

From: [Leslie Kiernan](#)
To: [Keith Labedz](#); [Randall Hall](#)
Cc: [Leslie Kiernan](#)
Subject: Fwd: 5 Day Letters
Date: Monday, April 10, 2017 12:55:17 PM
Attachments: [5DAY-Alexander-Gottlieb.doc](#) [ATT00001.txt](#) [5DAY-Murray-Gottlieb.doc](#) [ATT00002.txt](#) Attachments: Nonresponsive records

Keith and Randy,

Enclosed for your files are copies of the 5-day letters sent by Dr Gottlieb to Senators Alexander and Murray. These letters have already been transmitted to the Hill.

Regards,

Leslie Kiernan

>
>
>

From: [Kiernan, Leslie](#)
To: [Keith Labedz](#); [Randall Hall](#)
Subject: Corrected Date Signed EA
Date: Tuesday, March 28, 2017 9:57:13 AM
Attachments: [EA Final 3-28-17.pdf](#)
[ATT00001.htm](#)

Attachment: Nonresponsive record. Ethics agreements publicly available at <https://extapps2.oge.gov/201/Presiden.nsf/f54fd322068f23a385257fc40006f88e?OpenForm>

Attached is the corrected EA. Please let me know once the 278 ha been certified and the packet sent to the Hill.

Regards,

Leslie

Sent from my iPhone

Begin forwarded message:

From: "Scott Gottlieb, MD" (b)(6)
Date: March 28, 2017 at 9:53:51 AM EDT
To: "Leslie B. Kiernan" (b)(6)
Subject: EA Attached Signed
Reply-To: (b)(6) - Scott Gottlieb

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From: [Keith Labeledz](#)
To: ["Kiernan, Leslie"; Randall Hall](#)
Cc: [Deborah J. Bortot](#)
Subject: RE: Gottlieb
Date: Tuesday, March 28, 2017 8:44:46 AM

Hello,

In looking at the signed ethics agreement, I noticed that there is a date field on each page in the header. That addition is fine; however, the date listed is 3/30, including on the signature page. OGE will not be able to certify with a future-dated signature page.

Keith

From: Kiernan, Leslie [mailto:[\(b\)\(6\)](#)]
Sent: Monday, March 27, 2017 9:19 PM
To: Keith Labeledz; Randall Hall
Subject: Gottlieb

Hello Keith and Randy,

Thank you again for all of your work on Scott Gottlieb's 278 and ethics agreement. I wanted to confirm to you both that Dr. Gottlieb has signed the 278 electronically this evening. I understand that the Senate HELP committee staff needs to receive the 278 and Ethics Agreement tomorrow in order to proceed with the hearing now scheduled for next week. Please let me know if there is anything Dr. Gottlieb or I can do tomorrow in connection with this piece to ensure that we don't lose this hearing date.

Thanks again for everything.

Regards,

Leslie Kiernan

Sent from my iPhone

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From: [Keith Labeledz](#)
To: ["Kiernan, Leslie"](#)
Subject: RE: 278 and EA to Hill
Date: Monday, March 27, 2017 8:15:54 PM
Attachments: [Filing a Nominee Report after Nomination.pdf](#)

Attachment non-responsive

Hello,

I have entered the nomination date, so the filer will be able to file formally. He would just open the report, go to the Submit screen, check the box next to the certification statement, and click Submit.

The package will not go to the Senate tonight; however, if he files tonight, I'll check internally and with HHS to see if we can expedite tomorrow.

Thank you.
Keith

From: Kiernan, Leslie [mailto:[\(b\)\(6\)](#)]
Sent: Monday, March 27, 2017 6:33 PM
To: Keith Labeledz
Subject: 278 and EA to Hill

Hi Keith,

Just wanted to be sure you saw that I sent you Scott's official nomination and the EA. I think he is waiting for someone to allow him to sign 278 electronically. Do you think these will go to Hill tonight or tomorrow? Just want to let folks know of when to look for them.

Thanks much,

Leslie

Sent from my iPhone

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From: [Kiernan, Leslie](#)
To: [Keith Labedz](#); (b)(6) - Randall Hall email
Subject: Signed Ethics agreement
Date: Monday, March 27, 2017 5:20:29 PM
Attachments: [Ethics Agreement 3-27-17 SIGNED.pdf](#)
[ATT00001.txt](#)

Attachment: Nonresponsive record. Ethics agreements publicly available at <https://extapps2.oge.gov/201/Presiden.nsf/f54fd322068f23a385257fc40006f88e?OpenForm>

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From: [Kiernan, Leslie](#)
To: [Keith Labedz](#); (b)(6) - Randall Hall email
Subject: Fwd: President Donald J. Trump Sends Nominations to the Senate
Date: Monday, March 27, 2017 5:17:45 PM

Sent from my iPhone

Begin forwarded message:

From: "Scott Gottlieb, MD" (b)(6) >
Date: March 27, 2017 at 4:57:07 PM EDT
To: "Leslie B. Kiernan" <(b)(6)>
Subject: Fwd: FW: President Donald J. Trump Sends Nominations to the Senate

----- Forwarded message -----

From: Lenihan, Keagan R. EOP/WHO (b)(6)
Date: Mon, Mar 27, 2017 at 4:52 PM
Subject: FW: President Donald J. Trump Sends Nominations to the Senate
To: Scott Gottlieb, MD (b)(6)
Cc: Lloyd, Matt (OS/ASPA) <(b)(6)>, Lapinski, Mary-Sumpter (HHS/IOS) <(b)(6)>, Arbes, Sarah (HHS/ASL) <(b)(6)>

See below

Keagan R. Lenihan

Office of Presidential Personnel

(b)(6)

From: White House Press Office [mailto:whitehouse-noreply@useopwh.service.govdelivery.com]
Sent: Monday, March 27, 2017 4:50 PM
To: Lenihan, Keagan R. EOP/WHO (b)(6)

Subject: President Donald J. Trump Sends Nominations to the Senate

THE WHITE HOUSE

Office of the Press Secretary

FOR IMMEDIATE RELEASE

March 27, 2017

NOMINATIONS SENT TO THE SENATE:

Althea Coetzee, of Virginia, to be Deputy
Administrator of the

Small Business Administration, vice Douglas J. Kramer.

