PROTECT UNDER FOIA EXEMPTION (b)(6)

WILMERHALE

Edward N. Siskel

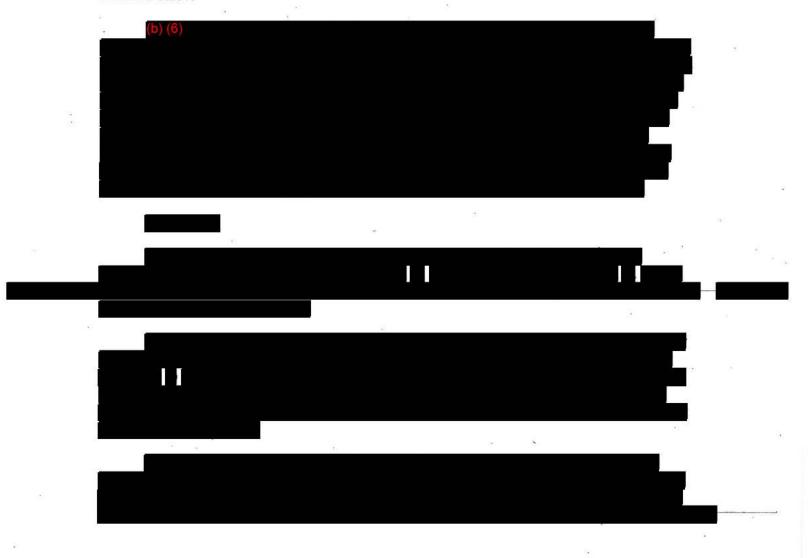
By Email

(b) (6)

December 28, 2016

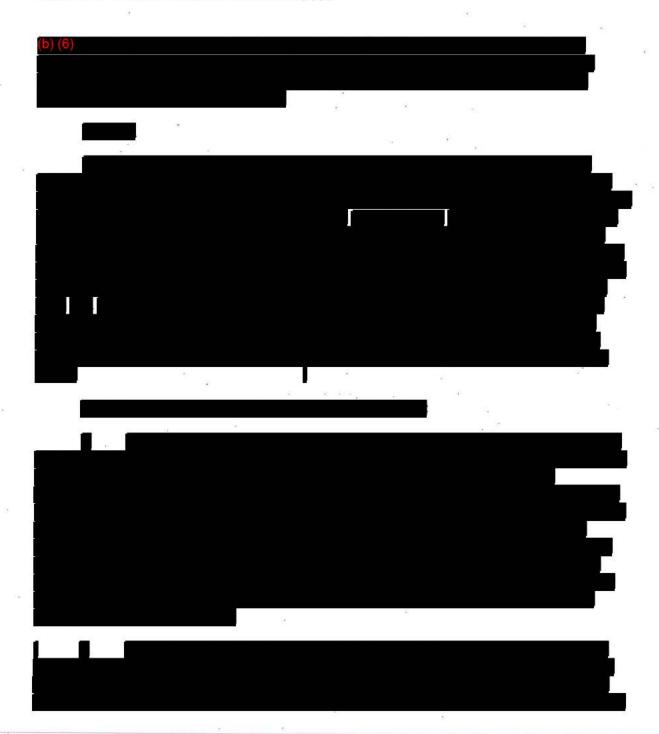
Walter M. Shaub Director U.S. Office of Government Ethics 1201 New York Avenue, N.W., Suite 500 Washington, DC 20005

Dear Mr. Shaub:



WILMERHALE

Mr. Walter M. Shaub December 28, 2016 Page 2 PROTECT UNDER FOIA EXEMPTION (b)(6)



WILMERHALE

Mr. Walter M. Shaub
December 28, 2016
Page 3
PROTECT UNDER FOIA EXEMPTION (b)(6)



WILMERHALE

Mr. Walter M. Shaub December 28, 2016 Page 4 PROTECT UNDER FOIA EXEMPTION (b)(6)



From: Walter M. Shaub

"Roberts, Blake"; David J. Apol; Heather A. Jones; Deborah J. Bortot To:

Siskel, Edward N Cc:

Subject: RE: Call @ 4 with Trust Lawyer

Date: Thursday, December 22, 2016 4:23:09 PM

We're running late due to another conference call running long. We should be available by 4:45.

From: Roberts, Blake [mailto: (b) (6)
Sent: Thursday, December 22, 2016 10:49 AM

To: Walter M. Shaub; David J. Apol; Heather A. Jones; Deborah J. Bortot

Cc: Siskel, Edward N

Subject: RE: Call @ 4 with Trust Lawyer

Great - I will send an invite.

From: Walter M. Shaub [mailto:wmshaub@oge.gov]

Sent: Thursday, December 22, 2016 10:29 AM

To: Roberts, Blake; David J. Apol; Heather A. Jones; Deborah J. Bortot

Cc: Siskel, Edward N

Subject: RE: Call @ 4 with Trust Lawyer Sorry, I forgot to add that 4:30 works for us.

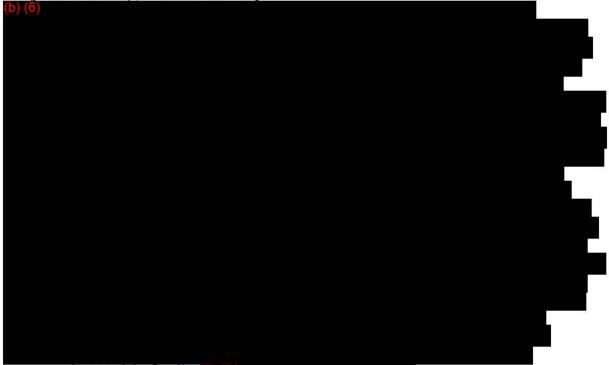
From: Walter M. Shaub

Sent: Thursday, December 22, 2016 10:29 AM

To: 'Roberts, Blake'; David J. Apol; Heather A. Jones; Deborah J. Bortot

Cc: Siskel, Edward N

Subject: RE: Call @ 4 with Trust Lawyer



From: Roberts, Blake [mailto (D) (D)

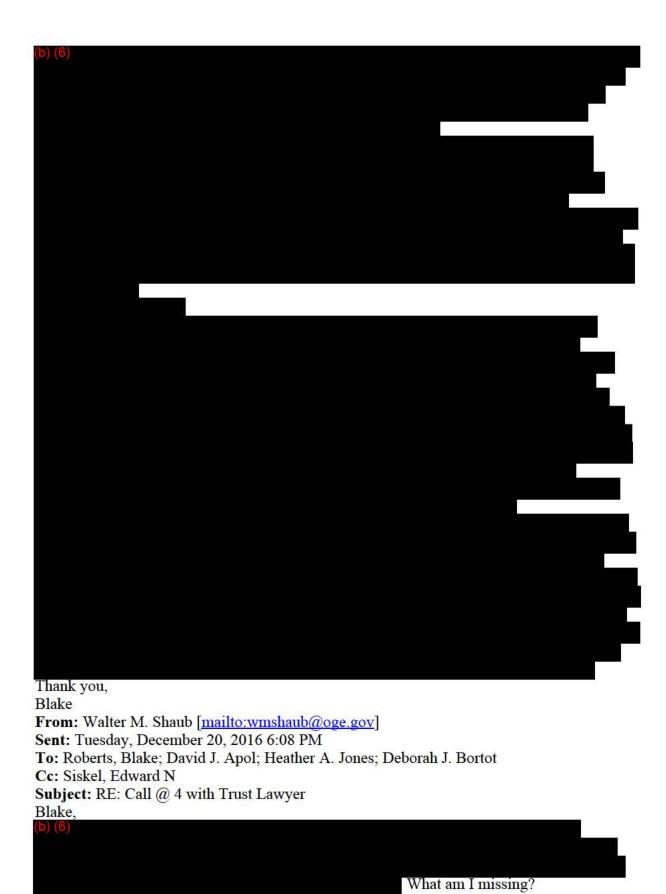
Sent: Thursday, December 22, 2016 10:08 AM

