobbling

while you stand around the water cooler trying to be witty? You are a disgrace to this country.



**From:** (b)(6)  
**To:** [Contact OGE](#)  
**Subject:** Letter to the Editor, Washington Post: Tweets  
**Date:** Wednesday, November 30, 2016 10:44:09 PM

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Open Letter To the Director;

As a former government attorney who has worked in and around government for more than four decades, I have struggled today to come up with any possible explanation for the totally inappropriate and unprofessional communications which you permitted to be issued by your office regarding the Trump matter.

I always want to give those of us in government the benefit of the doubt that actions taken are in the best interests of the government and so the people.

You failed in meeting that test, and so have tarnished not only your professional standing but as well the reputation of your office and the people in it who everyday work to enhance the people's view of government.

It does not matter in the slightest that the actions announced by the President-elect had the appearance of following earlier urgings of your office. What resulted was the appearance of pandering on the very subject that you are charged with enforcing.

OGE communications today have totally undermined your capacity to carry out the responsibilities of your office.

There is only one honorable action that you can now take to restore the necessary independence, credibility, and reputation of the OGE.

(b)(6)

**From:** (b)(6)  
**To:** [Contact OGE](#)  
**Subject:** OGE Pro-Trump Propaganda  
**Date:** Wednesday, November 30, 2016 7:47:23 PM

---

Dear Mr. Shaub,

The tweets sent by your office today raise serious questions about the OGE's ability to function as anything more than a propaganda organ for the incoming regime. For example, this tweet:

```
<blockquote class="twitter-tweet" data-lang="en"><p lang="en" dir="ltr">.<a href="https://twitter.com/realDonaldTrump">@realDonaldTrump</a> Bravo! Only way to resolve these conflicts of interest is to divest . Good call!</p>&mdash; U.S. OGE (@OfficeGovEthics) <a href="https://twitter.com/OfficeGovEthics/status/804020925171646464">November 30, 2016</a></blockquote>
<script async src="//platform.twitter.com/widgets.js" charset="utf-8"></script>
```

".@realDonaldTrump Bravo! Only way to resolve these conflicts of interest is to divest . Good call!"

Given that Trump announced no such plan to divest, this tweet appears to be a blatant effort to paint Trump's statement in a falsely positive light.

I request that your office immediately delete your twitter account and conduct an internal investigation into the source of today's disturbing tweets. The OGE ought to promote government ethics, not provide cover for unethical public officials.

Sincerely,

(b)(6)

**From:** (b)(6)  
**To:** [Contact OGE](#)  
**Subject:** Trump Diversification  
**Date:** Thursday, December 01, 2016 8:52:47 AM

---

Very proud of our swamp dwelling non-partisan ethics department for heaping praise upon the President elect for a totally empty non-committal statement. So tell me, who does protect the American citizens?

What another sad day for our country, no matter who anyone voted for.

(b)(6)

**From:** (b)(6)  
**To:** [Contact OGE](#)  
**Subject:** Trump tweets  
**Date:** Wednesday, November 30, 2016 1:36:57 PM

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The tweets from your office congratulating the President-Elect are bizarre and disturbing. They're also completely misleading given that he's not really divesting.

It's just...wow. Loss for words. Irresponsible and horrifying. You are giving this craven man public validation when he will get rid of you all the very first chance he gets.

For shame.

--

Mobile, please excuse typos and brevity.

**From:** (b)(6)  
**To:** [Contact OGE](#)  
**Subject:** Tweeting Donald Trump  
**Date:** Thursday, December 01, 2016 8:38:02 AM

---

Mr Shaub,

As a citizen I was appalled by your tweeting Donald Trump. How could the office in charge of ethics behave in such an unethical manner?

It was unseemly and unprofessional and served to undermine confidence in your ability to hold the President-elect to account.

What a sad day for our democracy.

Sincerely,

(b)(6)



This message may contain confidential or proprietary information intended only for the use of the addressee(s) named above or may contain information that is legally privileged. If you are not the intended addressee, or the person responsible for delivering it to the intended addressee, you are hereby notified that reading, disseminating, distributing or copying this message is strictly prohibited. If you have received this message by mistake, please immediately notify us by replying to the message and delete the original message and any copies immediately thereafter.

**From:** (b)(6)  
**To:** [Contact OGE](#)  
**Cc:** (b)(6)  
**Subject:** Tweets and Professionalism  
**Date:** Thursday, December 01, 2016 9:26:56 AM

---

Hello,

I am a 69 year old retired woman living in Washington state. I just saw your offices' tweets to Donald Trump. Such tweeting is VERY unprofessional behavior for any government office.

Additionally, the content and tone of your tweets are childish, seemingly meant for a child. I am simply appalled. I cannot believe my taxpayer dollars are spent to support such a substandard and foolish behavior. Furthermore, the topics in the tweets has only been verbalized by Donald Trump, no actual steps taken to achieve or finalize such. Your tweets appear partisan and afraid of disapointing a child.

(b)(6)

**From:** (b)(6)  
**To:** [Contact OGE](#)  
**Subject:** Tweets  
**Date:** Thursday, December 01, 2016 12:12:17 AM

---

How can your office be so effusive in tweets about Donald Trump's tweets without even knowing any details?! This makes me doubt the integrity of the work you do and should be doing to keep conflicts of interest from influencing our executive branch.

Sent from my iPhone

**From:** (b)(6)  
**To:** [Contact OGE](#)  
**Subject:** tweets  
**Date:** Thursday, December 01, 2016 1:23:33 AM

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I can't tell you how embarrassed I am for having a government agency sending out tweet after tweet in such a humiliating manner. What is wrong with your office? Who is working there and approving this nonsense? Trump does not need to get gold stars for his tweets which actually didn't say anything about a divestiture. Are you going to hold his hand the whole time during his presidency? Are you going to give him trophies and participation certificates for doing nothing? Is your office full of millennials who spent their childhoods receiving praise for the smallest of acts? Are you going to reward him if he goes poo poo in the potty?

--

(b)(6)



**From:** (b)(6)  
**To:** [Contact OGE](#)  
**Subject:** Walter Shaub, Jr. has no moral principles HE SHOULD RESIGN  
**Date:** Wednesday, November 30, 2016 10:39:48 PM

---

Mr Shaub Jr.: You are supposed to be the director of government ethics, and you, this morning, went tweeting telling Trump "Bravo" and how great it was that Trump was "divesting his business" when he is in no way divesting or selling or putting in a blind trust any of his assets.

What the f\*\*\* do you think you're doing? Are you trying to be rehired by Trump to be the director of government ethics when you have NO ETHICS?

It is your job to do your best to make sure that person's or groups' behavior is appropriate in our government.

You are to have moral principles, and that is one thing, for sure, that you do NOT have.

Trump hasn't divested or put any businesses into blind trusts, like he keeps saying he will, but he won't. But, you praise him for doing this? He's not going to do anything like what you magnanimously applauded him for.

You are disgusting, amoral Trumpet. You suck and should be removed from office. I hope Trump sees into your repulsive, nauseating, vomitus tweets to kiss HIS ass.

You suck,

(b)(6)

From: (b)(6)  
To: (b)(6)  
Subject: What kind of nonsense is this  
Date: Thursday, December 01, 2016 1:54:28 AM

Your Twitter account? What an embarrassment for our country. Unbelievable. I hope the director is forced to resign.



**U.S. OGE** @OfficeGovEthics · 2h

.@realDonaldTrump OGE is delighted that you've decided to divest your businesses. Right decision!



93

119



**U.S. OGE** @OfficeGovEthics · 2h

.@realDonaldTrump As we discussed with your counsel, divestiture is the way to resolve these conflicts.



236

323



**U.S. OGE** @OfficeGovEthics · 2h

.@realDonaldTrump OGE applauds the "total" divestiture decision. Bravo!



85

119



**U.S. OGE** @OfficeGovEthics · 2h

.@realDonaldTrump Brilliant! Divestiture is good for you, very good for America!



86

125



**U.S. OGE** @OfficeGovEthics · 2h

.@realDonaldTrump We can't repeat enough how good this total divestiture will be



93

127



(b)(6)

Sent from Yahoo Mail for iPhone

**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Thursday, December 01, 2016 8:57 PM  
**To:** Contact OGE  
**Subject:** Fwd: VOTE DO-OVER

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**From:** (b)(6)  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Sent:** Thursday, December 1, 2016 5:23:26 PM  
**Subject:** Fwd: VOTE DO-OVER

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**From:** (b)(6)  
**To:** (b)(6)  
**Sent:** Thursday, December 1, 2016 2:53:01 AM

November 30, 2016

Ann M. Ravel, Chair  
Federal Elections Commission  
999 E. Street, N.W.  
Washington, DC 20463

Dear Ann M. Ravel, Chair

I appreciate you taking this time to listen to my concerns,

As an American, I am deeply disturbed by the election of a man, who does not embody the ideas of our nation. Donald Trump has no experience in politics at any level. He has espoused a divisive and hateful beliefs, that are not in alignment with Constitutional protection of all Americans. Furthermore, he has already appointed cabinet members who hold viewpoints that are racist and misogynist or who have no experience to hold the posts to which they are appointed. Hate crimes, sexual assaults on women have already sharply risen since election day. Trump also exhibits a conflict of interest with his business dealings, as well as the unethical interactions with Russia. Clearly, Donald Trump's election is a threat to America.

Election Results: SERIOUSLY FLAWED and POSSIBLY ILLEGAL

Voter fraud was clearly a major part of the results of this election. Let's not forget poll watchers stationed at polling stations with guns and making threatening statements to reduce possible

democratic voters, at Trumps urging.

We cannot forget to look at outside interference of Russia, who hacked the DNC and the Clinton campaign official emails, which were then leaked through Wikileaks by a man known as Julian Assange. He has since come out saying both Russia and Wikileaks were in collusion with Trump, to destroy the Clinton campaign and is asking for a pardon once Trump takes office.

Russia has been connected to multiple fake post on social media, stating that Clinton was going to jail over a variety of fake allegations. This further hurt the Clinton campaign. Its clear who Putin wanted in office.

Another factor in the election come from our own FBI who is rumored to be a Trump fan. Comey's constant leaking of information right before the primaries and his inappropriate statement on why he found no reason to bring charges, was more appropriate for an official within our FBI agency and clearly hurt her campaign and gave Trump more fuel to use against Clinton.

The final nail in the coffin with Comey was the news of 650,000 emails that were found on Anthony Wiener's laptop (a sex offender) just 11 days before the election while early voting was already in progress. This tactic was done clearly to further suppressed voting. Comey clearly violated the "Hatch ACT" which should render the election total invalid. During this time Trumps polling numbers had plummet, due to the ACCESS HOLLYWOOD tape, that showed him bragging about sexual assault. He thanked Wiener for re-energizing his campaign. Two days before the email findings ex-Mayor Rudy Guiliani a Trump surrogate, announced on CNN an upcoming bombshell would change the trajectory of the race.( Guiliani had inside knowledge of the leaks). Also, Trumps former - campaign manager Cory Lewandowski publicly admitted the Comey letter helped Trump win.

Comey then followed this violation with yet another interference into the presidential race.He decided in a late-night statement with the findings of those 650,000 emails in which he determined that Clinton emails did not change his original findings, which didn't clear her but only further denigrated his trust worthiness and concerns to vote for her. Comey opted to make this announcement on a Sunday during the football games, so many, never heard the statement. Just two days before the election, which opened yet another opportunity for Trump. "Lock her up - Lock her up" chants!

We must also blame the media for their coverage of Trump. He was treated not as a candidate for president, but as entertainment which minimized all the horrible things he said as comedy as opposed to inappropriate statements that would disqualify anyone else seeking the office of the Presidency. News Reports of Clinton emails was a false equivalence to Trumps daily disregard for the rules of law. And now thinks he's above the law.

Trump cannot and should not be President because of his history of illegal activities, he has engaged in, over his business career. Scamming small businesses, selling phony stock,taking money for condos that he never built. Just settled a fraud case for taking money for a fake University. Engaging in sexual activity with a minor, his numerous threats to suit, his cruel and unstable behavior. Those are only a few reasons, he should never take office.

Hillary Clinton she is what the country needs during this violate time in America. She clearly won the popular vote and should have won the election, if she had not been knocked down time and time again by foreign actors, media misrepresentation, illegal contribution acts and our own governmental agency.

Hillary Clinton who's highly qualified, a wealth of experience and knowledge and who played by the

rules.

versus:

Donald Trump who's unqualified, has no experience in government nor does he know how the government actually works. He has LIED, CHEATED, and BULLIED his way to the Presidency. This man has managed to break all the rules and norms in this campaign. If this man was any other candidate, he would have been disqualified on day one.  
IS THIS MAN ABOVE THE LAW?

This is by far, enough evidence of an unfair and unjust election, that the "Federal Elections Committee" should call for an unprecedented VOTE "DO-OVER". Declare the results of the Nov. 8th election void and schedule a new one. Otherwise, this sets a dangerous precedent that could upend our DEMOCRACY!

So, my question is, how do we as voters, accept election results that's RIGGED?

How can we TRUST and have FAITH in a system that tolerates CORRUPTION and INJUSTICE.

Is the system RIGGED against the little guy?

Please Respond

Thank you for your time and consideration, I appreciate and respect your role as Chair.

Sincerely,

(b)(6)

**Kelsey D. Phipps**

---

**From:** (b)(6)  
**Sent:** Wednesday, November 30, 2016 10:47 PM  
**To:** Contact OGE  
**Subject:** Good for You!

As a concerned US citizen I want to say BRAVO for your tweets re: Trump's divestiture!

To quote Trevor Noah, he has "the mind of a toddler". So he will need **close watching** by OGE and all citizens!

THANKS!!!!

Lots and lots of !!! (smile)

(b)(6)

**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Wednesday, November 30, 2016 9:06 PM  
**To:** Contact OGE  
**Subject:** Good Work! Keep on Trump!

Thank you for tweeting that Drumpf should divest! Keep after this non-transparent, conflict of interest, unethical American!

Thank you! This is not a normal transition and we should not buy into this facade by Trump and his family!!

Sent from my iPhone

## Kelsey D. Phipps

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**From:** (b)(6)  
**Sent:** Thursday, December 01, 2016 11:33 AM  
**To:** Contact OGE  
**Subject:** [GRAYMAIL] Retraction?

Hello:

In the New York Times article, "Ethics Office Praises Donald Trump for a Move He Hasn't Committed To," by Michael D. Shear and Eric Liptonov, published Nov. 30, 2016, (<http://www.nytimes.com/2016/11/30/us/politics/donald-trump-business-president-elect.html? r=0>) the authors make clear that The Ethics Office acted with partiality in regard to the divestiture of business assets by Mr. Trump.

Clearly that is an ethical infringement on the part of the Ethics Office.

My first questions are straightforward and simple:

When will the retraction occur?

Where and how will the retraction occur?

What will be the disciplinary action for this ethical infringement be by the Ethics Office?

But the second question is more complicated:

What is the reasoning and justification for the impartial support you have shown to Mr. Trump?

(b)(6)

Values Perspectives



**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Thursday, December 01, 2016 10:28 AM  
**To:** Contact OGE  
**Subject:** GREAT Tweetstorm!!

Just a quick note to congratulate you on the wonderful idea of fighting the "Trumpster Fire" with your own fire. Keep up the amazing work!

Regards,

(b)(6)

**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Thursday, December 01, 2016 1:24 AM  
**To:** Contact OGE  
**Subject:** Has Your Office Gone Insane?

What the heck is going on in the Office of Government Ethics????????????

As an American citizen I expected your office to conduct yourselves like a professional department. Your seven tweets to President elect Trump this morning were appalling. Bravo? Brilliant? First of all, Donald Trump laid out NO specifics as to how he was going to handle his extreme conflict of interest. He has 111 business enterprises in 18 different countries.

Apparently you think it is OK for the President elect to invite foreign dignitaries from Bahrain to stay at his hotel in DC. Apparently you think it is OK for the President elect to petition UK officials to interfere in wind turbines being established in his golf course in Scotland. He will directly benefit from these breeches. Have you not heard of the Emolument clause of the Constitution? Educate yourselves before you tweet. Try & figure out why it is not OK for the President elect to be selling suites at his hotels to foreign government officials.

Pull yourselves together. You are an embarrassment to this country. I am stunned at your lack of unprofessional behavior. Tweeting? You have been compromised & your department has lost a tremendous amount of respect & dignity.

You are supposed to be setting an example. Instead, you spend valuable time tweeting nonsense back & forth.

Are you all on crack? Are you drunk before lunch? Is someone baking marijuana brownies that you are all gobbling while you stand around the water cooler trying to be witty? You are a disgrace to this country.

## Kelsey D. Phipps

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**From:** (b)(6)  
**Sent:** Wednesday, November 30, 2016 10:44 PM  
**To:** Contact OGE  
**Subject:** Letter to the Editor, Washington Post:Tweets

Open Letter To the Director;

As a former government attorney who has worked in and around government for more than four decades, I have struggled today to come up with any possible explanation for the totally inappropriate and unprofessional communications which you permitted to be issued by your office regarding the Trump matter.

I always want to give those of us in government the benefit of the doubt that actions taken are in the best interests of the government and so the people.

You failed in meeting that test, and so have tarnished not only your professional standing but as well the reputation of your office and the people in it who everyday work to enhance the people's view of government.

It does not matter in the slightest that the actions announced by the President-elect had the appearance of following earlier urgings of your office. What resulted was the appearance of pandering on the very subject that you are charged with enforcing.

OGE communications today have totally undermined your capacity to carry out the responsibilities of your office.

There is only one honorable action that you can now take to restore the necessary independence, credibility, and reputation of the OGE.

(b)(6)

**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Wednesday, November 30, 2016 2:47 PM  
**To:** Contact OGE  
**Subject:** Media Inquiry: Twitter & Trump

Good afternoon,

I imagine you're getting this question a lot, but just wanted to double check to make sure your Twitter account hasn't been hacked: <https://twitter.com/OfficeGovEthics/status/804021427565395969>

Assuming it hasn't been, I wanted to give you guys a chance to elaborate (at the risk of taking all the fun out of this!). Given Mr. Trump has yet to fill in the many blanks in his divestiture plan, are you all just taking him at his word that it will succeed at removing conflicts of interest between the Trump Organization and the Trump administration?

Cheers,

JV

--

Josh Voorhees

Senior Writer | **Slate.com**

(b)(6)

**Kelsey D. Phipps**

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**From:** Masood Farivar (b)(6)  
**Sent:** Thursday, December 01, 2016 10:12 AM  
**To:** Contact OGE  
**Subject:** Media Query - Voice of America

Hello,

I'm a reporter with Voice of America in Washington. For a story n President-elect Trump's business interests, I have a question about his most recent form 278e: What period does it cover? Is the income listed in the form for the calendar or fiscal year 2015 or another period?

Would greatly appreciate it if you could provide an answer in writing by 4pm today.

Thanks,

Masood Farivar

Voice of America

(b)(6)

**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Thursday, December 01, 2016 2:27 AM  
**To:** Contact OGE  
**Subject:** Narsaccistic Trump

OGE is the last legal vestige we have as American Citizens to obtain Trump's legal signature on proper legal documents to sign his financial business to a Blind Trust before he takes Executive Office of Presidency of US. If OGE does not stand up for us as US citizens, Trump may sell our country to foreign countries as his private business real estate as we sleep or look the other way. How can this be happening?? Please protect our freedom of democracy. Reply if possible.

**Kelsey D. Phipps**

---

**From:** Fatma Tanis (b)(6)  
**Sent:** Thursday, December 01, 2016 10:42 AM  
**To:** Contact OGE  
**Subject:** NPR All Things Considered --- Interview Request

Hello,

I am a producer with NPR's All Things Considered. We are interested in speaking Director Shaub. The interview would be pre-recorded and no longer than 20 mins. Would the Director be available to speak with us next week?

Best,

Fatma

## Kelsey D. Phipps

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**From:** Matt Higginson (b)(6)  
**Sent:** Thursday, December 01, 2016 12:21 PM  
**To:** Contact OGE; Seth Jaffe  
**Subject:** OGE // Medium

Hello Seth, et al,

I lead the government affairs team at [Medium](#) and was hoping to connect with you or someone from the communications or digital team. I imagine you may have been getting a flurry of messages since the agency's tweets yesterday.

Medium is a social publishing platform used by a number of government leaders and agencies including [POTUS](#), [VPOTUS](#), [The White House](#), [State](#), and many other departments, leaders, and Members of Congress.

[The Trump transition team is also using Medium](#) before they assume control over the White House Medium assets.

I wanted to see if you, Director Shaub, and/or another voice from OGE might be interested in using Medium to share more about how the agency recommends President-elect Trump proceed to avoid and ethical conflicts between his businesses and the presidency--or see if there is something else the office would like to communicate to the public.

I would be happy to help you and the agency understand on-platform best practices and we would be able to help promote anything you wanted to publish to help reach the widest audience possible. If any of this is interesting to you or the agency, I'm very willing to chat further at your convenience.

Cheers,  
Matt

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(b)(6)



**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Wednesday, November 30, 2016 7:48 PM  
**To:** Contact OGE  
**Subject:** OGE Pro-Trump Propaganda

Dear Mr. Shaub,

The tweets sent by your office today raise serious questions about the OGE's ability to function as anything more than a propaganda organ for the incoming regime. For example, this tweet:

[.https://twitter.com/realDonaldTrump](https://twitter.com/realDonaldTrump)">@realDonaldTrump Bravo! Only way to resolve these conflicts of interest is to divest . Good call!

— U.S. OGE (@OfficeGovEthics)

<https://twitter.com/OfficeGovEthics/status/804020925171646464>">November 30, 2016

"[.@realDonaldTrump](https://twitter.com/realDonaldTrump) Bravo! Only way to resolve these conflicts of interest is to divest . Good call!"

Given that Trump announced no such plan to divest, this tweet appears to be a blatant effort to paint Trump's statement in a falsely positive light.

I request that your office immediately delete your twitter account and conduct an internal investigation into the source of today's disturbing tweets. The OGE ought to promote government ethics, not provide cover for unethical public officials.

Sincerely,

(b)(6)

**Kelsey D. Phipps**

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**From:** Peter Schroeder (b)(6) >  
**Sent:** Wednesday, November 30, 2016 3:29 PM  
**To:** Contact OGE  
**Subject:** OGE tweets re: Trump?

Hi there,

Could I get a confirmation on whether the tweets sent out today regarding Donald Trump's business and potential divestment were sent by OGE, and any statement you might have on the matter?

Thanks,  
Peter

--

Peter Schroeder  
*The Hill*  
(b)(6)

Visit *The Hill's* Finance page at:  
<http://thehill.com/policy/finance>

**Kelsey D. Phipps**

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**From:** Joe diGenova (b)(6)  
**Sent:** Thursday, December 01, 2016 10:06 AM  
**To:** Contact OGE  
**Subject:** OGE TWITTER COMMENTS RE TRUMP ALLEGED CONFLICTS

I am doing preparation for a legal commentary on this subject for Monday, December 5<sup>th</sup>, on WMAL RADIO and would like to discuss the process that was utilized to send out the OGE tweets on the above subject. I am looking for the process, who decided to do this, what is the historical precedent for such tweets, what other presidents-elect have received such tweets, etc. I am at (b)(6). Thank you for your assistance. Joseph E. diGenova

**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Wednesday, November 30, 2016 8:26 PM  
**To:** Contact OGE  
**Subject:** Praising Trump for Divesting

Why did you praise Trump for divesting when he never said he would. What will you do if he doesn't follow through?

Sincerely,

(b)(6)

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**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Thursday, December 01, 2016 1:08 AM  
**To:** Contact OGE  
**Subject:** Pres. Elect and Conflicts of Interest

Dear OGE

Thank you so much for “tweeting” your encouragement of President-elect Trump taking action to divest himself of his many and opaque business dealings in order to avoid a true conflict of interest during his presidency. This has weighed heavy on my mind since his election and I would hate to think anyone would use the highest office in the land to increase their already legendary wealth, or that of their family and friends.

So thank you for “being on the job.” I appreciate you!

Sincerely

(b)(6)

California

## Kelsey D. Phipps

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**From:** (b)(6)  
**Sent:** Wednesday, November 30, 2016 8:53 PM  
**To:** Contact OGE  
**Subject:** President elect Trump and his business interests

I don't know if it helps to write you. I assume you will do what is ethically correct in any matter. I wanted to let you know that I would very much like you not to take the pressure off the president elect to divest himself of his business interests in a real way - not a pretend way. I also hope that the pressure to provide his taxes for public review will continue full force. How do we know what and where his business interests are if he continues to hide them by not providing his tax returns. I don't know that you will be able to get anywhere with the president elect, but i would feel so much better if I knew that you would not give up.

If there is anything that I as a citizen can do in this matter that would help, please tell me.

Sincerely,

(b)(6)

**From:** (b)(6)  
**Sent:** Saturday, December 03, 2016 1:46 PM  
**To:** Contact OGE  
**Subject:** President elect Trump conflicts of interest

Hello I think that Mr. Trump calling Taiwan was for business purposes. Trump wants to build a chain of luxury hotels there. This is a conflict of interest in the fact. Whether or not he gives his children the business. This is seen as a pay to play scheme. Trump will get his business back in 4 years maybe 8. With his business new dealings that he used his presidential powers to procure. Another conflict of interest is the pyramid scheme he is creating in the departments of Treasury and Commerce. Which could help his business empire. Also his tax plan was manufactured to help him and his companies.

I think that Mr. Trump is unqualified to be President. Mr. Trump ran a campaign of hate and bigotry. With Trump's picks as cabinet members I think they will make policies.

That will be unconstitutional. I think that he has already violated the constitution by his bigotry towards Muslims, and their rights to freedom of religion. Trump's running mate Mike Pence has made laws in the past discrimination of LGBTQ community. Which violates Americans civil rights and the Discrimination Act. Bannon runs the alt - right propaganda site known as Breitbart. Which caters to racist. Other people in his cabinet are islamophobic, homophobic, and white supremacist. According to the constitution a president has to meet certain criteria to be able to be fit and qualifications to be President. I think Donald Trump has already proven that he is unfit to serve as president of the United States of America.

thank you for your time and services to keep the government accountable for their actions.

**Kelsey D. Phipps**

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**From:** Resnick, Gideon (b)(6)  
**Sent:** Wednesday, November 30, 2016 3:09 PM  
**To:** Contact OGE  
**Subject:** PRESS REQUEST: The Daily Beast

To Whom It May Concern:

I'm a reporter with The Daily Beast and I was interested in speaking with someone about the lease agreement between the GSA and the Trump Organization for the Old Post Office Building. Let me know when you get a chance. Thanks so much!

Best,

Gideon Resnick



## Kelsey D. Phipps

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**From:** Ty Cooper  
**Sent:** Wednesday, November 30, 2016 4:47 PM  
**To:** Contact OGE  
**Subject:** Public Inquiry  
  
**Importance:** High

Holding the front desk phone, I received a call from (b)(6) of Seattle (b)(6)

Question: What is OGE planning to do to protect the American people from fraud, waste, and abuse by the Trump administration?

Best regards,

Ty Cooper, CISSP, CSCP  
Chief Information Officer  
US Office of Government Ethics  
1201 New York Avenue NW, Suite 500  
Washington DC 20005  
(202) 482-9226 (desk)  
(202) 905-3402 (cell)  
[ty.cooper@oge.gov](mailto:ty.cooper@oge.gov)

Keep calm and carry on.

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics



**From:** [Penn, Ben](#)  
**To:** [Contact OGE](#)  
**Subject:** Puzder/DOL  
**Date:** Friday, December 02, 2016 12:39:02 PM

---

Hi Vincent,

I'm a reporter covering the Labor Department a newbie to government ethics law. Any way you or somebody else at OGE could help me this afternoon for an article on potential Trump labor secretary Andrew Puzder and whether DOL investigations of his restaurants pose a conflict of interests if he's appointed?

Thanks.

Ben Penn

Reporter, Daily Labor Report

**Bloomberg BNA**

(b)(6)

[REDACTED]

[REDACTED]

**Kelsey D. Phipps**

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**From:** Levinthal, Dave (b)(6)  
**Sent:** Wednesday, November 30, 2016 2:32 PM  
**To:** Contact OGE  
**Subject:** Question about OGE Twitter feed

Hello —

I've been reading OGE's tweets today about Donald Trump's investments, and I'd like to confirm that the tweets are indeed coming from OGE — i.e., your account hasn't been hacked.

If these tweets are genuine, I'd like to know if OGE has either been in contact or plans to be in contact with the Trump transition team regarding President-elect Trump's business investments and potential conflicts of interest. If so, what has your message to the transition team been?

Thanks very much. Please respond as soon as possible — phone and email both fine.

Best,

Dave Levinthal

Senior political reporter

(b)(6)



## Kelsey D. Phipps

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**From:** Harris, Shane (b)(6)  
**Sent:** Thursday, December 01, 2016 2:07 PM  
**To:** Contact OGE  
**Subject:** Question for media liaison

Hi. I'm a senior writer at The Wall Street Journal. Can you tell me when you expect financial disclosure forms and other ethics documents to be available for President-Elect Trump's nominees? I'm specifically interested in the following individuals and how to obtain the documents they're required to file:

Mike Flynn (national security adviser)  
KT McFarland (deputy national security adviser)  
Mike Pompeo (CIA director)  
Jeff Sessions (Attorney General)

I'd also be interested in getting the same forms for other positions as they become available.

Thanks!

Shane

--

Shane Harris

(b)(6)



## Kelsey D. Phipps

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**From:** Avi Asher-Schapiro (b)(6)  
**Sent:** Friday, December 02, 2016 12:25 AM  
**To:** Contact OGE  
**Cc:** Seth Jaffe  
**Subject:** Question from Newsweek/IB Times about General Mattis stock portfolio

Hi Vincent,

I hope this finds you well. President-elect Trump announced his plans to appoint General Mattis to be Secretary of Defense. Public records indicate he [owns](#) over \$700,000 in General Dynamics stocks—one of the Pentagon's largest contractors.

I am wondering if he will be required to divest from those holdings, given the conflicts definition outlined in 18 U.S.C. § 208(a).

Thank you,

Avi

--

Avi Asher-Schapiro | **Politics Reporter**

(b)(6)

**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Wednesday, November 30, 2016 10:31 PM  
**To:** Contact OGE  
**Subject:** Re: Presidentelect Trump's conflicts of interests

Re my email dated 11/29/2016

After seeing the recent email from OGE to Mr Trump, I offer my most humble apologies to every member of your organization. I realize that everyone is doing their best but we are all trying to deal with unusual circumstances and people that we hope not to ever meet again in this lifetime.

Thank you

(b)(6)

Sent from my iPad

On Nov 29, 2016, at 5:35 PM, "Contact OGE" <[contactoge@oge.gov](mailto:contactoge@oge.gov)> wrote:

Thank you,

Contact OGE

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-----Original Message-----

**From:** Catherine (b)(6)  
**Sent:** Tuesday, November 29, 2016 2:51 PM  
**To:** Contact OGE  
**Subject:** Presidentelect Trump's conflicts of interests

I do not know if I am contacting the government agency that is or should be dealing with this but as a citizen I am very concerned that these conflicts be resolved before the inaugural of President Trump. I think that as a responsible citizen I am obligated to speak out against the lack of action but I am hoping that everything is being done. If nothing is done, it will be a sad day for America.

(b)(6)

Sent from my iPad

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## Kelsey D. Phipps

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**From:** Timothy Mallon  
**Sent:** Wednesday, November 30, 2016 2:09 PM  
**To:** 'Dreyfuss, Emily'  
**Cc:** Seth Jaffe; Leigh J. Francis  
**Subject:** RE: Quick question from WIRED

Hi Emily – another contact is Leigh Francis (also cc'd). Apparently the Twitter account is not compromised. - Tim

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**From:** Dreyfuss, Emily [mailto:(b)(6)]  
**Sent:** Wednesday, November 30, 2016 2:06 PM  
**To:** Timothy Mallon  
**Cc:** Seth Jaffe  
**Subject:** Re: Quick question from WIRED

Thank you Tim! Seth, I just left you a voicemail. Please give me a call as soon as you can at (b)(6)

I appreciate it.

Emily

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**From:** Timothy Mallon <[tmallon@oge.gov](mailto:tmallon@oge.gov)>  
**Sent:** Wednesday, November 30, 2016 1:57 PM  
**To:** Dreyfuss, Emily  
**Cc:** Seth Jaffe  
**Subject:** RE: Quick question from WIRED

Hi Emily – please contact Seth Jaffe (cc'd) - Tim

**From:** Dreyfuss, Emily (b)(6)  
**Sent:** Wednesday, November 30, 2016 1:57 PM  
**To:** Timothy Mallon  
**Subject:** Quick question from WIRED

Hi Timothy,



Thanks for taking my call. Any information you can shed on what's going on with the OGE Twitter account would be greatly appreciated. Again, I want to make sure we--and the rest of the press--don't wrongly report on official tweets that are not sanctioned by the Office of Government Ethics. If you can point me to the person in charge of the Twitter account, I would be happy to follow up with them directly.

Thanks,

Emily

Emily Dreyfuss

National Affairs Writer

WIRED

(b)(6)

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**Kelsey D. Phipps**

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**From:** Katie Watson (b)(6)  
**Sent:** Wednesday, November 30, 2016 2:07 PM  
**To:** Contact OGE  
**Subject:** Re: Re OGE tweets

Also, was this one staffer's lone wolf effort or the opinion of the office as a whole? Thanks!

On Wed, Nov 30, 2016 at 1:23 PM, Katie Watson (b)(6) wrote:  
Hi Vincent or whoever gets this,

I just wanted to verify that the recent string of tweets was indeed sent by your office, and also check to see whether Trump has officially communicated with your office that he will be divesting.

<https://twitter.com/OfficeGovEthics?lang=en>

Trying to write this as quickly as possible.

Thank you!

