

From: Schultz, James D. EOP/WHO
To: [Patrick J. Lightfoot](#)
Cc: [De La Vega, Scott](#)
Subject: Re: New Entrant Report Questions/Edits - Conway
Date: Friday, April 21, 2017 2:56:34 PM

Working on these over the weekend.

James D. Schultz
Senior Associate Counsel and Special Assistant to the President
Office of White House Counsel
(b) (6) (m)

On Apr 21, 2017, at 2:27 PM, Patrick J. Lightfoot <pjlightf@oge.gov> wrote:

Jim and Scott,

Following up on the status of this. Thanks!

Sincerely,

--

Patrick J. Lightfoot
Assistant Counsel, Ethics Law & Policy Branch
General Counsel & Legal Policy Division
U.S. Office of Government Ethics
1201 New York Ave NW, Suite 500
Washington, DC 20005
Telephone: (202) 482-9271
Visit OGE's website: www.oge.gov
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From: Patrick J. Lightfoot
Sent: Tuesday, April 11, 2017 2:33 PM
To: (b)(6) - James Schultz's email address; (b)(6) - Scott DeLaVega's email address
Subject: New Entrant Report Questions/Edits - Conway

Jim and Scott,

Please see my initial comments, etc. on Kellyanne Conway's New Entrant Report below. The report has been returned in *Integrity*.