To: Walter M. Shaub; David J. Apol; Heather A. Jones; Deborah J. Bortot

Cc: Siskel, Edward N

Subject: RE: Call @ 4 with Trust Lawyer

Walt,



Walt

From: Roberts, Blake [mailto (b) (6)

Sent: Tuesday, December 20, 2016 12:54 PM

To: Walter M. Shaub; David J. Apol; Heather A. Jones; Deborah J. Bortot

Cc: Siskel, Edward N

Subject: RE: Call @ 4 with Trust Lawyer

All – Just wanted to follow up on your availability for a call at 4.

Thanks, Blake

From: Roberts, Blake

Sent: Tuesday, December 20, 2016 10:43 AM

To: Walter M. Shaub (wmshaub@oge.gov); David J. Apol; Heather A. Jones; Deborah J.

Bortot

Cc: Siskel, Edward N

Subject: Call @ 4 with Trust Lawyer

All – Could some or all of you be available for a call at 4 p.m. (b) (6)

We think that would be the most efficient way to get to ground on the issues we discussed yesterday.

Thanks, Blake

Blake Roberts | WilmerHale (b) (6)

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Thank you.

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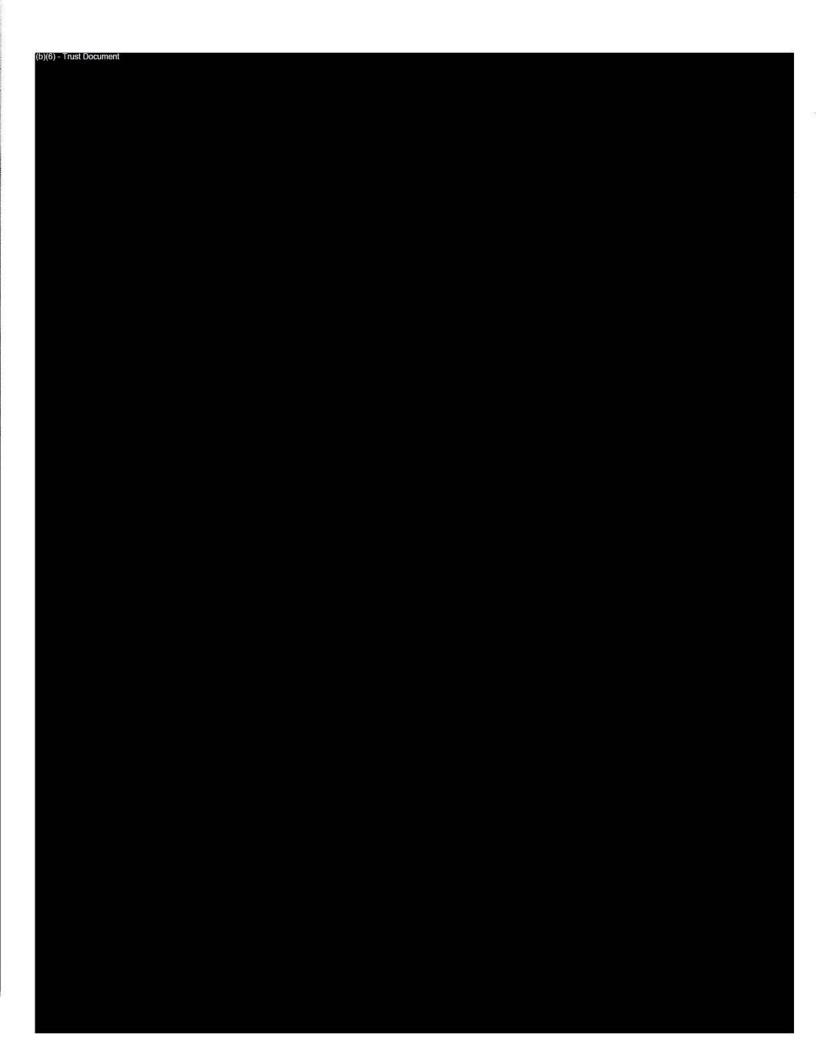
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From:

Roberts, Blake
Siskel, Edward N; Walter M. Shaub; David J. Apol; Deborah J. Bortot; Heather A. Jones
Follow Up To:

Subject:



JAN 26 2017

Stefan C. Passantino
Deputy Counsel to the President
The White House Office
Washington, DC 20500

Dear Mr. Passantino:

In response to your request of January 25, 2017, enclosed are Certificates of Divestiture OGE-2017-002 for Jared C. Kushner, Senior Advisor to the President, White House Office; OGE-2017-003 for Ivanka Trump as trustee for the Ivanka Trump Revocable Trust; OGE-2017-004 for dependent minor child of Jared C. Kushner; OGE-2017-005 for dependent minor child of Jared C. Kushner; and OGE-2017-006 for dependent minor child of Jared C. Kushner. We would appreciate your forwarding the original certificates to Mr. Kushner. Also enclosed is a copy of the certificates for your files.

If there are any questions, you may contact Monica Ashar, Assistant Counsel, at (202) 482-9282.

Sincerely,

David J. Apol General Counsel

Enclosures

UNITED STATES OFFICE OF **GOVERNMENT ETHICS**

CERTIFICATE OF DIVESTITURE

Certificate No. OGE-2017-002

ELIGIBLE PERSON: Jared C. Kushner

DATE OF ISSUANCE: JAN 2 6 2017

DIVESTITURE PROPERTY:

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

White House Office

This Certificate of Divestiture is issued in accordance with section 1043 of the Internal Revenue Code of 1986 and 5 C.F.R. § 2634.1002 with respect to the specific property described above. I hereby determine that the divestiture of the described property is reasonably necessary to comply with 18 U.S.C. § 208, or other applicable Federal conflict of interest statutes, regulations, rules, or executive orders.

Note that section 1043 of the Internal Revenue Code and the rules of subpart J of 5 C.F.R. Part 2634 provide for nonrecognition of gain in the case of sales to comply with conflict of interest requirements. The rules of Subpart J relate to the issuance of Certificates of Divestiture and the permitted property into which a reinvestment must be made during the 60-day period beginning on the date of such a sale in order for nonrecognition to be permitted. Such reinvestments are called rollovers, and are limited to obligations of the United States and diversified investment funds as defined in 5 C.F.R. § 2634.1003. The substantive and procedural rules relating to the tax aspects of such sales and rollovers pursuant to the statutory scheme are subject to the jurisdiction of the Internal Revenue Service.