--  
Kathryn (Katie) Watson  
Investigative Reporter  
Daily Caller News Foundation  
(b)(6)

## Kelsey D. Phipps

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**From:** (b)(6)  
**Sent:** Friday, December 02, 2016 5:43 AM  
**To:** Contact OGE  
**Cc:** (b)(6)  
**Subject:** Regarding President elect and Financial Conflict of Interest and Use of Government Position.

Ethics Committee,

There are many unanswered questions on Donald Trump. President elect, and there should be an Ethics Committee to get answers if our Constitution says there are checks and balances. At this point until all questions are answered then there needs to be a new election. This is too important of a position to wave it off. During Mr. Trumps campaign he said many things and then after the election he has reneged on them. One he specifically said and many senior citizens voted for him because of it, was to not touch Medicare and Social Security. The first day after the election he and Paul Ryan went for Medicare and Social Security and decided they were going to privatize and change it. Paul Ryan lied throughout the election regarding Medicare and ACA and many financial reports have said that he lied; that it is healthy financially for the next 20 years and there is no reason to change it. There are too many other needs in the US to deal with than to make Senior Citizens worry.

The next item that is a true conflict of interest is that Donald Trump has 144 businesses in 25 countries. He has businesses in China and owes them \$650 million dollars. This could be a real problem as the US Government owes China \$1.157 trillion as of September 2016. That is 30 percent of the \$3.901 trillion in Treasury bills, notes and bonds held by foreign countries. Trump will not be able to take his companies out of China as they could call in his debt and they could request the US to pay back what we, the US Government, owe them. We could easily be blackmailed by China and the other foreign countries that he is doing business in and owes money to.

If China were to call in Mr. Trump's debt, and he is our president, will the US Government have to bail out his \$650 million? He needs to pay back his debt to China and other countries before becoming a president. All other presidents had their finances scrutinized. We do not understand why he has special privilege.

Another item of concern is Mr. Trump's relationship with Russia. He has contacted Mr. Putin and he is not president yet. He has also contacted other foreign countries and does not have the authority to make any agreements. If he were to make any agreements with a foreign country, doesn't he have to have it approved by the Senate? He has also called Pakistan and South Korea. The State Department and embassies should have been aware. Does he not have to follow government protocol?

He said many times the election was rigged and that Russians were rigging it. The relationship with Mr. Putin was before with the Miss Universe contest in Russia and his many businesses there. They would not have a mural in Russia of Putin and Mr. Trump kissing unless there was a relationship. All states should be checked for rigging and if not have a re-election. Our country is worth it.

He has lied throughout his campaign on Hillary Clinton and Mr. Trump's campaign manager said how they would keep blasting lies about her to the blacks and suburban housewives. He had James Comey produce the

letter on emails 11 days before the election. Mr. Comey and Mr. Trump knew it was a lie but that is the way Mr. Trump campaigned. At that point the election should have been stopped, until Mr. Trump's court hearing for Trump University of which he was guilty and fined \$25 million for fraud. His Trump Foundation had to be shut down because of fraud and yet he continued to campaign. His trial for rape of a 13 year old and reports of other sexual misconducts and sexual assaults should have been cleared before the election. They need to be cleared before he can be given a government job with a background check. With sexual misconduct on his record, he cannot be near children in schools or the White House as there are federal child protection laws.

He has proposed and endorsed hate against blacks, Hispanics especially Mexicans, women, Muslims, and LGBT, and made crude, sexist and misogynistic, anti-gay, homophobic-xenophobic, and anti Semitic remarks. This has caused many hate crimes on streets and in schools.

These are just a few items that should have been cleared way before the election and before his name was on the ballot. I do not see any checks and balances or protection. These need to be cleared before anyone becomes president. If not then have another election.

Since the Republicans have President, House, and Senate, there should be more checks and balances and scrutiny. The Constitution is to protect the people and our fine country and that includes our president and vice president.

Sincerely,

(b)(6)

**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Thursday, December 01, 2016 6:27 PM  
**To:** Contact OGE  
**Subject:** Sen. Warren's call for an audit

Hello,

I'm writing to support Senator Elizabeth Warren's call for an audit of President-Elect Trump's financial and business dealings to prevent conflicts of interest that could interfere with his ability to perform the duties of the presidency. In light of his recent announcement of an upcoming announcement of his plans for dealing with these issues, the American people have a right to know the full and complete extent of such dealings, so we can assess if his yet-to-be divulged plan is sufficient -- as anything shy of full divestment would be unacceptable.

Thank you for your time and attention to this matter.

Yours,

(b)(6)

**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Wednesday, November 30, 2016 11:19 PM  
**To:** Contact OGE  
**Subject:** Singing Trump's praise tweets

Dear Office of Government Ethics,

From the bottom of my heart I hope your recent tweets in response to Trump's so called plan to fix his conflicts of interests was a series of sarcastic tweets. That is the only way I can read them and still take your organization seriously.

If Trump takes your tweets as sincere praise it will only be because of his immense ego and narcissism.

I hope I am correct in that you were only being sarcastic to make a huge point as Trump has not done one thing yet to "divest" nor do I believe he ever will and, hopefully, you also are preparing for when he will not. I hope you will do your job and be courageous in standing up to his power. We are in new territory here and **SOMEbody** needs to stand up to what is about to take place in our dear country.

Sincerely,

(b)(6)

**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Thursday, December 01, 2016 11:32 PM  
**To:** Contact OGE  
**Subject:** Still waiting to hear

Who is being paid to troll Donald Trump on your Twitter account and further would like to know who authorized said series of tweets. Please respond: you clearly have plenty of nonessential time that could be reassigned to answer queries from the citizens who pay your salary.

(b)(6)

*And I think to myself, "What a wonderful world."*

**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Wednesday, November 30, 2016 3:41 PM  
**To:** Contact OGE  
**Subject:** Thank you for speaking out on Trump conflicts

As a citizen, I want to thank the OGE for encouraging Trump to divest completely in his business. Thank you for making a stand for the nation and for encouraging meaningful business ethics. You are appreciated!

Best,

(b)(6)  
Knoxville, TN



**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Thursday, December 01, 2016 10:54 AM  
**To:** Contact OGE  
**Subject:** Thank you!

Good Morning –

I just wanted to take a moment to Thank you for protecting the Country and Constitution in your “response” to Mr. Trump regarding “divesting” of all of his business assets and foreign affairs.

From what I understand, the electoral college takes the same Oath of Office that we as Federal Employees do?

Thank you again,

(b)(6)

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**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Thursday, December 01, 2016 11:30 PM  
**To:** Contact OGE; (b)(6) - various state legislator's email addresses  
**Subject:** Trump  
**Attachments:** trump.pdf

RIGGED

**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Thursday, December 01, 2016 12:17 AM  
**To:** Contact OGE  
**Subject:** Trump

Where are Donald's taxes? Should be the conversation?

And more fundamentally, why did the OGE decide to break character and publicly vocalize its opinion?

(b)(6)

**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Thursday, December 01, 2016 8:53 AM  
**To:** Contact OGE  
**Subject:** Trump Diversification

Very proud of our swamp dwelling non-partisan ethics department for heaping praise upon the President elect for a totally empty non-committal statement. So tell me, who does protect the American citizens?

What another sad day for our country, no matter who anyone voted for.

(b)(6)

**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Thursday, December 01, 2016 11:32 PM  
**To:** (b)(6) - various state legislator's email addresses  
(b)(6)  
(b)(6)  
(b)(6)  
**Subject:** Trump  
**Attachments:** trump.pdf

RIGGED

**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Wednesday, November 30, 2016 11:40 PM  
**To:** Contact OGE  
**Subject:** Trump's Outrageous & Illegal Conflict of Interest

The United States Government **MUST REQUIRE** President-Elect Trump to **DIVEST** his and his family's ownership of the Trump Organization.

His and/or his family's finances will most certainly benefit from him being the President of the United States which is **UNCONSTITUTIONAL** and the American people will **NOT** put up with it.

(b)(6)  
Redmond, WA

**Kelsey D. Phipps**

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**From:** Dan Kenny (b)(6)  
**Sent:** Thursday, December 01, 2016 3:54 PM  
**To:** Contact OGE  
**Subject:** TV Interview Request

United States Office of Government and Ethics,

This is Dan Kenny, I am one of the producers at WHDT World News. Our nightly news broadcasts in the Miami, Naples and Boston markets. We would like to invite a member from your office to join us as a Skype/webcam guest on our evening news program. The interview would be regarding Trump's decision to divest his businesses.

We have openings for an on-air interview throughout this week and the next, and we have some flexibility to work around your schedule. Interviews typically last 10-15 minutes, factoring in audio/video checks.

Please respond back to this email and we can sort out a precise date/time for the interview. You can contact me on my cell (b)(6)

WHDT (channel 9) is the oldest high definition television station in the United States. Broadcasting from Wellington, Florida, WHDT serves the Miami-Fort Lauderdale (Market #16), West Palm Beach-Fort Pierce (Market #38) and Naples-Fort Myers (Market #61) Florida television markets.

We are also broadcasting from Boston, the 9th largest market in the country, in addition to a 24/7 livestream on our Razercut app available on iTunes around the world. Covering eight counties in South Florida, WHDT has a larger reach than any television station in the state. It is one of the largest independently-owned TV stations in the world.

Best,  
Dan Kenny

## Kelsey D. Phipps

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**From:** (b)(6)  
**Sent:** Thursday, December 01, 2016 1:23 AM  
**To:** Contact OGE  
**Subject:** tweets

I can't tell you how embarrassed I am for having a government agency sending out tweet after tweet in such a humiliating manner. What is wrong with your office? Who is working there and approving this nonsense? Trump does not need to get gold stars for his tweets which actually didn't say anything about a divestiture. Are you going to hold his hand the whole time during his presidency? Are you going to give him trophies and participation certificates for doing nothing? Is your office full of millennials who spent their childhoods receiving praise for the smallest of acts? Are you going to reward him if he goes poo poo in the potty?

(  
b  
)



**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Thursday, December 01, 2016 12:13 AM  
**To:** Contact OGE  
**Subject:** Tweets

How can your office be so effusive in tweets about Donald Trump's tweets without even knowing any details?! This makes me doubt the integrity of the work you do and should be doing to keep conflicts of interest from influencing our executive branch.

Sent from my iPhone

**Kelsey D. Phipps**

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**From:** Yasmeen Alamiri (b)(6)  
**Sent:** Wednesday, November 30, 2016 2:51 PM  
**To:** Contact OGE  
**Subject:** Tweets regarding President-elect Trump

Hello,

Your social media accounts show a series of tweets addressing President-elect Donald Trump, concerning his recent divestment from his companies. The tweets seem to address him directly.

Is it normal practice to tweet at an incoming official/PEOTUS? Do you know if he will be totally divested by the time he is sworn into office on January 20, 2017?

Thank you,  
Yasmeen Alamiri  
CCTV America

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## Kelsey D. Phipps

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**From:** (b)(6)  
**Sent:** Thursday, December 01, 2016 3:06 PM  
**To:** Contact OGE  
**Subject:** Tweets sent to Trump. 12/01/16

To Whom It May Concern,

What are you folks doing tweeting such outrageous tweets to Trump? You are supposed to be a non-partisan faction in our government in this country. Is everybody losing their mind and normalizing Trumpism? You are all stroking his ego! He has turned the picking of his cabinet into reality TV! He feels he is above all when it comes to conflicts of interests! Since when do you communicate such important matters by tweets? Since when do you use language which praises and validates, what exactly? Since when do you call things brilliant? You don't even know what the plan is! This country is losing all sense of what is right, decent and the following of American Values of democracy! When is this going to stop! I am a 65 year old woman who has lived through many elections. I have been in despair since the election of Donald Trump. He is an evil, self-centered man who is totally undermining the values of American Democracy. You are supposed to be the non-partisan ethical faction in our government! Where are the ethical values embedded in what you did? This great country is being devalued by Donald Trump and all those who validate his evil values! We have really hit rock bottom when the supposedly ethical faction in our government tweeted in response to Trump today. You don't even know what his plan is and you are using words like bravo and brilliant! Have you all lost your minds! The day Donald Trump was elected the President of this country will go down as the darkest day in American History!

With despair and disgust,

(b)(6)

Sent from my iPad

**Kelsey D. Phipps**

---

**From:** (b)(6)  
**Sent:** Thursday, December 01, 2016 2:41 PM  
**To:** Contact OGE  
**Subject:** Tweets

Do you need some Chapstick before you meet with Herr Trump.....sure sounds like it.

[Not A Hack: U.S. Office Of Government Ethics Tweets At Trump](#)

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## **Not A Hack: U.S. Office Of Government Ethics Tweets At**



In an odd sequence of events, the federal ethics watchdog praised Trump in a series of snarky tweets for alleged...

**Kelsey D. Phipps**

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**From:** Lorenzo Franceschi-Bicchierai (b)(6)  
**Sent:** Wednesday, November 30, 2016 2:35 PM  
**To:** Contact OGE  
**Subject:** Twitter account

Good afternoon,

I noticed that the official Twitter account of the OGE is tweeting at Donald Trump.

<https://twitter.com/OfficeGovEthics/status/804020924089438208>

Are these real tweets? As in, did an authorized OGE employee send them? They seem unusual.

Thanks for clarifying,

lfb

--

----- BEGIN SIGNATURE -----

**LORENZO FRANCESCHI-BICCHIERAI**  
Staff Writer, Motherboard

(b)(6)

This e-mail transmission may be legally privileged and contains confidential information that is the property of the sender and the organization (VICE MEDIA LLC) for which the sender represents. If you are not the intended recipient and have by accident received this email, please do not retain, disclose, reproduce or distribute the contents of this e-mail transmission, or take any action in relevance thereon or pursuant thereto. Please notify the sender of the error by responding to the email accordingly in a timely and reasonable fashion otherwise failure to do so may cause legal action to be taken.  
Thank you.

----- END SIGNATURE -----

## Kelsey D. Phipps

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**From:** (b)(6)  
**Sent:** Thursday, December 01, 2016 1:13 PM  
**To:** Contact OGE  
**Subject:** Twitter activity

I'm deeply disappointed in the Office of Government Ethics department spreading misinformation about president-elect trump's conflicts of interest via your Twitter account. Your role should be representing the public in trying to resolve these issues, not misleading us into believing that the president-elect has taken actions that he has not and likely will not take to resolve them.

This is terrible. I'm contacting my congressman about investigating the Office of Government Ethics.

Please forward this message to Seth Jaffee.

(b)(6)

## Kelsey D. Phipps

---

**From:** (b)(6)  
**Sent:** Thursday, December 01, 2016 1:25 AM  
**To:** Contact OGE  
**Subject:** Twitter feed

What in the world did this department do today?! Went crazy on Twitter congratulating Trump on planned divestiture that hasn't even happened. This department is supposed to be bipartisan, yet you go on a Twitter storm that feeds into Trumps egotistical behavior. These tweets don't appear to be an ethical way of communicating. Whatever happened to sending a letter after the deed is done?

Sent from my iPad

**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Thursday, December 01, 2016 12:35 PM  
**To:** Contact OGE  
**Subject:** Twitter to trump

Since when does the federal government congratulate anyone for not breaking the law? You have embarrassed your office and millions of federal employees including myself. Stop trying to suck up to an ego maniac. Just hold your head up high and uphold policy and law. That's what we do because nobody is above it.

(b)(6)



## Kelsey D. Phipps

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**From:** (b)(6)  
**Sent:** Thursday, December 01, 2016 6:43 PM  
**To:** Contact OGE  
**Subject:** U.S. ethics office tweets sarcasm at Trump on business conflicts  
**Importance:** High

**I hope those tweets were on your own personal time and personal equipment. You work for the Taxpayers not for yourselves.**

**I guess your branch of office does not know what the definition of ETHICS is .**

**ETHICS:**

eth·ics

'eTHiks/   
*noun*

1. 1.

**moral principles that govern a person's or group's behavior.**

**"Judeo-Christian ethics"**

moral code, morals, [morality](#), values, rights and wrongs, principles, ideals, standards (of synonyms: behavior), value system, virtues, dictates of conscience  
"your so-called newspaper is clearly not burdened by a sense of ethics"

2. 2. <sup>o</sup>

**the branch of knowledge that deals with moral principles.**

**Chance Is My Beloved.....And I His**

**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Thursday, December 01, 2016 12:59 PM  
**To:** Contact OGE  
**Subject:** UGH

I'm gagging over the tweets your office sent to Trump about his NON-divestiture plans.

Are you stooping to his level now?

You work for the American people; not Trump.

Act like it.

**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Wednesday, November 30, 2016 8:30 PM  
**To:** Contact OGE

The mission of the OGE is one of “prevention”, according to the website. I am truly baffled by the “Tweets” that OGE posted supposedly commending Donald Trump for announcing that he is doing something about his business conflicts , but that he will make some sort of announcement on December 15 to tell us, or not tell us, what he intends to do.

You are a governmental agency. You represent the people. Highly partisan people, like me, might interpret your tweets as giving cover to Mr. Trump for any kind of movement on the conflict issue, never mind that we don’t know anything about what he might be planning.

I understand Mr. Trump has more potential conflicts than any president-elect in history. Do your jobs. Advise Mr. Trump, to the best of your ability how to resolve the obvious conflicts.

Save the Tweets for after work.

Sent from Windows Mail

**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Thursday, December 01, 2016 11:07 AM  
**To:** Contact OGE

Praising Donald Trump... he actually has not done what he said he would do yet and you know how he changes his mind, and why would we trust a man who is a cheater and rips people off all the time.... just say'n  
Regards, (b)(6)

Sent from Surface

**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Friday, December 02, 2016 11:45 AM  
**To:** Contact OGE  
**Subject:** US Government Doing Business With US President Elect or US President

Dear Office of Government Ethics -

Please provide a citation or copy of any opinion or directive the Office of Government Ethics has issued concerning the U.S. Government doing business with President Elect Donald J. Trump by paying to lease space in Trump owned properties for the U.S. Secret Service, or any other U.S. government agency doing business with Trump owned businesses while Donald J. Trump is the President Elect or President of the United States.

Respectfully,

(b)(6)

**Kelsey D. Phipps**

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**From:** (b)(6)  
**Sent:** Wednesday, November 30, 2016 2:27 PM  
**To:** Contact OGE  
**Subject:** Was your Twitter Account hacked?

Dear Office of Government Ethics:

The President and Vice President must be fully subject to these regulations.

As may be noted, we need to know the tax returns of the President. This has the agreement of at least 34 members of the House and 11 members of the Senate<sup>1</sup>.

We need to know the President is not receiving compensation besides his four hundred thousand dollar (\$400,000) annual salary.<sup>2</sup>

We need to know the President is not receiving any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince or foreign State.<sup>3</sup>

We need to know his business cannot take government contracts, which members of Congress, Judges and Justices, and high level executive branch officials except the President and Vice President cannot do.

Because the appropriate remedy for a violation is impeachment, conviction by the Senate, and disqualification from holding any office of profit or trust under the United States, we need to know.<sup>4</sup>

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<sup>1</sup> See H.R. 5386, S2979, and S3348

<sup>2</sup> See Article II Section 1 Clause 7 of the Constitution

<sup>3</sup> See Article I Section 9 Clause 8 of the Constitution

<sup>4</sup> Zephyr Teachout, a law professor at Harvard Law, Democrat runner up for New York's nineteenth Congressional District, and author of Corruption in America in 2014, wrote on Facebook on November 16, 2016 (see facebook.com/zephyr.ny)

At the Constitutional Convention, Alexander Hamilton warned, "Foreign powers ... will interpose, the confusion will increase, and a dissolution of the union ensue." The delegate Elbridge Gerry said, "Foreign powers will intermeddle in our affairs, and spare no expense to influence them .... Every one knows the vast sums laid out in Europe for secret services."

Several provisions of the Constitution were designed assuming that foreign powers would actively try to gain influence. President-elect Trump may be on the verge of violating one of them, known as the "emoluments clause."

The emoluments clause is essentially an antibribery rule, which forbids public servants from accepting anything of value from foreign powers without explicit congressional approval. It states, "no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present ... of any kind whatever, from any king, prince, or foreign state."

Most presidents avoid violating the emoluments clause by setting up a blind trust, which prevents them from knowing when "something of value" comes their way. But Mr. Trump has said he will give his children the responsibility of running the Trump Organization. This puts a constitutional burden not only on him, but on Congress, to create a procedure to review and consent to foreign-state related transactions that benefit him.

Congress has exercised this obligation in the past. In 1840, when President Martin Van Buren was offered horses, pearls, a Persian rug, shawls and a sword by Ahmet Ben Haman, the Imam of Muscat, Van Buren got a joint resolution of Congress authorizing him to split the bounty between the

This is not a partisan issue, but has been supported by counsel for both President Bush and President Obama.<sup>5</sup> The entire article has been included because of the dire need to impose transparency on the President.<sup>6</sup>

I do note that President-Elect Trump is exempt from federal conflict of interest laws. This does not mean that he is exempt from the Constitution.

One person has argued that the President, as an elected official, would be exempt. Harvard Law Professor Laurence Tribe and Zephyr disagree, and even if that was not enough, why is the President required to be natural born?

However, the only remedy is impeachment for a violation, and we do not know whether he would violate the Constitution.

Keith Ellison, Representing Minnesota's fifth district, has taken note.

In fact, President-Elect Trump, who wants to drain the swamp, tweeted "Prior to the election it was well known that I have interests in properties all over the world. Only the crooked media makes this a big deal!" This is a major lie. I am not apart of the media, and I think this is important.

In addition, the disclosure requirements (which cannot be confidential at all if not a blind trust, down to the nearest dollar) is also needed to apply to corporations that are controlled by any covered person, whether directly or through children or spouses of the covered person. To use a loophole is wrong.

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Department of State and the Treasury. When President John Tyler was given two horses from a foreign power, Congress had him auction them off and give the proceeds to the Treasury.

The sheer volume of Trump's enterprises, and his role as a promoter in them, makes this a near-impossible task, as does the difficulty of defining which of the transactions falls within the prohibition, and which do not. But the Constitution is clear that Congress has an obligation to stand as a check on inappropriate foreign influence. Congressional leaders should be among the loudest voices demanding he liquidate his assets and create a true blind trust, because of the burden that the alternative poses.

The emoluments clause is not an arcane rule. It is a fundamental principle of our country.

<sup>5</sup> <https://thinkprogress.org/electoral-college-trump-top-lawyers-8a8b6e0ca916#.sytfw1oah>

This full article should be deemed part of the record.

<sup>6</sup> The following paragraph should be noted. It came from Governor Ranolph during the ratification convention for the Commonwealth of Virginia. "There is another provision against the danger mentioned by the honorable member, of the president receiving emoluments from foreign powers. If discovered he may be impeached. If he be not impeached he may be displaced at the end of the four years. By the ninth section, of the first article, "No person holding an office of profit or trust, shall accept of any present or emolument whatever, from any foreign power, without the consent of the representatives of the people" ... I consider, therefore, that he is restrained from receiving any present or emoluments whatever. It is impossible to guard better against corruption."



And any amount received in violation of the Constitution must be returned to the Treasury as a gift under 31 U.S.C. §3113.

The President cannot be exempt from this regulation, or any ethics regulation.

If the President does not divest before being sworn into office, I will demand my Representative impeach the President.

The impact of this comment should be to withdraw all exemptions from disclosure, expand this requirement to cover the President and Vice President, and include the previous ten years of tax returns.<sup>7</sup>

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<sup>7</sup> Both Vice President candidates released ten years of tax returns. The President should also release ten years of tax returns.

115th CONGRESS

1st

Session

H. RES. \_\_\_\_

Impeaching Donald Jack Trump, Sr., President of the United States, for high crimes and misdemeanors.

IN THE HOUSE OF REPRESENTATIVES

January 23, 2017<sup>8</sup>

Mr. Sean Maloney of New York<sup>9</sup> (for himself and \_\_\_\_\_<sup>10</sup>) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Impeaching Donald Jack Trump, Sr., President of the United States, for high crimes and misdemeanors.

Resolved, That Donald Jack Trump, Sr., President of the United States, is impeached for high crimes and misdemeanors and that the following articles of impeachment be exhibited to the Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of the people of the United States of America, against Donald Jack Trump, Sr., President of the United States, in maintenance and support of its impeachment against him for high crimes and misdemeanors.<sup>11</sup>

ARTICLE I: PRESIDENTIAL COMPENSATION

Donald Jack Trump, Sr., President of the United States, has agreed with the Secret Service to rent a floor of Trump Tower to the Secret Service, at a cost exceeding one million dollars per annum.<sup>12</sup>

Whereas Article II, Section 1, Clause 7 of the Constitution provides “The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor

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<sup>8</sup> This is the latest date that the resolution may be introduced to satisfy myself.

<sup>9</sup> I expect that Representative Sean Maloney from New York would introduce or cosponser this measure.

<sup>10</sup> Every Representative should cosponser this measure.

<sup>11</sup> There may be more articles of impeachment or grounds in an article for impeachment that may need to be added due to new high crimes and misdemeaners committed or discovered.

<sup>12</sup> <http://www.cnn.com/2016/11/25/politics/secret-service-trump-tower/index.html>

diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.”.

Whereas such payments by the Secret Service to the Trump Organization constitutes an Emolument which cannot properly be made.<sup>13</sup>

Whereas such compensation violates Article II, Section 1, Clause 7 of the Constitution.

Whereas in doing this, Donald J. Trump has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, Donald Jack Trump, Sr., President of the United States, is guilty of high crimes and misdemeanors and should be removed from office and disqualified to hold and enjoy any office of honor, trust, or profit under the United States.

## ARTICLE II: EMOLUMENTS CLAUSE

Article I, Section 9, Clause 8 of the Constitution provides “No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince or foreign State.”.

Whereas Donald Jack Trump, Sr., President of the United States, has violated this clause by hiring a director of diplomatic sales at the Old Post Hotel<sup>14</sup> to recruit diplomats, a hotel leased to the Trump Organization, which is controlled by Donald Trump.

Whereas Donald Jack Trump, Sr., President of the United States, has violated this clause by hosting an event for diplomats on November 14, 2016 at the Old Post Hotel, a hotel leased to the Trump Organization, which is controlled by President Trump.

Whereas Donald Jack Trump, Sr., President of the United States, has violated this clause by having a Trump Hotel advanced in Argentina after discussions with the President of Argentina, a deal which directly benefits President Trump.<sup>15</sup>

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<sup>13</sup> This opinion has the support of law professors Zephyr Teachout and Laurence Tribe.

<sup>14</sup>

[https://www.washingtonpost.com/business/capitalbusiness/2016/11/18/9da9c572-ad18-11e6-977a-1030f822fc35\\_story.html](https://www.washingtonpost.com/business/capitalbusiness/2016/11/18/9da9c572-ad18-11e6-977a-1030f822fc35_story.html)

<sup>15</sup> <http://emolumentwatch.silk.co>

Whereas Donald Jack Trump, Sr., President of the United States, has violated this clause by discussing with the Leader of the United Kingdom Independence Party the avoidance of windmills off Trump Turnberry in Scotland, a golf course controlled by Trump.

Whereas Jose E.B. Antonia, the controlling owner of Trump Tower in Century City, Manila, in the Republic of the Philippines, has been appointed as a special government envoy to the United States.

Whereas the Industrial and Commercial Bank of China, wholly controlled by the People's Republic of China, rents in Trump Tower on the twentieth floor, providing an emolument to the President.<sup>16</sup>

Whereas Donald Trump Jr meet with the chief minister in India to get regulatory permits through, and has received special favors, through a fraudulent permit.

Whereas Trump Towers Mall in Istanbul, in the Republic of Turkey, has considered removing his name because of comments that all Muslims pose a terrorist risk.

Whereas in doing this, Donald J. Trump has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, Donald Jack Trump, Sr., President of the United States, is guilty of high crimes and misdemeanors and should be removed from office and disqualified to hold and enjoy any office of honor, trust, or profit under the United States.

### ARTICLE III: LOGAN ACT

18 U.S.C. §953 prohibits any citizen of the United States to without Federal Authority, "directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States".

Whereas Ivanka Trump meet with Trump during said meeting with the Prime Minister of Japan.

Whereas Ivanka Trump participated with said phone call with the President of Argentina.

Whereas Donald Trump Jr participated in October, 2016 with Russia on a transition plan.

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<sup>16</sup> [http://www.nytimes.com/2016/11/26/us/politics/donald-trump-international-business.html?\\_r=0](http://www.nytimes.com/2016/11/26/us/politics/donald-trump-international-business.html?_r=0)

Whereas the children of Donald Jack Trump will manage the Trump Organization and cannot hold a position in government.<sup>17</sup>

Whereas Jared Kushner, the son-in-law of the President has been reported to be the eyes and ears of the President.

Whereas 5 U.S.C §3110 prohibits a relative from being appointed, employed, or advanced by a public official which exercises jurisdiction over said employee.

Whereas the President controls the entire executive branch.

Whereas none of said people can represent the United States.

Whereas in doing this, Donald J. Trump has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, Donald Jack Trump, Sr., President of the United States, is guilty of high crimes and misdemeanors and should be removed from office and disqualified to hold and enjoy any office of honor, trust, or profit under the United States.

#### ARTICLE IV. OLD POST HOTEL

Prior to being elected President, Donald Jack Trump Sr., President of the United States through his owned Trump Organization leased the Old Post Office in Washington D.C.

Whereas subsequently, such property became a hotel.

Whereas Article I, Section 9, Clause 8 of the Constitution provides “No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince or foreign State.”.

Whereas Donald Jack Trump, Sr., President of the United States, has violated this clause by hiring a director of diplomatic service at the Old Post Hotel to recruit diplomats, a hotel leased to the Trump Organization, which is controlled by Donald Trump.

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<sup>17</sup>

<https://www.bloomberg.com/news/articles/2016-11-11/trump-organization-says-billionaire-s-children-to-run-business>

Whereas Donald Jack Trump, Sr., President of the United States, has violated this clause by hosting an event for diplomats on November 14, 2016 at the Old Post Hotel, a hotel leased to the Trump Organization, which is controlled by President Trump.

Whereas section 37.19 of the lease of the Old Post Hotel prohibits any elected official of the United States from holding any share in the hotel.<sup>18</sup>

Whereas Donald J. Trump and the General Services Administration has refused to terminate said lease.

Whereas said hotel has charged five hundred percent of normal fees for his inauguration as President.<sup>19</sup>

Whereas diplomats are now looking to stay at the Trump Hotel to gain favors with the President.

Whereas in doing this, Donald J. Trump has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, Donald Jack Trump, Sr., President of the United States, is guilty of high crimes and misdemeanors and should be removed from office and disqualified to hold and enjoy any office of honor, trust, or profit under the United States.

#### ARTICLE V. CORRUPTION

On January 20, 2017, Donald J. Trump Sr. has been sworn President of the United States.

Whereas Donald J. Trump has been the first Presidential nominee of a major political party since 1976 to refuse to release his tax returns.

Whereas Donald J. Trump has denied he could have a conflict of interest.<sup>20</sup>

Whereas Donald J. Trump refuses to divest as previous presidents have done.

Whereas all other high level Federal Employees cannot use their name for personal profit, the President profits off using his name.

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<sup>18</sup>

[http://www.gsa.gov/portal/mediaId/233123/fileName/Part\\_Two\\_of\\_Segment\\_001\\_of\\_OPO\\_Ground\\_Lease\\_\(2013\)\\_RA.action](http://www.gsa.gov/portal/mediaId/233123/fileName/Part_Two_of_Segment_001_of_OPO_Ground_Lease_(2013)_RA.action)

See page 103 (Page 10 of 49 in PDF attachment)

<sup>19</sup> <https://politicalwire.com/2016/11/19/trump-hotel-place-foreign-delegations/>

<sup>20</sup> <https://mobile.twitter.com/realDonaldTrump/status/800885097775955974>

Whereas he has promised to turn over the business to his children, without paying gift tax of about four billion dollars, assuming his estimate of being worth ten billion dollars is valid.

Whereas his children continue to advise him as President.

Whereas the President has promised to drain the swamp in Washington, but continues to be a swamp.

Whereas the President has refused to follow laws applicable to all other government officials.

Whereas in doing this, Donald J. Trump has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, Donald Jack Trump, Sr., President of the United States, is guilty of high crimes and misdemeanors and should be removed from office and disqualified to hold and enjoy any office of honor, trust, or profit under the United States.

## Kelsey D. Phipps

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**From:** Shelley K. Finlayson  
**Sent:** Wednesday, November 30, 2016 5:08 PM  
**To:** Diana Veilleux  
**Subject:** FW: Statement of the USOGE

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**From:** Seth Jaffe  
**Sent:** Wednesday, November 30, 2016 4:53 PM  
**To:** Shelley K. Finlayson  
**Subject:** Statement of the USOGE

Like everyone else, we were excited this morning to read the President-elect's twitter feed indicating that he wants to be free of conflicts of interest. OGE applauds that goal, which is consistent with an opinion OGE issued in 1983. Divestiture resolves conflicts of interest in a way that transferring control does not. We don't know the details of their plan, but we are willing and eager to help them with it.

The tweets that OGE posted today were responding only to the public statement that the President-elect made on his Twitter feed about his plans regarding conflicts of interest. OGE's tweets were not based on any information about the President-elect's plans beyond what was shared on his Twitter feed. OGE is non-partisan and does not endorse any individual.

<https://twitter.com/OfficeGovEthics>

Seth Jaffe  
OGE Spokesperson



Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics



## Kelsey D. Phipps

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**From:** Shelley K. Finlayson  
**Sent:** Wednesday, November 30, 2016 5:26 PM  
**To:** 'Boyd, Krista'  
**Subject:** FW: Statement of the USOGE

Hi Krista –

Please find the statements below that OGE provided to press inquiries today.

Please let me know if you have any additional questions or we can be of any additional assistance.

Thanks,  
Shelley

---

**From:** Seth Jaffe  
**Sent:** Wednesday, November 30, 2016 4:53 PM  
**To:** Shelley K. Finlayson  
**Subject:** Statement of the USOGE

Like everyone else, we were excited this morning to read the President-elect's twitter feed indicating that he wants to be free of conflicts of interest. OGE applauds that goal, which is consistent with an opinion OGE issued in 1983. Divestiture resolves conflicts of interest in a way that transferring control does not. We don't know the details of their plan, but we are willing and eager to help them with it.