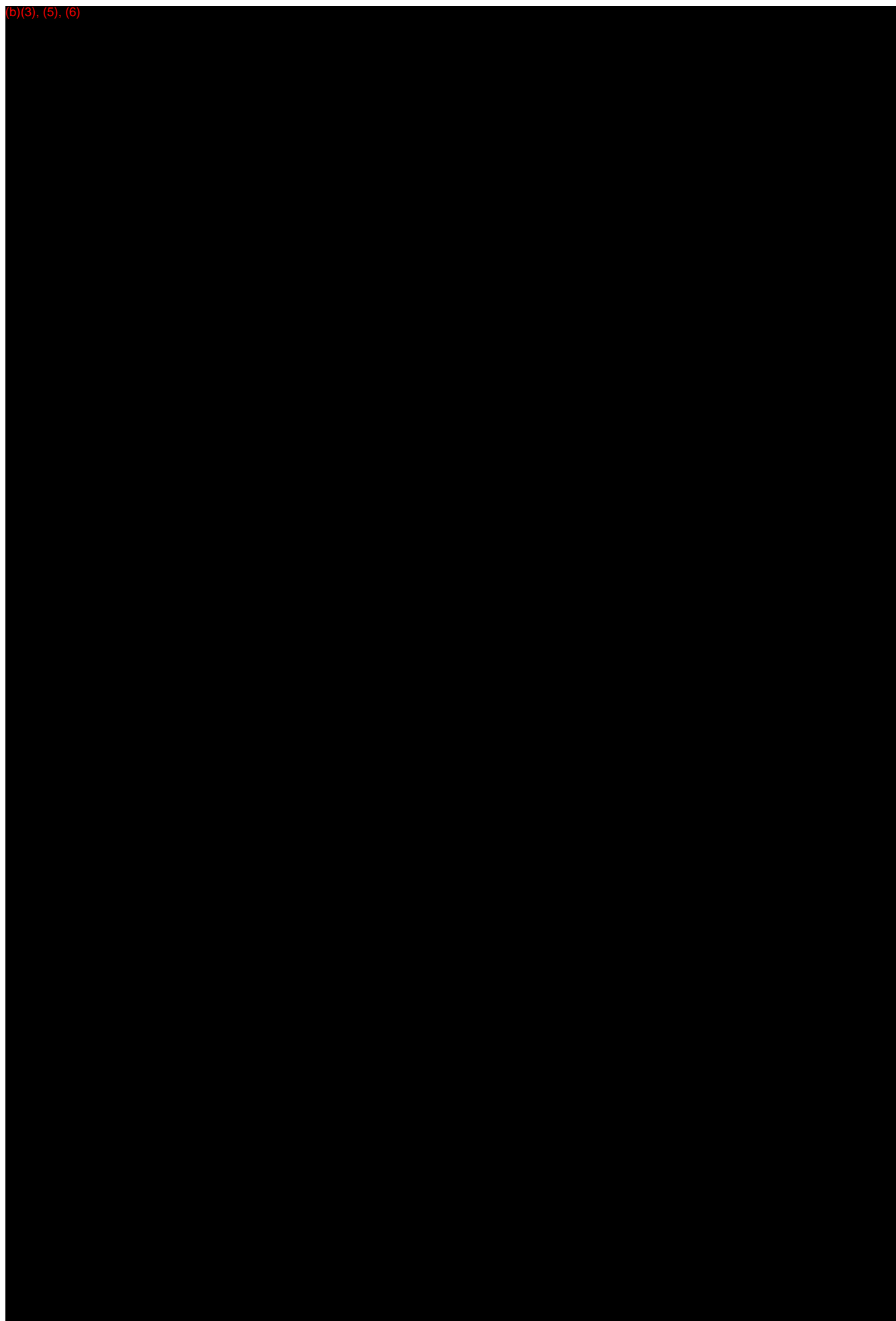
Sincerely,

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





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Congress of the United States
House of Representatives

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April 7, 2017

The Honorable Walter Shaub, Jr.
Director
Office of Government Ethics
1201 New York Avenue, N.W.
Washington, D.C. 20005

Dear Director Shaub:

We are writing to request information about the ongoing relationship between Kellyanne Conway, Counselor to the President, and the Polling Company, Inc./WomanTrend (the Polling Company), a political consulting company Ms. Conway founded in 1995.¹ Past clients of the Polling Company include Altria, American Express, Boeing, Harris Teeter, Major League Baseball, and PayPal.²

Although Ms. Conway resigned as President and CEO of the Polling Company effective January 20, 2017, it appears that she has not divested her ownership interest. Given the opportunity to clarify Ms. Conway's current ownership interest in the Polling Company, the White House issued the following statement:

Kellyanne Conway resigned from the company and has had no management responsibility since before she was sworn in as Counselor to The President. Mrs. Conway, who has signed the Ethics Pledge, has been working with the Office of the White House Counsel to ensure she is fully compliant with her legal and ethical obligations in connection with her former company and her duties in the White House. While she is in the process of divesting her assets, like all White House employees in a similar situation, this process requires submission of ethics documentation to the Office of Government Ethics to obtain a Certificate of Divestiture from OGE prior to selling the asset. As is the case for many other employees, this process is still underway.³

¹ *Kellyanne Conway Biography*, Huffington Post (online at www.huffingtonpost.com/author/kellyanne-conway) (accessed Mar. 27, 2017).

² The Polling Company, *Sampling of Former Corporate and Political Clients* (online at www.pollingcompany.com/clients) (accessed Mar. 27, 2017).

³ *Is Kellyanne Conway Breaking the Law?*, Slate (Mar. 24, 2017) (online at www.slate.com/articles/news_and_politics/politics/2017/03/is_kellyanne_conway_breaking_a_major_criminal_conflict_of_interest_statute.html).

The Polling Company's most recent annual report, which was dated February 13, 2017, and filed with the Commonwealth of Virginia State Corporation Commission, lists Ms. Conway as "Director."⁴ Ms. Conway filed a financial disclosure on March 13, 2017, reporting that she held the position of President and CEO of the Polling Company until January 2017.⁵

In response to a request to review any certificates of divestiture or ethics waivers issued to Ms. Conway, a spokesperson for your office stated that the Office of Government Ethics (OGE) "is at liberty to speak on what is available and received at OGE and we have not received any documents regarding Kellyanne Conway."⁶ OGE has since received Ms. Conway's financial disclosure, but it is unclear whether any additional information has been provided to OGE.