Eligible persons should seek the advice of their personal tax advisors for guidance as to the tax aspects of divestiture transactions and whether proposed acquisitions meet the requirements for permitted property. Internal Revenue Service regulations and other guidance should be consulted as to these matters. Internal Revenue Service requirements for reporting dispositions of property and making an election not to recognize gain under section 1043 (IRS Form 8824) must be followed by eligible persons wishing to make such an election.

General Counsel

cc: Deputy Counsel to the President, White House Office

Attachment OGE-2017-002

- 100% of all financial interests in JKM Capital, LLC, that you hold as of the date of this Certificate of Divestiture
- 100% of all financial interests in Thrive Partners II GP, LLC, that you hold as of the date of this Certificate of Divestiture
- 100% of all financial interests in Thrive Partners III GP, LLC, that you hold as of the date of this Certificate of Divestiture
- 100% of all financial interests in JK IV, LLC, that you hold as of the date of this Certificate of Divestiture
- 100% of all financial interests in Thrive Partners V GP, LLC, that you hold as of the date of this Certificate of Divestiture
- 112,376 shares, Regal Bank
- 100% of all financial interests in Broadband Proliferation Partners, LLC, that you hold as of the date of this Certificate of Divestiture

Star -

• 100% of all financial interests in BFPS Ventures LLC that you hold as of the date of this Certificate of Divestiture

UNITED STATES OFFICE OF **GOVERNMENT ETHICS**

CERTIFICATE OF DIVESTITURE

Certificate No. OGE-2017-003

ELIGIBLE PERSON: Ivanka Trump

DATE OF ISSUANCE: JAN 2 6 2017

[Trustee of the Ivanka Trump Revocable Trust]

White House Office

DIVESTITURE PROPERTY:

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

This Certificate of Divestiture is issued in accordance with section 1043 of the Internal Revenue Code of 1986 and 5 C.F.R. § 2634.1002 with respect to the specific property described above. I hereby determine that the divestiture of the described property is reasonably necessary to comply with 18 U.S.C. § 208, or other applicable Federal conflict of interest statutes. regulations, rules, or executive orders.

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David J. Apol

General Counsel

cc: Deputy Counsel to the President, White House Office

Attachment OGE-2017-003

- 3,208 shares, Signature Bank
- 100% of all financial interests in Blackstone Strategic Alliance Fund II that you hold as of the date of this Certificate of Divestiture
- 2,076.278 shares, Hennessy Gas Utility Index Fund Investor Class Shares
- 100% of all financial interests in The Obsidian Fund LLC Class C that you hold as of the date of this Certificate of Divestiture

GOVERNMENT ETHICS

CERTIFICATE OF DIVESTITURE

Certificate No. OGE-2017-004

ELIGIBLE PERSON: (b) (6)

(b) (6)

DATE OF ISSUANCE: JAN 2 6 2017

[minor child of Jared C. Kushner] White House Office

DIVESTITURE PROPERTY:

221 shares, Signature Bank

This Certificate of Divestiture is issued in accordance with section 1043 of the Internal Revenue Code of 1986 and 5 C.F.R. § 2634.1002 with respect to the specific property described above. I hereby determine that the divestiture of the described property is reasonably necessary to comply with 18 U.S.C. § 208, or other applicable Federal conflict of interest statutes, regulations, rules, or executive orders.

Note that section 1043 of the Internal Revenue Code and the rules of subpart J of 5 C.F.R. Part 2634 provide for nonrecognition of gain in the case of sales to comply with conflict of interest requirements. The rules of Subpart J relate to the issuance of Certificates of Divestiture and the permitted property into which a reinvestment must be made during the 60-day period beginning on the date of such a sale in order for nonrecognition to be permitted. Such reinvestments are called rollovers, and are limited to obligations of the United States and diversified investment funds as defined in 5 C.F.R. § 2634.1003. The substantive and procedural rules relating to the tax aspects of such sales and rollovers pursuant to the statutory scheme are subject to the jurisdiction of the Internal Revenue Service.

Eligible persons should seek the advice of their personal tax advisors for guidance as to the tax aspects of divestiture transactions and whether proposed acquisitions meet the requirements for permitted property. Internal Revenue Service regulations and other guidance should be consulted as to these matters. Internal Revenue Service requirements for reporting dispositions of property and making an election not to recognize gain under section 1043 (IRS Form 8824) must be followed by eligible persons wishing to make such an election.

David J. Apol

General Counsel

cc: Deputy Counsel to the President, White House Office

GOVERNMENT ETHICS

CERTIFICATE OF DIVESTITURE

Certificate No. OGE-2017-005

ELIGIBLE PERSON: (b) (6)

(b) (6)

DATE OF ISSUANCE: JAN 2 6 2017

[minor child of Jared C. Kushner] White House Office

DIVESTITURE PROPERTY:

221 shares, Signature Bank

This Certificate of Divestiture is issued in accordance with section 1043 of the Internal Revenue Code of 1986 and 5 C.F.R. § 2634.1002 with respect to the specific property described above. I hereby determine that the divestiture of the described property is reasonably necessary to comply with 18 U.S.C. § 208, or other applicable Federal conflict of interest statutes, regulations, rules, or executive orders.

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David J. Apol

General Counsel

cc: Deputy Counsel to the President, White House Office

GOVERNMENT ETHICS

CERTIFICATE OF DIVESTITURE

Certificate No. OGE-2017-006

ELIGIBLE PERSON:

(b) (6)

DATE OF ISSUANCE: JAN 2 6 2017

[minor child of Jared C. Kushner] White House Office

DIVESTITURE PROPERTY:

104 shares, Signature Bank

This Certificate of Divestiture is issued in accordance with section 1043 of the Internal Revenue Code of 1986 and 5 C.F.R. § 2634.1002 with respect to the specific property described above. I hereby determine that the divestiture of the described property is reasonably necessary to comply with 18 U.S.C. § 208, or other applicable Federal conflict of interest statutes, regulations, rules, or executive orders.

Note that section 1043 of the Internal Revenue Code and the rules of subpart J of 5 C.F.R. Part 2634 provide for nonrecognition of gain in the case of sales to comply with conflict of interest requirements. The rules of Subpart J relate to the issuance of Certificates of Divestiture and the permitted property into which a reinvestment must be made during the 60-day period beginning on the date of such a sale in order for nonrecognition to be permitted. Such reinvestments are called rollovers, and are limited to obligations of the United States and diversified investment funds as defined in 5 C.F.R. § 2634.1003. The substantive and procedural rules relating to the tax aspects of such sales and rollovers pursuant to the statutory scheme are subject to the jurisdiction of the Internal Revenue Service.

Eligible persons should seek the advice of their personal tax advisors for guidance as to the tax aspects of divestiture transactions and whether proposed acquisitions meet the requirements for permitted property. Internal Revenue Service regulations and other guidance should be consulted as to these matters. Internal Revenue Service requirements for reporting dispositions of property and making an election not to recognize gain under section 1043 (IRS Form 8824) must be followed by eligible persons wishing to make such an election.