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<https://twitter.com/OfficeGovEthics>

Seth Jaffe  
OGE Spokesperson



Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics

## Kelsey D. Phipps

---

**From:** Shelley K. Finlayson  
**Sent:** Wednesday, November 30, 2016 4:57 PM  
**To:** (b)(6) - Dale Cabaniss email  
**Subject:** FW: Statement of the USOGE

Hi Dale –

Please find below the statements OGE provided in response to press inquiries today. Please let me know if you have additional questions or we can be of additional assistance.

Thanks,  
Shelley

---

**From:** Seth Jaffe  
**Sent:** Wednesday, November 30, 2016 4:53 PM  
**To:** Shelley K. Finlayson  
**Subject:** Statement of the USOGE

Like everyone else, we were excited this morning to read the President-elect's twitter feed indicating that he wants to be free of conflicts of interest. OGE applauds that goal, which is consistent with an opinion OGE issued in 1983. Divestiture resolves conflicts of interest in a way that transferring control does not. We don't know the details of their plan, but we are willing and eager to help them with it.

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<https://twitter.com/OfficeGovEthics>

Seth Jaffe  
OGE Spokesperson



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Follow OGE on Twitter: @OfficeGovEthics

**Kelsey D. Phipps**

---

**From:** Davis, Julie (b)(6) >  
**Sent:** Wednesday, November 30, 2016 4:15 PM  
**To:** Seth Jaffe  
**Subject:** Fwd: Statement of the USOGE

Backstopping this went to you as well.

Julie Hirschfeld Davis  
White House Correspondent  
The New York Times

(b)(6)

(b)(6)

----- Forwarded message -----

**From:** Davis, Julie (b)(6)  
**Date:** Wed, Nov 30, 2016 at 4:14 PM  
**Subject:** Re: Statement of the USOGE  
**To:** OGE Media <[oge\\_media@oge.gov](mailto:oge_media@oge.gov)>

Thanks for the statement. I'm still confused, though. A few follow-up questions, or if you can call, we can talk these over:

- Why were the initial tweets this morning taken down?
- Who wrote the tweets and has any disciplinary action been taken against that person?
- Isn't it in violation of your policy to share publicly advice you have given privately to a public official, as the tweets did when they repeatedly referenced advice given to and conversations had with the president-elect's lawyer?
- How did OGE come to the conclusion that what Mr. Trump described in his tweets constituted "divestiture" rather than simply handing over control?
- Is it an appropriate use of OGE's official Twitter account to effusively praise a public official for taking the agency's private advice, whether or not he or she actually did so? Are your social media policies being reviewed in light of today's events?

We are right on deadline, so would appreciate a quick response if possible.

Many thanks,  
Julie

Julie Hirschfeld Davis  
White House Correspondent  
The New York Times

(b)(6)

On Wed, Nov 30, 2016 at 3:57 PM, OGE Media <[oge\\_media@oge.gov](mailto:oge_media@oge.gov)> wrote:

Like everyone else, we were excited this morning to read the President-elect's twitter feed indicating that he wants to be free of conflicts of interest. OGE applauds that goal, which is consistent with an opinion OGE issued in 1983. Divestiture resolves conflicts of interest in a way that transferring control does not. We don't know the details of their plan, but we are willing and eager to help them with it.

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<https://twitter.com/OfficeGovEthics>

Seth Jaffe

OGE Spokesperson

Visit OGE's website: [www.oge.gov](http://www.oge.gov)

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**From:** Davis, Julie [mailto:(b)(6)]  
**Sent:** Wednesday, November 30, 2016 3:00 PM  
**To:** Seth Jaffe  
**Subject:** Tweets re: Trump and divestiture

Hi Seth,

You may have heard already from my colleague Michael Shear. Can you help explain what all those tweets were about today on Trump's announcement about eliminating conflicts of interest? Were you the one who posted them? And is it your opinion that the steps he outlined in his tweets today meet the threshold that applies to a president as laid out in the 1983 opinion referenced in the tweet?

If you are able to talk this afternoon, I'd be grateful.

Thanks,

Julie

Julie Hirschfeld Davis

White House Correspondent

The New York Times

(b)(6)

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## Kelsey D. Phipps

---

**From:** Seth Jaffe  
**Sent:** Monday, December 05, 2016 12:24 PM  
**To:** Diana Veilleux  
**Subject:** RE:

Like everyone else, we were excited this morning to read the President-elect's twitter feed indicating that he wants to be free of conflicts of interest. OGE applauds that goal, which is consistent with an opinion OGE issued in 1983. Divestiture resolves conflicts of interest in a way that transferring control does not. We don't know the details of their plan, but we are willing and eager to help them with it.

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Seth Jaffe  
OGE Spokesperson

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---

**From:** Diana Veilleux  
**Sent:** Monday, December 05, 2016 12:04 PM  
**To:** Seth Jaffe  
**Subject:**

Hi Seth

Can you send me a copy of the press statement we sent out last week?

Thanks!

*Diana J. Veilleux*  
Diana J. Veilleux  
Chief

Legal, External Affairs and Performance Branch  
Program Counsel Division  
Office of Government Ethics  
(202) 482-9203  
[Diana.veilleux@oge.gov](mailto:Diana.veilleux@oge.gov)

Visit OGE's website at: [www.oge.gov](http://www.oge.gov)  
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**Kelsey D. Phipps**

---

**From:** OGE Media  
**Sent:** Thursday, December 01, 2016 12:56 PM  
**To:** 'Gardella, Rich (NBCUniversal)'  
**Subject:** RE: 2nd Statement of the USOGE?

Like everyone else, we were excited this morning to read the President-elect's twitter feed indicating that he wants to be free of conflicts of interest. OGE applauds that goal, which is consistent with an opinion OGE issued in 1983. Divestiture resolves conflicts of interest in a way that transferring control does not. We don't know the details of their plan, but we are willing and eager to help them with it.

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Seth Jaffe  
OGE Spokesperson

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**From:** Gardella, Rich (NBCUniversal) (b)(6)  
**Sent:** Thursday, December 01, 2016 11:16 AM  
**To:** OGE Media  
**Cc:** Leigh J. Francis  
**Subject:** RE: 2nd Statement of the USOGE?

To Whom It May Concern:

Perhaps you would be kind enough to email me the second statement you told me you would send me by email yesterday afternoon but did not, despite my phone calls and emails. I read it elsewhere:



*"The tweets that OGE posted today were responding only to the public statement that the President-elect made on his Twitter feed about his plans regarding conflicts of interest. OGE's tweets were not based on any information about the President-elect's plans beyond what was shared on his Twitter feed. OGE is non-partisan and does not endorse any individual."*

**Rich Gardella**

**Off-Air Investigative Reporter/Producer**

**NBC News Investigative Unit**

**NBC News Washington Bureau**

(b)(6)



**From:** OGE Media [[mailto:oge\\_media@oge.gov](mailto:oge_media@oge.gov)]

**Sent:** Wednesday, November 30, 2016 3:04 PM

**To:** Gardella, Rich (NBCUniversal)

**Subject:** Statement of the USOGE

Like everyone else, we were excited this morning to read the President-elect's twitter feed indicating that he wants to be free of conflicts of interest. OGE applauds that goal, which is consistent with an opinion OGE issued in 1983. Divestiture resolves conflicts of interest in a way that transferring control does not. We don't know the details of their plan, but we are willing and eager to help them with it.

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## Kelsey D. Phipps

---

**From:** Cabaniss, Dale (Appropriations) (b)(6)  
**Sent:** Wednesday, November 30, 2016 5:07 PM  
**To:** Shelley K. Finlayson  
**Subject:** RE: Statement of the USOGE

Thanks

---

**From:** Shelley K. Finlayson [<mailto:skfinlay@oge.gov>]  
**Sent:** Wednesday, November 30, 2016 4:57 PM  
**To:** Cabaniss, Dale (Appropriations)  
**Subject:** FW: Statement of the USOGE

Hi Dale –

Please find below the statements OGE provided in response to press inquiries today. Please let me know if you have additional questions or we can be of additional assistance.

Thanks,  
Shelley

---

**From:** Seth Jaffe  
**Sent:** Wednesday, November 30, 2016 4:53 PM  
**To:** Shelley K. Finlayson  
**Subject:** Statement of the USOGE

Like everyone else, we were excited this morning to read the President-elect's twitter feed indicating that he wants to be free of conflicts of interest. OGE applauds that goal, which is consistent with an opinion OGE issued in 1983. Divestiture resolves conflicts of interest in a way that transferring control does not. We don't know the details of their plan, but we are willing and eager to help them with it.

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## Kelsey D. Phipps

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**From:** Cabaniss, Dale (Appropriations) (b)(6)  
**Sent:** Wednesday, November 30, 2016 5:07 PM  
**To:** Shelley K. Finlayson  
**Subject:** RE: Statement of the USOGE

Thanks

---

**From:** Shelley K. Finlayson [<mailto:skfinlay@oge.gov>]  
**Sent:** Wednesday, November 30, 2016 4:57 PM  
**To:** Cabaniss, Dale (Appropriations)  
**Subject:** FW: Statement of the USOGE

Hi Dale –

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Thanks,  
Shelley

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**From:** Seth Jaffe  
**Sent:** Wednesday, November 30, 2016 4:53 PM  
**To:** Shelley K. Finlayson  
**Subject:** Statement of the USOGE

Like everyone else, we were excited this morning to read the President-elect's twitter feed indicating that he wants to be free of conflicts of interest. OGE applauds that goal, which is consistent with an opinion OGE issued in 1983. Divestiture resolves conflicts of interest in a way that transferring control does not. We don't know the details of their plan, but we are willing and eager to help them with it.

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**Kelsey D. Phipps**

---

**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 4:37 PM  
**To:** 'Pekary, Ariana (NBCUniversal)'  
**Subject:** Statement of the USOGE

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Seth Jaffe  
OGE Spokesperson

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---

**From:** Pekary, Ariana (NBCUniversal) (b)(6)  
**Sent:** Wednesday, November 30, 2016 4:13 PM  
**To:** OGE Media  
**Subject:** Request from The Last Word with Lawrence O'Donnell at MSNBC

Hello:

I'm a producer for Lawrence O'Donnell and we have some questions regarding the tweets from this morning. Is someone available to talk by phone?

Kind regards,

Ariana

Ariana Pekary

“The Last Word with Lawrence O’Donnell”

(b)(6) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



## Kelsey D. Phipps

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**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 4:14 PM  
**To:** (b)(6) - Paul Blumenthal's email  
**Subject:** <sup>dd</sup>Statement of the USOGE

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## Kelsey D. Phipps

---

**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 4:13 PM  
**To:** (b)(6) - Frank Thorp's  
**Subject:** Statement of the USOGE

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## Kelsey D. Phipps

---

**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 4:12 PM  
**To:** (b)(6) -Chris Geidner's email  
**Subject:** <sup>dd</sup>Statement of the USOGE

Like everyone else, we were excited this morning to read the President-elect's twitter feed indicating that he wants to be free of conflicts of interest. OGE applauds that goal, which is consistent with an opinion OGE issued in 1983. Divestiture resolves conflicts of interest in a way that transferring control does not. We don't know the details of their plan, but we are willing and eager to help them with it.

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## Kelsey D. Phipps

---

**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 4:12 PM  
**To:** (b)(6) -K Collier's  
**Subject:** Statement of the USOGE

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OGE Spokesperson

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## Kelsey D. Phipps

---

**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 4:11 PM  
**To:** (b)(6) -Kaitlyn Tiffany's email  
**Subject:** <sup>dd</sup>Statement of the USOGE

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OGE Spokesperson

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## Kelsey D. Phipps

---

**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 4:09 PM  
**To:** (b)(6) -E Katz's email  
**Subject:** <sup>dd</sup>Statement of the USOGE

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OGE Spokesperson

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## Kelsey D. Phipps

---

**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 4:06 PM  
**To:** (b)(6) -R Koronowski's email address  
**Subject:** Statement of the USOGE

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OGE Spokesperson

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## Kelsey D. Phipps

---

**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 4:05 PM  
**To:** (b)(6) -A Smith's email  
**Subject:** <sup>dd</sup>Statement of the USOGE

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OGE Spokesperson

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## Kelsey D. Phipps

---

**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 4:05 PM  
**To:** (b)(6) -David Shepardson's email address  
**Subject:** Statement of the USOGE

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**Kelsey D. Phipps**

---

**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 4:03 PM  
**To:** (b)(6) -K Feldscher's email address  
**Subject:** Statement of the USOGE

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## Kelsey D. Phipps

---

**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 4:02 PM  
**To:** (b)(6) -A Coutts' email  
**Subject:** <sup>dd</sup>Statement of the USOGE

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## Kelsey D. Phipps

---

**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 4:02 PM  
**To:** (b)(6) -Mattathias Schwartz's email  
**Subject:** <sup>dd</sup>Statement of the USOGE

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

## Kelsey D. Phipps

---

**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 4:01 PM  
**To:** (b)(6) -Emily Dreyfuss's  
**Subject:** Statement of the USOGE

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## Kelsey D. Phipps

---

**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 4:00 PM  
**To:** (b)(6) -Katie's email address  
**Subject:** Statement of the USOGE

Like everyone else, we were excited this morning to read the President-elect's twitter feed indicating that he wants to be free of conflicts of interest. OGE applauds that goal, which is consistent with an opinion OGE issued in 1983. Divestiture resolves conflicts of interest in a way that transferring control does not. We don't know the details of their plan, but we are willing and eager to help them with it.

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<https://twitter.com/OfficeGovEthics>

Seth Jaffe  
OGE Spokesperson

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics

## Kelsey D. Phipps

---

**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 3:58 PM  
**To:** (b)(6) -Josh Voorhees's  
**Subject:** Statement of the USOGE

Like everyone else, we were excited this morning to read the President-elect's twitter feed indicating that he wants to be free of conflicts of interest. OGE applauds that goal, which is consistent with an opinion OGE issued in 1983. Divestiture resolves conflicts of interest in a way that transferring control does not. We don't know the details of their plan, but we are willing and eager to help them with it.

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## Kelsey D. Phipps

---

**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 3:57 PM  
**To:** 'Davis, Julie'  
**Subject:** Statement of the USOGE

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Seth Jaffe  
OGE Spokesperson

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Follow OGE on Twitter: @OfficeGovEthics

**From:** Davis, Julie (b)(6)  
**Sent:** Wednesday, November 30, 2016 3:00 PM  
**To:** Seth Jaffe  
**Subject:** Tweets re: Trump and divestiture

Hi Seth,

You may have heard already from my colleague Michael Shear. Can you help explain what all those tweets were about today on Trump's announcement about eliminating conflicts of interest? Were you the one who posted them? And is it your opinion that the steps he outlined in his tweets today meet the threshold that applies to a president as laid out in the 1983 opinion referenced in the tweet?

If you are able to talk this afternoon, I'd be grateful.



Thanks,  
Julie

Julie Hirschfeld Davis  
White House Correspondent  
The New York Times  
(b)(6)

## Kelsey D. Phipps

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**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 3:56 PM  
**To:** (b)(6) -Yasmeen Alamiri's email  
**Subject:** <sup>dd</sup>Statement of the USOGE

Like everyone else, we were excited this morning to read the President-elect's twitter feed indicating that he wants to be free of conflicts of interest. OGE applauds that goal, which is consistent with an opinion OGE issued in 1983. Divestiture resolves conflicts of interest in a way that transferring control does not. We don't know the details of their plan, but we are willing and eager to help them with it.

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OGE Spokesperson

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## Kelsey D. Phipps

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**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 3:19 PM  
**To:** (b)(6) -M Dore's email  
**Subject:** <sup>dd</sup>Statement of the USOGE

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Seth Jaffe  
OGE Spokesperson

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Follow OGE on Twitter: @OfficeGovEthics

## Kelsey D. Phipps

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**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 3:16 PM  
**To:** (b)(6) -Natalie Andrew's  
**Subject:** Statement of the USOGE

Like everyone else, we were excited this morning to read the President-elect's twitter feed indicating that he wants to be free of conflicts of interest. OGE applauds that goal, which is consistent with an opinion OGE issued in 1983. Divestiture resolves conflicts of interest in a way that transferring control does not. We don't know the details of their plan, but we are willing and eager to help them with it.

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<https://twitter.com/OfficeGovEthics>

Seth Jaffe  
OGE Spokesperson

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Follow OGE on Twitter: @OfficeGovEthics

## Kelsey D. Phipps

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**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 3:15 PM  
**To:** (b)(6) ES Collins' email  
**Subject:** <sup>dd</sup>Statement of the USOGE

Like everyone else, we were excited this morning to read the President-elect's twitter feed indicating that he wants to be free of conflicts of interest. OGE applauds that goal, which is consistent with an opinion OGE issued in 1983. Divestiture resolves conflicts of interest in a way that transferring control does not. We don't know the details of their plan, but we are willing and eager to help them with it.

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OGE Spokesperson

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Follow OGE on Twitter: @OfficeGovEthics

**Kelsey D. Phipps**

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**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 3:14 PM  
**To:** (b)(6) Jill Disis' email  
**Subject:** <sup>dd</sup>Statement of the USOGE

Like everyone else, we were excited this morning to read the President-elect's twitter feed indicating that he wants to be free of conflicts of interest. OGE applauds that goal, which is consistent with an opinion OGE issued in 1983. Divestiture resolves conflicts of interest in a way that transferring control does not. We don't know the details of their plan, but we are willing and eager to help them with it.

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## Kelsey D. Phipps

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**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 3:11 PM  
**To:** (b)(6) Lipton's email  
**Subject:** <sup>dd</sup>Statement of the USOGE

Like everyone else, we were excited this morning to read the President-elect's twitter feed indicating that he wants to be free of conflicts of interest. OGE applauds that goal, which is consistent with an opinion OGE issued in 1983. Divestiture resolves conflicts of interest in a way that transferring control does not. We don't know the details of their plan, but we are willing and eager to help them with it.

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OGE Spokesperson

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**Kelsey D. Phipps**

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**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 3:08 PM  
**To:** (b)(6) S Braun's  
**Subject:** Statement of the USOGE

Like everyone else, we were excited this morning to read the President-elect's twitter feed indicating that he wants to be free of conflicts of interest. OGE applauds that goal, which is consistent with an opinion OGE issued in 1983. Divestiture resolves conflicts of interest in a way that transferring control does not. We don't know the details of their plan, but we are willing and eager to help them with it.

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Seth Jaffe  
OGE Spokesperson

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics



## Kelsey D. Phipps

---

**From:** Seth Jaffe  
**Sent:** Wednesday, November 30, 2016 4:53 PM  
**To:** Shelley K. Finlayson  
**Subject:** Statement of the USOGE

Like everyone else, we were excited this morning to read the President-elect's twitter feed indicating that he wants to be free of conflicts of interest. OGE applauds that goal, which is consistent with an opinion OGE issued in 1983. Divestiture resolves conflicts of interest in a way that transferring control does not. We don't know the details of their plan, but we are willing and eager to help them with it.

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<https://twitter.com/OfficeGovEthics>

Seth Jaffe  
OGE Spokesperson



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Follow OGE on Twitter: @OfficeGovEthics

## Kelsey D. Phipps

---

**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 3:59 PM  
**To:** 'Lorenzo Franceschi-Bicchierai'  
**Subject:** Statement of the USOGE

Like everyone else, we were excited this morning to read the President-elect's twitter feed indicating that he wants to be free of conflicts of interest. OGE applauds that goal, which is consistent with an opinion OGE issued in 1983. Divestiture resolves conflicts of interest in a way that transferring control does not. We don't know the details of their plan, but we are willing and eager to help them with it.

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Seth Jaffe  
OGE Spokesperson

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Follow OGE on Twitter: @OfficeGovEthics

**From:** Lorenzo Franceschi-Bicchierai (b)(6) Lorenzo's email address  
**Sent:** Wednesday, November 30, 2016 2:35 PM  
**To:** Contact OGE  
**Subject:** Twitter account

Good afternoon,

I noticed that the official Twitter account of the OGE is tweeting at Donald Trump.

<https://twitter.com/OfficeGovEthics/status/804020924089438208>

Are these real tweets? As in, did an authorized OGE employee send them? They seem unusual.

Thanks for clarifying,

lfb

--

----- BEGIN SIGNATURE -----

**LORENZO FRANCESCHI-BICCHIERAI**

Staff Writer, Motherboard

(b)(6)

A large black rectangular redaction box covers the majority of the content in this section, starting below the signature and ending above the disclaimer.

This e-mail transmission may be legally privileged and contains confidential information that is the property of the sender and the organization (VICE MEDIA LLC) for which the sender represents. If you are not the intended recipient and have by accident received this email, please do not retain, disclose, reproduce or distribute the contents of this e-mail transmission, or take any action in relevance thereon or pursuant thereto. Please notify the sender of the error by responding to the email accordingly in a timely and reasonable fashion otherwise failure to do so may cause legal action to be taken.

Thank you.

----- END SIGNATURE -----

## Kelsey D. Phipps

---

**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 3:27 PM  
**To:** (b)(6) Tom Hamburger's email (b)(6) Drew Harwell's email  
**Subject:** Updated Statement from the USOGE

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OGE Spokesperson

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---

**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 1:37 PM  
**To:** (b)(6) B Tenerella's email  
**Subject:** Statement from the USOGE

Like everyone else, we were excited this morning to read the President-elect's twitter feed indicating that he wants to be free of conflicts of interest. OGE applauds that goal, which is consistent with an opinion OGE issued in 1983. Divestiture resolves conflicts of interest in a way that transferring control does not. We don't know the details of their plan, but we are willing and eager to help them with it.

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## Kelsey D. Phipps

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**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 3:26 PM  
**To:** (b)(6) A Selyukh's (b)(6) J Zarolli's  
**Subject:** Updated Statement from the USOGE

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---

**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 1:37 PM  
**To:** (b)(6) B Tenerella's email  
**Subject:** Statement from the USOGE

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## Kelsey D. Phipps

---

**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 3:25 PM  
**To:** (b)(6) B Tenerella's email (b)(6) B Allison's email  
**Subject:** Updated Statement from the USOGE

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OGE Spokesperson

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---

**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 1:37 PM  
**To:** (b)(6) B Tenerella's email  
**Subject:** Statement from the USOGE

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## Kelsey D. Phipps

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**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 3:28 PM  
**To:** (b)(6) L Nelson's email (b)(6) E Geller's email (b)(6) J Gerstein's email  
**Subject:** Updated Statement from the USOGE

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---

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**Sent:** Wednesday, November 30, 2016 1:37 PM  
**To:** (b)(6) B Tenerella's email  
**Subject:** Statement from the USOGE

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**Kelsey D. Phipps**

---

**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 4:27 PM  
**To:** (b)(6) - D Levinthal's email  
**Subject:** Updated Statement of the USOGE

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**Kelsey D. Phipps**

---

**From:** OGE Media  
**Sent:** Wednesday, November 30, 2016 4:35 PM  
**To:** 'Mallin, Alexander W.'  
**Subject:** Updated statement of USOGE

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OGE Spokesperson

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Follow OGE on Twitter: @OfficeGovEthics

---

**From:** Mallin, Alexander W. (b)(6) -Alexander Mallin's email  
**Sent:** Wednesday, November 30, 2016 4:33 PM  
**To:** Seth Jaffe  
**Subject:** Re: ABC News Inquiry

Hi Seth,

Seeing an updated statement being sent around. Can you please pass it along?

Thanks,

Alex

---

**From:** Mallin, Alexander W.  
**Sent:** Wednesday, November 30, 2016 2:00:32 PM  
**To:** [sjaffe@oge.gov](mailto:sjaffe@oge.gov)  
**Subject:** ABC News Inquiry

Hi there Seth,

Reaching out about your office's Twitter feed and claims that the President-elect is planning to divest his holdings in his company. I see you provided comment on this -- hoping you can send that along. Also, what gives OGE the impression that Mr. Trump is ready to divest himself entirely if he hands off his business to his children as he has previously announced he would do? Would that be a sufficient divestiture?

<https://twitter.com/OfficeGovEthics>

Thanks,

Alex

--- --- ---  
Alexander Mallin // ABC News Washington // (b)(6)

## Kelsey D. Phipps

---

**From:** Monica M. G. Ashar  
**Sent:** Tuesday, November 01, 2016 3:42 PM  
**To:** Brandon L. Bunderson; Kaneisha T. Cunningham; Communications; Brandon A. Steele  
**Cc:** Seth Jaffe; David J. Apol; Nicole Stein  
**Subject:** Communications: 5 CFR part 2638  
**Attachments:** LISTSERV & AAB Preview.docx

**Importance:** High

Tomorrow, OGE will issue a final rule amending 5 C.F.R. part 2638, "Executive Branch Ethics Program." Attached to this email is the preview announcement. I will provide additional announcements tomorrow, once the link to the Federal Register notice is available. I appreciate you assisting with the following:

- MAX/AAB Preview Announcement: **Brandon B.**, please post the preview announcement today (November 1)
- Listserv Preview Announcement: **Kaneisha**, please send the preview announcement today (November 1)
- Legal Advisory Posting: I will post the Federal Register notice to OGE's website tomorrow (November 2).
- MAX AAB Announcement: **Brandon B.**, I will ask you to post the MAX/AAB Announcement tomorrow once I post the Federal Register notice. I will send you an email with the announcement content tomorrow.
- Listserv Announcement: **Kaneisha**, I will ask you to send the Listserv Announcement tomorrow once I post the Federal Register notice. I will send you an email with the announcement content tomorrow.
- Tweet: **Brandon S.**, I will ask you to post/schedule the Tweets tomorrow once I post the Federal Register notice. I will send you an email with the Tweet content tomorrow.

Please let me know if you have any questions.

Many thanks,  
Monica

## **LISTSERV & AAB PREVIEW ANNOUNCEMENT**

### **OGE to Issue a Final Rule Amending 5 C.F.R. Part 2638, “Executive Branch Ethics Program”**

On November 2, 2016, the U.S. Office of Government Ethics (OGE) will publish a final rule amending its regulations that govern the executive branch ethics program, which are found at 5 C.F.R. part 2638.

The final rule is a comprehensive revision that draws upon the collective experience of agency ethics officials across the executive branch and OGE as the supervising ethics office. It is effective January 1, 2017. The rule reflects extensive input from the executive branch ethics community and the federal inspector general community, as well as OGE’s consultation with the Department of Justice and the Office of Personnel Management pursuant to 5 U.S.C. app. 402(b)(1). It defines and describes the program, delineates the responsibilities of various stakeholders, and enumerates key executive branch ethics procedures.

Once the final rule is published in the *Federal Register*, OGE will provide the link to the document.

**From:** [Monica M. G. Ashar](#)  
**To:** [Brandon L. Bunderson](#); [Brandon A. Steele](#); [Kaneisha T. Cunningham](#); [Communications](#)  
**Cc:** [Nicole Stein](#); [Seth Jaffe](#); [David J. Apol](#)  
**Subject:** 5 C.F.R. part 2638 - Nov. 2 Communications  
**Date:** Wednesday, November 02, 2016 9:48:11 AM  
**Attachments:** [LISTSERV, AAB, Tweets.docx](#)

---

Good morning,

I'm writing to follow up on yesterday's email regarding the publication of the final rule amending 5 C.F.R. part 2638. The *Federal Register* issuance and the OGE news item have already been posted to OGE's website. As I mentioned yesterday, I would appreciate you assisting with the following:

- MAX AAB Announcement: **Brandon B.**, please post the MAX/AAB Announcement today (November 2).
- Listserv Announcement: **Kaneisha**, please post the Listserv Announcement today (November 2).
- Tweet: **Brandon S.**, please post/schedule the Tweets today (November 2).

The content to be posted is found on the attached communications form. Please let me know if you have any questions. And thanks again for all your help!

Best,

Monica

**From:** [Monica M. G. Ashar](#)  
**To:** [Patrick Shepherd](#); [Wendy G. Pond](#); [Brandon A. Steele](#)  
**Cc:** [Seth Jaffe](#); [Communications](#)  
**Subject:** Communications for LA-16-09  
**Date:** Thursday, November 10, 2016 4:03:39 PM  
**Attachments:** [Communications Form 2638 Subpart C chart.docx](#)

---

I am writing to follow up on my conversation with you regarding the posting of LA-16-09, which is now live on OGE's website. As I mentioned, I would appreciate you assisting with the following:

- MAX AAB Announcement: Wendy, please post the MAX/AAB Announcement today (see the attached communications content form)
- Listserv Announcement: Patrick, please post the Listserv Announcement today (see the attached communications content form)
- Tweet: Brandon S., please post/schedule the Tweets today (see the attached communications content form)

If you have questions, please let me know. And thank you again for your help!

Thanks,  
Monica

## **Communications Form – New Job Aid: Overview of Education Requirements**

### **LISTSERV & AAB ANNOUNCEMENT**

#### **OGE Releases New Job Aid on the Revised Ethics Education Requirements**

The U.S. Office of Government Ethics (OGE) has issued a Legal Advisory announcing a new job aid to help ethics officials familiarize themselves with the new government ethics education requirements under the revised 5 C.F.R. part 2638. As part of its changes to this regulation, OGE augmented the requirements for agency ethics education programs, in order to strengthen the effectiveness of ethics training. This job aid compares various features of the primary ethics education requirements under the revised part 2638, which takes effect January 1, 2017.

The Legal Advisory is available on OGE's website at:

[https://www.oge.gov/web/oge.nsf/All+Advisories/6356FBD6F927B1EE85258067007155C8/\\$FILE/LA-16-09.pdf?open](https://www.oge.gov/web/oge.nsf/All+Advisories/6356FBD6F927B1EE85258067007155C8/$FILE/LA-16-09.pdf?open)

### **TWEETS**

NEW: OGE job aid for the revised ethics education requirements

[https://www.oge.gov/web/oge.nsf/All+Advisories/6356FBD6F927B1EE85258067007155C8/\\$FILE/LA-16-09.pdf?open](https://www.oge.gov/web/oge.nsf/All+Advisories/6356FBD6F927B1EE85258067007155C8/$FILE/LA-16-09.pdf?open)

OGE issues an overview chart of the new requirements for ethics training

[https://www.oge.gov/web/oge.nsf/All+Advisories/6356FBD6F927B1EE85258067007155C8/\\$FILE/LA-16-09.pdf?open](https://www.oge.gov/web/oge.nsf/All+Advisories/6356FBD6F927B1EE85258067007155C8/$FILE/LA-16-09.pdf?open)

## Kelsey D. Phipps

---

**From:** Leigh J. Francis  
**Sent:** Thursday, November 17, 2016 11:57 AM  
**To:** Seth Jaffe  
**Subject:** Final Comms Plan for Subpart B  
**Attachments:** Final Tweets, OMB and Listserv Announcements for Subpart B.docx

Seth,

Based on the document Dave provided, (i.e., the most recent edited version of the Subpart B Comms plan I can locate), I have updated the Comms plan, which is attached. There are three things I want to flag.

First, after speaking with Rachel, I added an OMB-MAX Preview Announcement, which will be sent out today. Rachel included one for Subpart F, and so I have included one for Subpart B. The initial Comms plan did not have a “preview” announcement, but it essentially tracks the OMB-MAX Announcement that will be published tomorrow and was reviewed by the GC. To the extent you would like to review, please do so, and please advise whether—because of the addition—I should push the final Comms Plan to the GC and PCD (if you think warranted).

Second, last month, Patrick drafted a Director’s Note, (B)(5)

[REDACTED]

Third, if you decide under my first flag to push this back up to the GC and to PCD, please ignore this flag. If not, I only flag that (B)(5)

[REDACTED]

I will finally note two things: 1. I still need to include the FR citation for the announcements that will go out tomorrow; and 2. I had Rachel take a quick look at the edited/update Comms Plan for quality assurance. Thank you in advance.