You have previously explained that "regulations applicable to the White House Office provide that, 'Employees of the Executive Office of the President are subject to the executive branch-wide standards of ethical conduct at 5 CFR part 2635.'"⁷ Accordingly, 5 CFR part 2635.702, which precludes an executive branch employee from using "public office for his own private gain," would apply to Ms. Conway.

If Ms. Conway continues to have a financial stake in the Polling Company while employed as Counselor to the President, she has potential conflicts of interest that are unknown to the public because a complete client list for the Polling Company is not publicly available. In addition, because the White House has not released any ethics agreement or waivers of ethics requirements that they have with Ms. Conway, it is unclear how the White House is addressing these potential conflicts of interest.

For these reasons, we ask that you provide answers to the following questions, as well as the documents requested below:

⁴ 2016 Annual Report, The Polling Company (Feb. 13, 2017) (online at www.scribd.com/document/341757083/Polling-Company-2016-Report). The annual report also lists Ms. Conway as CEO, but on February 14, 2017, a representative from the Polling Company informed the Commonwealth of Virginia State Corporation Commission that Ms. Conway had been replaced as CEO. See *Is Kellyanne Conway Breaking the Law?*, Slate (Mar. 24, 2017) (online at www.slate.com/articles/news_and_politics/politics/2017/03/is_kellyanne_conway_breaking_a_major_criminal_conflict_of_interest_statute.html).

⁵ Kellyanne Conway, Executive Branch Personnel Public Financial Disclosure Report (Mar. 13, 2017) (online at <http://s3.amazonaws.com/storage.citizensforethics.org/wp-content/uploads/2017/04/01011234/Conway-Kellyanne.pdf>).

⁶ *Is Kellyanne Conway Breaking the Law?*, Slate (Mar. 24, 2017) (online at www.slate.com/articles/news_and_politics/politics/2017/03/is_kellyanne_conway_breaking_a_major_criminal_conflict_of_interest_statute.html).

⁷ Letter from Walter M. Shaub, Jr., Director, Office of Government Ethics, to Eric R. Bolinder, Counsel, Cause of Action Institute (Feb. 17, 2017). Director Shaub also cited 64 Fed. Reg. 12,881, acknowledging that 5 C.F.R. part 2635 "established uniform standards of ethical conduct that apply to all executive branch personnel."

- (1) Please describe the application process and procedural requirements for issuing certificates of divestiture, including the average time OGE takes to render decisions.
- (2) Once an executive branch employee becomes aware that divestiture may be necessary due to potential or actual conflicts of interest, what measures, including but not limited to recusal, must an employee take while the employee continues to own that asset?
- (3) Please describe the process by which an employee must seek recusal pending resolution of the employee's divestiture of an asset, including which official receives the recusal application and which official makes the final determination on the extent to which an employee should be recused.
- (4) Please provide a copy of Ms. Conway's financial disclosure form as certified by OGE when it becomes available.
- (5) What communications, including documents, has OGE received from White House officials, Ms. Conway, or her representatives regarding her ethics filings, ethical obligations, or potential divestiture from the Polling Company? Please provide copies of these documents and any OGE responses to these communications.
- (6) If OGE has received any documents regarding Ms. Conway's divestiture from the Polling Company, on what dates did OGE receive the documents?
- (7) Has a certificate of divestiture been issued for Ms. Conway?
- (8) Is OGE aware of any waivers that have been granted that would allow Ms. Conway to avoid recusal while continuing to have an ownership interest in the Polling Company?

Please provide a response to this request by April 18, 2017. If you have any questions please contact Kapil Longani with my staff at 202-225-5051. Thank you for your consideration of this request.

Sincerely,



Elijah E. Cummings
Ranking Member

cc: The Honorable Jason Chaffetz, Chairman