David J. Apol

General Counsel

ce: Deputy Counsel to the President, White House Office

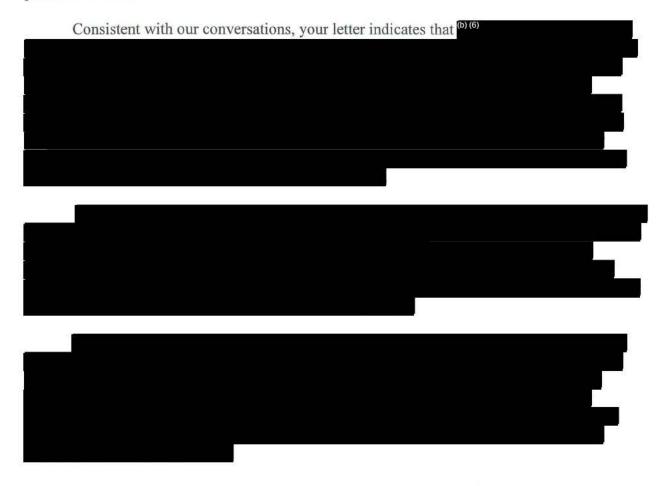


January 6, 2017

Mr. Edward N. Siskel Wilmer, Cutler, Pickering, Hale & Dorr, LLP (b) (6)

Dear Mr. Siskel:

I am writing on behalf of the U.S. Office of Government Ethics (OGE) in response to your letter dated December 28, 2016, regarding Mr. Kushner's plan to divest potentially conflicting assets if the President-elect appoints him to a position in the White House. Your letter captures most of the salient points from our conversations, and I have only a few additional points to reiterate.



Mr. Edward N. Siskel Wilmer, Cutler, Pickering, Hale & Dorr, LLP Page 2

As we discussed, the conflict of interest prohibition under 18 U.S.C. § 208(a) will continue to apply to the assets until they have been divested. Accordingly, with regard to each entity in which he holds an interest, Mr. Kushner must not participate personally and substantially in any particular matter that to his knowledge has a direct and predictable effect on the financial interests of the entity until he has divested it, unless he first obtains a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualifies for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). If Mr. Kushner intends to seek a Certificate of Divestiture under 26 U.S.C. § 1043, please remember that he will need to obtain the Certificate of Divestiture before selling the assets.

Finally, please note that OGE is limited in the guidance it can provide as to conflicts of interest because OGE's staff is not in a position to know the precise nature of the duties that Mr. Kushner, or any future White House appointee, would perform. For that reason and because the applicable ethics requirements are more complex than could be addressed in a letter, Mr. Kushner would be well advised to obtain ethics counseling from the office of the White House Counsel prior to entering government and, after assuming the duties of his new position, to complete the new employee ethics training required under 5 C.F.R. § 2638.304. Ideally, the training for all incoming White House appointees should address, among other topics: conflicts of interest under 18 U.S.C. § 208; the gift bans under 5 C.F.R. part 2635, subparts B and C; impartiality under the government-wide appearance regulation, 5 C.F.R. part 2635, subpart E; "misuse of position," as that term is understood for purposes of 5 C.F.R. part 2635, subpart G (including use of public office for private gain, endorsements, coercion, and use of nonpublic information); the earned income ban under 5 C.F.R. § 2635.804(a); restrictions on fundraising under 5 C.F.R. § 2635.808; and certain restrictions relating to professions involving fiduciary relationships under 5 C.F.R. § 2636.305. As a preliminary introduction to the executive branch ethics program, I have enclosed a copy of OGE's Nominee Ethics Guide. Although Mr. Kushner will not be a "nominee," much of the information in this guide is pertinent to his anticipated appointment.

Please do not hesitate to contact me at (202) 482-9292 or Heather Jones, Senior Counsel, if we can be of further assistance.

Sincerely,

Walter M. Shaub, Jr.

Director

Enclosure

(b)(5) -	Draft letter	to Mr. Siskel			

(b) (5)			





From: Roberts, Blake [mailto:(b) (6)

Sent: Monday, January 02, 2017 2:34 PM

To: Walter M. Shaub; David J. Apol; Deborah J. Bortot; Heather A. Jones

Cc: Siskel, Edward N Subject: Follow-up Call

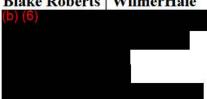
All,

We have heard that, notwithstanding the federal holiday, some of you may be in the office working today. If that is correct, could you be available for a call sometime between 3:30-4:30 to discuss the assets of Mr. Kushner's spouse? If not, please let us know when you could be available tomorrow.

Thank you,

Blake

Blake Roberts | WilmerHale



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From: Roberts, Blake (b) (6)

Sent: Thursday, January 05, 2017 11:02 AM **To:** Walter M. Shaub; David J. Apol

Subject: RE: Quick Call

Sorry to hear that. Thanks, Walt. I will be around.

From: Walter M. Shaub [mailto:wmshaub@oge.gov]

Sent: Thursday, January 05, 2017 10:13 AM

To: Roberts, Blake; David J. Apol

Subject: RE: Quick Call

(b) (6)

. I can call you after our call with Don McGahn.

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

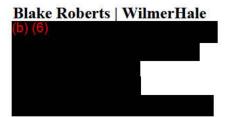
From: Roberts, Blake [mailto (b) (6)

Sent: Thursday, January 05, 2017 9:22 AM

To: Walter M. Shaub; David J. Apol

Subject: Quick Call

Do either of you have time for a quick call?



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From: Walter M. Shaub

Sent: Saturday, January 07, 2017 10:17 AM **To:** Heather A. Jones; David J. Apol

Subject: FW: NYTimes: Jared Kushner, a Trump In-Law and Adviser, Chases a Chinese Deal

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

-----Original Message-----From: Walter M. Shaub

Sent: Saturday, January 07, 2017 10:15 AM

To: 'Gorelick, Jamie'

Cc: Siskel, Edward N; Roberts, Blake

Subject: RE: NYTimes: Jared Kushner, a Trump In-Law and Adviser, Chases a Chinese Deal

Thanks for sharing this, Jamie. Blake gave me a heads up that an article was in the works. The letter I sent Ed yesterday highlights some suggestions for protecting your client against potential conflicts of interest and other ethics issues.

I have one additional suggestion. There is a strong temptation for lawyers to think that it's enough to put together ethics arrangements that are legally compliant. As you know from your own time in government, senior officials invariably find themselves operating in a fast-paced work environment in which they necessarily move from one vaguely defined subject to another quickly throughout the day. Ethics issues arise unexpectedly, and they don't come with the label "Caution! I'm an ethics issue." For this reason, we encourage folks to set up ethics arrangements that put senior officials two steps back from the line between what is permissible and what is not. OGE can enforce that approach in the nominee program, but White House appointees are at the mercy of the attention span of a White House Counsel's office with a thousand other things to do. As things are currently shaping up, it's not clear that this new White House will have a fully functioning ethics office of its own on the first day. For that reason, caution is advisable. The further you can put him back from the line, the better you will protect him.

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

Original Message
From: Gorelick, Jamie [<u>mailto<mark>(b) (6)</mark></u>
Sent: Saturday, January 07, 2017 9:42 AM
To: Walter M. Shaub
Cc: Siskel, Edward N; Roberts, Blake; Gorelick, Jamie
Subject: Fw: NYTimes: Jared Kushner, a Trump In-Law and Adviser, Chases a Chinese Deal
Walt -
Just a heads up so you know this is out there. Our proposed plan contemplates steps to remove and mitigate sources of conflict.
Best -

Sent from my BlackBerry 10 smartphone.