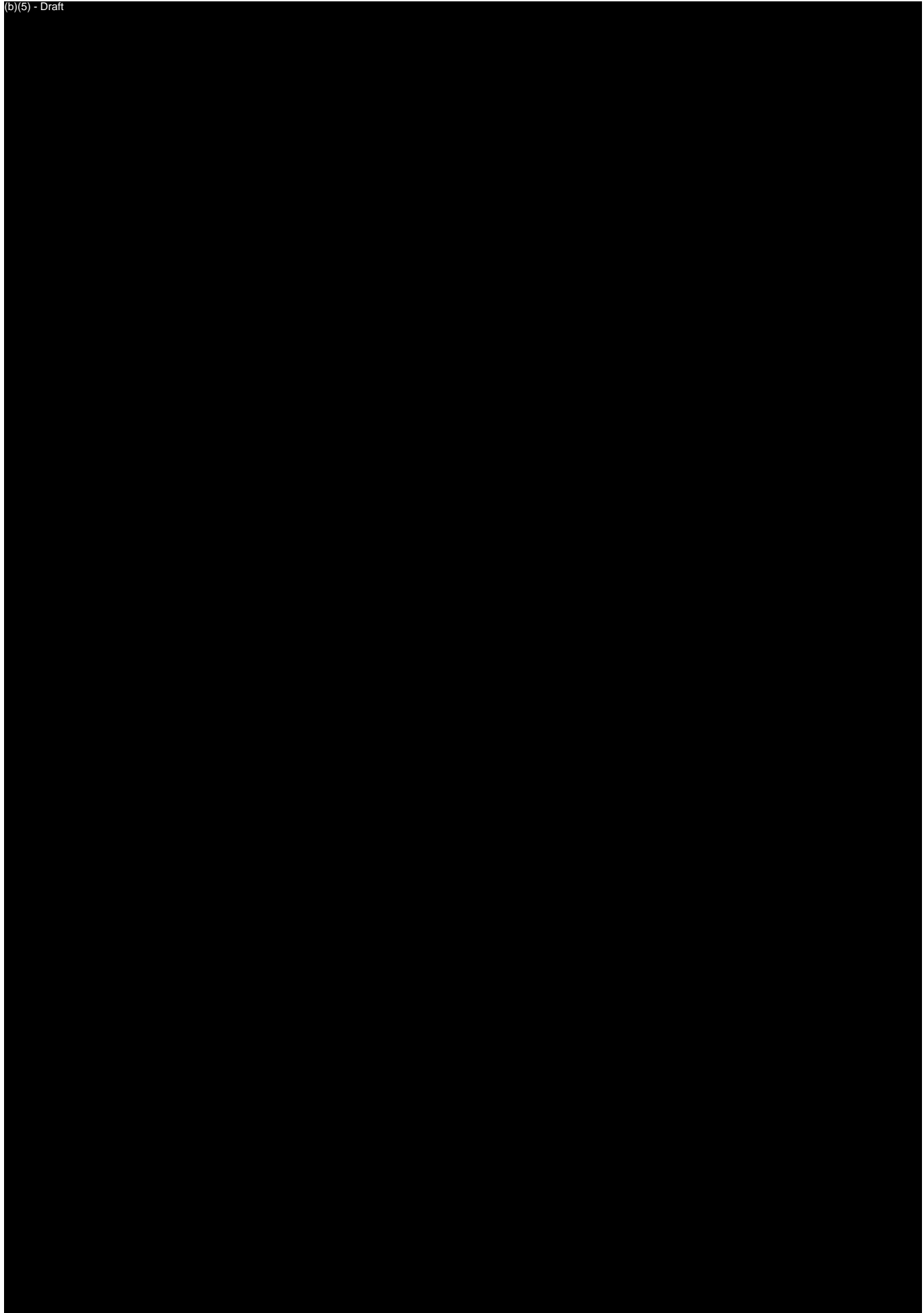
Best,

Leigh

Leigh Jason Francis  
Assistant Counsel  
General Counsel and Legal Policy Division  
U.S. Office of Government Ethics ([www.oge.gov](http://www.oge.gov))  
1201 New York Avenue, NW, Suite 500  
Washington, DC 20005  
[Leigh.Francis@oge.gov](mailto:Leigh.Francis@oge.gov)  
(202) 482-9313

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## Kelsey D. Phipps

---

**From:** Leigh J. Francis  
**Sent:** Friday, November 18, 2016 12:36 PM  
**To:** Brandon L. Bunderson; Kaneisha T. Cunningham; Communications; Brandon A. Steele  
**Cc:** Seth Jaffe; Rachel K. Dowell; Patrick Shepherd  
**Subject:** Communication Roll Out for Subpart B of the Standards of Ethical Conduct (11.18.16)  
**Attachments:** Final Tweets OMB and Listserv Announcements for Subpart B (11.18.16 Postings).docx  
  
**Importance:** High

All:

Attached to this email please find the updated Communications Plan for the publication of 5 C.F.R. 2635, Subpart B (Gifts from Outside Sources), which has received final authorization and signature. Per OGE Procedures, I appreciate you assisting with the following:

TODAY \_\_\_\_\_ (11/18/16)

- MAX AAB Announcement: Brandon B., Please post the MAX/AAB Announcement today. I have updated the announcement content and included the direct link to the regulation and citation in the Federal Register for the regulation. The language is on page 2 of the attached document.
- Listserv Announcement: Kaneisha, Please post the Listserv Announcement today. I have updated the announcement content and included the direct link to the regulation and citation in the Federal Register for the regulation.
- Tweet: Brandon S., Please post/schedule the Tweets today. I have updated Tweet content and included the direct link to the regulation.

If you have questions, please let me know. Thanks for your help!

Thanks,

Leigh

Leigh Jason Francis  
Assistant Counsel  
General Counsel and Legal Policy Division  
U.S. Office of Government Ethics ([www.oge.gov](http://www.oge.gov))  
1201 New York Avenue, NW, Suite 500  
Washington, DC 20005  
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(202) 482-9313

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## Communications for Publication of the Subpart B Final Rule

### Tweets:

New! OGE publishes final rule updating guidance on gifts from outside sources.

<https://www.gpo.gov/fdsys/pkg/FR-2016-11-18/pdf/2016-27036.pdf>

Want to know what rules apply to federal employees accepting gifts? Read OGE's updated Gifts rule here <https://www.gpo.gov/fdsys/pkg/FR-2016-11-18/pdf/2016-27036.pdf>

Do you know what rules apply to feds accepting gifts from private parties? OGE just updated its rule: <https://www.gpo.gov/fdsys/pkg/FR-2016-11-18/pdf/2016-27036.pdf>

OGE's updated Gifts rules emphasize ethical decisionmaking. Read more here

<https://www.gpo.gov/fdsys/pkg/FR-2016-11-18/pdf/2016-27036.pdf>

### Listserv Announcement (Day of Publication):

#### **OGE Issues a Final Rule Revising Subpart B of the Standards of Ethical Conduct, "Gifts from Outside Sources"**

On November 18, 2016, the U.S. Office of Government Ethics (OGE) published a final rule improving and updating the provisions of the Standards of Ethical Conduct that govern gifts from outside sources, found at 5 C.F.R. 2635, Subpart B. This rule was published in the *Federal Register* at 81 Fed. Reg. 81641-81657.

The final rule advances public confidence in the integrity of federal officials by encouraging ethical decisionmaking and refining available gift exceptions. Additionally, the revisions update examples, incorporate past interpretative guidance, improve clarity, and make technical corrections.

You may access the *Federal Register* issuance by clicking here:

<https://www.gpo.gov/fdsys/pkg/FR-2016-11-18/pdf/2016-27036.pdf>

OMB-MAX Announcement (Day of Publication):

**November 18: OGE Issues a Final Rule Revising Subpart B of the Standards of Ethical Conduct, “Gifts from Outside Sources”**

On November 18, 2016, the U.S. Office of Government Ethics (OGE) published a final rule revising the provisions of the Standards of Ethical Conduct that govern solicitation and acceptance of gifts from outside sources, found at 5 C.F.R. 2635, Subpart B. This rule was published in the Federal Register at 81 Fed. Reg. 81641-81657.

The final rule advances public confidence in the integrity of federal officials by encouraging ethical decisionmaking and refining available gift exceptions. Additionally, the revisions update examples, incorporate past interpretative guidance, improve clarity, and make technical corrections.

You may access the *Federal Register* issuance by clicking here:

<https://www.gpo.gov/fdsys/pkg/FR-2016-11-18/pdf/2016-27036.pdf>

**Kelsey D. Phipps**

---

**From:** Elaine Newton  
**Sent:** Monday, November 21, 2016 4:27 PM  
**To:** Kimberly L. Sikora Panza  
**Cc:** Seth Jaffe  
**Subject:** (B)(5) LA Communications Plan (Revised)  
**Attachments:** Communications Plan (11-21-16).docx

Attached is the revised communications plan for the (B)(5) LA.

Thanks, Elaine

(B)(5) - draft communications plan [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(B)(5) - draft communications plan

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



**From:** [Shelley K. Finlayson](#)  
**To:** [Berrios, Roberto \(HSGAC\)](#)  
**Subject:** FW: Letter to Director Shaub from Ranking Member Carper re Conflicts of Interest  
**Date:** Wednesday, November 23, 2016 7:53:01 AM  
**Attachments:** [2016-11-20 Carper Letter to OGE re Conflicts of Interest.pdf](#)

---

Good morning, Roberto –

I see that you are the staff point of contact for the attached request. Are you available for a quick call today?

Thanks,

Shelley

Shelley K. Finlayson

Chief of Staff and Program Counsel

U.S. Office of Government Ethics

1201 New York Avenue NW, Suite 500

Washington, DC 20005

(202) 482-9314

[skfinlay@oge.gov](mailto:skfinlay@oge.gov)

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---

**From:** Secreto, Jim (HSGAC) (b)(6) ]  
**Sent:** Monday, November 21, 2016 8:27 AM  
**To:** Shelley K. Finlayson  
**Cc:** Berrios, Roberto (HSGAC); Sybenga, Kata (HSGAC); 'dapol@oge.gov'  
**Subject:** Letter to Director Shaub from Ranking Member Carper re Conflicts of Interest  
Hi Shelley,

Attached is a letter from Ranking Member Carper to Director Shaub regarding OGE's efforts related to potential conflicts of interests in the upcoming Administration of President-elect Donald Trump. Please let us know if you have any questions.

Regards,

Jim Secreto

Chief Counsel for Oversight and Investigations (Minority)

Senate Homeland Security and Governmental Affairs Committee

Phone: (b)(6)

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## United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

November 20, 2016

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

Dear Director Shaub:

As the Ranking Member of the Senate Committee with jurisdiction over the Office of Government Ethics, I write today to request your assistance with understanding how your office plans to address the potential for conflicts of interest in the upcoming Administration of President-elect Donald Trump.

As you know, President-elect Trump is a businessman with considerable financial interests in the United States and around the world. The full extent of his financial interests remains unclear, in part because he was the first presidential candidate in modern history to decline to release his tax returns to the American public. These unique circumstances raise important questions about how the Administration of President-elect Trump will avoid conflicts of interest and ensure integrity of executive branch programs and operations.

As you know, the Office of Government Ethics oversees the executive branch ethics program and works with ethics practitioners in more than 130 agencies to implement this effort. The Office of Government Ethics also plays a critical role in the 2016 Presidential Transition by making sure that prospective nominees are free of conflicts of interest. This role includes providing guidance regarding the federal laws that prohibit certain officials from participating personally and substantially in an official capacity in any matter that will have a direct and predictable effect on their financial interests. Unless an official receives a waiver or an exemption applies, the official with a conflict of interest must disqualify him or herself from participating in the matter. Criminal penalties may apply to officials who violate this statute.

As the independent ethics watchdog of the federal government, the Office of Government Ethics must provide assurances to the American people that your agency will advance a strong ethics program that holds the Administration of President-elect Trump accountable for any conflicts of interest. To better understand how your office plans to address the potential for conflicts of interest in the upcoming Administration of

President-elect Donald Trump, I ask that you please provide the following information by December 5, 2016:

1. **Handling of Trump Organization** – For constitutional reasons, the President is exempt from certain conflict of interest rules, such as the prohibition on acting in matters affecting his personal financial interest or representing his own claims and business interests to the government. However, the President remains subject to many related statutes, such as prohibitions on bribery and embezzlement. President-elect Trump and the Trump Organization reportedly have business with the federal government, lease federal property, and have regulatory and enforcement matters presently being adjudicated by federal government agencies.
  - a. What guidance has Office of Government Ethics (OGE) provided to agency ethics officials regarding the protocols for handling matters directly affecting President-elect Trump and the Trump Organization?
  - b. Will OGE recommend safeguards to protect federal officials from fear of reprisal in dealings with the Trump Organization?
  - c. Will OGE take steps to ensure Trump Organization employees do not have privileged access to decision-makers or access to nonpublic government information?
  - d. President-elect Trump reportedly intends to transfer control of the Trump Organization to his three oldest children.<sup>1</sup> Does this transfer meet the standards of a qualified blind trust, as defined under the Ethics in Government Act?
2. **President-elect Trump's Financial Conflicts** – President-elect Trump's previous financial disclosure reports reveal potential financial conflicts of interest in several areas of the economy and foreign relations. While Presidents are exempt from conflict of interest rules for constitutional reasons, Presidents of both parties, dating back to Lyndon Johnson, have taken significant steps to avoid the appearance of a conflict.<sup>2</sup>
  - a. Please identify the information that must be included in the President's annual financial disclosure, when a President must file his first disclosure, and whether the public will receive access to these disclosures.
  - b. What steps does OGE require a President to take if any conflicts of interest are apparent on the face of a financial disclosure?
  - c. What steps will OGE require to *prevent* acquisition of new conflicts by President-elect Trump and his Trump Organization?
3. **Transition Team** – President-elect Trump's three oldest children are members of the Presidential Transition team while continuing to serve as executives and

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<sup>1</sup> *Three Trump Children Seen Managing President-Elect's Company*, REUTERS (Nov. 11, 2016).

<sup>2</sup> CYNTHIA BROWN AND L. PAIGE WHITAKER, CONG. RESEARCH SERV., LEGAL SIDEBAR, CONFLICTS OF INTEREST AND THE PRESIDENCY (2016).



officers in the Trump Organization.<sup>3</sup> As leaders on the Transition team, his children will be party to sensitive government information and empowered to discuss matters of government policy and operations with the leadership of several federal agencies.

- a. What guidance has OGE provided to agency ethics officials regarding the handling of non-transition business communications from Mr. Trump's children and the Trump Organization during the transition?

**4. President-elect Trump's Oldest Children and Jared Kushner** – President-elect Trump has reportedly expressed interest in obtaining security clearances for his three oldest children and his son-in-law, Jared Kushner.<sup>4</sup>

- a. What guidance has OGE provided to President-elect Trump's oldest children and Mr. Kushner concerning the management of their conflicts of interest while participating in executive branch deliberations?
- b. Does President-elect Trump have legal authority to appoint these individuals to government positions?
- c. Are President-elect Trump's children and Mr. Kushner exempt from conflict of interest laws?
- d. Has OGE provided guidance to these individuals to ensure they disqualify themselves from matters in which they have financial interests and to prevent inadvertent disclosure of confidential government information?

**5. Ongoing Financial Disclosure Obligations** – President-elect Trump has disclosed a large portfolio of financial interests that include securities interests in several investment companies.<sup>5</sup> President-elect Trump will be under an ongoing obligation to file public reports of any securities transactions so that the public may understand his financial interests.

- a. What guidance has OGE provided to President-elect Trump to ensure he continues to file any required financial disclosures of securities transactions?
- b. How often will President-elect Trump be required to file such disclosures?
- c. Will OGE or the White House Counsel be responsible for assessing fines for any late filings?

---

<sup>3</sup> Brian Naylor & Barbara Sprunt, *From Lobbyists to Loyalists, See Who's on Donald Trump's Transition Team*, NPR (Nov. 16, 2016).

<sup>4</sup> Jim Acosta et al., *Trump Transition Team Asked about Security Clearance for His Children*, CNN (Nov. 15, 2016).

<sup>5</sup> Gregor Aisch et al., *What's in Donald Trump's 104-Page Financial Disclosure?*, N.Y. TIMES (May 18, 2016).

6. **Outside Fiduciary Positions** – President-elect Trump has disclosed that he serves as chairman or board member of hundreds of companies.<sup>6</sup> As a board member or officer, he owes those entities and their investors' legal fiduciary duties that have the potential to interfere with his duties as president.
- a. What guidance has OGE provided to President-elect Trump regarding his outside positions and the steps he should take to address potential conflicts of interest?
  - b. What safeguards will OGE establish to prevent conflicts of interest between his legal fiduciary obligations to these companies and his legal obligations and duties as President?
7. **Misuse of Image** – Longstanding White House policy across Administrations prohibits the use of the President's name or image in advertising or for the endorsement of any commercial product or service.
- a. What guidance has OGE provided to President-elect Trump regarding the use of his name and image for the endorsement of the Trump Organization or his children's businesses?

If you or members of your staff have any questions about this request, please feel free to contact Roberto Berrios of my staff at (202) 224-2627. Thank you very much for your attention to this matter.

With best personal regards, I am

Sincerely yours,



Tom Carper  
Ranking Member

cc: The Honorable Ron Johnson  
Chairman

---

<sup>6</sup> David Goldman, *Donald Trump's 500 Businesses Would Pose 'Unprecedented Ethical Dilemma'*, CNN (Mar. 17, 2016).

## Kelsey D. Phipps

---

**From:** Shelley K. Finlayson  
**Sent:** Wednesday, November 23, 2016 7:40 AM  
**To:** 'Kristine Simmons'  
**Subject:** RE: From POLITICO - Inside Trump's freewheeling vetting operation

Thanks, Kristine.

-----Original Message-----

From: Kristine Simmons (b)(6)  
Sent: Wednesday, November 23, 2016 7:34 AM  
To: Walter M. Shaub; Shelley K. Finlayson  
Subject: Fwd: From POLITICO - Inside Trump's freewheeling vetting operation

Good morning, just passing this along as it mentions OGE.

Begin forwarded message:

From: Max Stier (b)(6)  
Date: November 23, 2016 at 6:21:21 AM EST  
To: Kristine Simmons (b)(6), David Eagles  
(b)(6) Samantha Donaldson  
(b)(6) Wayne Palmer  
(b)(6) Erika Walter  
(b)(6)  
Subject: From POLITICO - Inside Trump's freewheeling vetting operation

Someone using POLITICO for iOS wants to share this article with you:

[[http://www.politico.com/feeds/ipad/images/politico\\_logo\\_140.png](http://www.politico.com/feeds/ipad/images/politico_logo_140.png)][<http://politico.com>](http://politico.com)

Inside Trump's freewheeling vetting operation[<http://politi.co/2fPMf6v>](http://politi.co/2fPMf6v)  
[<http://static2.politico.com/dims4/default/6e47d7a/2147483647/resize/1160x%3E/quality/90/?url=http%3A%2F%2Fstatic.politico.com%2Fb9%2F33%2F63d2bdda429f985474c84f90f7e6%2F161122-vetting-ap-1160.jpg>][<http://politi.co/2fPMf6v>](http://politi.co/2fPMf6v)

By Nancy Cook[<http://www.politico.com/staff/nancy-cook>](http://www.politico.com/staff/nancy-cook) and Andrew Restuccia[<http://www.politico.com/staff/andrew-restuccia>](http://www.politico.com/staff/andrew-restuccia)

Donald Trump's process for picking top political appointees is "pretty simple," says Rep. Devin Nunes[<http://politi.co/2csfNmk>](http://politi.co/2csfNmk), a senior member of the president-elect's transition team.

When Trump's aides were scouting for names for a CIA chief, Nunes suggested his colleague, Kansas Republican Rep. Mike Pompeo[<http://politi.co/2biH3F0>](http://politi.co/2biH3F0). Those aides got back to Nunes after the election and asked whether he still

thought Pompeo was the right guy. Roughly five days later — after an interview in Trump Tower — the president-elect nominated Pompeo to the powerful post....

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Sent from my iPhone

## Kelsey D. Phipps

---

**From:** Shelley K. Finlayson  
**Sent:** Wednesday, November 23, 2016 10:09 AM  
**To:** 'Berrios, Roberto (HSGAC)'  
**Cc:** Secreto, Jim (HSGAC)  
**Subject:** RE: Letter to Director Shaub from Ranking Member Carper re Conflicts of Interest

Yes, 1 p.m. works for me. Will you call me at my direct below or is there a number that you would like me to call?

---

**From:** Berrios, Roberto (HSGAC) (b)(6)  
**Sent:** Wednesday, November 23, 2016 9:27 AM  
**To:** Shelley K. Finlayson  
**Cc:** Secreto, Jim (HSGAC)  
**Subject:** RE: Letter to Director Shaub from Ranking Member Carper re Conflicts of Interest

Hi Shelley,

Jim and I are available this afternoon. Does 1pm work for you?

Best,  
Roberto

---

**From:** Shelley K. Finlayson [<mailto:skfinlay@oge.gov>]  
**Sent:** Wednesday, November 23, 2016 7:53 AM  
**To:** Berrios, Roberto (HSGAC)  
**Subject:** FW: Letter to Director Shaub from Ranking Member Carper re Conflicts of Interest

Good morning, Roberto –

I see that you are the staff point of contact for the attached request. Are you available for a quick call today?

Thanks,  
Shelley

Shelley K. Finlayson  
Chief of Staff and Program Counsel  
U.S. Office of Government Ethics  
1201 New York Avenue NW, Suite 500  
Washington, DC 20005  
(202) 482-9314  
[skfinlay@oge.gov](mailto:skfinlay@oge.gov)

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---

**From:** Secreto, Jim (HSGAC) (b)(6)  
**Sent:** Monday, November 21, 2016 8:27 AM  
**To:** Shelley K. Finlayson



**Cc:** Berrios, Roberto (HSGAC); Sybenga, Kata (HSGAC); 'dapol@oge.gov'

**Subject:** Letter to Director Shaub from Ranking Member Carper re Conflicts of Interest

Hi Shelley,

Attached is a letter from Ranking Member Carper to Director Shaub regarding OGE's efforts related to potential conflicts of interests in the upcoming Administration of President-elect Donald Trump. Please let us know if you have any questions.

Regards,

Jim Secreto

Chief Counsel for Oversight and Investigations (Minority)

Senate Homeland Security and Governmental Affairs Committee

(b)(6)

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**Kelsey D. Phipps**

---

**From:** David Kaplan <(b)(6)>  
**Sent:** Wednesday, November 23, 2016 10:54 AM  
**To:** Kimberley H. Kaplan  
**Subject:** Trump's White House counsel faces unusual challenges

<http://www.politico.com/story/2016/11/trump-transition-counsel-mcgahn-231725>

## Kelsey D. Phipps

---

**From:** Jennifer Matis  
**Sent:** Friday, November 25, 2016 10:47 AM  
**To:** Shelley K. Finlayson  
**Cc:** Diana Veilleux  
**Subject:** FOIA request

Hi Shelley,

Hope you had a good Thanksgiving. As I mentioned last week, we have a FOIA request for all "briefing materials and information relating to the Presidential transition" prepared by the OGE for the Trump administration's Agency Review Teams and incoming political appointees. I know some things are on our transition web page, like the nominee ethics guide. Can you please point me to where I can find any responsive materials that aren't on our transition web page?

It's due on December 13.

Thanks,



Jennifer Matis  
Assistant Counsel  
Legal, External Affairs and Performance Branch  
U.S. Office of Government Ethics  
202-482-9216  
[jennifer.matis@oge.gov](mailto:jennifer.matis@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)

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## Kelsey D. Phipps

---

**From:** Jennifer Matis  
**Sent:** Monday, November 28, 2016 2:23 PM  
**To:** Stephanie Nonluecha

*Politico* reports on the process of vetting President-elect Trump's nominees, including a discussion of OGE's role in reviewing nominees' financial disclosure reports. [Inside Trump's freewheeling vetting operation](#)

Thanks,

*Jen*

Jennifer Matis  
Assistant Counsel  
Legal, External Affairs and Performance Branch  
U.S. Office of Government Ethics  
202-482-9216  
[jennifer.matis@oge.gov](mailto:jennifer.matis@oge.gov)

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## Kelsey D. Phipps

---

**From:** Brandon A. Steele  
**Sent:** Tuesday, November 29, 2016 11:03 AM  
**To:** Rachel K. Dowell  
**Subject:** RE: 17/014

Yes. She asked a follow-up question on the 17<sup>th</sup> re: online access to President-Elect Trump's financial disclosure, which I responded to on the 18<sup>th</sup>. To the best of my knowledge she has not responded to my response on the 18<sup>th</sup> or the other issues raised in my original request for clarification.

Brandon

---

**From:** Rachel K. Dowell  
**Sent:** Tuesday, November 29, 2016 11:02 AM  
**To:** Brandon A. Steele  
**Subject:** 17/014

This request is still pending clarification, right? If we don't hear back from her by Dec. 17, please draft a letter closing the request (Template 13.3). Thanks!

--

Rachel K. Dowell  
Assistant Counsel  
Office of Government Ethics  
General Counsel & Legal Policy Division  
Ethics Law and Policy Branch  
(202) 482-9267

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## Kelsey D. Phipps

---

**From:** USOGE  
**Sent:** Tuesday, November 29, 2016 3:24 PM  
**To:** (b)(6) - Russ Kick's  
**Subject:** Your FOIA request OGE FOIA FY 17/009

This acknowledges receipt of your Freedom of Information Act (FOIA) request for all briefing materials and information relating to the Presidential transition prepared by the OGE for the Trump administration's Agency Review Teams and incoming political appointees. Your request has been assigned tracking number OGE FOIA FY 17/009 and is being processed. You can expect a response on or before December 13, 2016.

Thanks,

*Jen*

Jennifer Matis  
OGE FOIA Team

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics

Untitled

I received a call from Steve Braun, Associated Press (b)(6) while I was on an Integrity conference call.

He wanted to know if I was aware of anomalies or irregularities with OGE's twitter account.

He referenced some interesting tweets involving the president-elect were posted, taken down, and reposted.

He wanted to know if the tweets were accurate, legitimate, or if OGE's twitter account had been hacked.

(I wasn't aware, but I told him that I had been on conference calls most of the day and was not involved. I assured him that the matter was being worked by appropriate OGE staff. I offered to take his information and get his inquiry to appropriate OGE staff for an official agency response.

Ty

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**U.S. OGE**
  
 @OfficeGovEthics
   
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 Providing leadership in the executive
   
 branch to prevent conflicts of interest.
   
 Privacy: 1.usa.gov/1731Cf1
   
 Washington, D.C.
   
 oge.gov
   
 Joined April 2013

[Tweet to U.S. OGE](#)

1 Follower you know

120 Photos and videos

1,046
   
TWEETS

80
   
FOLLOWING

1,306
   
FOLLOWERS

2
   
LIKES

Tweets
   
Tweets & replies
   
Media

U.S. OGE @OfficeGovEthics · 15m  
 .@realDonaldTrump OGE applauds the "total" divestiture decision. Bravo!

U.S. OGE @OfficeGovEthics · 15m  
 .@realDonaldTrump this divestiture does what handing over control could never have done

U.S. OGE @OfficeGovEthics · 15m  
 .@realDonaldTrump - we told your counsel we'd sing your praises if you divested, we meant it

U.S. OGE @OfficeGovEthics · 16m  
 .@realDonaldTrump We can't repeat enough how good this total divestiture will be

U.S. OGE @OfficeGovEthics · 16m  
 .@realDonaldTrump Brilliant! Divestiture is good for you, very good for America!

U.S. OGE @OfficeGovEthics · 16m  
 .@realDonaldTrump Bravo! Only way to resolve these conflicts of interest is to divest. Good call!

U.S. OGE @OfficeGovEthics · 16m  
 .@realDonaldTrump this aligns with OGE opinion that POTUS should act as if 18 USC 208 applies oge.gov/web/oge.nsf/Le...





**U.S. OGE** @OfficeGovEthics · 16m

@realDonaldTrump As we discussed with your counsel, divestiture is the way to resolve these conflicts



**U.S. OGE** @OfficeGovEthics · 17m

@realDonaldTrump OGE is delighted that you've decided to divest your businesses. Right decision!



**U.S. OGE** @OfficeGovEthics · Nov 28

OGE publishes 2017 ethics dates and deadlines, supporting a strong, uniform executive branch ethics program. [oge.gov/web/oge.nsf/Da...](http://oge.gov/web/oge.nsf/Da...)



Search Twitter



**U.S. OGE** @OfficeGovEthics · Nov 25

OGE's updated Gifts rules emphasize #ethical decision-making. Read more here [gpo.gov/fdsys/pkg/FR-2...](http://gpo.gov/fdsys/pkg/FR-2...)



2



**U.S. OGE** @OfficeGovEthics · Nov 23

Do you know what rules apply to #feds accepting gifts from private parties? OGE just updated its rule: [gpo.gov/fdsys/pkg/FR-2 ...](http://gpo.gov/fdsys/pkg/FR-2...)



4



**U.S. OGE** @OfficeGovEthics · Nov 21

OGE amends its gift rules to strengthen the #ethics program. [oge.gov/web/oge.nsf/Di ...](http://oge.gov/web/oge.nsf/Di...)



4



2

2



**U.S. OGE** @OfficeGovEthics · Nov 20

New rule on gifts incorporates a values-based approach to make the #ethics program stronger. [oge.gov/web/oge.nsf/Di ...](http://oge.gov/web/oge.nsf/Di...)



5



**U.S. OGE** @OfficeGovEthics · Nov 19

Want to know what rules apply to #FederalEmployees accepting gifts? Read OGE's updated Gifts rule here [gpo.gov/fdsys/pkg/FR-2 ...](http://gpo.gov/fdsys/pkg/FR-2...)



1

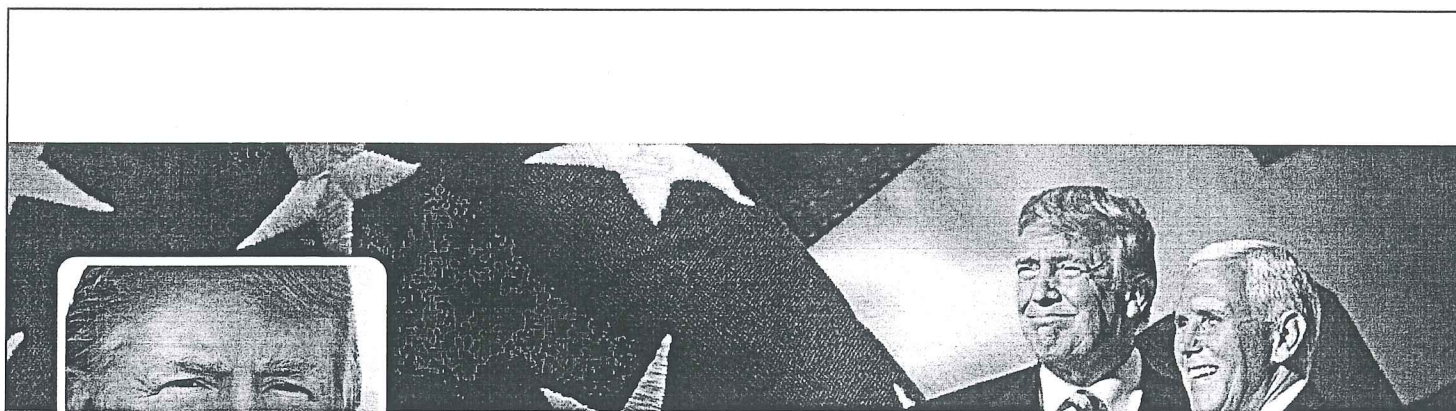


3



**U.S. OGE** @OfficeGovEthics · Nov 18

OGE's Director discusses changes to the gift rules



Home

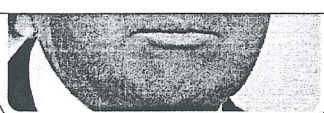
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TWEETS  
34.1KFOLLOWING  
41FOLLOWERS  
16.4MLIKES  
45

Follow

**Donald J. Trump** ✓

@realDonaldTrump

President-elect of the United States

New York, NY

DonaldJTrump.com

Joined March 2009

Tweet to Donald J. Trump

6 Followers you know



1,895 Photos and videos



Tweets

Tweets &amp; replies

Media

**Donald J. Trump** @realDonaldTrump · 2h

Hence, legal documents are being crafted which take me completely out of business operations. The Presidency is a far more important task!

3.5K

7K

26K

**Donald J. Trump** @realDonaldTrump · 2h

do this under the law, I feel it is visually important, as President, to in no way have a conflict of interest with my various businesses..

1.8K

5.2K

19K

**Donald J. Trump** @realDonaldTrump · 2h

great business in total in order to fully focus on running the country in order to MAKE AMERICA GREAT AGAIN! While I am not mandated to

....

1.3K

5.3K

19K

**Donald J. Trump** @realDonaldTrump · 3h

I will be holding a major news conference in New York City with my children on December 15 to discuss the fact that I will be leaving my ...

1.6K

5.6K

18K

**Donald J. Trump** @realDonaldTrump · 3h

ISIS is taking credit for the terrible stabbing attack at Ohio State University by a Somali refugee who should not have been in our country.

2.9K

12K

34K

**Donald J. Trump** @realDonaldTrump · 10h

Big day on Thursday for Indiana and the great workers of that wonderful state. We will keep our companies and jobs in the U.S. Thanks Carrier





**UNITED STATES OFFICE OF  
GOVERNMENT ETHICS**  
★  
Preventing Conflicts of Interest  
in the Executive Branch

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branch to prevent conflicts of interest.  
Privacy: 1.usa.gov/1731Cf1

📍 Washington, D.C.  
🌐 oge.gov  
📅 Joined April 2013

 Tweet to U.S. OGE

👤 1 Follower you know

📷 120 Photos and videos



Tweets 1,046   Following 80   Followers 1,306   Likes 2

Following

Tweets   Tweets & replies   Media

 **U.S. OGE** @OfficeGovEthics · 15m  
.@realDonaldTrump OGE applauds the "total" divestiture decision. Bravo!

👤   🔄   ⋮

 **U.S. OGE** @OfficeGovEthics · 15m  
.@realDonaldTrump this divestiture does what handing over control could never have done

👤   🔄   ⋮

 **U.S. OGE** @OfficeGovEthics · 15m  
.@realDonaldTrump - we told your counsel we'd sing your praises if you divested, we meant it

👤   🔄   ⋮

 **U.S. OGE** @OfficeGovEthics · 16m  
.@realDonaldTrump We can't repeat enough how good this total divestiture will be

👤   🔄   ⋮

 **U.S. OGE** @OfficeGovEthics · 16m  
.@realDonaldTrump Brilliant! Divestiture is good for you, very good for America!

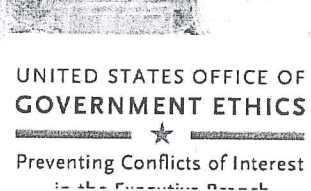
👤   🔄   ⋮

 **U.S. OGE** @OfficeGovEthics · 16m  
.@realDonaldTrump Bravo! Only way to resolve these conflicts of interest is to divest . Good call!









👤   🔄   ⋮


 **U.S. OGE** @OfficeGovEthics · 16m  
.@realDonaldTrump this aligns with OGE opinion that POTUS should act as if 18 USC 208 applies oge.gov/web/oge.nsf/Le...


👤   🔄 1   ⋮



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📍 Washington, D.C.  
🌐 oge.gov  
📅 Joined April 2013


1,046 Tweets · 80 Following · 1,306 Followers · 2 Likes


Tweets · Tweets & replies · Media


 **U.S. OGE** @OfficeGovEthics · 15m  
.@realDonaldTrump OGE applauds the "total" divestiture decision. Bravo!


 **U.S. OGE** @OfficeGovEthics · 15m  
.@realDonaldTrump this divestiture does what handing over control could never have done


 **U.S. OGE** @OfficeGovEthics · 15m  
.@realDonaldTrump - we told your counsel we'd sing your praises if you divested, we meant it

 **U.S. OGE** @OfficeGovEthics · 16m  
.@realDonaldTrump We can't repeat enough how good this total divestiture will be


 **U.S. OGE** @OfficeGovEthics · 16m  
.@realDonaldTrump Brilliant! Divestiture is good for you, very good for America!

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.@realDonaldTrump Bravo! Only way to resolve these conflicts of interest is to divest . Good call!