Original Message

Jamie

 $\frac{http://www.nytimes.com/2017/01/07/us/politics/jared-kushner-trump-business.html?smprod=nytcore-iphone\&smid=nytcore-iphone-share$

As Donald J. Trump's son-in-law prepares for a White House role, his undisclosed talks with a secretive Chinese company highlight potential conflicts of interest.

From: David J. Apol

Sent: Wednesday, January 18, 2017 3:10 PM

To: Elaine Newton

Subject: FW: Draft SF-278 for Jared Kushner **Attachments:** Kushner Application for COD.xlsx



Here is the cd I was talking about

From: Roberts, Blake [mailto(b) (6)

Sent: Wednesday, January 18, 2017 1:27 PM

To: David J. Apol Cc: Siskel, Edward N

Subject: RE: Draft SF-278 for Jared Kushner

Dave,

Thanks very much. Please find attached a draft spreadsheet that describes the assets for which Jared (and related persons) will seek a certificate of divestiture. We need to add some additional information about a few assets, including some of the questions you raise below. But there should be enough here for someone to begin the analysis. (b) (6)

We will supplement with additional information as it becomes available. Please let me know if you or your colleagues have any questions as you review.

Thank you again,

Blake

From: David J. Apol [mailto:djapol@oge.gov] Sent: Wednesday, January 18, 2017 11:24 AM

To: Roberts, Blake (b) (6)

Subject: RE: Draft SF-278 for Jared Kushner

We need to know which assets he is asking a CD for at this time before we can do much with this. As understand the plan, the initial CD request will be for (b)(6)
Additionally, for the assets he is requesting a CD for:
We need to know which assets are held in a trust.
For any assets in a trust, we need the trust instrument and the name of the trustee.
Are any held in retirement plans?
Were any acquired through employment?
Are the assets for his children reported?
Who holds each asset?
We will work on this as fast as we can consistent with other priorities we are getting from the PTT.
Thanks.
Dave
From: Roberts, Blake [mailto (b) (6) Sent: Tuesday, January 17, 2017 7:03 PM To: David J. Apol Cc: Siskel, Edward N

Dave,

Subject: Draft SF-278 for Jared Kushner

Thanks Blake.

As discussed, I am sending you the latest draft of Jared Kushner's SF-278. This is not yet ready to be filed – we are still working with the business people on some formatting issues and some information about individual assets needs to be filled in. However, we believe that this draft covers all or nearly all of the assets that will either be covered by the SF-278 reporting requirements or for which a certificate of divestiture will be sought. (b) (6)
We will get you additional information tomorrow about the underlying investments of the (b) (6)
(b) (b)
We have been in touch with Stefan Passantino of PTT and will be working closely with him so that the new personnel in the White House Counsel's Office are fully briefed on this issue and ready to initiate the process for obtaining a certificate of divestiture as quickly as possible. We are available at any time to answer questions from your office once they begin to review the draft SF-278 and draft COD application material.
Thank you again – we recognize that this is a challenging stretch for everyone on your team.
Thanks,
Blake
Blake Roberts WilmerHale (b) (6)
Please consider the environment before printing this email.

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From: Rodrick T. Johnson

Sent: Thursday, January 26, 2017 9:30 AM **To:**

Cc: Elaine Newton; Teresa L. Williamson; Sandra S. Mabry; Monica M. G. Ashar

Subject: Certificate of Divestiture for Jared C. Kushner

Attachments: Kusher, Jared C. CD's 002-006.pdf

Importance: High

Good Morning, Mr. Passantino:

Attached is the Certificate of Divestiture OGE-2017-002 for Jared C. Kushner, Senior Advisor to the President, White House Office; OGE-2017-003 for Ivanka Trump as trustee for the Ivanka Trump Revocable Trust; OGE-2017-004 for (b) (6) dependent minor child of Jared C. Kushner; OGE-2017-005 for (b) (6) dependent minor child of Jared C. Kushner; and OGE-2017-006 for (b) (6) dependent minor child of Jared C. Kushner. We would appreciate your forwarding the original certificates to Mr. Kushner. Also enclosed is a copy of the certificate's for your files.

The original certificate's and one copy for your records will be mailed to you. We would appreciate your forwarding the original certificate's to Mr. Kushner, upon receipt.

Please confirm receipt of this email by replying to all.

Thanks, Again Rodrick Johnson

From: Roberts, Blake (b) (6)

Sent: Monday, January 02, 2017 2:34 PM

To: Walter M. Shaub; David J. Apol; Deborah J. Bortot; Heather A. Jones

Cc: Siskel, Edward N
Subject: Follow-up Call

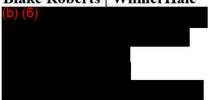
All,

We have heard that, notwithstanding the federal holiday, some of you may be in the office working today. If that is correct, could you be available for a call sometime between 3:30-4:30 to discuss the assets of Mr. Kushner's spouse? If not, please let us know when you could be available tomorrow.

Thank you,

Blake

Blake Roberts | WilmerHale



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From: Walter M. Shaub

Sent: Friday, January 06, 2017 5:27 PM **To:** Siskel, Edward N; 'Roberts, Blake'

Cc: Heather A. Jones

Subject: response to follow-up letter **Attachments:** Letter to E. Siskel (1-6-2017).pdf

Blake and Ed,

Enclosed is OGE's response to Ed's letter. I discussed the content of the letter with Blake earlier this week. The original with the attachment will follow in the regular mail. The two-part attachment can also be viewed in electronic format on OGE's website at the following addresses:

Nominee Ethics Guide

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

Appendix to the Nominee Ethics Guide

https://www.oge.gov/Web/OGE.nsf/0/0EA56347F998FFA78525801B0058E0F9/\$FILE/Final%20Appendix%20Spreads%20Web%20.pdf

Thanks

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: Roberts, Blake [mailto:(b) (6)

Sent: Wednesday, December 28, 2016 1:37 PM

To: Walter M. Shaub

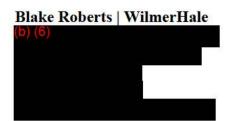
Cc: Siskel, Edward N; David J. Apol; Deborah J. Bortot; Heather A. Jones

Subject: Follow-up Letter

Walt,

As discussed on our last call, please find attached a letter describing the proposal we discussed. I hope you all are getting some rest this holiday season.

Best regards	,
Blake	



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From: Deborah J. Bortot

Sent: Wednesday, January 18, 2017 10:41 AM

To: David J. Apol; Heather A. Jones

Cc: Elaine Newton

Subject: RE: Draft SF-278 for Jared Kushner

Dave,



Once we get the request, there will be additional questions.

Thanks, Deb

From: David J. Apol

Sent: Wednesday, January 18, 2017 10:26 AM **To:** Heather A. Jones; Deborah J. Bortot

Cc: Elaine Newton

Subject: FW: Draft SF-278 for Jared Kushner

Anything you want me to add to this before I send?



From: Roberts, Blake [mailto:(b) (6)

Sent: Tuesday, January 17, 2017 7:03 PM

To: David J. Apol **Cc:** Siskel, Edward N

Subject: Draft SF-278 for Jared Kushner

Dave,

As discussed, I am sending you the latest draft of Jared Kushner's SF-278. This is not yet ready to be filed – we are still working with the business people on some formatting issues and some information about individual assets needs to be filled in. However, we believe that this draft covers all or nearly all of the assets that will either be covered by the SF-278 reporting requirements or for which a certificate of divestiture will be sought. (b) (6)
We will get you additional information tomorrow about the underlying investments of the (b) (6)
We have been in touch with Stefan Passantino of PTT and will be working closely with him so that the new
personnel in the White House Counsel's Office are fully briefed on this issue and ready to initiate the process for obtaining a certificate of divestiture as quickly as possible. We are available at any time to answer questions from your office once they begin to review the draft SF-278 and draft COD application material.
Thank you again – we recognize that this is a challenging stretch for everyone on your team.
Thanks,
Blake
Blake Roberts WilmerHale (b) (6)
Please consider the environment before printing this email.

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From: Monica M. G. Ashar

Sent:Thursday, January 26, 2017 11:51 AMTo:'Passantino, Stefan C. EOP/WHO'Cc:Elaine Newton; Rodrick T. Johnson

Subject: RE: Certificate of Divestiture for Jared C. Kushner

Thanks, Stefan. What would be the best way to get the originals of the CDs over to you?

Monica Ashar Assistant Counsel U.S. Office of Government Ethics 1201 New York Avenue, NW, Suite 500 Washington, DC 20005

Phone: (202) 482-9282

Visit OGE's website: www.oge.gov

Follow OGE on Twitter: @OfficeGovEthics

From: Passantino, Stefan C. EOP/WHO [mailto:(b) (6)

Sent: Thursday, January 26, 2017 11:22 AM **To:** Rodrick T. Johnson; Walter M. Shaub

Cc: Elaine Newton; Teresa L. Williamson; Sandra S. Mabry; Monica M. G. Ashar

Subject: RE: Certificate of Divestiture for Jared C. Kushner

Thank you. I have received this and am grateful for the prompt attention your office has been paying to issues such as this. Stefan.

STEFAN C. PASSANTINO

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

(b) (6)

From: Rodrick T. Johnson [mailto:rjohnson@oge.gov]

Sent: Thursday, January 26, 2017 9:30 AM

To: Passantino, Stefan C. EOP/WHO (b) (6)

Cc: Elaine Newton < enewton@oge.gov >; Teresa L. Williamson < tlwillia@oge.gov >; Sandra S. Mabry

<ssmabry@oge.gov>; Monica M. G. Ashar <mmgashar@oge.gov>

Subject: Certificate of Divestiture for Jared C. Kushner

Importance: High

Good Morning, Mr. Passantino:

Attached is the Certificate of Divestiture OGE-2017-002 for Jared C. Kushner, Senior Advisor to the President, White House Office; OGE-2017-003 for Ivanka Trump as trustee for the Ivanka Trump Revocable Trust; OGE-2017-004 for (b) (6) dependent minor child of Jared C. Kushner; OGE-2017-005 for (b) (6) dependent minor child of Jared C. Kushner; and OGE-2017-006 for (b) (6) dependent minor child of Jared C. Kushner. We would appreciate your forwarding the original certificates to Mr. Kushner. Also enclosed is a copy of the certificate's for your files.

The original certificate's and one copy for your records will be mailed to you. We would appreciate your forwarding the original certificate's to Mr. Kushner, upon receipt.

Please confirm receipt of this email by replying to all.

Thanks, Again Rodrick Johnson

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From: Walter M. Shaub

Sent: Saturday, January 07, 2017 11:29 AM

To: Gorelick, Jamie

Cc: Siskel, Edward N; Roberts, Blake; Brown, Reginald

Subject: Re: NYTimes: Jared Kushner, a Trump In-Law and Adviser, Chases a Chinese Deal

Thanks. That's good to hear!

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

Original Message From: Gorelick, Jamie

Sent: Saturday, January 7, 2017 10:36 AM

To: Walter M. Shaub

Cc: Siskel, Edward N; Roberts, Blake; Brown, Reginald

Subject: Re: NYTimes: Jared Kushner, a Trump In-Law and Adviser, Chases a Chinese Deal

Walt -

I know you have been trading notes with Reg. (b) (6)

As he mentioned, (b) (6)

You will see the same conservative approach with each.

Jamie

Sent from my BlackBerry 10 smartphone.

Original Message From: Gorelick, Jamie

Sent: Saturday, January 7, 2017 10:28 AM

To: Walter M. Shaub

Cc: Siskel, Edward N; Roberts, Blake; Gorelick, Jamie

Subject: Re: NYTimes: Jared Kushner, a Trump In-Law and Adviser, Chases a Chinese Deal

We agree. We are trying to make a workable and conservative plan. We have met with the person who will be doing ethics for McGahn so he can become familiar with the issues and be of help in keeping Jared clear of the line. Your advice is welcome!

Jamie

Sent from my BlackBerry 10 smartphone.

Original Message From: Walter M. Shaub

Sent: Saturday, January 7, 2017 10:17 AM

To: Gorelick, Jamie

Cc: Siskel, Edward N; Roberts, Blake

Subject: RE: NYTimes: Jared Kushner, a Trump In-Law and Adviser, Chases a Chinese Deal

Thanks for sharing this, Jamie. Blake gave me a heads up that an article was in the works. The letter I sent Ed yesterday highlights some suggestions for protecting your client against potential conflicts of interest and other ethics issues.

I have one additional suggestion. There is a strong temptation for lawyers to think that it's enough to put together ethics arrangements that are legally compliant. As you know from your own time in government, senior officials invariably find themselves operating in a fast-paced work environment in which they necessarily move from one vaguely defined subject to another quickly throughout the day. Ethics issues arise unexpectedly, and they don't come with the label "Caution! I'm an ethics issue." For this reason, we encourage folks to set up ethics arrangements that put senior officials two steps back from the line between what is permissible and what is not. OGE can enforce that approach in the nominee program, but White House appointees are at the mercy of the attention span of a White House Counsel's office with a thousand other things to do. As things are currently shaping up, it's not clear that this new White House will have a fully functioning ethics office of its own on the first day. For that reason, caution is advisable. The further you can put him back from the line, the better you will protect him.

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

----Original Message----

From: Gorelick, Jamie [mailto(b) (6)

Sent: Saturday, January 07, 2017 9:42 AM

To: Walter M. Shaub

Cc: Siskel, Edward N; Roberts, Blake; Gorelick, Jamie

Subject: Fw: NYTimes: Jared Kushner, a Trump In-Law and Adviser, Chases a Chinese Deal

Walt -

Just a heads up so you know this is out there. Our proposed plan contemplates steps to remove and mitigate sources of conflict.

Best -

Jamie

Sent from my BlackBerry 10 smartphone.

Original Message

http://www.nytimes.com/2017/01/07/us/politics/jared-kushner-trump-business.html?smprod=nytcore-iphone&smid=nytcore-iphone-share

As Donald J. Trump's son-in-law prepares for a White House role, his undisclosed talks with a secretive Chinese company
highlight potential conflicts of interest.