 **U.S. OGE** @OfficeGovEthics · 16m  
.@realDonaldTrump this aligns with OGE opinion that POTUS should act as if 18 USC 208 applies oge.gov/web/oge.nsf/Le...

 Tweet to U.S. OGE

1 Follower you know



120 Photos and videos

**From:** [Wendy G. Pond](#)  
**To:** [Nicole Stein](#)  
**Subject:** artilce  
**Date:** Wednesday, November 30, 2016 10:59:51 AM

---

[https://www.washingtonpost.com/news/business/wp/2016/11/30/trump-announces-he-will-leave-business-in-total-leaving-open-how-he-will-avoid-conflicts-of-interest/?utm\\_term=.fa8d464384b4](https://www.washingtonpost.com/news/business/wp/2016/11/30/trump-announces-he-will-leave-business-in-total-leaving-open-how-he-will-avoid-conflicts-of-interest/?utm_term=.fa8d464384b4)

## Kelsey D. Phipps

---

**From:** Brandon A. Steele  
**Sent:** Wednesday, November 30, 2016 3:56 PM  
**To:** Diana Veilleux; Shelley K. Finlayson; Seth Jaffe  
**Subject:** FW: @OfficeGovEthics Twitter account

FYI on my below response to an inquiry from Twitter on the account activity.

---

**From:** Brandon A. Steele  
**Sent:** Wednesday, November 30, 2016 3:55 PM  
**To:** (b)(6)  
**Subject:** Re: @OfficeGovEthics Twitter account

Dear Jared Benoff:

Thank you for reaching out to the Office of Government Ethics. I can confirm that the agency's Twitter account was not compromised. We have issued an official statement regarding the activity on the account.

Best regards,

Brandon A. Steele  
Attorney Advisor  
U.S. Office of Government Ethics  
1201 New York Ave NW  
Suite #500  
Washington, D.C. 20005  
Ph: 202-482-9209  
[bastele@oge.gov](mailto:bastele@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics



---

**From:** Contact OGE  
**Sent:** Wednesday, November 30, 2016 3:38 PM  
**To:** Brandon A. Steele  
**Subject:** FW: @OfficeGovEthics Twitter account

## Brandon L. Bunderson

Desk Officer

Program Counsel Division

U.S. Office of Government Ethics

(202) 482-9307

[blbunder@oge.gov](mailto:blbunder@oge.gov)

**From:** Jared Benoff (b)(6)

**Sent:** Wednesday, November 30, 2016 2:44 PM

**To:** Contact OGE

**Subject:** @OfficeGovEthics Twitter account

Hi! I work in Twitter's DC office and I wanted to quickly reach out to confirm the activity from your Twitter account today. Thanks!

--

Jared Benoff

Public Policy | Twitter

Follow me at @jbenoff



## Kelsey D. Phipps

---

**From:** Contact OGE  
**Sent:** Wednesday, November 30, 2016 2:15 PM  
**To:** Seth Jaffe  
**Subject:** FW: CBS News question

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](mailto:kehli.cage@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics



---

**From:** Dore, Maggie (b)(6)  
**Sent:** Wednesday, November 30, 2016 2:12 PM  
**To:** Contact OGE  
**Subject:** CBS News question

Hello can you explain the tweets on your account praising President-Elect Donald Trump for divesting his business interests? Was your account hacked?

Thanks,

Maggie Dore

Producer, CBS Evening News

(b)(6)



## Kelsey D. Phipps

---

**From:** Contact OGE  
**Sent:** Wednesday, November 30, 2016 3:32 PM  
**To:** Seth Jaffe  
**Subject:** FW: Divestiture Tweets

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](mailto:kehli.cage@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics



---

**From:** [REDACTED]  
**Sent:** Wednesday, November 30, 2016 3:24 PM  
**To:** Contact OGE  
**Subject:** Divestiture Tweets

Please advise if indeed a rep of your office made the statements concerning Trump's intended divestiture on Twitter.

Thank you,

☺

≈ ๓๐๖๒๔๓

## Kelsey D. Phipps

---

**From:** Contact OGE  
**Sent:** Wednesday, November 30, 2016 1:59 PM  
**To:** Seth Jaffe  
**Subject:** FW: Hi from WSJ - Twitter account

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](mailto:kehli.cage@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics



**From:** Andrews, Natalie (b)(6)  
**Sent:** Wednesday, November 30, 2016 1:55 PM  
**To:** Contact OGE  
**Subject:** Hi from WSJ - Twitter account

Hi -

I'm emailing in regards to your Twitter account and the tweets sent by Donald Trump. I am inquiring to know more about the ethics referenced - as well as the meeting with counsel you refer to.

My deadline is asap on this.

Thank you!

Natalie

--

Natalie Andrews  
The Wall Street Journal  
(b)(6)

(b)(6)

## Kelsey D. Phipps

---

**From:** Contact OGE  
**Sent:** Wednesday, November 30, 2016 1:58 PM  
**To:** Seth Jaffe  
**Subject:** FW: Media inquiry regarding tweets  
**Attachments:** signature.asc

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](mailto:kehli.cage@oge.gov)

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---

**From:** Andrew Couts (b)(6)  
**Sent:** Wednesday, November 30, 2016 1:55 PM  
**To:** Contact OGE  
**Subject:** Media inquiry regarding tweets

To whom it concerns;

I am an editor at the Daily Dot, an online news site. I'm wondering about a series of tweets posted to the @OfficeGovEthics account on Twitter addressed to President-elect Donald Trump regarding his plan to divest from his businesses.

Here is a sampling of those tweets:



**U.S. OGE** @OfficeGovEthics · 43m

.@realDonaldTrump - we told your counsel we'd sing your praises if you divested, we meant it.

← 47   ↻ 60   ❤ 57   ...



**U.S. OGE** @OfficeGovEthics · 43m

.@realDonaldTrump this divestiture does what handing over control could never have done.

← 4   ↻ 25   ❤ 13   ...



**U.S. OGE** @OfficeGovEthics · 45m

.@realDonaldTrump this aligns with OGE opinion that POTUS should act as if 18 USC 208 applies. [bit.ly/2fRplG0](https://bit.ly/2fRplG0)

← 1   ↻ 26   ❤ 20   ...



**U.S. OGE** @OfficeGovEthics · 45m

.@realDonaldTrump Bravo! Only way to resolve these conflicts of interest is to divest . Good call!

The tweets are also available in archived form here:

<https://archive.is/P4xyb>

<https://archive.is/jeWQE>

<https://archive.is/1QxKa>

<https://archive.is/pkFD5>

<https://archive.is/V4Cot>

<https://archive.is/TGziJ>

<https://archive.is/3Oslj>

<https://archive.is/zHKOP>

<https://archive.is/G0nTG>

I'm just wondering if these tweets are authentic? If not, was the @OfficeGovEthics account compromised in some way? If so, can you please explain the change in tone and phrasing in these tweets compared to other tweets posted to the account?

Thanks so much for your time.

Best regards,

Andrew Coutts

---

(b)(6)

A large black rectangular redaction box covers the signature and any accompanying text. The text "(b)(6)" is visible in red at the top left of the redacted area.

## Kelsey D. Phipps

---

**From:** Contact OGE  
**Sent:** Wednesday, November 30, 2016 9:59 AM  
**To:** Leigh J. Francis  
**Cc:** Vincent Salamone  
**Subject:** FW: NPR interview request

FYI

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](mailto:kehli.cage@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics



---

**From:** Jim Zarroli (b)(6)  
**Sent:** Wednesday, November 30, 2016 9:21 AM  
**To:** Contact OGE  
**Subject:** NPR interview request

Hi—we'd like to talk to someone there about the tweets you just sent out about Trump divesting his holdings. I am at (b)(6) or this email address.

## Kelsey D. Phipps

---

**From:** Contact OGE  
**Sent:** Wednesday, November 30, 2016 3:31 PM  
**To:** Seth Jaffe  
**Subject:** FW: OGE tweets re: Trump?

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](mailto:kehli.cage@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics



**From:** Peter Schroeder (b)(6)  
**Sent:** Wednesday, November 30, 2016 3:29 PM  
**To:** Contact OGE  
**Subject:** OGE tweets re: Trump?

Hi there,

Could I get a confirmation on whether the tweets sent out today regarding Donald Trump's business and potential divestment were sent by OGE, and any statement you might have on the matter?

Thanks,  
Peter

--

Peter Schroeder  
*The Hill*  
(b)(6)



Visit *The Hill's* Finance page at:  
<http://thehill.com/policy/finance>

## Kelsey D. Phipps

---

**From:** Contact OGE  
**Sent:** Wednesday, November 30, 2016 1:56 PM  
**To:** Seth Jaffe  
**Subject:** FW: Press question from Vocativ

FYI

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](mailto:kehli.cage@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics



---

**From:** Collier, Kevin (b)(6)  
**Sent:** Wednesday, November 30, 2016 1:35 PM  
**To:** Contact OGE; [press@oge.gov](mailto:press@oge.gov)  
**Subject:** Press question from Vocativ

Hi. My name's Kevin Collier; I'm a cybersecurity reporter at Vocativ. Have you noticed someone's taken over the @OfficeGovEthics Twitter account? Was it hacked? Can you tell me if the tweets' views about Mr. Trump reflect those of the Office of Government Ethics?

Thanks

Kevin

(b)(6)

## Kelsey D. Phipps

---

**From:** Contact OGE  
**Sent:** Wednesday, November 30, 2016 3:18 PM  
**To:** Leigh J. Francis  
**Subject:** FW: PRESS REQUEST: The Daily Beast

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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](mailto:kehli.cage@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics



---

**From:** Resnick, Gideon (b)(6)  
**Sent:** Wednesday, November 30, 2016 3:09 PM  
**To:** Contact OGE  
**Subject:** PRESS REQUEST: The Daily Beast

To Whom It May Concern:

I'm a reporter with The Daily Beast and I was interested in speaking with someone about the lease agreement between the GSA and the Trump Organization for the Old Post Office Building. Let me know when you get a chance. Thanks so much!

Best,

Gideon Resnick

## Kelsey D. Phipps

---

**From:** Contact OGE  
**Sent:** Wednesday, November 30, 2016 2:15 PM  
**To:** Seth Jaffe  
**Subject:** FW: Re OGE tweets

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](mailto:kehli.cage@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics



**From:** Katie Watson (b)(6)  
**Sent:** Wednesday, November 30, 2016 2:07 PM  
**To:** Contact OGE  
**Subject:** Re: Re OGE tweets

Also, was this one staffer's lone wolf effort or the opinion of the office as a whole? Thanks!

On Wed, Nov 30, 2016 at 1:23 PM, Katie Watson (b)(6) wrote:  
Hi Vincent or whoever gets this,

I just wanted to verify that the recent string of tweets was indeed sent by your office, and also check to see whether Trump has officially communicated with your office that he will be divesting.

<https://twitter.com/OfficeGovEthics?lang=en>

Trying to write this as quickly as possible.

Thank you!

--

Kathryn (Katie) Watson

Investigative Reporter  
Daily Caller News Foundation

(b)(6)

--

Kathryn (Katie) Watson  
Investigative Reporter  
Daily Caller News Foundation

(b)(6)

## Kelsey D. Phipps

---

**From:** Contact OGE  
**Sent:** Wednesday, November 30, 2016 1:56 PM  
**To:** Seth Jaffe  
**Subject:** FW: The Verge - request for comment

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](mailto:kehli.cage@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics



**From:** Kaitlyn Tiffany (b)(6)  
**Sent:** Wednesday, November 30, 2016 1:39 PM  
**To:** Contact OGE  
**Subject:** The Verge - request for comment

Good afternoon,

I'm a reporter for The Verge and I was hoping someone would be able to put me in contact with the person or persons who run the Twitter account for the Office of Government Ethics. We're curious about the recent string of tweets directed at Donald Trump and would love to talk about this strategy of calling him out via the platform he seems to care about the most — it's very compelling.

If anyone is available to comment via email that would be great and I'm also available on the phone at (b)(6)

Best

Kaitlyn

## Kelsey D. Phipps

---

**From:** Contact OGE  
**Sent:** Wednesday, November 30, 2016 1:58 PM  
**To:** Seth Jaffe  
**Subject:** FW: Tweets on PEOTUS for Washington Examiner

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](mailto:kehli.cage@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics



**From:** Kyle Feldscher (b)(6)  
**Sent:** Wednesday, November 30, 2016 1:55 PM  
**To:** Contact OGE  
**Subject:** Tweets on PEOTUS for Washington Examiner

Hi, Kyle Feldscher with the Washington Examiner here.

I wanted to see if I could get answers to these questions:

- Why did the OGE tweeted multiple times at President-elect Trump today about his announcement this morning?
- Usually the advice OGE gives to presidents is kept confidential, why go public with these?
- Why did OGE praise his decision to divest when his plan has not been released at this point?
- How many times has OGE met with President-elect Trump?

Thanks,  
Kyle

--  
Kyle Feldscher



Reporter  
Washington Examiner

(b)(6)

A large black rectangular redaction box covers the majority of the page content below the header information.

## Kelsey D. Phipps

---

**From:** Contact OGE  
**Sent:** Wednesday, November 30, 2016 2:52 PM  
**To:** Seth Jaffe  
**Subject:** FW: Tweets regarding President-elect Trump

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](mailto:kehli.cage@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics



---

**From:** Yasmeen Alamiri (b)(6)  
**Sent:** Wednesday, November 30, 2016 2:51 PM  
**To:** Contact OGE  
**Subject:** Tweets regarding President-elect Trump

Hello,

Your social media accounts show a series of tweets addressing President-elect Donald Trump, concerning his recent divestment from his companies. The tweets seem to address him directly.

Is it normal practice to tweet at an incoming official/PEOTUS? Do you know if he will be totally divested by the time he is sworn into office on January 20, 2017?

Thank you,  
Yasmeen Alamiri  
CCTV America

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*taken in reliance on it, is prohibited and may be unlawful. It must not be disclosed to any person without authorization.*

## Kelsey D. Phipps

---

**From:** Contact OGE  
**Sent:** Wednesday, November 30, 2016 1:59 PM  
**To:** Seth Jaffe  
**Subject:** FW: URGENT: NBC News Request: @OfficeGovEthics Twitter Feed = HACKED?

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](mailto:kehli.cage@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics



---

**From:** Gardella, Rich (NBCUniversal) (b)(6)  
**Sent:** Wednesday, November 30, 2016 1:56 PM  
**To:** Contact OGE; ljfrancis@oge.gov; vjsalamone@oge.gov  
**Cc:** Reynolds, Talesha (NBCUniversal)  
**Subject:** URGENT: NBC News Request: @OfficeGovEthics Twitter Feed = HACKED?

Leigh,

I called Vincent Salamone's direct number but his outgoing message says he is out-of-the-office today and directs all callers to contact you.

I have left you a voicemail message and am following up with this email.

I am contacting you regarding the Office of Government Ethics' Twitter account at <https://twitter.com/OfficeGovEthics>.

The Twitter feed/page now includes multiple Tweets during the last hour directly and enthusiastically praising Trump's divestiture decision.

Sample:

[U.S. OGE @OfficeGovEthics 50m50 minutes ago](#)

[.@realDonaldTrump](#) OGE is delighted that you've decided to divest your businesses. Right decision!

Are these authentic and authorized tweets? Or authentic and unauthorized tweets? Or inauthentic tweets? Has the account been hacked?

Thank you for your quick response. Please reply to all.

**Rich Gardella**

Off-Air Investigative Reporter/Producer

NBC News Investigative Unit

NBC News Washington Bureau

(b)(6)



Begin forwarded message:

**From:** Dataminr Momentum <(b)(6)>

**Date:** November 30, 2016 at 1:15:42 PM EST

**To:**

**Subject:** @OfficeGovEthics: [.@realDonaldTrump](#) OGE is delighted that you've decided to divest your businesses. Right decision!

**Reply-To:** <(b)(6)>

District of Columbia, United States | U.S. OGE (@OfficeGovEthics) | U.S. Office of Government Ethics -- Providing leadership in the executive branch to prevent conflicts of interest. Privacy: <http://1.usa.gov/1731Cf1> | Account Created: 04.16.2013 | Tweets: 1,046 | Followers: 1,458 |



**Momentum**



District of Columbia, United States

11.30.2016 at 12:55 PM EST GOV

[.@realDonaldTrump](#) OGE is delighted that you've decided to divest your businesses. Right decision!



**U.S. OGE** [@OfficeGovEthics](#)

EVENT AREA:

**District of Columbia, United States**



SOURCE VERIFICATION FOR @OFFICEGOVETHICS:

Account Created: **04.16.2013**

Tweets **1,046** | Followers **1,458**

*U.S. Office of Government Ethics -- Providing leadership in the executive branch to prevent conflicts of interest. Privacy: <http://1.usa.gov/1731Cf1>*

## Kelsey D. Phipps

---

**From:** Contact OGE  
**Sent:** Wednesday, November 30, 2016 1:56 PM  
**To:** Seth Jaffe  
**Subject:** FW: Urgent press inquiry

FYi

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](mailto:kehli.cage@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics



**From:** Ruth Sherlock (b)(6)  
**Sent:** Wednesday, November 30, 2016 1:38 PM  
**To:** Contact OGE  
**Subject:** Urgent press inquiry

Hi,

I am writing a story on Donald Trump's tweets about removing himself from his business empire and the response by the OGE on Twitter.

I would be very grateful if someone could give me a call?

Unfortunately, working for a British newspaper, I am on a very tight deadline - our first edition goes in about an hour.

My cell is (b)(6)

Many thanks!  
Best wishes,  
Ruth



--

Ruth Sherlock  
US Editor  
The Telegraph\*

(b)(6)

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\*The Telegraph is the UK's best selling quality broadsheet. Our website sees as many as 25 million unique users from the United States every month. We have approximately 90 million globally.



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**From:** [Michelle M. Walker](#)  
**To:** [Kelsey D. Phipps](#)  
**Subject:** FW: 2017  
**Date:** Tuesday, December 06, 2016 1:30:22 PM

---

Hello Kelsey

Here is the email I have that contains the word twitter in it.

---

**From:** Magee, Michelle [mailto:(b)(6)]  
**Sent:** Wednesday, November 30, 2016 10:26 AM  
**To:** Michelle M. Walker  
**Subject:** RE: 2017

(b)(5)

**From:** Michelle M. Walker [<mailto:mmwalker@oge.gov>]  
**Sent:** Wednesday, November 30, 2016 9:22 AM  
**To:** Magee, Michelle (b)(6)  
**Subject:** RE: 2017

Read this in Wash Post right now....

Trump spokespeople did not immediately return requests for more details on the move. But Richard Painter, chief White House ethics lawyer under President George W. Bush, said the move did not appear to offer enough of a division to keep entanglement worries at bay.

“That’s business operations, not ownership. The problem is, we need to resolve the conflicts of interest that arise from his ownership. And we’re hearing nothing about how that’s getting resolved,” Painter said.

“Even if he does not operate the businesses, you’re going to have lots of people working for the business running around the world trying to cut deals,” Painter added. “And it’s critical that none of those people discuss U.S. business in a way that could be interpreted, or misinterpreted, of offering quid pro quo ... or soliciting a bribe on the part of the president.”

[\[Trump’s presidency, overseas business deals and relations with foreign governments could all become intertwined\]](#)

If Trump’s family does take over management of the business, Norman Eisen, the chief White House ethics lawyer for President Obama from 2009 to 2011, said an “ethics firewall” would need to be put in place to combat the “risk of improper preferential relationships and treatment for the Trump Organization with the United States government and foreign ones.”

Republican National Committee Chairman Reince Priebus said Wednesday on MSNBC’s “Morning Joe” that he was not “ready to reveal” whether the move would include Trump truly severing ties to his business or whether he would simply leave the day-to-day operations to his kids.

“It’s not the easiest thing to work out,” Priebus said. “What you see in those tweets is the person at the top that understands and is willing and showing the American people that he’s working hard on it and he’s taking it seriously.”

**In one confusing move, the official Twitter account of the Office of Government Ethics, which traditionally works closely with presidential transition teams, celebrated Wednesday morning that Trump had committed to fully divesting his company stake, though Trump has publicly said no such thing.**

**The tweets also said that OGE lawyers had told Trump the only way to fully guard against conflicts would be fully divesting his assets. OGE officials did not immediately respond to request for explanation. The tweets were deleted within an hour of their first posting.**

The weeks since Trump’s electoral victory have been marked by a series of entanglements between his private ventures and public ambitions.

**From:** Magee, Michelle (b)(6)  
**Sent:** Wednesday, November 30, 2016 10:14 AM  
**To:** Michelle M. Walker  
**Subject:** RE: 2017

And please you did....

J

**From:** Michelle M. Walker [<mailto:mmwalker@oge.gov>]  
**Sent:** Wednesday, November 30, 2016 9:02 AM  
**To:** Magee, Michelle (b)(6)  
**Subject:** RE: 2017

I aim to please J

**From:** Magee, Michelle (b)(6)  
**Sent:** Wednesday, November 30, 2016 9:40 AM  
**To:** Michelle M. Walker; 'Rigby, Karen'  
**Subject:** RE: 2017

Thanks, and it already has my name on it. J

**From:** Michelle M. Walker [<mailto:mmwalker@oge.gov>]  
**Sent:** Wednesday, November 30, 2016 8:32 AM  
**To:** 'Rigby, Karen' (b)(6); Magee, Michelle (b)(6)  
**Subject:** 2017

Just fill it in J

Michelle Walker  
Management Analyst  
Compliance Division  
United States Office of Government Ethics  
1201 New York Avenue NW  
Suite 500  
Washington, DC 20005  
(b)(6)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics

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of this email or its contents is strictly prohibited. If you have received this email in error, please notify the sender by responding to the email and then immediately delete the email.

**From:** [Kaneisha T. Cunningham](#)  
**To:** [Kelsey D. Phipps](#)  
**Subject:** FW: link  
**Date:** Tuesday, December 06, 2016 4:27:12 PM

---

In response to your FOIA request.

---

**From:** Douglas L. Chapman  
**Sent:** Wednesday, November 30, 2016 8:22 AM  
**To:** Kaneisha T. Cunningham  
**Subject:** FW: link

---

**From:** Shelley K. Finlayson  
**Sent:** Wednesday, November 30, 2016 8:19 AM  
**To:** Douglas L. Chapman  
**Subject:** Fw: link

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

---

**From:** Walter M. Shaub <[wmschaub@oge.gov](mailto:wmschaub@oge.gov)>  
**Sent:** Wednesday, November 30, 2016 8:07 AM  
**To:** Shelley K. Finlayson  
**Subject:** Fw: link

Here's the link to the opinion. Get all of these tweets posted as soon as humanly possible.

[https://www.oge.gov/web/oge.nsf/Legal%20Advisories/01F8E09232041FD185257E96005FBBE8/\\$FILE/64ed9ad9bd294b45a88ac8729a97968a3.pdf?open](https://www.oge.gov/web/oge.nsf/Legal%20Advisories/01F8E09232041FD185257E96005FBBE8/$FILE/64ed9ad9bd294b45a88ac8729a97968a3.pdf?open)

**From:** [Contact OGE](#)  
**To:** [Leigh J. Francis](#)  
**Subject:** FW: OGE statement today  
**Date:** Wednesday, November 30, 2016 4:32:41 PM

---

---

**From:** Nutter, Julia (NBCUniversal) (b)(6)  
**Sent:** Wednesday, November 30, 2016 4:25 PM  
**To:** Contact OGE <contactoge@oge.gov>  
**Subject:** OGE statement today

Hi there,  
I'm looking for a full version of OGE's statement today regarding the tweets sent this morning to President-elect Donald Trump about his business dealings. Could someone please send my way?

Best,

julia nutter  
segment producer  
msnbc – "the rachel maddow show"  
(b)(6)

**From:** [Kaneisha T. Cunningham](#)  
**To:** [Kelsey D. Phipps](#)  
**Subject:** FW: Tweets ASAP  
**Date:** Tuesday, December 06, 2016 4:26:45 PM

---

In response to your FOIA request.

---

**From:** Douglas L. Chapman  
**Sent:** Wednesday, November 30, 2016 8:21 AM  
**To:** Kaneisha T. Cunningham  
**Subject:** FW: Tweets ASAP

---

**From:** Shelley K. Finlayson  
**Sent:** Wednesday, November 30, 2016 8:19 AM  
**To:** Douglas L. Chapman  
**Subject:** Fw: Tweets ASAP

---

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

---

**From:** Walter M. Shaub <[wmschaub@oge.gov](mailto:wmschaub@oge.gov)>  
**Sent:** Wednesday, November 30, 2016 8:04 AM  
**To:** Shelley K. Finlayson  
**Subject:** Tweets ASAP

Post the following tweets. I would like them posted first thing --8:30 if possible or as soon as possible thereafter . Post them all at once.

@realDonaldTrump OGE is delighted that you've decided to divest your businesses. Right decision!

@realDonaldTrump As we discussed with your counsel, divestiture is the way to resolve these conflicts

@realDonaldTrump this aligns with OGE opinion that POTUS should act as if 18 USC 208 applies  
(put link to 1983 opinion after this one)

@realDonaldTrump Bravo! Only way to resolve these conflicts of interest is to divest . Good call!

@realDonaldTrump Brilliant! Divestiture is good for you, very good for America!

@realDonaldTrump We can't repeat enough how good this total divestiture will be



@realDonaldTrump - we told your counsel we'd sing your praises if you divested, we meant it

@realDonaldTrump this divestiture does what handing over control could never have done

@realDonaldTrump OGE applauds the "total" divestiture decision. Bravo!

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

**From:** [Contact OGE](#)  
**To:** [Leigh J. Francis](#)  
**Subject:** FW: we've been calling ... no reply ...  
**Date:** Wednesday, November 30, 2016 4:31:48 PM

---

**From:** Gordon, Greg (b)(6)  
**Sent:** Wednesday, November 30, 2016 3:52 PM  
**To:** Contact OGE <contactoge@oge.gov>  
**Subject:** we've been calling ... no reply ...

Could you PLEASE confirm or deny the veracity or legitimacy of the flurry of extraordinary emails that were sent out today about president-elect Trump's supposed total "divestiture?"

We've left multiple phone messages and have received no reply. This affects a story we're writing on deadline.

Greg

Greg Gordon

National Correspondent

McClatchy Newspapers Washington Bureau

(b)(6)

See McClatchy news at <http://www.mcclatchydc.com>. Our 29 daily newspapers include the Miami Herald, Sacramento Bee, Ft. Worth Star-Telegram, Kansas City Star, Charlotte Observer, Raleigh News & Observer and others.

## Kelsey D. Phipps

---

**From:** Eric Katz (b)(6)  
**Sent:** Wednesday, November 30, 2016 2:25 PM  
**To:** Leigh J. Francis  
**Subject:** Fwd: Tweets

Hi Leigh- can you please give me a call? (b)(6). Thanks.

----- Forwarded message -----

**From:** Eric Katz (b)(6)  
**Date:** Wed, Nov 30, 2016 at 1:40 PM  
**Subject:** Tweets  
**To:** [ContactOGE@oge.gov](mailto:ContactOGE@oge.gov)

Hello,

This is Eric Katz with GovExec. I just left a voicemail for Vince and Leigh...I wanted to ask you about the series of tweets OGE sent out about Trump and his business. If someone could give me a call at (b)(6) at your earliest possible convenience.

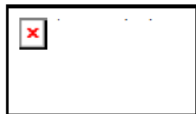
Thanks,

Eric

--

**Eric Katz**  
Senior Correspondent  
Government Executive Media Group  
(b)(6)

[govexec](#) | [nextgov](#) | [DefenseOne](#) | [route fifty](#)



--

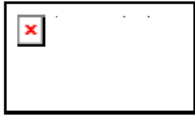
**Eric Katz**  
Senior Correspondent

Government Executive Media Group

(b)(6)

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[govexec](#) | [nextgov](#) | [DefenseOne](#) | [route51ty](#)



## Kelsey D. Phipps

---

**From:** Michael Hanson  
**Sent:** Wednesday, November 30, 2016 2:05 PM  
**To:** Seth Jaffe; Leigh J. Francis  
**Cc:** Vincent Salamone  
**Subject:** Getting calls on our Twitter account

Hello Leigh & Seth,  
I just received a call from Eric Geller at Politico (b)(6) about our [Twitter Feed](#).

He is asking about the 9-tweets to @realDonaldTrump that went up, came down, and went back up.

Told him "the appropriate person" would get back to him.

Michael Hanson  
(202) 482-9221  
Office of Government Ethics

Visit us at [www.oge.gov](http://www.oge.gov)

**From:** [Jennifer Matis](#)  
**To:** [Elizabeth D. Horton](#)  
**Date:** Wednesday, November 30, 2016 9:19:26 AM

---

<http://www.govexec.com/excellence/promising-practices/2016/11/gsas-trump-hotel-lease-debacle/133424/>

Thanks,

*Jen*

Jennifer Matis  
Assistant Counsel  
Legal, External Affairs and Performance Branch  
U.S. Office of Government Ethics  
202-482-9216  
[jennifer.matis@oge.gov](mailto:jennifer.matis@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)

Follow OGE on Twitter: [@OfficeGovEthics](https://twitter.com/OfficeGovEthics)

## Kelsey D. Phipps

---

**From:** Diana Veilleux  
**Sent:** Thursday, December 08, 2016 11:16 PM  
**To:** Kelsey D. Phipps  
**Subject:** Fw: @OfficeGovEthics Twitter account

FOR FOIA response.

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

---

**From:** Brandon A. Steele <[bastele@oge.gov](mailto:bastele@oge.gov)>  
**Sent:** Wednesday, November 30, 2016 3:56 PM  
**To:** Diana Veilleux; Shelley K. Finlayson; Seth Jaffe  
**Subject:** FW: @OfficeGovEthics Twitter account

FYI on my below response to an inquiry from Twitter on the account activity.

---

**From:** Brandon A. Steele  
**Sent:** Wednesday, November 30, 2016 3:55 PM  
**To:** [REDACTED]  
**Subject:** Re: @OfficeGovEthics Twitter account

Dear Jared Benoff:

Thank you for reaching out to the Office of Government Ethics. I can confirm that the agency's Twitter account was not compromised. We have issued an official statement regarding the activity on the account.

Best regards,

Brandon A. Steele  
Attorney Advisor  
U.S. Office of Government Ethics  
1201 New York Ave NW  
Suite #500  
Washington, D.C. 20005  
Ph: 202-482-9209  
[bastele@oge.gov](mailto:bastele@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics



---

**From:** Contact OGE  
**Sent:** Wednesday, November 30, 2016 3:38 PM  
**To:** Brandon A. Steele  
**Subject:** FW: @OfficeGovEthics Twitter account

**Brandon L. Bunderson**

Desk Officer  
Program Counsel Division  
U.S. Office of Government Ethics  
(202) 482-9307  
[blbunder@oge.gov](mailto:blbunder@oge.gov)

**From:** Jared Benoff (b)(6)  
**Sent:** Wednesday, November 30, 2016 2:44 PM  
**To:** Contact OGE  
**Subject:** @OfficeGovEthics Twitter account

Hi! I work in Twitter's DC office and I wanted to quickly reach out to confirm the activity from your Twitter account today. Thanks!

--  
Jared Benoff

Public Policy | Twitter

(b)(6)



**From:** [Walter M. Shaub](#)  
**To:** (b)(6) - D. McGahn email  
**Subject:** press inquiries  
**Date:** Wednesday, November 30, 2016 1:13:47 PM

---

We started receiving dozens of press calls as soon as the President-elect announced his plan to divest his assets. Here's the response our spokesperson is sending out to them:

Like everyone else, we were excited this morning to read the President-elect's twitter feed indicating that he wants to be free of conflicts of interest. OGE applauds that goal, which is consistent with an opinion OGE issued in 1983. Divestiture resolves conflicts of interest in a way that transferring control does not. We don't know the details of their plan, but we are willing and eager to help them with it.

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:** Walter M. Shaub  
**Sent:** Wednesday, November 30, 2016 10:14 AM  
**To:** (b)(6)  
**Subject:** Can we talk today?

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

## Kelsey D. Phipps

---

**From:** Timothy Mallon  
**Sent:** Wednesday, November 30, 2016 2:09 PM  
**To:** 'Dreyfuss, Emily'  
**Cc:** Seth Jaffe; Leigh J. Francis  
**Subject:** RE: Quick question from WIRED

Hi Emily – another contact is Leigh Francis (also cc'd). Apparently the Twitter account is not compromised. - Tim

---

**From:** Dreyfuss, Emily (b)(6)  
**Sent:** Wednesday, November 30, 2016 2:06 PM  
**To:** Timothy Mallon  
**Cc:** Seth Jaffe  
**Subject:** Re: Quick question from WIRED

Thank you Tim! Seth, I just left you a voicemail. Please give me a call as soon as you can at (b)(6)

I appreciate it.

Emily

---

**From:** Timothy Mallon <[tmallon@oge.gov](mailto:tmallon@oge.gov)>  
**Sent:** Wednesday, November 30, 2016 1:57 PM  
**To:** Dreyfuss, Emily  
**Cc:** Seth Jaffe  
**Subject:** RE: Quick question from WIRED

Hi Emily – please contact Seth Jaffe (cc'd) - Tim

**From:** Dreyfuss, Emily (b)(6)  
**Sent:** Wednesday, November 30, 2016 1:57 PM  
**To:** Timothy Mallon  
**Subject:** Quick question from WIRED

Hi Timothy,

Thanks for taking my call. Any information you can shed on what's going on with the OGE Twitter account would be greatly appreciated. Again, I want to make sure we--and the rest of the press--don't wrongly report on official tweets that are not sanctioned by the Office of Government Ethics. If you can point me to the person in charge of the Twitter account, I would be happy to follow up with them directly.