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From: Walter M. Shaub

Sent: Thursday, January 05, 2017 7:01 PM

To: Heather A. Jones

Subject:Letter.docxAttachments:Letter.docx

Please review and offer any edits you think are appropriate using tracked changes. I need to send this letter before c.o.b. Friday. Thanks!

From: Gorelick, Jamie (b) (6)

Sent: Saturday, January 07, 2017 3:01 PM

To: Walter M. Shaub

Subject: Re: NYTimes: Jared Kushner, a Trump In-Law and Adviser, Chases a Chinese Deal

That would be fine, Walt. It is certainly a true statement. And we have appreciated and followed that advice, for example, with regard to the (b) (6)

Best -

Jamie

Sent from my BlackBerry 10 smartphone.

Original Message From: Walter M. Shaub

Sent: Saturday, January 7, 2017 2:51 PM

To: Gorelick, Jamie

Subject: Re: NYTimes: Jared Kushner, a Trump In-Law and Adviser, Chases a Chinese Deal

Jamie,

Do you have any concerns if at some point I state publicly that, "We have consulted with attorneys for Jared Kushner to provide assistance in connection with some steps he may take to avoid conflicts of interest if he comes into government." This seems to be consistent with what you told the NY Times.

Walt

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

Original Message From: Gorelick, Jamie

Sent: Saturday, January 7, 2017 11:37 AM

To: Walter M. Shaub

Subject: Re: NYTimes: Jared Kushner, a Trump In-Law and Adviser, Chases a Chinese Deal

Will do.

Sent from my BlackBerry 10 smartphone.

Original Message From: Walter M. Shaub

Sent: Saturday, January 7, 2017 11:32 AM

To: Gorelick, Jamie

Subject: Re: NYTimes: Jared Kushner, a Trump In-Law and Adviser, Chases a Chinese Deal

They have not shared with us that they've hired someone. If you get the chance, please let him know that I'd love to meet with him. Emory Rounds of my office and I can give him some ideas for setting up shop.

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

Original Message From: Gorelick, Jamie

Sent: Saturday, January 7, 2017 10:27 AM

To: Walter M. Shaub

Cc: Siskel, Edward N; Roberts, Blake; Gorelick, Jamie

Subject: Re: NYTimes: Jared Kushner, a Trump In-Law and Adviser, Chases a Chinese Deal

We agree. We are trying to make a workable and conservative plan. We have met with the person who will be doing ethics for McGahn so he can become familiar with the issues and be of help in keeping Jared clear of the line. Your advice is welcome!

Jamie

Sent from my BlackBerry 10 smartphone.

Original Message From: Walter M. Shaub

Sent: Saturday, January 7, 2017 10:17 AM

To: Gorelick, Jamie

Cc: Siskel, Edward N; Roberts, Blake

Subject: RE: NYTimes: Jared Kushner, a Trump In-Law and Adviser, Chases a Chinese Deal

Thanks for sharing this, Jamie. Blake gave me a heads up that an article was in the works. The letter I sent Ed yesterday highlights some suggestions for protecting your client against potential conflicts of interest and other ethics issues.

I have one additional suggestion. There is a strong temptation for lawyers to think that it's enough to put together ethics arrangements that are legally compliant. As you know from your own time in government, senior officials invariably find themselves operating in a fast-paced work environment in which they necessarily move from one vaguely defined subject to another quickly throughout the day. Ethics issues arise unexpectedly, and they don't come with the label "Caution! I'm an ethics issue." For this reason, we encourage folks to set up ethics arrangements that put senior officials two steps back from the line between what is permissible and what is not. OGE can enforce that approach in the nominee program, but White House appointees are at the mercy of the attention span of a White House Counsel's office with a thousand other things to do. As things are currently shaping up, it's not clear that this new White House will have a fully functioning ethics office of its own on the first day. For that reason, caution is advisable. The further you can put him back from the line, the better you will protect him.

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:
Sent:
Tuesday, January 10, 2017 1:31 PM
To:
David J. Apol; David J. Apol; Heather A. Jones
Subject:
Quick Call

Hi — Do any of you all have time for a quick call today? We have a few (hopefully straightforward) questions.

Thanks,
Blake
Blake Roberts | WilmerHale

[5) (6)

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From: Roberts, Blake (b) (6)

Sent: Friday, January 13, 2017 1:47 PM

To: David J. Apol; Heather A. Jones; Deborah J. Bortot

Subject: Quick questions today

Please let me know whenever you have availability today and I will make myself available. Thank you!

From: Roberts, Blake

Sent: Friday, January 13, 2017 12:19 PM

To: djapol@oge.gov; hajones@oge.gov; djbortot@oge.gov

Subject: Quick questions before 2:30

All,

Do any of you have 10 minutes for a few quick questions sometime before 2:30?

Thank you,

Blake

Blake Roberts | WilmerHale (b) (6)

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From:	Roberts, Blake (b) (6)
Sent: To:	Wednesday, January 11, 2017 11:17 AM David J. Apol
Cc:	Heather A. Jones; Deborah J. Bortot; Siskel, Edward N
Subject:	RE: Call re Questions
Dave – That works. T	Thank you. I will send an invite.
Thanks,	
DL-I	
Blake	
Blake Roberts Wili	merHale
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This email message a confidential, and may replying to this message and any atta. For more information. From: David J. Apol.	and any attachments are being sent by Wilmer Cutler Pickering Hale and Dorr LLP, are be privileged. If you are not the intended recipient, please notify us immediately—by age or by sending an email to (b) (6) and destroy all copies of this chments. Thank you. Thank you. Imailto:djapol@oge.gov Inuary 11, 2017 11:02 AM The provided Hale and Dorr LLP, are be privileged. If you are not the intended recipient, please notify us immediately—by and destroy all copies of this chments. Thank you.
This email message a confidential, and may replying to this message and any atta. For more information. From: David J. Apol. Sent: Wednesday, Ja. To: Roberts, Blake. Cc: Heather A. Jones.	and any attachments are being sent by Wilmer Cutler Pickering Hale and Dorr LLP, are be privileged. If you are not the intended recipient, please notify us immediately—by age or by sending an email to (b) (6) and destroy all copies of this chments. Thank you. Thank you. Imailto:djapol@oge.gov Inuary 11, 2017 11:02 AM The provided Hale and Dorr LLP, are be privileged. If you are not the intended recipient, please notify us immediately—by and destroy all copies of this chments. Thank you.

Dave

From: Roberts, Blake [mailto(b) (6)

Sent: Wednesday, January 11, 2017 9:27 AM

To: Walter M. Shaub; David J. Apol; Deborah J. Bortot; Heather A. Jones

Cc: Siskel, Edward N Subject: Call re Questions

All,

We know that you are very busy with all of your work for nominees. However, we would be very appreciative if it would be possible to schedule a 30 minute call with some of you this afternoon. We have several questions, one of which our best to make ourselves available.

Thank you,

Blake

Blake Roberts | WilmerHale
(b) (6)

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From:	David J. Apol
Sent:	Thursday, January 19, 2017 2:58 PM
To:	'Roberts, Blake'
Cc:	Monica M. G. Ashar; Elaine Newton
Subject:	RE: Call Thursday morning
Blake,	
Monica and Elaine are to	aking the lead on the CD. Are you available to talk to them at 3:15? If so, they will call you.
Dave	
From: Roberts, Blake [n Sent: Thursday, January To: David J. Apol Subject: RE: Call Thurs	y 19, 2017 1:46 PM
Dave – Just following	up. Can we possibly touch base quickly this afternoon?
From: Roberts, Blake Sent: Wednesday, Jan To: djapol@oge.gov Subject: Call Thursda	nuary 18, 2017 11:57 PM
Dave,	
I know this is a very by procedural and substar	ousy time. Would it be possible to schedule a short call tomorrow morning to go over some ntive questions?
Thanks,	
Blake	
Blake Roberts Wilm	nerHale



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From: Sent: To: Subject:	Monica M. G. Ashar Tuesday, January 24, 2017 11:34 AM 'Roberts, Blake' RE: Call Thursday morning	
Thanks.		
From: Roberts, Blake [mailto: b) Sent: Tuesday, January 24, 2017 To: Monica M. G. Ashar Subject: RE: Call Thursday morn	11:34 AM	
They are not.		
From: Monica M. G. Ashar [n. Sent: Tuesday, January 24, 20] To: Roberts, Blake (b) (6) Subject: RE: Call Thursday monitoring the sent that the sent the sent that the sent the sent that the sent that the sent the sent that the sent the sent that the sent the	7 11:33 AM rming	
Thanks,		
Monica		
Monica Ashar		
Assistant Counsel		
U.S. Office of Government Eth	cs	
1201 New York Avenue, NW,	Suite 500	
Washington, DC 20005		
Phone: (202) 482-9282		

VISIT OGE'S Website: <u>www.oge.gov</u>
Follow OGE on Twitter: @OfficeGovEthics
From: Roberts, Blake [mailto (b) (6) Sent: Sunday, January 22, 2017 11:10 AM To: Elaine Newton; Monica M. G. Ashar Cc: David J. Apol Subject: RE: Call Thursday morning
Elaine – Thanks again for these helpful questions. Here are our responses. Please let me know if you have any further questions.
Thank you, Blake
(1) Please instruct Mr. Kushner not to divest any holdings prior to receiving the CD for those holdings. According to the statute, OGE cannot issue a CD after the conflicting property has been divested.
(b) (6)

(b) (6)			
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From: Roberts, Blake

Sent: Saturday, January 21, 2017 12:16 PM

To: 'Elaine Newton' < enewton@oge.gov>; Monica M. G. Ashar < mmgashar@oge.gov>

Cc: David J. Apol < djapol@oge.gov > Subject: RE: Call Thursday morning

Elaine – Thanks very much. I will get back to you with answers to these questions as quickly as possible. I will continue to be your point of contact for Jared's personal counsel. I believe that Stefan Passantino will be your contact in the Counsel's Office on this.

From: Elaine Newton [mailto:enewton@oge.gov]

Sent: Saturday, January 21, 2017 12:09 PM

To: Roberts, Blake (b) (6); Monica M. G. Ashar < mmgashar@oge.gov >

Cc: David J. Apol <djapol@oge.gov>
Subject: RE: Call Thursday morning

Good Afternoon,

Thank you for the additional information and draft documents. We are continuing to review the information and have some additional questions:

(1) Please instruct Mr. Kushner not to divest any holdings prior to receiving the CD for those holdings. According to the statute, OGE cannot issue a CD after the conflicting property has been divested.

(b) (6)
Monica and I will continue to review the draft documents. Will you continue to be our point of contact or is there another name (and contact information) that you can provide?
Thanks, Elaine
Thanks, Liame
Elaine Newton
Associate Counsel
U.S. Office of Government Ethics
1201 New York Ave., NW, Suite 500
Washington, DC 20005-3915
Telephone: 202-482-9265

From: Roberts, Blake [mailto (b) (6)

Sent: Friday, January 20, 2017 4:56 PM **To:** Monica M. G. Ashar; Elaine Newton

Cc: David J. Apol

Subject: RE: Call Thursday morning

Monica and Elaine – Please also find attached drafts of a memo from Jared applying for the COD and a memo from the WH Counsel's Office forwarding the application to OGE. Please let us know if you have any comments on these or if they seem sufficient.

Thank you,

Blake

From: Roberts, Blake

Sent: Friday, January 20, 2017 4:39 PM

To: 'Monica M. G. Ashar' < mmgashar@oge.gov >; 'Elaine Newton' < enewton@oge.gov >

Cc: 'David J. Apol' < djapol@oge.gov > Subject: RE: Call Thursday morning

Monica and Elaine – Here is the redacted trust document. Can you please let me know if this is adequate for your purposes? If not, can you please let me know what information you need?

On timing, my understanding is that Jared will be sworn in Sunday afternoon. Hopefully, you will receive the official package that afternoon.

Thanks,

Blake

From: Roberts, Blake

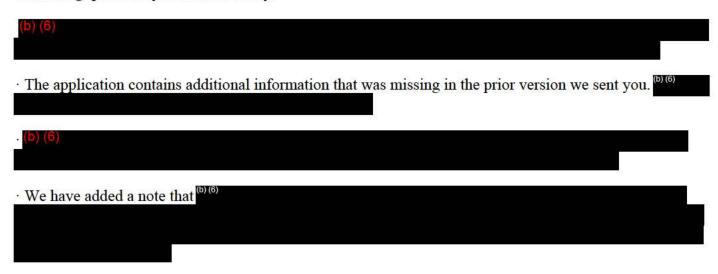
Sent: Thursday, January 19, 2017 5:17 PM

To: 'Monica M. G. Ashar' <mmgashar@oge.gov>; 'Elaine Newton' <enewton@oge.gov>

Cc: 'David J. Apol' < djapol@oge.gov > Subject: RE: Call Thursday morning

Monica and Elaine,

Thank you so much for our discussion earlier. I am attaching updated materials, which include revisions addressing questions you raised. Briefly:



Please let me know if you have any questions as you review this updated material.

Thanks,

Blake

From: Roberts, Blake

Sent: Thursday, January 19, 2017 3:21 PM To: 'David J. Apol' <diapol@oge.gov>

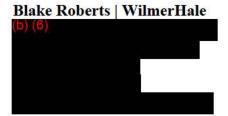
Cc: Monica M. G. Ashar <mmgashar@oge.gov>; Elaine Newton <enewton@oge.gov>

Subject: RE: Call Thursday morning

Just saw this – yes. Please call whenever – (b) (6)

From: David J. Apol [mailto:djapol@oge.gov]
Sent: Thursday, January 19, 2017 2:58 PM

Cc: Monica M. G. Ashar mmgashar@oge.gov ; Elaine Newton enewton@oge.gov > Subject: RE: Call Thursday morning
Blake,
Monica and Elaine are taking the lead on the CD. Are you available to talk to them at 3:15? If so, they will call you.
Dave
From: Roberts, Blake [mailto (b) (6) Sent: Thursday, January 19, 2017 1:46 PM To: David J. Apol Subject: RE: Call Thursday morning
Dave – Just following up. Can we possibly touch base quickly this afternoon?
From: Roberts, Blake Sent: Wednesday, January 18, 2017 11:57 PM To: djapol@oge.gov Subject: Call Thursday morning
Dave,
I know this is a very busy time. Would it be possible to schedule a short call tomorrow morning to go over some procedural and substantive questions?
Thanks,
Blake



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