Thanks,

Emily

Emily Dreyfuss

National Affairs Writer

WIRED

(b)(6)

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**Kelsey D. Phipps**

---

**From:** Dreyfuss, Emily (b)(6)  
**Sent:** Wednesday, November 30, 2016 2:06 PM  
**To:** Timothy Mallon  
**Cc:** Seth Jaffe  
**Subject:** Re: Quick question from WIRED

Thank you Tim! Seth, I just left you a voicemail. Please give me a call as soon as you can at (b)(6)

I appreciate it.

Emily

---

**From:** Timothy Mallon  
**Sent:** Wednesday, November 30, 2016 1:57 PM  
**To:** Dreyfuss, Emily  
**Cc:** Seth Jaffe  
**Subject:** RE: Quick question from WIRED

Hi Emily – please contact Seth Jaffe (cc'd) - Tim

**From:** Dreyfuss, Emily (b)(6)  
**Sent:** Wednesday, November 30, 2016 1:57 PM  
**To:** Timothy Mallon  
**Subject:** Quick question from WIRED

Hi Timothy,

Thanks for taking my call. Any information you can shed on what's going on with the OGE Twitter account would be greatly appreciated. Again, I want to make sure we--and the rest of the press--don't wrongly report on official tweets that are not sanctioned by the Office of Government Ethics. If you can point me to the person in charge of the Twitter account, I would be happy to follow up with them directly.

Thanks,

Emily

Emily Dreyfuss

National Affairs Writer

WIRED

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**Kelsey D. Phipps**

---

**From:** Dreyfuss, Emily (b)(6)  
**Sent:** Wednesday, November 30, 2016 2:17 PM  
**To:** Timothy Mallon  
**Cc:** Seth Jaffe; Leigh J. Francis  
**Subject:** Re: Quick question from WIRED

Hi Tim, Seth, and Leigh,

Can one of you please give me a call to clarify what, exactly, is going on with the OGE Twitter account?

Thank you,

Emily

Cell: (b)(6)

---

**From:** Timothy Mallon  
**Sent:** Wednesday, November 30, 2016 2:09 PM  
**To:** Dreyfuss, Emily  
**Cc:** Seth Jaffe; Leigh J. Francis  
**Subject:** RE: Quick question from WIRED

Hi Emily – another contact is Leigh Francis (also cc'd). Apparently the Twitter account is not compromised. - Tim

**From:** Dreyfuss, Emily (b)(6)  
**Sent:** Wednesday, November 30, 2016 2:06 PM  
**To:** Timothy Mallon  
**Cc:** Seth Jaffe  
**Subject:** Re: Quick question from WIRED

Thank you Tim! Seth, I just left you a voicemail. Please give me a call as soon as you can at (b)(6)

I appreciate it.

Emily

**From:** Timothy Mallon <[tmallon@oge.gov](mailto:tmallon@oge.gov)>  
**Sent:** Wednesday, November 30, 2016 1:57 PM  
**To:** Dreyfuss, Emily  
**Cc:** Seth Jaffe  
**Subject:** RE: Quick question from WIRED

Hi Emily – please contact Seth Jaffe (cc'd) - Tim

**From:** Dreyfuss, Emily (b)(6)  
**Sent:** Wednesday, November 30, 2016 1:57 PM  
**To:** Timothy Mallon  
**Subject:** Quick question from WIRED

Hi Timothy,

Thanks for taking my call. Any information you can shed on what's going on with the OGE Twitter account would be greatly appreciated. Again, I want to make sure we--and the rest of the press--don't wrongly report on official tweets that are not sanctioned by the Office of Government Ethics. If you can point me to the person in charge of the Twitter account, I would be happy to follow up with them directly.

Thanks,

Emily

Emily Dreyfuss

National Affairs Writer

WIRED

(b)(6)

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## Kelsey D. Phipps

---

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**Sent:** Wednesday, November 30, 2016 2:09 PM  
**To:** 'Dreyfuss, Emily'  
**Cc:** Seth Jaffe; Leigh J. Francis  
**Subject:** RE: Quick question from WIRED

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---

**From:** Dreyfuss, Emily (b)(6)  
**Sent:** Wednesday, November 30, 2016 2:06 PM  
**To:** Timothy Mallon  
**Cc:** Seth Jaffe  
**Subject:** Re: Quick question from WIRED

Thank you Tim! Seth, I just left you a voicemail. Please give me a call as soon as you can at (b)(6)

I appreciate it.

Emily

---

**From:** Timothy Mallon <[tmallon@oge.gov](mailto:tmallon@oge.gov)>  
**Sent:** Wednesday, November 30, 2016 1:57 PM  
**To:** Dreyfuss, Emily  
**Cc:** Seth Jaffe  
**Subject:** RE: Quick question from WIRED

Hi Emily – please contact Seth Jaffe (cc'd) - Tim

**From:** Dreyfuss, Emily (b)(6)  
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**To:** Timothy Mallon  
**Subject:** Quick question from WIRED

Hi Timothy,

Thanks for taking my call. Any information you can shed on what's going on with the OGE Twitter account would be greatly appreciated. Again, I want to make sure we--and the rest of the press--don't wrongly report on official tweets that are not sanctioned by the Office of Government Ethics. If you can point me to the person in charge of the Twitter account, I would be happy to follow up with them directly.

Thanks,

Emily

Emily Dreyfuss

National Affairs Writer

WIRED

(b)(6)

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## Kelsey D. Phipps

---

**From:** Timothy Mallon  
**Sent:** Wednesday, November 30, 2016 1:58 PM  
**To:** 'Dreyfuss, Emily'  
**Cc:** Seth Jaffe  
**Subject:** RE: Quick question from WIRED

Hi Emily – please contact Seth Jaffe (cc'd) - Tim

---

**From:** Dreyfuss, Emily (b)(6)  
**Sent:** Wednesday, November 30, 2016 1:57 PM  
**To:** Timothy Mallon  
**Subject:** Quick question from WIRED

Hi Timothy,

Thanks for taking my call. Any information you can shed on what's going on with the OGE Twitter account would be greatly appreciated. Again, I want to make sure we--and the rest of the press--don't wrongly report on official tweets that are not sanctioned by the Office of Government Ethics. If you can point me to the person in charge of the Twitter account, I would be happy to follow up with them directly.

Thanks,

Emily

Emily Dreyfuss

National Affairs Writer

WIRED

(b)(6)

## Kelsey D. Phipps

---

**From:** Gardella, Rich (NBCUniversal) <(b)(6)>  
**Sent:** Wednesday, November 30, 2016 2:14 PM  
**To:** Contact OGE; Leigh J. Francis; Vincent Salamone; Seth Jaffe  
**Cc:** Reynolds, Talesha (NBCUniversal)  
**Subject:** RESENDING: URGENT: NBC News Request: @OfficeGovEthics Twitter Feed = HACKED?

Resending and adding Leigh and Seth...

Please see below for more.

### Rich Gardella

Off-Air Investigative Reporter/Producer

NBC News Investigative Unit

NBC News Washington Bureau

(b)(6)



**From:** Gardella, Rich (NBCUniversal)  
**Sent:** Wednesday, November 30, 2016 1:56 PM  
**To:** [ContactOGE@oge.gov](mailto:ContactOGE@oge.gov)  
**Cc:** Reynolds, Talesha (NBCUniversal)  
**Subject:** URGENT: NBC News Request: @OfficeGovEthics Twitter Feed = HACKED?

Leigh,

I called Vincent Salamone's direct number but his outgoing message says he is out-of-the-office today and directs all callers to contact you.

I have left you a voicemail message and am following up with this email.

I am contacting you regarding the Office of Government Ethics' Twitter account at <https://twitter.com/OfficeGovEthics>.

The Twitter feed/page now includes multiple Tweets during the last hour directly and enthusiastically praising Trump's divestiture decision.

Sample:

[U.S. OGE @OfficeGovEthics 50m50 minutes ago](#)

[.@realDonaldTrump](#) OGE is delighted that you've decided to divest your businesses. Right decision!

Are these authentic and authorized tweets? Or authentic and unauthorized tweets? Or inauthentic tweets? Has the account been hacked?

Thank you for your quick response. Please reply to all.

**Rich Gardella**

Off-Air Investigative Reporter/Producer


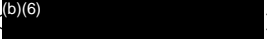
NBC News Investigative Unit

NBC News Washington Bureau

(b)(6)



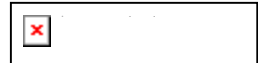
Begin forwarded message:

**From:** Dataminr Momentum   
**Date:** November 30, 2016 at 1:15:42 PM EST  
**To:**  
**Subject:** @OfficeGovEthics: [.@realDonaldTrump](#) OGE is delighted that you've decided to divest your businesses. Right decision!  
**Reply-To:** <>

District of Columbia, United States | U.S. OGE (@OfficeGovEthics) | U.S. Office of Government Ethics -- Providing leadership in the executive branch to prevent conflicts of interest. Privacy: <http://1.usa.gov/1731Cf1> | Account Created: 04.16.2013 | Tweets: 1,046 | Followers: 1,458 |



**Momentum**



 District of Columbia, United States

11.30.2016 at 12:55 PM EST GOV

[.@realDonaldTrump](#) OGE is delighted that you've decided to divest your businesses. Right decision!



U.S. OGE [@OfficeGovEthics](#)

EVENT AREA:

**District of Columbia, United States**




SOURCE VERIFICATION FOR @OFFICEGOVETHICS:

Account Created: **04.16.2013**  
Tweets **1,046** | Followers **1,458**

*U.S. Office of Government Ethics -- Providing leadership in the executive branch to prevent conflicts of interest. Privacy: <http://1.usa.gov/1731Cf1>*

**View Alert View Tweet Track Story**

[View Alert](#) [View Tweet](#) [Track Story](#)

 **Topics:** Politics, Social Issues, Business

*Adjust topic importance by [opening settings](#)*



*Dataminr is a real-time information discovery company.*



**Kelsey D. Phipps**

---

**From:** Shelley K. Finlayson  
**Sent:** Wednesday, November 30, 2016 12:31 PM  
**To:** Brandon A. Steele  
**Subject:** Fw: link

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

---

**From:** Walter M. Shaub  
**Sent:** Wednesday, November 30, 2016 8:07 AM  
**To:** Shelley K. Finlayson  
**Subject:** Fw: link

Here's the link to the opinion. Get all of these tweets posted as soon as humanly possible.

[https://www.oge.gov/web/oge.nsf/Legal%20Advisories/01F8E09232041FD185257E96005FBBE8/\\$FILE/64ed9ad9bd294b45a88ac8729a97968a3.pdf?open](https://www.oge.gov/web/oge.nsf/Legal%20Advisories/01F8E09232041FD185257E96005FBBE8/$FILE/64ed9ad9bd294b45a88ac8729a97968a3.pdf?open)

**Kelsey D. Phipps**

---

**From:** Eric Geller (b)(6)  
**Sent:** Wednesday, November 30, 2016 1:58 PM  
**To:** Seth Jaffe  
**Subject:** Statement on OGE Twitter activity

Hi Seth,

I saw that you issued a statement about your agency's recent tweets. Could you send me that please?

—  
Eric Geller  
Cybersecurity Reporter  
**POLITICOPro**  
(b)(6)

## Kelsey D. Phipps

---

**From:** Shelley K. Finlayson  
**Sent:** Wednesday, November 30, 2016 12:29 PM  
**To:** Brandon A. Steele  
**Subject:** Fw: Tweets ASAP

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

---

**From:** Walter M. Shaub  
**Sent:** Wednesday, November 30, 2016 8:04 AM  
**To:** Shelley K. Finlayson  
**Subject:** Tweets ASAP

Post the following tweets. I would like them posted first thing --8:30 if possible or as soon as possible thereafter . Post them all at once.

@realDonaldTrump OGE is delighted that you've decided to divest your businesses. Right decision!

@realDonaldTrump As we discussed with your counsel, divestiture is the way to resolve these conflicts

@realDonaldTrump this aligns with OGE opinion that POTUS should act as if 18 USC 208 applies (put link to 1983 opinion after this one)

@realDonaldTrump Bravo! Only way to resolve these conflicts of interest is to divest . Good call!

@realDonaldTrump Brilliant! Divestiture is good for you, very good for America!

@realDonaldTrump We can't repeat enough how good this total divestiture will be

@realDonaldTrump - we told your counsel we'd sing your praises if you divested, we meant it

@realDonaldTrump this divestiture does what handing over control could never have done

@realDonaldTrump OGE applauds the "total" divestiture decision. Bravo!

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

**Kelsey D. Phipps**

---

**From:** Davis, Julie (b)(6) >  
**Sent:** Wednesday, November 30, 2016 3:00 PM  
**To:** Seth Jaffe  
**Subject:** Tweets re: Trump and divestiture

Hi Seth,

You may have heard already from my colleague Michael Shear. Can you help explain what all those tweets were about today on Trump's announcement about eliminating conflicts of interest? Were you the one who posted them? And is it your opinion that the steps he outlined in his tweets today meet the threshold that applies to a president as laid out in the 1983 opinion referenced in the tweet?

If you are able to talk this afternoon, I'd be grateful.

Thanks,  
Julie

Julie Hirschfeld Davis  
White House Correspondent  
The New York Times  
(b)(6)

## Kelsey D. Phipps

---

**From:** Vincent Salamone  
**Sent:** Monday, December 12, 2016 9:36 AM  
**To:** Kelsey D. Phipps  
**Subject:** FW: Tweets

**From:** Eric Katz (b)(6) ]  
**Sent:** Wednesday, November 30, 2016 2:33 PM  
**To:** Vincent Salamone  
**Subject:** Fwd: Tweets

Hey Vince - I know your voicemail said you were out of the office today, but if you could give me a call, or get in touch with someone else to have them do so, I'd appreciate it.

Thanks.

----- Forwarded message -----

**From:** Eric Katz (b)(6)  
**Date:** Wed, Nov 30, 2016 at 1:40 PM  
**Subject:** Tweets  
**To:** [ContactOGE@oge.gov](mailto:ContactOGE@oge.gov)

Hello,

This is Eric Katz with GovExec. I just left a voicemail for Vince and Lee...I wanted to ask you about the series of tweets OGE sent out about Trump and his business. If someone could give me a call at (b)(6) at your earliest possible convenience.

Thanks,

Eric

--

**Eric Katz**  
Senior Correspondent  
Government Executive Media Group  
(b)(6)

[govexec](#) | [nextgov](#) | [DefenseOne](#) | [route fifty](#)

Government  
Executive  
Media Group

## Kelsey D. Phipps

---

**From:** Vincent Salamone  
**Sent:** Monday, December 12, 2016 9:37 AM  
**To:** Kelsey D. Phipps  
**Subject:** FW: RESENDING: URGENT: NBC News Request: @OfficeGovEthics Twitter Feed = HACKED?

---

**From:** Gardella, Rich (NBCUniversal) (b)(6) ]  
**Sent:** Wednesday, November 30, 2016 2:14 PM  
**To:** Contact OGE; Leigh J. Francis; Vincent Salamone; Seth Jaffe  
**Cc:** Reynolds, Talesha (NBCUniversal)  
**Subject:** RESENDING: URGENT: NBC News Request: @OfficeGovEthics Twitter Feed = HACKED?

Resending and adding Leigh and Seth...

Please see below for more.

### Rich Gardella

Off-Air Investigative Reporter/Producer

NBC News Investigative Unit

NBC News Washington Bureau

(b)(6)



**From:** Gardella, Rich (NBCUniversal)  
**Sent:** Wednesday, November 30, 2016 1:56 PM  
**To:** [ContactOGE@oge.gov](mailto:ContactOGE@oge.gov)  
**Cc:** Reynolds, Talesha (NBCUniversal)  
**Subject:** URGENT: NBC News Request: @OfficeGovEthics Twitter Feed = HACKED?

Leigh,

I called Vincent Salamone's direct number but his outgoing message says he is out-of-the-office today and directs all callers to contact you.

I have left you a voicemail message and am following up with this email.

I am contacting you regarding the Office of Government Ethics' Twitter account at <https://twitter.com/OfficeGovEthics>.

The Twitter feed/page now includes multiple Tweets during the last hour directly and enthusiastically praising Trump's divestiture decision.

Sample:

[U.S. OGE @OfficeGovEthics](#) [50m50 minutes ago](#)

[.@realDonaldTrump](#) OGE is delighted that you've decided to divest your businesses. Right decision!

Are these authentic and authorized tweets? Or authentic and unauthorized tweets? Or inauthentic tweets? Has the account been hacked?

Thank you for your quick response. Please reply to all.

**Rich Gardella**

Off-Air Investigative Reporter/Producer

NBC News Investigative Unit

NBC News Washington Bureau

(b)(6)



Begin forwarded message:

**From:** Dataminr Momentum <(b)(6)>  
**Date:** November 30, 2016 at 1:15:42 PM EST  
**To:**  
**Subject:** @OfficeGovEthics: [.@realDonaldTrump](#) OGE is delighted that you've decided to divest your businesses. Right decision!  
**Reply-To:** <(b)(6)>

District of Columbia, United States | U.S. OGE (@OfficeGovEthics) | U.S. Office of Government Ethics -- Providing leadership in the executive branch to prevent conflicts of interest. Privacy: <http://1.usa.gov/1731Cf1> | Account Created: 04.16.2013 | Tweets: 1,046 | Followers: 1,458 |





📍 District of Columbia, United States

11.30.2016 at 12:55 PM EST GOV

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**U.S. OGE** [@OfficeGovEthics](#)

EVENT AREA:

## District of Columbia, United States



### SOURCE VERIFICATION FOR @OFFICEGOVETHICS:

Account Created: **04.16.2013**  
Tweets **1,046** | Followers **1,458**

*U.S. Office of Government Ethics -- Providing leadership in the executive branch to prevent conflicts of interest. Privacy: <http://1.usa.gov/1731Cf1>*

**View Alert**

<image001.png> [View  
Alert](#)

**View Tweet**

<image002.png> [View  
Tweet](#)

**Track Story**

<image003.png> [Track  
Story](#)

≡ **Topics:** Politics, Social Issues, Business

*Adjust topic importance by [opening settings](#)*

*Dataminr is a real-time information discovery company.*

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## Kelsey D. Phipps

---

**From:** Vincent Salamone  
**Sent:** Monday, December 12, 2016 9:38 AM  
**To:** Kelsey D. Phipps  
**Subject:** FW: Getting calls on our Twitter account

---

**From:** Michael Hanson  
**Sent:** Wednesday, November 30, 2016 2:05 PM  
**To:** Seth Jaffe; Leigh J. Francis  
**Cc:** Vincent Salamone  
**Subject:** Getting calls on our Twitter account

Hello Leigh & Seth,  
I just received a call from Eric Geller at Politico (b)(6) about our [Twitter Feed](#).

He is asking about the 9-tweets to @realDonaldTrump that went up, came down, and went back up.

Told him "the appropriate person" would get back to him.

Michael Hanson  
(202) 482-9221  
Office of Government Ethics

Visit us at [www.oge.gov](http://www.oge.gov)

**From:** Michelle M. Walker  
**Sent:** Wednesday, November 30, 2016 10:24 AM  
**To:** Ciara M. Guzman  
**Subject:** wed

Trump spokespeople did not immediately return requests for more details on the move. But Richard Painter, chief White House ethics lawyer under President George W. Bush, said the move did not appear to offer enough of a division to keep entanglement worries at bay.

“That’s business operations, not ownership. The problem is, we need to resolve the conflicts of interest that arise from his ownership. And we’re hearing nothing about how that’s getting resolved,” Painter said.

“Even if he does not operate the businesses, you’re going to have lots of people working for the business running around the world trying to cut deals,” Painter added. “And it’s critical that none of those people discuss U.S. business in a way that could be interpreted, or misinterpreted, of offering quid pro quo ... or soliciting a bribe on the part of the president.”

[\[Trump’s presidency, overseas business deals and relations with foreign governments could all become intertwined\]](#)

If Trump’s family does take over management of the business, Norman Eisen, the chief White House ethics lawyer for President Obama from 2009 to 2011, said an “ethics firewall” would need to be put in place to combat the “risk of improper preferential relationships and treatment for the Trump Organization with the United States government and foreign ones.”

Republican National Committee Chairman Reince Priebus said Wednesday on MSNBC’s “Morning Joe” that he was not “ready to reveal” whether the move would include Trump truly severing ties to his business or whether he would simply leave the day-to-day operations to his kids.

“It’s not the easiest thing to work out,” Priebus said. “What you see in those tweets is the person at the top that understands and is willing and showing the American people that he’s working hard on it and he’s taking it seriously.”

**In one confusing move, the official Twitter account of the Office of Government Ethics, which traditionally works closely with presidential transition teams, celebrated Wednesday morning that Trump had committed to fully divesting his company stake, though Trump has publicly said no such thing.**

**The tweets also said that OGE lawyers had told Trump the only way to fully guard against conflicts would be fully divesting his assets. OGE officials did not immediately respond to request for explanation. The tweets were deleted within an hour of their first posting.**

The weeks since Trump’s electoral victory have been marked by a series of entanglements between his private ventures and public ambitions.

Michelle Walker  
Management Analyst  
Compliance Division  
United States Office of Government Ethics  
1201 New York Avenue NW  
Suite 500  
Washington, DC 20005  
(202) 482-9213  
[mmwalker@oge.gov](mailto:mmwalker@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics

## Kelsey D. Phipps

---

**From:** Michael Hanson  
**Sent:** Thursday, December 01, 2016 4:35 PM  
**To:** Walter M. Shaub  
**Cc:** Timothy Mallon  
**Subject:** about that tweet font size...

Appears the mystery has one explanation: <https://www.designernews.co/stories/20695-new-twitter-design-why-are-some-posts-bigger>

Appears there is some threshold for each Twitterer that jumps the size . Ours appears somewhere around 800 share/retweets. (though Brandon may be selecting text-size).



Michael Hanson  
(202) 482-9221  
Office of Government Ethics

Visit us at [www.oge.gov](http://www.oge.gov)

**Kelsey D. Phipps**

---

**From:** Braun, Stephen S (b)(6)  
**Sent:** Thursday, December 01, 2016 9:39 AM  
**To:** USOGE  
**Subject:** Associated Press FOIA request

OGE FOIA Officer Dec. 1, 2016  
Office of Government Ethics  
Suite 500  
1201 New York Avenue, NW.  
Washington, DC 20005-3917

[usoge@oge.gov](mailto:usoge@oge.gov)

(Request via Email)

RE: Freedom of Information Act request

Expedited processing requested

Dear FOIA Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of the following records maintained by your agency's Office of the Director and General Counsel & Legal Policy Division:



- All emails, memos, correspondence, inter-office communications, Twitter statements, directives and all other written materials related to the November 30, 2016 official OGE public statements on Twitter concerning contacts with the incoming Trump administration and comments about President-elect Donald J. Trump's possible divestiture plans.
- All emails, memos, correspondence, inter-office communications, Twitter statements, directives and all other written materials related to media and public reaction to the November 30, 2016 official OGE public statements on Twitter concerning contacts with the incoming Trump administration and comments about President-elect Donald J. Trump's possible divestiture plans.
- All emails, memos, correspondence, inter-office communications, directives and all other written materials related to contacts and meetings with representatives of President-elect Donald J. Trump about ethics, disclosure and possible divestiture planning.

The time frame for this request is Nov. 15, 2016, through the present, Dec. 1, 2016.

This request covers paper and electronic records, including but not limited to emails, email attachments, Portable Document Files and Microsoft Excel spreadsheets.

If possible, I request that these files be provided to me in electronic format.

I certify to be true and correct to the best of my knowledge and belief that I am a credentialed reporter employed by The Associated Press. **Because this is a request by a member of the news media for records made in the public interest, I ask that you waive any search fees in accordance** with § 552(a)(4)(A)(ii)(II).

If the fee for retrieving or reproducing these records will exceed \$50, please notify me before filling this request. I can be reached at (b)(6) or by electronic mail at (b)(6).

**I also request expedited processing for this request under 32 CFR 299.5 (f)(2).**

My request for expedited processing meets criteria for demonstrating a "compelling need" for the following reasons that I certify to be true and correct to the best of my knowledge:

One, I am a credentialed member of the news media employed by The Associated Press who is primarily engaged in disseminating information.

Two, the records I am seeking are “urgently needed” to inform the public about an actual government activity in that the value of the information I am seeking will be lost if it is not released before the inauguration of President-elect Donald Trump in January 2017. Federal FOIA law and regulations afford expedited processing to those who demonstrate “an urgency to inform the public about an actual or alleged federal government activity.” My request should also generally be read in light of the holdings in *Al-Fayed*.

This request qualifies for expedited processing because it goes beyond “the public’s right to know about government activity generally” and instead seeks to provide urgent information of “actual government activity” to the American people about Rudy Giuliani, who is being considered for important roles in the executive branch.

The Associated Press, as the largest news wire service in the world with more than 1 billion readers, takes its duty to inform American citizens very seriously. The hard deadline of the inauguration elevates the importance of these records as does the type of government activity they involve. These records concern the important interaction between an influential U.S. politician and a key executive branch agency. The public has a need to know about those interactions in order to judge the qualifications of Mr. Giuliani as he is possibly put forward for important cabinet-level positions.

For these reasons, I respectfully request that these records be released on an expedited schedule. **As you know, you must make a determination about my request for expedited processing within 10 calendars days of receipt of this request.**

As you know, agencies must redact only what is necessary to protect exempt information and must explain the basis for any redactions. See *Georgarakos v. FBI*, 908 F.Supp.2d 176, 186 (D.D.C. 2012). As well, please provide documents to me on a rolling basis, rather than waiting for my entire request to be processed before releasing documents.

As a reminder, the president has directed that the FOIA “be administered with a clear presumption: In the face of doubt, openness prevails.” Memorandum for the Heads of Executive Dep’ts and Agencies, 74 Fed. Reg. 15, 4683 (Jan. 26, 2009), emphasis added. This instruction is unambiguous: “All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in the FOIA, and to usher in a new era of open government. The presumption of disclosure should be applied to all decisions involving the FOIA.” *Id.*

The Act, in § 552(a)(6), grants your office no more than twenty working days in which to respond to this request. See also *Oglesby v. U.S. Dep’t of Army*, 920 F.2d 57, 65 (D.C. Cir. 1990) (“Congress adopted the time limit provision in the FOIA in order to ‘contribute to the fuller and faster release of information, which is the

basic objective of the Act.” (quoting H.R. Rep. No. 93-876, March 5, 1974, reprinted (1974) U.S. Code Cong. & Ad. News 6267 at 6271)).

I certify that the information provided above is true and correct to the best of my knowledge and belief.

Thank you for your assistance. I look forward to your prompt reply. My contact information is below.

Sincerely,

Stephen Braun

Associated Press Washington Bureau

1100 13<sup>th</sup> Street NW

Suite 700

Washington, DC 20005

(b)(6)

## Kelsey D. Phipps

---

**From:** Leigh J. Francis  
**Sent:** Thursday, December 01, 2016 10:08 AM  
**To:** Kimberly L. Sikora Panza  
**Subject:** Communications Packet for Subpart B LA  
**Attachments:** Tagging Form for Subpart B LA.pdf; Master Document Comm Content (Subpart B).docx

Kim,

Per the Legal Advisory procedures, I am providing you with the Communications Packet for the Subpart B LA. Attached to this email please find: 1) the Communications Form; and 2) the Tagging Form. Based on the LA procedures, I am to provide this before pushing it up for Working Draft Review by the Program Counsel and Director.

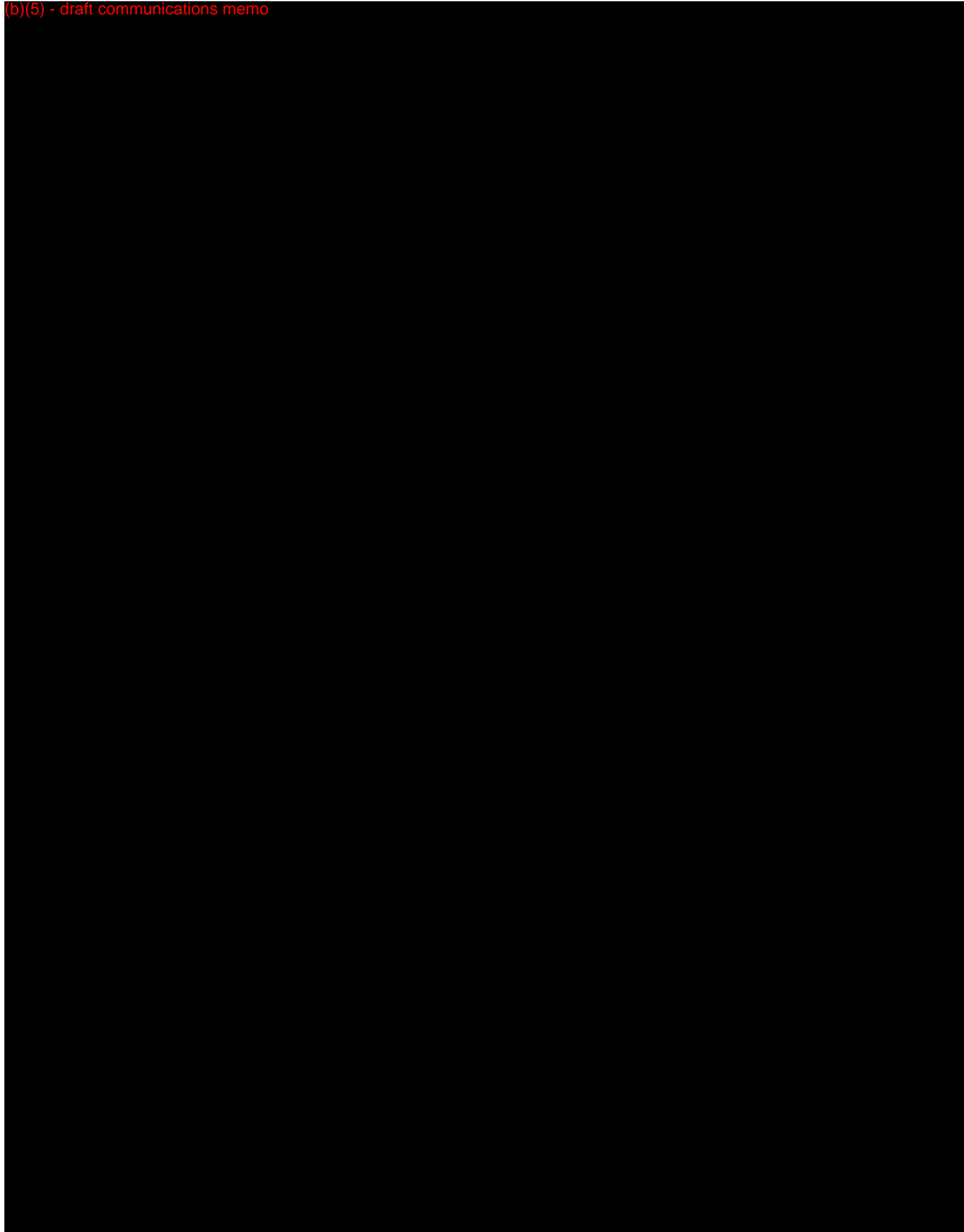
I was hoping to push this up sometime today, or Friday at the latest. However, I am sure you are quite busy, so if you need more time, please let me know, and let me know if you have any questions or would like to see the LA for your review (it is in the DGRAMS folder, Subpart B Amendments LA). Thank you in advance!

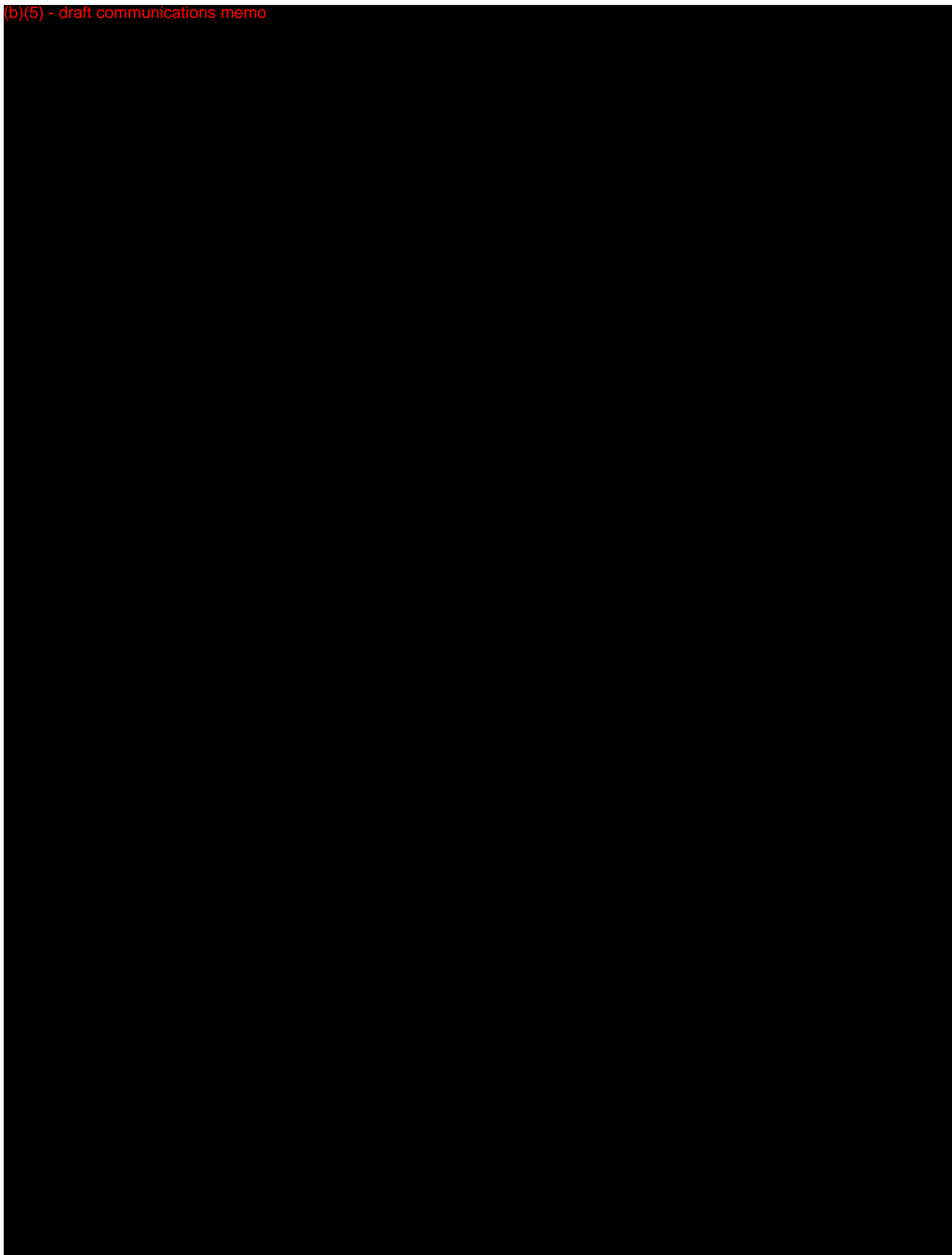
Best,

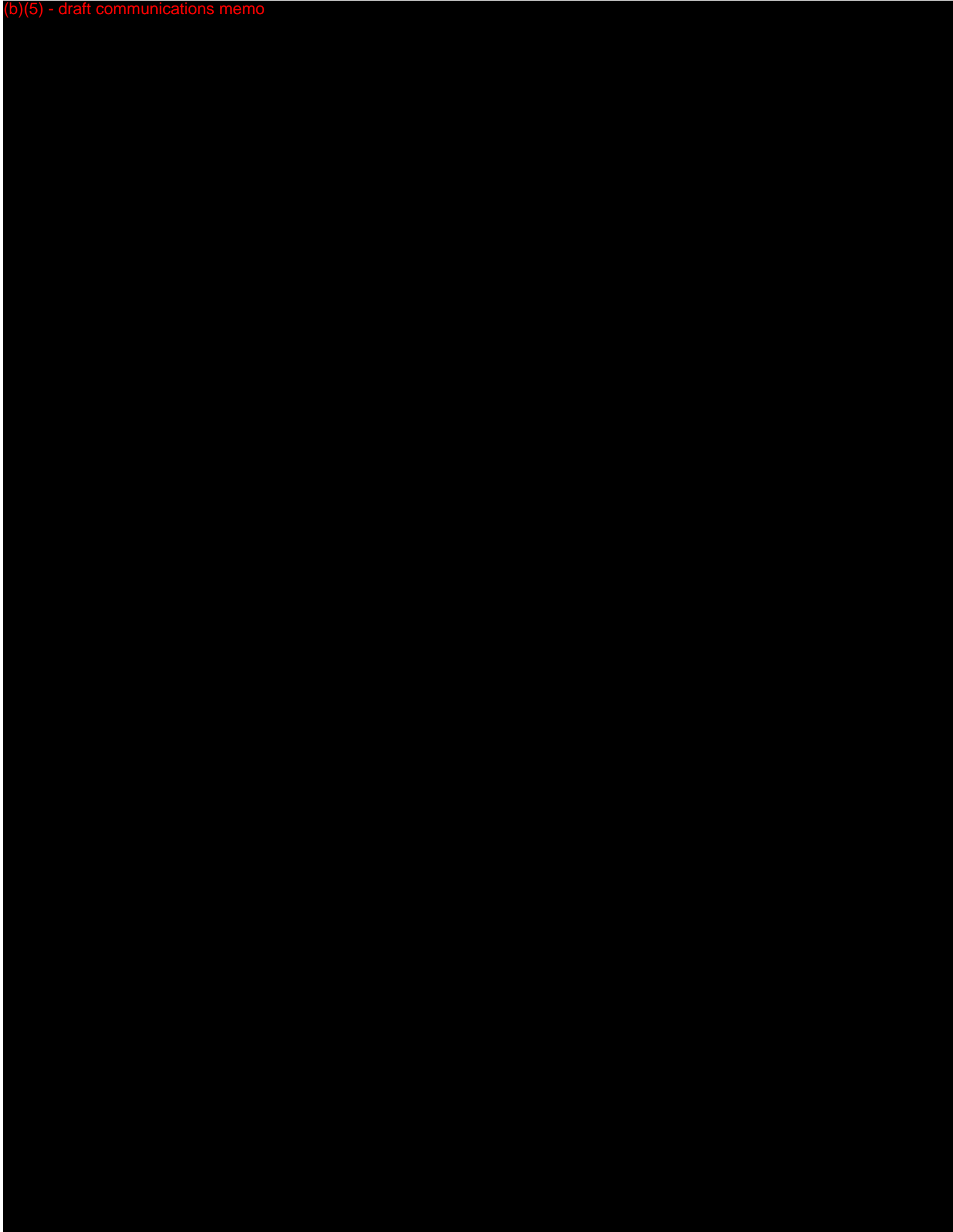
Leigh

Leigh Jason Francis  
Assistant Counsel  
General Counsel and Legal Policy Division  
U.S. Office of Government Ethics ([www.oge.gov](http://www.oge.gov))  
1201 New York Avenue, NW, Suite 500  
Washington, DC 20005  
[Leigh.Francis@oge.gov](mailto:Leigh.Francis@oge.gov)  
(202) 482-9313

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(b)(5) - draft communications memo





(b)(5) - draft communications memo



(b)(5) - draft communications memo



(b)(5) - draft communications memo



## Kelsey D. Phipps

---

**From:** Contact OGE  
**Sent:** Thursday, December 01, 2016 12:46 PM  
**To:** Vincent Salamone  
**Subject:** FW: [GRAYMAIL] Retraction?

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](mailto:kehli.cage@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics



---

**From:** Kenton Hyatt (b)(6)  
**Sent:** Thursday, December 01, 2016 11:33 AM  
**To:** Contact OGE  
**Subject:** [GRAYMAIL] Retraction?

Hello:

In the New York Times article, "Ethics Office Praises Donald Trump for a Move He Hasn't Committed To," by Michael D. Shear and Eric Liptonov, published Nov. 30, 2016, ([http://www.nytimes.com/2016/11/30/us/politics/donald-trump-business-president-elect.html?\\_r=0](http://www.nytimes.com/2016/11/30/us/politics/donald-trump-business-president-elect.html?_r=0)) the authors make clear that The Ethics Office acted with partiality in regard to the divestiture of business assets by Mr. Trump.

Clearly that is an ethical infringement on the part of the Ethics Office.

My first questions are straightforward and simple:

When will the retraction occur?

Where and how will the retraction occur?

What will be the disciplinary action for this ethical infringement be by the Ethics Office?

But the second question is more complicated:

What is the reasoning and justification for the impartial support you have shown to Mr. Trump?

Kenton Hyatt Ph.D.

Values Perspectives

## Kelsey D. Phipps

---

**From:** Contact OGE  
**Sent:** Thursday, December 01, 2016 10:40 AM  
**To:** Vincent Salamone  
**Subject:** FW: Media Query - Voice of America

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](mailto:kehli.cage@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
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---

**From:** Masood Farivar (b)(6) ]  
**Sent:** Thursday, December 01, 2016 10:12 AM  
**To:** Contact OGE  
**Subject:** Media Query - Voice of America

Hello,

I'm a reporter with Voice of America in Washington. For a story on President-elect Trump's business interests, I have a question about his most recent form 278e: What period does it cover? Is the income listed in the form for the calendar or fiscal year 2015 or another period?

Would greatly appreciate it if you could provide an answer in writing by 4pm today.

Thanks,



Masood Farivar

Voice of America

(b)(6)

## Kelsey D. Phipps

---

**From:** Contact OGE  
**Sent:** Thursday, December 01, 2016 12:34 PM  
**To:** Vincent Salamone  
**Subject:** FW: OGE // Medium

Kehli Cage  
Government Ethics Specialist  
U.S. Office of Government Ethics  
1201 New York Ave NW  
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Washington, D.C. 20005  
Ph: 202-482-9279  
[kehli.cage@oge.gov](mailto:kehli.cage@oge.gov)

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Follow OGE on Twitter: @OfficeGovEthics



**From:** Matt Higginson (b)(6)  
**Sent:** Thursday, December 01, 2016 12:21 PM  
**To:** Contact OGE; Seth Jaffe  
**Subject:** OGE // Medium

Hello Seth, et al,

I lead the government affairs team at [Medium](#) and was hoping to connect with you or someone from the communications or digital team. I imagine you may have been getting a flurry of messages since the agency's tweets yesterday.

Medium is a social publishing platform used by a number of government leaders and agencies including [POTUS](#), [VPOTUS](#), [The White House](#), [State](#), and many other departments, leaders, and Members of Congress.

[The Trump transition team is also using Medium](#) before they assume control over the White House Medium assets.

I wanted to see if you, Director Shaub, and/or another voice from OGE might be interested in using Medium to share more about how the agency recommends President-elect Trump proceed to avoid and ethical conflicts between his businesses and the presidency--or see if there is something else the office would like to communicate to the public.

I would be happy to help you and the agency understand on-platform best practices and we would be able to help promote anything you wanted to publish to help reach the widest audience possible. If any of this is interesting to you or the agency, I'm very willing to chat further at your convenience.

Cheers,  
Matt

--



(b)(6)

## Kelsey D. Phipps

---

**From:** Contact OGE  
**Sent:** Thursday, December 01, 2016 10:47 AM  
**To:** Vincent Salamone  
**Subject:** FW: OGE TWITTER COMMENTS RE TRUMP ALLEGED CONFLICTS

Kehli Cage  
Government Ethics Specialist  
U.S. Office of Government Ethics  
1201 New York Ave NW  
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Washington, D.C. 20005  
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Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics



---

**From:** Joe diGenova [(b)(6)]  
**Sent:** Thursday, December 01, 2016 10:06 AM  
**To:** Contact OGE  
**Subject:** OGE TWITTER COMMENTS RE TRUMP ALLEGED CONFLICTS

I am doing preparation for a legal commentary on this subject for Monday, December 5<sup>th</sup>, on WMAL RADIO and would like to discuss the process that was utilized to send out the OGE tweets on the above subject. I am looking for the process, who decided to do this, what is the historical precedent for such tweets, what other presidents-elect have received such tweets, etc. I am at [(b)(6)] Thank you for your assistance. Joseph E. diGenova

## Kelsey D. Phipps

---

**From:** Contact OGE  
**Sent:** Thursday, December 01, 2016 2:12 PM  
**To:** Vincent Salamone  
**Subject:** FW: Question for media liaison

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](mailto:kehli.cage@oge.gov)

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Follow OGE on Twitter: @OfficeGovEthics



**From:** Harris, Shane [(b)(6)]  
**Sent:** Thursday, December 01, 2016 2:07 PM  
**To:** Contact OGE  
**Subject:** Question for media liaison

Hi. I'm a senior writer at The Wall Street Journal. Can you tell me when you expect financial disclosure forms and other ethics documents to be available for President-Elect Trump's nominees? I'm specifically interested in the following individuals and how to obtain the documents they're required to file:

Mike Flynn (national security adviser)  
KT McFarland (deputy national security adviser)  
Mike Pompeo (CIA director)  
Jeff Sessions (Attorney General)

I'd also be interested in getting the same forms for other positions as they become available.

Thanks!

Shane

--

Shane Harris  
senior writer/national security



(b)  
(6)



## Kelsey D. Phipps

---

**From:** Kehli Cage  
**Sent:** Thursday, December 01, 2016 1:04 PM  
**To:** Bernadette Tolson  
**Subject:** FYI

<http://www.nytimes.com/2016/11/30/us/politics/donald-trump-business-president-elect.html? r=1>

Kehli Cage  
Government Ethics Specialist  
U.S. Office of Government Ethics  
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## Kelsey D. Phipps

---

**From:** Rachel K. Dowell  
**Sent:** Thursday, December 01, 2016 2:49 PM  
**To:** Walter M. Shaub; Elizabeth D. Horton  
**Subject:** RE: FOIA 17-010 and FOIA 17-011

(b)(5)

Courts have opined that a cut-off date that is based on the date of the search “results in a much fuller search and disclosure” than a less inclusive cut-off date, such as one based on the date of the request or its receipt by the agency. However, “agencies may choose not to use a ‘date-of-search cut-off’ if specific circumstances warrant.”

---

**From:** Walter M. Shaub  
**Sent:** Thursday, December 01, 2016 2:02 PM  
**To:** Elizabeth D. Horton  
**Cc:** Rachel K. Dowell  
**Subject:** RE: FOIA 17-010 and FOIA 17-011

[Oops used Rachel's WH address](#)

---

**From:** Walter M. Shaub  
**Sent:** Thursday, December 01, 2016 1:58 PM  
**To:** Elizabeth D. Horton  
**Cc:** 'Dowell, Rachel'  
**Subject:** RE: FOIA 17-010 and FOIA 17-011

[I thought the end date was normally the date of the request.](#)

---

**From:** Elizabeth D. Horton  
**Sent:** Wednesday, November 30, 2016 7:55 AM  
**To:** Walter M. Shaub  
**Subject:** RE: FOIA 17-010 and FOIA 17-011

[Good morning Walt.](#)

[The requests ask for all emails to the present so the end date would be the date that you conduct the search. Please let me know if you have any further questions. Thank you.](#)

---

**From:** Walter M. Shaub  
**Sent:** Tuesday, November 29, 2016 3:05 PM  
**To:** Elizabeth D. Horton  
**Subject:** RE: FOIA 17-010 and FOIA 17-011

[What is the ending date of the period covered?](#)

---

**From:** Elizabeth D. Horton  
**Sent:** Monday, November 21, 2016 8:10 AM  
**To:** Walter M. Shaub; David J. Apol  
**Subject:** FW: FOIA 17-010 and FOIA 17-011



Good morning Walt and Dave.

This is a gentle reminder to provide responsive documents or indicate that you do not have any responsive documents for these FOIA requests. I have already received the legislative update emails from others, so you do not need to provide those but please provide any other responsive documents.

Please let me know if you have any questions. Thank you.

---

**From:** Elizabeth D. Horton  
**Sent:** Wednesday, November 16, 2016 11:13 AM  
**To:** Walter M. Shaub; Matthew A. Marinec; David J. Apol; Seth Jaffe; Diana Veilleux; Dale A. Christopher  
**Subject:** FW: FOIA 17-010 and FOIA 17-011

I have spoken with the requester and he wishes to receive all emails including news summaries. Please provide all emails from January to the present. Thank you.

---

**From:** Elizabeth D. Horton  
**Sent:** Wednesday, November 16, 2016 8:47 AM  
**To:** Walter M. Shaub; Matthew A. Marinec; David J. Apol; Seth Jaffe; Diana Veilleux; Dale A. Christopher  
**Subject:** FW: FOIA 17-010 and FOIA 17-011

Good morning.

One of the requesters is seeking all emails from January 2016 through the present and the other requester is seeking all emails sent on November 8, 9 and 10, 2016. I have contacted the requester seeking the emails from January to see if he is willing to exclude emails regarding news summaries (i.e., leg updates).

In the meantime, please forward all emails from November 8, 9, and 10 (including leg updates) and any other emails besides leg updates from January to the present and I will let you know whether or not the requester has agreed to limit his request.

If you have any questions, please let me know. Thank you.

---

**From:** Elizabeth D. Horton  
**Sent:** Tuesday, November 15, 2016 5:15 PM  
**To:** Walter M. Shaub; Matthew A. Marinec; Dale A. Christopher; David J. Apol; Seth Jaffe; Diana Veilleux  
**Subject:** FOIA 17-010 and FOIA 17-011

Good afternoon.

OGE received two FOIA requests for all emails to, from or carbon copying "Walter Shaub, Matthew Marinec, Dale A. Christopher, Barbara A. Mullen-Roth, David J. Apol, Seth Jaffe, Diana Veilleux that contain the word 'TRUMP'" from January 2016 to the present.

Please search your email accounts for any records responsive to these requests and provide any responsive records by COB November 21, 2016.

If you do not have any responsive records, please reply with a "no records" response.

Please let me know if you have any questions. Thank you.

*Lix*

Elizabeth D. Horton  
Assistant Counsel, Legal, External Affairs and Performance Branch  
Program Counsel Division  
U.S. Office of Government Ethics  
(202) 482-9211  
[Elizabeth.Horton@oge.gov](mailto:Elizabeth.Horton@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics

**From:** [Wendy G. Pond](#)  
**To:** [David J. Apol](#); [Vincent Salamone](#)  
**Subject:** RE: link  
**Date:** Thursday, December 01, 2016 2:31:31 PM

---

Correct link:

<https://www2.oge.gov/Web/OGE.nsf/Resources/Third-Party+Website+Privacy+Statement+-+Social+Media>

---

**From:** Wendy G. Pond  
**Sent:** Thursday, December 01, 2016 2:24 PM  
**To:** David J. Apol <djapol@oge.gov>; Vincent Salamone <vjsalamo@oge.gov>  
**Subject:** link

<https://intpriaps02.oge.gov/Web/OGE.nsf/Resources/Third-Party+Website+Privacy+Statement+-+Social+Media>

**From:** [Tracey Ligon](#)  
**To:** [Wendy G. Pond](#)  
**Subject:** RE: Twitter  
**Date:** Thursday, December 01, 2016 10:14:20 AM

---

Thanks, Wendy.

---

Tracey L. Ligon  
Attorney and Deputy Ethics Official  
Federal Election Commission  
999 E. Street, NW  
Washington, DC 20463  
(b)(6)

**From:** Wendy G. Pond [mailto:wgpond@oge.gov]  
**Sent:** Wednesday, November 30, 2016 4:31 PM  
**To:** Tracey Ligon (b)(6)  
**Cc:** Leigh J. Francis <ljfranci@oge.gov>  
**Subject:** Twitter

Hi Tracey –

Thanks for your voicemail. If your press officer wants, s/he can talk to the person at OGE who's handling our press inquiries on this issue. His name is Leigh Francis, [ljfranci@oge.gov](mailto:ljfranci@oge.gov), 202-482-9313.

Best,

Wendy

Wendy Pond

Senior Desk Officer &

International Assistance and Outreach Team Lead

US Office of Government Ethics

202-482-9285

[wgpond@oge.gov](mailto:wgpond@oge.gov)

*Follow OGE on Twitter @OfficeGovEthics*

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Dear office of Government

BOSTON MA 021

Please do all you can to  
enforce ethics laws and  
practices ~~that~~ by holding  
P.E. Trump accountable!  
We encourage you as you  
work to seek a

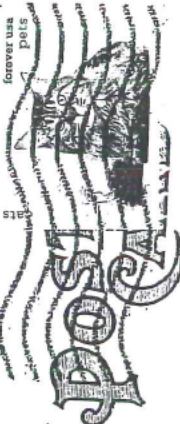
CERTIFICATE OF DIVESTITURE

from P.E. Trump

(b)(6)

Alexander Hamilton, Founding Father

An illegitimate child born and orphaned in the West Indies, Alexander Hamilton managed to make his way to New York and enrolled at Columbia University on the eve of the American Revolution. By age 20, he was Chief of Staff to General George Washington. Appointed the first Secretary of the Treasury, he solidified federal fiscal powers, laying the groundwork for an industrial economy. The emergence of Wall Street as a financial capital was shaped largely by his actions. He also established the Bank of New York and New York Post, both still in operation today. Ahead of his time and loathed by many of his peers, most especially Thomas Jefferson, Hamilton was shot and killed during a duel with the nut-job Aaron Burr, his nemesis in New York politics, in Weehawken, New Jersey, 1804.



TO U.S. Office of  
Government Ethics  
1201 New York Ave.  
Suite 500  
Washington DC  
20005

Kittiwake Postcard



8 37654 01179 9

ART BY JENNIFER HOWLAND HILL  
© KITTIWAKE CARD COMPANY

Postcard Number: K11-Ham-1804

WWW.KITTIWAKECARDS.COM





(b)(6)

December 2, 2016

U.S. Office of Government Ethics  
1201 New York Avenue, N.W., Suite 500  
Washington, DC 20005

To whom it may concern:

I am a citizen from Massachusetts. I am writing because I am concerned about the President-elect's conflicts of interest from his business. I am also concerned that your office sent out a tweet storm Wednesday congratulating the President-elect on his announcement that he will leave his business. His commitment to leave his business is vague. It is likely that he will retain a financial interest in his business, and that his children will be running his business. That does not constitute a blind trust. I hope that the Office of Government Ethics intends to more diligently ensure that the President-elect is not subject to conflicts of interest.

Thank you for your time.

(b)(6)



2016 DEC -6 AM 11:00

(b)(6)



November 26, 2016

To whom it may concern:

U.S. Office of Government Ethics  
1201 New York Avenue, N.W. Suite 500  
Washington, DC 20005

I am deeply concerned about Donald Trump's conflicts of interest and nepotism.

He has already used his President Elect status to lure dignitaries from all over the world to his new Hotel in Washington DC, to garner favors from Argentina for his Buenos Aires project on a phone call with Ivanka, met with partners in India, met with Japan's Prime minister with Ivanka, sought to strong-arm the British government to appoint his Brexit ally, Nigel Farage, as ambassador to the United States, encouraged Mr. Farage and his entourage to oppose the kind of offshore wind farms that Mr. Trump believes will mar the pristine view from one of his two Scottish golf courses, his son attended meetings with Syria and Russia, he has scolded and berated and tried to silence the news media, please protect our first amendment rights.

All this screams conflict of interest and nepotism.

First and foremost Trump needs to decide if he wants to run his businesses or run the government.

If he wants to run the government he needs to accept and adhere to the recommendations and guidelines to place his businesses in a blind trust (not with his children) and accept and adhere to the laws and guidelines in regard to nepotism.

Donald Trump thinks that he is above all the laws, rules and regulations.

I am depending on your department to let Donald Trump know that he must adhere to these rules, regulations, recommendations and laws or he needs to step down.

Additionally, I would like to know the status of the investigations into his ties with Russia and the misappropriations of his foundation funds.

Thank you.

(b)(6)



## Kelsey D. Phipps

---

**From:** Contact OGE  
**Sent:** Friday, December 02, 2016 1:00 PM  
**To:** Vincent Salamone  
**Subject:** FW: Puzder/DOL

Kehli Cage  
Government Ethics Specialist  
U.S. Office of Government Ethics  
1201 New York Ave NW  
Suite #500  
Washington, D.C. 20005  
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Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics



---

**From:** Penn, Ben (b)(6)  
**Sent:** Friday, December 02, 2016 12:39 PM  
**To:** Contact OGE  
**Subject:** Puzder/DOL

Hi Vincent,

I'm a reporter covering the Labor Department a newbie to government ethics law. Any way you or somebody else at OGE could help me this afternoon for an article on potential Trump labor secretary Andrew Puzder and whether DOL investigations of his restaurants pose a conflict of interests if he's appointed?

Thanks.

Ben Penn

Reporter, Daily Labor Report

**Bloomberg BNA**

Office: (703) 341-3978

Cell: (b)(6)

[bpenn@bna.com](mailto:bpenn@bna.com)

## Kelsey D. Phipps

---

**From:** Contact OGE  
**Sent:** Friday, December 02, 2016 9:56 AM  
**To:** Vincent Salamone  
**Subject:** FW: Question from Newsweek/IB Times about General Mattis stock portfolio

Kehli Cage  
Government Ethics Specialist  
U.S. Office of Government Ethics  
1201 New York Ave NW  
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[kehli.cage@oge.gov](mailto:kehli.cage@oge.gov)

Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics



**From:** Avi Asher-Schapiro (b)(6)  
**Sent:** Friday, December 02, 2016 12:25 AM  
**To:** Contact OGE  
**Cc:** Seth Jaffe  
**Subject:** Question from Newsweek/IB Times about General Mattis stock portfolio

Hi Vincent,

I hope this finds you well. President-elect Trump announced his plans to appoint General Mattis to be Secretary of Defense. Public records indicate he [owns](#) over \$700,000 in General Dynamics stocks—one of the Pentagon's largest contractors.

I am wondering if he will be required to divest from those holdings, given the conflicts definition outlined in 18 U.S.C. § 208(a).

Thank you,

Avi

--

Avi Asher-Schapiro | **Politics Reporter**

(b)(6)

**From:** [David J. Apol](#)  
**To:** [Elizabeth D. Horton](#)  
**Subject:** FW: Donald Trump cabinet list - New White House administration - Washington Post  
**Date:** Friday, December 02, 2016 10:55:11 AM

---

-----Original Message-----

From: David J. Apol  
Sent: Thursday, November 17, 2016 1:43 PM  
To: Ty Cooper  
Subject: Donald Trump cabinet list - New White House administration - Washington Post

<https://www.washingtonpost.com/graphics/politics/trump-administration-appointee-tracker/>

**From:** [David J. Apol](#)  
**To:** [Elizabeth D. Horton](#)  
**Subject:** FW: Donald Trump Can Legally Run His Company From the Oval Office - The Daily Beast  
**Date:** Friday, December 02, 2016 10:52:45 AM

---

-----Original Message-----

From: Vincent Salamone  
Sent: Wednesday, September 21, 2016 11:39 AM  
To: David J. Apol  
Subject: Donald Trump Can Legally Run His Company From the Oval Office - The Daily Beast

Daily Beast Story:

<http://www.thedailybeast.com/articles/2016/09/21/donald-trump-can-legally-run-his-company-from-the-oval-office.html>

Vince

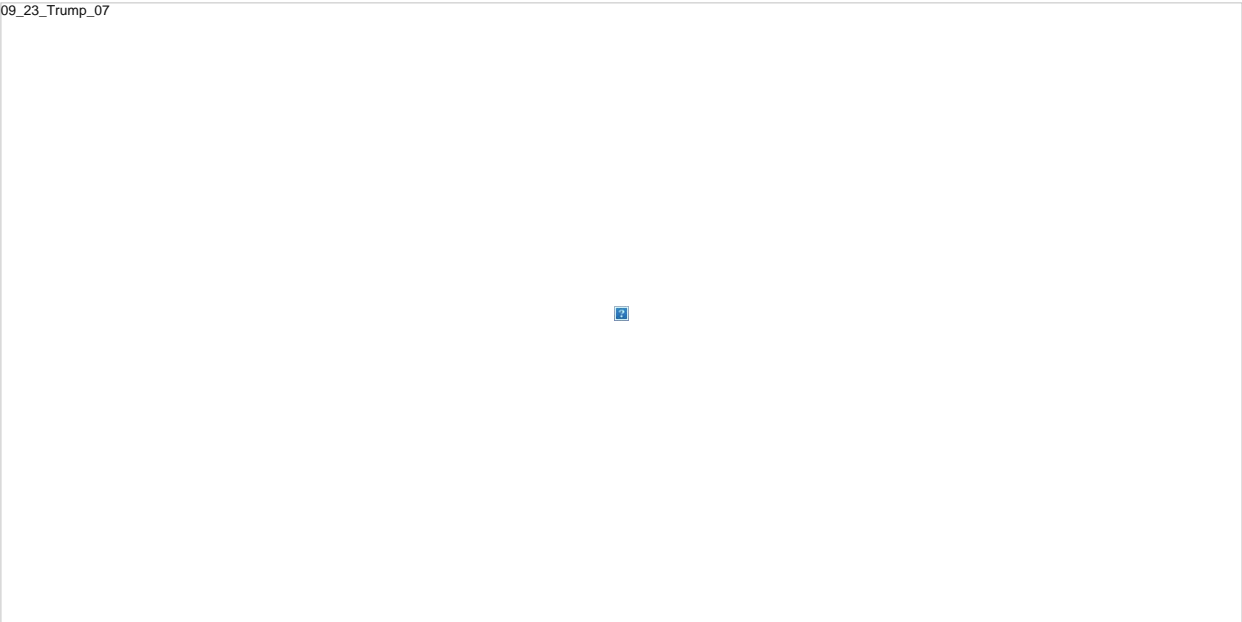


From: [David J. Apol](#)  
To: [Elizabeth D. Horton](#)  
Subject: FW: Email ng: How the Trump Organization's Foreign Business Ties Could Upend U.S. National Security.htm  
Date: Friday, December 02, 2016 10:53:01 AM  
Attachments: [image001.jpg](#)  
[image002.jpg](#)  
[image003.jpg](#)  
[image004.jpg](#)  
[image005.jpg](#)  
[image006.jpg](#)  
[image007.jpg](#)

From: Vincent Salamone  
Sent: Wednesday, September 21, 2016 11:36 AM  
To: David J. Apol  
Subject: Email ng: How the Trump Organization's Foreign Business Ties Could Upend U.S. National Security.htm  
**SEPTEMBER 23**

# HOW THE TRUMP ORGANIZATION'S FOREIGN BUSINESS TIES COULD UPEND U.S. NATIONAL SECURITY

BY **KURT EICHENWALD** ON 9/14/16 AT 5:30 AM  
09\_23\_Trump\_07



09/23/16

COVER STORY

Trump's global deals would make it impossible for him to conduct foreign policy in many countries without padding or depleting his wallet. Gabe Souza/Portland Press Herald/Getty

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U.S.

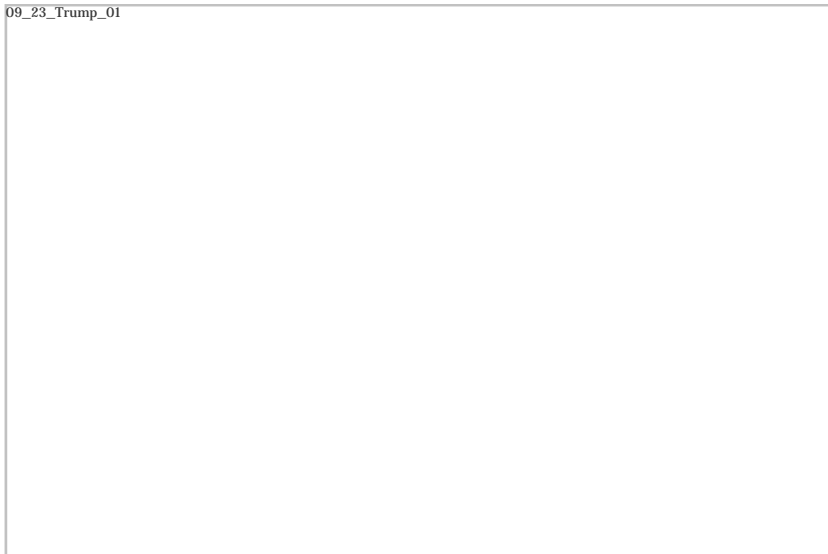
CLOSE

*Updated |* If Donald Trump is elected president, will he and his family permanently sever all connections to the Trump Organization, a sprawling business empire that has spread a secretive financial web across the world? Or will Trump instead choose to be the most conflicted president in American history, one whose business interests will constantly jeopardize the security of the United States?

Throughout this campaign, the Trump Organization, which pumps potentially hundreds of millions of dollars into the Trump family's bank accounts each year, has been largely ignored. As a private enterprise, its businesses, partners and investors are hidden from public view, even though they are the very people who could be enriched by—or will further enrich—Trump and his family if he wins the presidency.

Try Newsweek for only **\$1.25 per week**

A close examination by *Newsweek* of the Trump Organization, including confidential interviews with business executives and some of its international partners, reveals an enterprise with deep ties to global financiers, foreign politicians and even criminals, although there is no evidence the Trump Organization has engaged in any illegal activities. It also reveals a web of contractual entanglements that could not be just canceled. If Trump moves into the White House and his family continues to receive any benefit from the company, during or even after his presidency, almost every foreign policy decision he makes will raise serious conflicts of interest and ethical quagmires.



Donald Trump waves during a campaign event in Albany, New

York, April 11, 2016. John Taggart/Bloomberg/Getty

### The Mumbai Shuffle

The Trump Organization is not like the Bill, Hillary & Chelsea Clinton Foundation, the charitable enterprise that has been the subject of intense scrutiny about possible conflicts for the Democratic presidential nominee. There are allegations that Hillary Clinton bestowed benefits on contributors to the foundation in some sort of “pay to play” scandal when she was secretary of state, but that makes no sense because there was no “pay.” Money contributed to the foundation was publicly disclosed and went to charitable efforts, such as fighting neglected tropical diseases that infect as many as a billion people. The financials audited by PricewaterhouseCoopers, the global independent accounting company, and the foundation’s tax filings show that about 90 percent of the money it raised went to its charitable programs. (Trump surrogates have falsely claimed that it was only 10 percent and that the rest was used as a Clinton “slush fund.”) No member of the Clinton family received any cash from the foundation, nor did it finance any political campaigns. In fact, like the Clintons, almost the entire board of directors works for free.

On the other hand, the Trump family rakes in untold millions of dollars from the Trump Organization every year. Much of that comes from deals with international financiers and developers, many of whom have been tied to controversial and even illegal activities. None of Trump’s overseas contractual business relationships examined by *Newsweek* were revealed in his campaign’s financial filings with the Federal Election Commission, nor was the amount paid to him by his foreign partners. (The Trump campaign did not respond to a request for the names of all foreign entities in partnership or contractually tied to the Trump Organization.) Trump’s financial filings also indicate he is a shareholder or beneficiary of several overseas entities, including Excel Venture LLC in the French West Indies and Caribusiness Investments SRL, based in the Dominican Republic, one of the world’s tax havens.

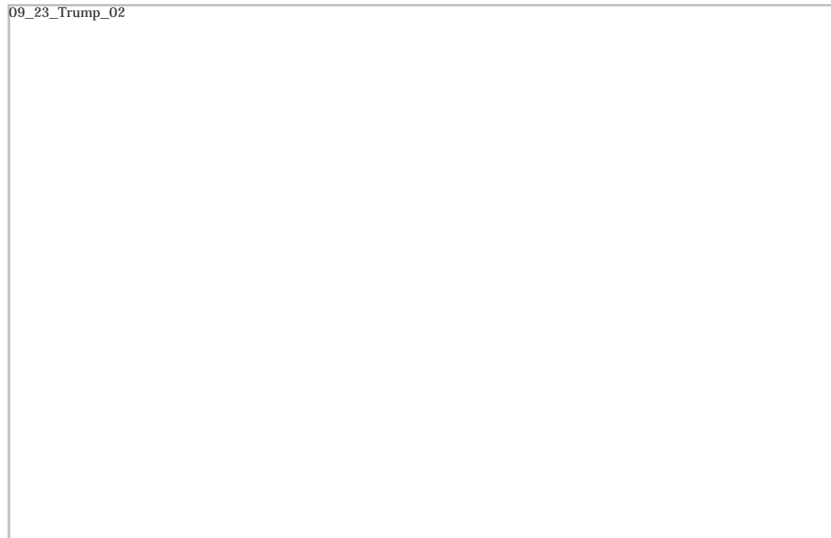
Trump’s business conflicts with America’s national security interests cannot be resolved so long as he or any member of his family maintains a financial interest in the Trump Organization during a Trump administration, or even if they leave open the possibility of returning to the company later. The Trump Organization cannot be placed into a blind trust, an arrangement used by many politicians to prevent them from knowing their financial interests; the Trump family is already aware of who their overseas partners are and could easily learn about any new ones.

Many foreign governments retain close ties to and even control of companies in their country, including several that already are partnered with the Trump Organization. Any government wanting to seek future influence with President Trump could do so by arranging for a partnership with the Trump Organization, feeding money directly to the family or simply stashing it away inside the company for their use once Trump is out of the White House. This is why, without a permanent departure of the entire Trump family from their company, the prospect of legal bribery by overseas powers seeking to influence American foreign policy, either through existing or future partnerships, will remain a reality throughout a Trump presidency.

Moreover, the identity of every partner cannot be discovered if Trump reverses course and decided to release his taxes. The partnerships are struck with some of the more than 500 entities disclosed in Trump’s financial disclosure forms; each of those entities has its own records that would have to be revealed for a full accounting of all of Trump’s foreign entanglements to be made public.

The problem of overseas conflicts emerges from the nature of Trump’s business in recent years. Much of the public believes Trump is a hugely successful developer, a television personality and a failed casino operator. But his primary business deals for almost a decade have been a quite different endeavor. The GOP nominee is essentially a licensor who leverages his celebrity into streams of cash from partners from all over the world. The business model for Trump’s company started to change around 2007, after he became the star of NBC’s *The Apprentice*, which boosted his national and international fame. Rather than constructing Trump’s own hotels, office towers and other buildings, much of his business involved striking deals with overseas developers who pay his company for the right to slap his name on their buildings. (The last building constructed by Trump with his name on it is the Trump-SoHo hotel and condominium project, completed in 2007.)

In public statements, Trump and his son Donald Trump Jr. have celebrated their company’s international branding business and announced their intentions to expand it. “The opportunities for growth are endless, and I look forward to building upon the tremendous success we have enjoyed,” Donald Trump Jr. said in 2013. Trump Jr. has cited prospects in Russia, Ukraine, Vietnam, Thailand, Argentina and other countries.



Trump and his many family members receive millions each year from the Trump Organization, which gets most of its profits from a complex web of licensing deals all over the globe. Dennis Van Tine/ABACAUSA/Newscom

The idea of selling the Trump brand name to overseas developers emerged as a small piece of the company's business in the late 1990s. At that time, two executives from Daewoo Engineering and Construction met with Trump at his Manhattan offices to propose paying him for the right to use his name on a new complex under development, according to former executives from the South Korean company. Daewoo had already worked with the Trump Organization to build the Trump World Tower, which is close to the Manhattan headquarters of the United Nations. The former Daewoo executives said Trump was at first skeptical, but in 1999 construction began on the South Korean version of Trump World, six condominium properties in Seoul and two neighboring cities. According to the two former executives, the Trump Organization received an annual fee of approximately \$8 million a year.

Shortly after the deal was signed, the parent company of Daewoo Engineering and Construction, the Daewoo Group, collapsed into bankruptcy amid allegations of what proved to be a \$43 billion accounting fraud. The chairman of the Daewoo Group, Kim Woo Choong, fled to North Korea; he returned in 2005, was arrested and convicted of embezzlement and sentenced to 10 years in prison. According to the two former Daewoo executives, a reorganization of Daewoo after its bankruptcy required revisions in the Trump contract, but the Trump Organization still remains allied with Daewoo Engineering and Construction.

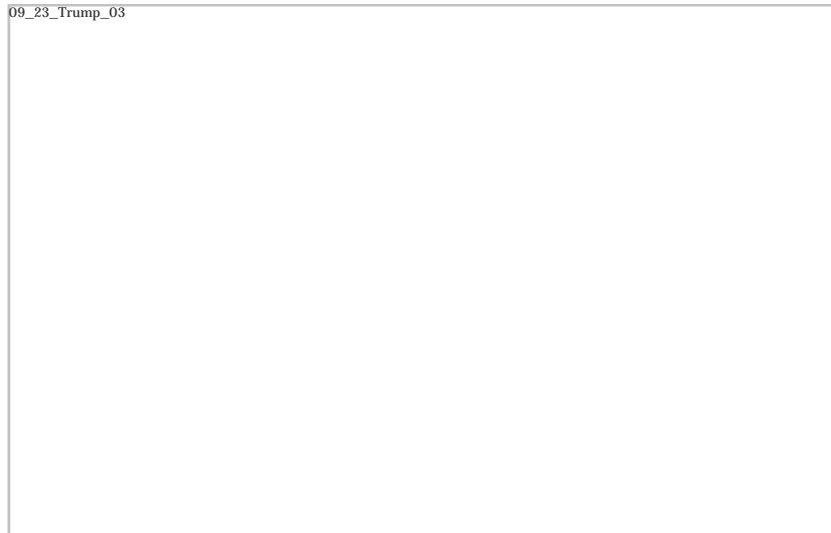
This relationship puts Trump's foreign policies in conflict with his financial interests. Earlier this year, he said South Korea should plan to shoulder its own military defense rather than relying on the United States, including the development of nuclear weapons. (He later denied making that statement, which was video-recorded.) One of the primary South Korean companies involved in nuclear energy, a key component in weapons development, is Trump's partner—Daewoo Engineering and Construction. It would potentially get an economic windfall if the United States adopted policies advocated by Trump.

In India, the conflicts between the interests of the Trump Organization and American foreign policy are starker. Trump signed an agreement in 2011 with an Indian property developer called Rohan Lifescapes that wanted to construct a 65-story building with his name on it. Leading the talks for Rohan was Kalpesh Mehta, a director of the company who would later become the exclusive representative of Trump's businesses in India. However, government regulatory hurdles soon impeded the project. According to a former Trump official who spoke on condition of anonymity, Donald Trump Jr. flew to India to plead with Prithviraj Chavan, chief minister of Maharashtra, a state in Western India, asking that he remove the hurdles, but the powerful politician refused to make an exception for the Trump Organization. It would be extremely difficult for a foreign politician to make that call if he were speaking to the son of the president of the United States.

The Mumbai deal with Rohan fell apart in 2013, but a new branding deal (Trump Tower Mumbai) was struck with the Lodha Group, a major Indian developer. By that time, Trump had an Indian project underway in the city of Pune with a large developer called Panchshil Realty that agreed to pay millions for use of the Trump brand on two 22-floor towers. His new partner, Atul Chordia of Panchshil, appeared awed in public statements about his association with the famous Trump name and feted Trump with a special dinner attended by actors, industrialists, socialites and even a former Miss Universe.

Last month, scandal erupted over the development, called Trump Towers Pune, after the state government and local police started looking into discrepancies in the land records suggesting that the land on which the building was constructed may not have been legally obtained by Panchshil. The Indian company says no rules or laws were broken, but if government officials conclude otherwise, the project's future will be in jeopardy—and create a problem that Indian politicians eager to please an American president might have to resolve.

Through the Pune deal, the Trump Organization has developed close ties to India's Nationalist Congress Party—a centrist political organization that stands for democratic secularism and is led by Sharad Pawar, an ally of the Chordia family that owns Panchshil—but that would be of little help in this investigation. Political power in India rests largely with the ruling Hindu nationalist Bharatiya Janata Party (BJP) and the Indian National Congress, a secular nationalist party that led controlled the central government for nearly 50 years. (However, Trump is very popular with the Hindu Sena, a far-right radical nationalist group that sees his anti-Muslim stance as a sign he would take an aggressive stand against Pakistan. When Trump turned 70 in June, members of that organization threw a birthday party for the man they called "the savior of humanity.")



A billboard for the luxury residential apartment complex Trump Tower Mumbai tries to lure in buyers by using the Trump name. Trump's company hopes to invest aggressively in India, and critics wonder if an investigation into one of his major developments there will be dropped if he's elected. INDRANIL MUKHERJEE/AFP/Getty

Even as Trump was on the campaign trail, the Trump Organization struck another deal in India that drew the Republican nominee closer to another political group there. In April, the company inked an agreement with Ireo, a private real estate equity business based in the Indian city of Gurgaon. The company, which has more than 500 investors in the fund that will be paying the Trump Organization, is headed by Madhukar Tulsi, a prominent real estate executive in India. In 2010, Tulsi's home and the offices of Ireo were raided as part of a sweeping corruption inquiry related to the 2010 Commonwealth Games held in New Delhi. According to one Indian business executive, government investigators believed that Ireo had close ties with a prominent Indian politician—Sudhanashu Mittal, then a senior member of the BJP—who was suspected in playing a role in rerouting money earned from Commonwealth Games contracts through tax havens into Ireo's real estate projects. A senior official with Ireo, Tulsi is a relative of Mittal's. No charges were ever brought in the case, but the investigation did reveal the close political ties between a prominent Indian political party and a company that is now a Trump partner.

No doubt, few Indian political groups hoping to establish close ties to a possible future American president could have missed the recent statements from the Trump family that its company wanted to do more deals in their country. As the Republican National Convention was about to get underway in July, the Trump Organization declared it was planning a massive expansion in the South Asian country. "We are very bullish on India and plan to build a pan-India development footprint for Trump-branded residential and office projects," Donald Trump Jr. told the *Hindustan Times*. "We have a very aggressive pipeline in the north and east, and look forward to the announcement of several exciting new projects in the months ahead."

That is a chilling example of the many looming conflicts of interest in a Trump presidency. If he plays tough with India, will the government assume it has to clear the way for projects in that "aggressive pipeline" and kill the investigations involving Trump's Pune partners? And if Trump takes a hard line with Pakistan, will it be for America's strategic interests or to appease Indian government officials who might jeopardize his profits from Trump Towers Pune?

#### Branding Wars in the Middle East

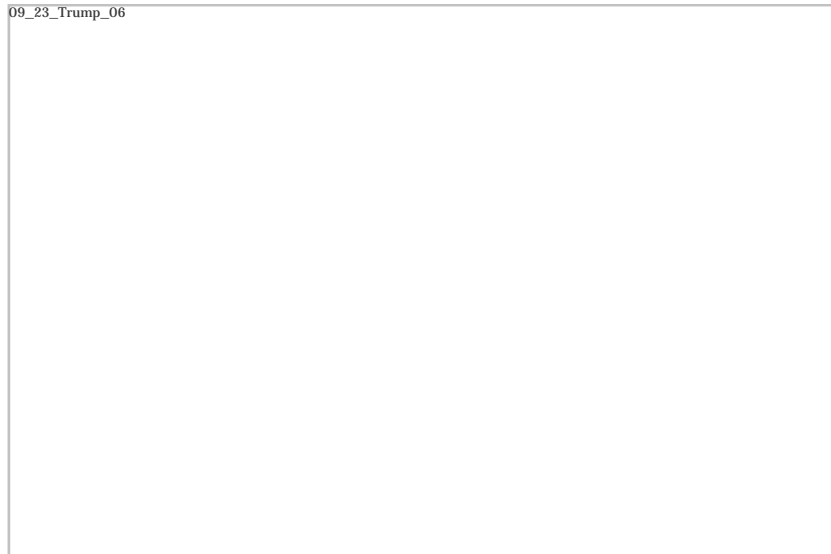
Trump already has financial conflicts in much of the Islamic world, a problem made worse by his anti-Muslim rhetoric and his impulsive decisions during this campaign. One of his most troubling entanglements is in Turkey. In 2008, the Trump Organization struck a branding deal with the Dogan Group, named for its owners, one of the most politically influential families in Turkey. Trump and Dogan first agreed that the Turkish company would pay a fee to put the Trump name on two towers in Istanbul.

When the complex opened in 2012, Trump attended the ribbon-cutting and declared his interest in more collaborations with Turkish businesses and in making significant investments there. In a sign of the political clout of the Dogan family, Turkish President Recep Tayyip Erdogan met with Trump and even presided over the opening ceremonies for the Trump-branded property. (Erdogan attended even though a newspaper the Dogan's own, called *Hurriyet*, is one of the few media outlets in the country that publishes articles criticizing a government that is renowned for clamping down on journalistic freedom.)

The influence that allowed for the Dogans to attract Erdogan to the ceremonies has collapsed, and once again, a Trump partner became caught up in allegations of criminal activities. In March of this year, an Istanbul court accepted an indictment of Aydin Dogan, chairman of the Dogan Group, on charges he engaged in a fuel smuggling. Aydin Dogan has proclaimed his innocence, and critics of the action have proclaimed that the indictment was a politically motivated attempt to crush the company that has served as a journalistic opponent of the government.

Erdogan also struck at the family's business partner, Trump, for his anti-Muslim rhetoric. In June, Erdogan called for the Trump name to be removed from the complex in Istanbul and said presiding over its dedication had been a mistake. Still, that would leave a President Trump in a conflict Dogan is his business partner, Erdogan is an essential American ally, and they both now are set against each other. Trump might have to choose whether to ignore his partner's plight or to pressure Erdogan for his own financial benefit.

This is no minor skirmish American-Turkish relations are one of the most important national security issues for the United States. Turkey is among the few Muslim countries allied with America in the fight against the Islamic State militant group; it carries even greater importance because it is a Sunni-majority nation aiding the U.S. military against the Sunni extremists. Turkey has allowed the U.S. Air Force to use a base as a major staging area for bombing and surveillance missions against ISIS. A Trump presidency, according to the Arab financier in direct contact with senior Turkish officials, would place that cooperation at risk, particularly since Erdogan, who is said to despise Trump, has grasped more power following a thwarted coup d'état in July.



Trump tried to get into Dubai, but his deal with Nakheel LLC, run

by Ali Rashid Lootah, in white, to build a tulip-shaped hotel died on the vine. Subhash Sharma/Polaris/Newscom

In other words, Trump would be in direct financial and political conflict with Turkey from the moment he was sworn into office. Once again, all his dealings with Turkey would be suspect. Would Trump act in the interests of the United States or his wallet? When faced with the prospect of losing the millions of dollars that flow into the Trump Organization each year from that Istanbul property, what position would President Trump take on the important issues involving Turkish-American relations, including that country's role in the fight against ISIS?

Another conundrum. Turkey is at war with the Kurds, America's allies in the fight against ISIS in Syria. Kurdish insurgent groups are in armed conflict with Turkey, demanding an independent Kurdistan. If Turkey cuts off the Trump Organization's cash flow from Istanbul, will Trump, who has shown many times how petty and impulsive he can be, allow that to influence how the U.S. juggles the interests of these two critical allies?

Similar disturbing problems exist with the United Arab Emirates (UAE), another Muslim nation that is an important American ally. Trump has pursued business opportunities in the oil-rich nation for years, with mixed success. His first venture was in 2005, when the Trump Organization struck a branding deal with a top Emirates developer called Nakheel LLC, backed by Dubai's royal family, that planned to build a tulip-shaped hotel on a man-made island designed to look like a palm tree.

In 2008, a bribery and corruption probe was launched involving the company's multibillion-dollar Dubai Waterfront project. Two Nakheel executives were charged with fraud and cleared, but Nakheel's financial condition deteriorated amid a collapse in real estate prices; the Trump project was delayed and then canceled.

So, in 2013, the Trump Organization struck another branding deal, this time with Nakheel's archrival, Damac Properties, a division of the Damac Group, that wanted the Trump name on a planned 18-hole PGA Championship golf course. The deal was negotiated by Hussain Ali Sajwani, chairman of Damac, who had engaged in controversial land deals with senior government officials in the UAE. He met personally with Trump about the project, and their relationship grew, ultimately leading to Damac working with the Trump Organization on two branded golf courses and a collection of villas in Dubai. According to the former executive with the Trump Organization, Trump has said he personally invested in some of the Dubai projects.

In this case, even the possibility of a Trump presidency has created chaos for the Trump Organization. On December 7, when Trump called for a "total and complete shutdown" of Muslims being allowed into the United States, the reaction in the UAE was instantaneous. There were calls to boycott the Damac-Trump properties. Damac put out a statement essentially saying its deal with the Trump Organization had nothing to do with Donald Trump personally, a claim that fooled no one. On December 10, Damac removed Trump's image and name from its properties. Two days later, the name went back up, setting off an even louder outcry. Damac's share price dropped 15 percent amid the controversy, and it was forced to guarantee rental returns for some of its luxury properties bearing the Trump name.

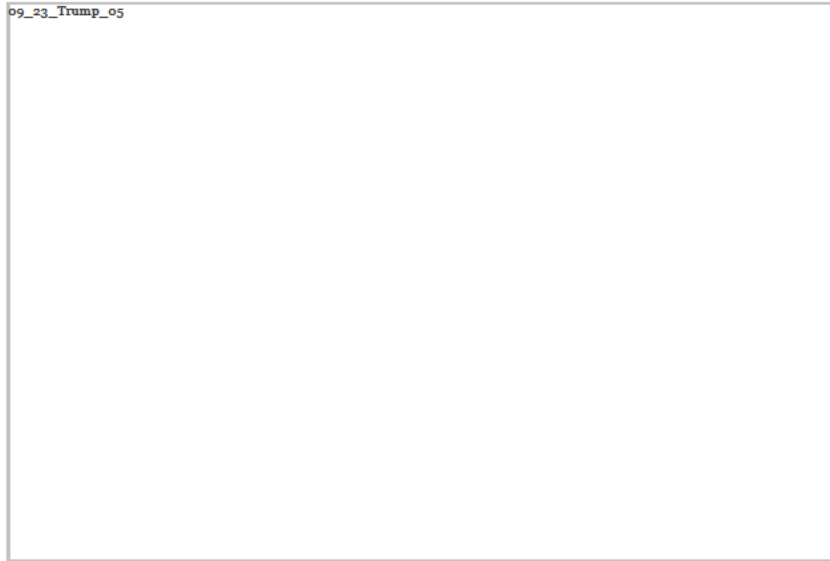
Other UAE businesses with connections to Trump are also shunning the brand. The Dubai-based Landmark Group, one of the Middle East's largest retail companies, said it was pulling products with Trump's name off of its shelves.

With Middle Eastern business partners and American allies turning on him, Trump lashed out. Prince Alwaleed bin Talal—the billionaire who aided Trump during his corporate bankruptcies in the 1990s by purchasing his yacht, which provided him with desperately needed cash—sent out a tweet amid the outcry in Dubai, calling the Republican candidate a "disgrace." (Alwaleed is a prodigious tweeter and Twitter's second largest shareholder.) Trump responded with an attack on the prince—a member of the ruling Saudi royal family—with a childish tweet, saying, "Dopey Prince @Alwaleed\_Talal wants to control our U.S. politicians with daddy's money. Can't do it when I get elected. #Trump2016."

Once again, Trump's personal and financial interests are in conflict with critical national security issues for the United States. During the Bush administration, Abu Dhabi, the UAE's capital, and Washington reached a bilateral agreement to improve international standards for nuclear nonproliferation. Cooperation is particularly important for the United States because Iran—whose potential development of nuclear weapons has been a significant security issue, leading to an international agreement designed to place controls on its nuclear energy efforts—is one of the UAE's largest trading partners, and Dubai has been a transit point for sensitive technology bound for Iran.

Given Trump's name-calling when faced with a critical tweet from a member of the royal family in Saudi Arabia, an important ally, how would he react as president if his company's business in the UAE collapsed? Would his decisions in the White House be based on what is best for America or on what would keep the cash from Dubai flowing to him and his family?

09\_23\_Trump\_05



Prince Alwaleed bin Talal, a nephew of Saudi Arabia's King

Abdullah and one of the world's richest men, has traded insults with Trump over Twitter. Neil Hall/Reuters

#### A Strongman's Best Friend

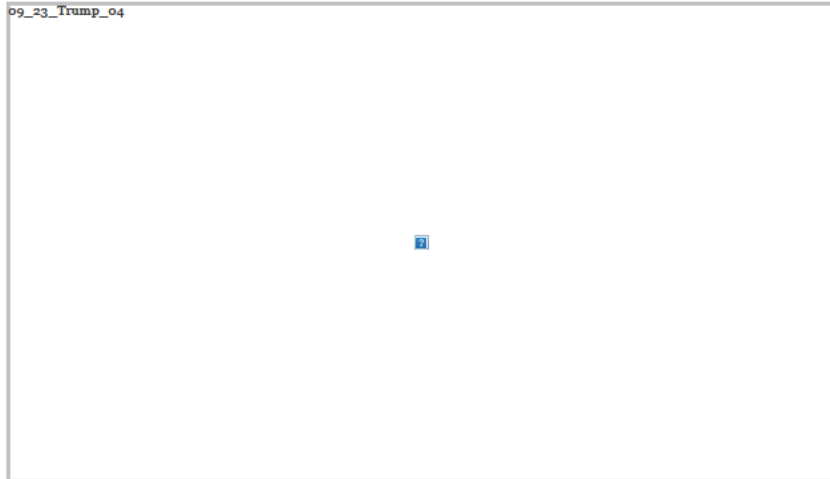
Some of the most disturbing international dealings by the Trump Organization involved Trump's attempts to woo Libyan dictator Muammar el-Qaddafi. The United States had labeled Qaddafi as a sponsor of terrorism for decades; President Ronald Reagan even launched a military attack on him in 1986 after the National Security Agency intercepted communications that showed Qaddafi was behind the bombing of a German discotheque that killed two Americans. He was also linked to the bombing of Pan Am Flight 103, which exploded over Lockerbie, Scotland, killing 259 people, in 1988.

But for the Trump Organization, Qaddafi was not a murdering terrorist; he was a prospect who might bring the company financing and the opportunity to build a resort on the Mediterranean coast of Libya. According to an Arab financier and a former businessman from the North African country, Trump made entreaties to Qaddafi and other members of his government, beginning in 2008, in which he sought deals that would bring cash to the Trump Organization from a sovereign wealth fund called the Libyan Investment Authority. The following year, Trump offered to lease his estate in Westchester County, New York, to Qaddafi; he took Qaddafi's money but, after local protests, forbade him from staying at his property. (Trump kept the cash.) "I made a lot of money with Qaddafi," Trump said recently about the Westchester escapade. "He paid me a fortune."

Another business relationship that could raise concerns about conflicts involves Azerbaijan, a country the State Department said in an official report was infused with "corruption and predatory behavior by politically connected elites." According to Trump's financial filings, the Republican nominee is the president of two entities called OT Marks Baku LLC and DT Marks Baku Manaaina Member Corp. Those were established as part of deals the Trump Organization made last year for a real estate project in the country's capital. The partner in the deal is Garant Holding, which is controlled by Anar Mammadov, the son of the country's transportation minister, Ziya Mammadov. According to American diplomatic cables made public in 2010, the United States possessed information that led diplomats to believe Ziya Mammadov laundered money for the Iranian military. No formal charges have been brought against either Mammadov.

Once again, however, this exposes potential conflicts between Trump's business connections and national security. While the development is currently on hold, it has not been canceled, meaning that Anar Mammadov could soon be paying millions of dollars to Trump. If American intelligence concludes, or has already concluded, that his business partner's father has been aiding Iran by laundering money for the military, will Trump's foreign policy decisions on Iran and Azerbaijan be based on the national security of the United States or the financial security of Donald Trump?

09\_23\_Trump\_04



A taxi drives past a billboard showing US real-estate magnate

Donald Trump playing golf advertising the Trump International Golf Club Dubai in the United Arab Emirates on August 12, 2015. The empire of White House hopeful Donald Trump outside the United States extends to 12 countries including Turkey, South Korea, India, Brazil, and the United Arab Emirates. KARIM SAHIB/AFP/Getty

#### An Oligarch in D.C.

The Trump Organization also has dealings in Russia and Ukraine, and officials with the company have repeatedly stated they want to develop projects there. The company is connected to a controversial Russian figure, Vladimir Potanin, a billionaire with interests in mining, metals, banking and real estate. He was a host of the Russian version of *The Apprentice* (called *Candidate*), and Trump, through the Trump Organization, served as the show's executive producer. Potanin is deeply tied to the Russian government and obtained much of his wealth in the 1990s through what was called the loans-for-shares program, part of an effort by Moscow to privatize state properties through auction. Those sales were rigged. Insiders with political connections were the biggest beneficiaries.

Hoping to start its branding business in Russia, the Trump Organization registered the Trump name in 2008 as a trademark for projects in Moscow, St. Petersburg and Sochi. It also launched negotiations with a development company called the Mos City Group, but no deal was reached. The former Trump executive said that talks fell apart over the fees the Trump Organization wanted to charge—25 percent of the planned project's cost. However, the executive said, the Trump Organization has maintained close relations with Pavel Fuks, head of the Mos City Group. Fuks is one of the most politically prominent oligarchs in Russia, with significant interests in real estate and the country's financial industry, including the Pushkino bank and Sovcombank.

The Trump Organization has also shown interest in Ukraine. In 2006, Donald Trump Jr. and Ivanka Trump met with Viktor Tkachuk, an adviser to the Ukrainian president, and Andriy Zaika, head of the

**From:** [David J. Apol](#)  
**To:** [Elizabeth D. Horton](#)  
**Subject:** FW: Rizzi Op-Ed on Trump  
**Date:** Friday, December 02, 2016 10:51:30 AM

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**From:** Heather A. Jones  
**Sent:** Monday, October 03, 2016 4:13 PM  
**To:** Deborah J. Bortot; David J. Apol; Walter M. Shaub  
**Subject:** Rizzi Op-Ed on Trump  
[https://www.washingtonpost.com/opinions/ethics-rules-would-have-little-impact-on-a-president-trump/2016/10/03/e04e4dd2-875f-11e6-92c2-14b64f3d453f\\_story.html?hpid=hp\\_no-name\\_opinion-card-f%3Ahomepage%2Fstory&utm\\_term=.65b217cbe102](https://www.washingtonpost.com/opinions/ethics-rules-would-have-little-impact-on-a-president-trump/2016/10/03/e04e4dd2-875f-11e6-92c2-14b64f3d453f_story.html?hpid=hp_no-name_opinion-card-f%3Ahomepage%2Fstory&utm_term=.65b217cbe102)

Heather Jones  
(202) 482-9316  
Office of Government Ethics  
Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics

**From:** [David J. Apol](#)  
**To:** [Elizabeth D. Horton](#)  
**Subject:** FW: thanks again  
**Date:** Friday, December 02, 2016 10:52:25 AM

---

**From:** Steven Schooner (b)(6) ]

**Sent:** Thursday, November 17, 2016 12:10 PM

**To:** David J. Apol

**Subject:** thanks again

Greetings and thanks again for your time last week. If you haven't seen these yet, you might be interested.

<https://www.washingtonpost.com/posteverything/wp/2016/11/15/trump-needs-to-give-up-his-trump-hotel-lease-right-now/>

<http://www.cnn.com/videos/politics/2016/11/16/donald-trump-hotel-conflict-mattingly-dnt-erin.cnn>

Best wishes

--

Steven L. Schooner

Nash & Cibinic Professor of Government Procurement Law

George Washington University

[Contact and info page](#)

Papers available on [SSRN-Schooner](#)

(b)(6)



(b)(5) - internal notes on teleconference call



**From:** [Penn, Ben](#)  
**To:** [Contact OGE](#)  
**Subject:** Puzder/DOL  
**Date:** Friday, December 02, 2016 12:39:02 PM

---

Hi Vincent,

I'm a reporter covering the Labor Department a newbie to government ethics law. Any way you or somebody else at OGE could help me this afternoon for an article on potential Trump labor secretary Andrew Puzder and whether DOL investigations of his restaurants pose a conflict of interests if he's appointed?

Thanks.

Ben Penn

Reporter, Daily Labor Report

**Bloomberg BNA**

(b)(6)

[REDACTED]

[REDACTED]

## Kelsey D. Phipps

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**From:** George Hancock  
**Sent:** Friday, December 02, 2016 1:38 PM  
**To:** Shelley K. Finlayson  
**Subject:** RE: Update: Help Desk & Substantive Support to Filer Designee

Tracking:	Recipient	Delivery
	Shelley K. Finlayson	Delivered: 12/2/2016 1:38 PM

It was a productive call. I think Keith appreciated hearing the positive feedback. Walt should be pleased with it too.

Appears Integrity may be used a lot this weekend. I alerted Alex in case. I will check the Integrity Help Desk email periodically and have my BB available.

Thank you.

---

**From:** Shelley K. Finlayson  
**Sent:** Friday, December 02, 2016 1:09 PM  
**To:** George Hancock  
**Subject:** Re: Update: Help Desk & Substantive Support to Filer Designee

Thank you for the update. The call Sounds productive and it is nice to hear the positive feedback on the system.

---

**From:** George Hancock  
**Sent:** Friday, December 2, 2016 12:24 PM  
**To:** Shelley K. Finlayson  
**Cc:** Diana Veilleux  
**Subject:** Update: Help Desk & Substantive Support to Filer Designee

Update. I just found that this didn't go out when I planned.

Keith, Austin and I had the call. It lasted 26 minutes. After the initial navigation question, they had substantive questions that Keith answered.

The filer designee mentioned that (b)(5) Keith and I gave our contact information in case.

At the end, the filer designee added that he was impressed with the system indicating it is very intuitive and you've done a fine job with it.

Thank you.

---

**From:** George Hancock  
**Sent:** Friday, December 02, 2016 9:36 AM  
**To:** Shelley K. Finlayson  
**Cc:** Diana Veilleux

**Subject:** Help Desk & Substantive Support to Filer Designee

**Importance:** High

Shelley:

I left you a voice message about an email to the Help Desk from (b)(5) filer designee for (b)(5) later emailed me while Austin was preparing a response.

I coordinated a planned response with Keith. I asked if he wanted to be on the call too in case substantive reporting questions arose. (b)(5)

I've scheduled a call for 10 to discuss with the filer designee.

Thank you.

**Kelsey D. Phipps**

---

**From:** (b)(6)  
**Sent:** Sunday, December 04, 2016 10:20 AM  
**To:** Contact OGE  
**Subject:** Request

If the OGE "Tweeted" the reported quote (below) regarding president-elect Donald Trump, who was the approving "tweeting" individual? I would like to avoid the FOIA process, but am interested in whether Mr. Shaub approved of the that Tweet and the elaborating ones later in the day. If the reports/Tweets are accurate, I think the OGE has behaved in a biased, unprofessional, and unethical manner. I look forward to your response. Thank you.

(b)(6)

San Diego, Ca.

"Bravo! Only way to resolve these conflicts of interest is to divest . Good call!" the agency tweeted, mimicking Trump's own tweeting style. And: "OGE is delighted that you've decided to divest your businesses. Right decision!"

**Kelsey D. Phipps**

---

**From:** (b)(6)  
**Sent:** Sunday, December 04, 2016 12:29 PM  
**To:** Contact OGE  
**Cc:** (b)(6)  
**Subject:** Tweet to President Elect Trump

Absolutely deplorable and misleading! tweeting Trump applauding his decision to divest his business holdings when he has NOT. This department is truly Un-ethical and I have lost ALL respect for the administrators of this department. SHAME (b)(6), New York an independent voter

Sent from my iPhone

## Kelsey D. Phipps

---

**From:** (b)(6)  
**Sent:** Tuesday, December 06, 2016 4:36 PM  
**To:** Contact OGE  
**Subject:** Hatch Act

You have recently indicated that even though Trump isn't legally obligated to distance himself from his businesses that he should anyway.

What about Obama/Biden using their positions within the government to influence the last election? Seems like the same thing, they were legally allowed to do this as they were exempted from the Hatch Act but shouldn't they have refrained from campaigning for Clinton anyway the way you expect Trump to divest even though he doesn't have to legally?

Where was your voice on the Hatch Act issue?

(b)(6)

## Kelsey D. Phipps

---

**From:** Suzanne L. Meyer  
**Sent:** Friday, December 09, 2016 12:46 PM  
**To:** Kelsey D. Phipps  
**Subject:** FOIA request response  
**Attachments:** Hatch Act; Tweet to President Elect Trump; Request ; Feedback; FOIA request 12.9.16.pdf

Hi Kelsey,

Please see attached as well as email below.

Thanks,

Suzanne

---

**From:** Contact OGE  
**Sent:** Friday, December 09, 2016 10:32 AM  
**To:** Suzanne L. Meyer  
**Subject:** FW: Question for media liaison

---

**From:** Shane Harris (b)(6)  
**Sent:** Sunday, December 04, 2016 11:19 AM  
**To:** Contact OGE  
**Subject:** Re: Question for media liaison

Can you please direct me to the media liaison on this question?

Shane Harris  
Senior Writer, The Wall Street Journal  
Fellow, International Security Program, New America  
Author of @War: The Rise of the Military-Internet Complex  
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Sent from my iPhone

On Dec 1, 2016, at 2:06 PM, Harris, Shane <[shane.harris@wsj.com](mailto:shane.harris@wsj.com)> wrote:

Hi. I'm a senior writer at The Wall Street Journal. Can you tell me when you expect financial disclosure forms and other ethics documents to be available for President-Elect Trump's nominees? I'm specifically interested in the following individuals and how to obtain the documents they're required to file:

Mike Flynn (national security adviser)  
KT McFarland (deputy national security adviser)  
Mike Pompeo (CIA director)



Jeff Sessions (Attorney General)

I'd also be interested in getting the same forms for other positions as they become available.

Thanks!

Shane

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Shane Harris

senior writer/national security

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(b)(5) - internal notes