Scott Gottlieb, of Connecticut, to be Commissioner
of Food and

Drugs, Department of Health and Human Services, vice
Robert McKinnon

Califf.

William Francis Hagerty IV, of Tennessee, to be
Ambassador

Extraordinary and Plenipotentiary of the United States
of America to

Japan.

#

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From: [Kiernan, Leslie](#)
To: [Keith Labeledz](#)
Cc: (b)(6) - Randall Hall email
Subject: Re: Filer precleared
Date: Thursday, March 23, 2017 5:08:16 PM

Thank you Keith and Randy. The edits to the EA is fine. I will have the filer accept the changes, review and date and sign the EA and return it to you either later today or tomorrow.

Regards,

Leslie

Sent from my iPhone

On Mar 23, 2017, at 4:58 PM, Keith Labeledz <klabeledz@oge.gov> wrote:

Hello,

The filer has been precleared by OGE. I have attached the ethics agreement, which includes the Innovating Healthcare 502 language (in tracked changes).

Thank you.

Keith

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<Gottlieb, Scott_EA for preclearance.docx>

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error, please notify us immediately by e-mail, and delete the original message.

From: Keith Labeledz [<mailto:klabeledz@oge.gov>]
Sent: Thursday, March 23, 2017 4:08 PM
To: 'Kiernan, Leslie'; Hall, Randall (HHS/OGC)
Subject: RE: Physician Profile for SCOTT undefined GOTTLIEB - Open Payments Data - CMS

Ok, thank you. I see the endnote now (my initial check was for "(b)(6), (b)(3)").

From: Kiernan, Leslie [(b)(6)]
Sent: Thursday, March 23, 2017 4:07 PM
To: Hall, Randall (HHS/OGC)
Cc: Keith Labeledz
Subject: Re: Physician Profile for SCOTT undefined GOTTLIEB - Open Payments Data - CMS

Randy,

Thanks for double checking. Scott checked this website against his 1099s and his other records as he was preparing the 278. The (b)(6), (b)(3) is already on the 278. It was (b)(6) (b)(6). There is an endnote explaining the (b)(6), (b)(3) connection. It was (b)(6), (b)(3) and the rest (b)(6). Let me know if you have any other questions.

Leslie

Sent from my iPhone

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From: [Kiernan, Leslie](#)
To: [Keith Labeledz](#)
Cc: (b)(6) - Randall Hall email
Subject: Re: Gottlieb
Date: Thursday, March 23, 2017 11:10:54 AM

Thank you Keith. Responses below.
Sent from my iPhone

On Mar 23, 2017, at 10:17 AM, Keith Labeledz <klabeledz@oge.gov> wrote:

Hello,

I am preparing the package for preclearance review/approval this morning.

Three items --

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

A large black rectangular redaction box covers the majority of the text in this section. The text "(b)(6), (b)(3)" is visible at the top left of the redaction.

* Reviewers are required to send the following notification/instruction prior to sending a package forward for preclearance. We have addressed these items in prior rounds of questions/comments, but, in the interests of consistency across filers, the items are restated. THANK YOU

OGE will be reviewing the nominee's report for preclearance. Please be sure to instruct the nominee to personally review the report carefully once more, given that the nominee will be personally responsible for all entries in the report as they currently appear.

Before OGE reviews this report for “preclearance,” I’m sending you a list of some of the nominee’s material representations on which we are relying. Please forward this message to the nominee and instruct him to notify us immediately if any item in this list is incorrect.

Among other material representations, we are relying on the following:

- The nominee has personally reviewed all entries in the current version of the report and has affirmed that they are correct.

- The nominee is not a trustee of any trust.

- For Part 1 and Part 4, the nominee has provided information covering the entire reporting period of January 1, 2015, to present.

- For Part 2, Part 5, and Part 6 the nominee has provided information covering the entire reporting period of January 1, 2016, to present.

- Except as expressly reported in the OGE Form 278e, the nominee does not hold any stock options, restricted stock, restricted stock units, or other equity-related interests in a current or former employer.

- Except as expressly reported in the OGE Form 278e, the nominee does not have any capital commitments associated with any of the reported private investment funds.

- The ethics agreement correctly describes all items addressed in the agreement.

From: Kiernan, Leslie [[mailto:\(b\)\(6\)](#)]

Sent: Thursday, March 23, 2017 7:54 AM
To: Keith Labedz
Cc: (b)(6) - Randall Hall email
Subject: Gottlieb

Good morning,

The filer has made all of the corrections noted in your email of yesterday afternoon on his 278. As he was reviewing it, he also remembered that he had forgotten to include in part 2 (b)(6), (b)(3) (b)(6). He has now included that entry. Please let me know if you have any questions or further comments.

Regards,

Leslie Kiernan

Sent from my iPhone

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From: [Kiernan, Leslie](#)
To: [Keith Labeledz](#)
Cc: "(b)(6) - Randall Hall email"
Subject: Draft Ethics Agreement and Technical Notes
Date: Wednesday, March 22, 2017 3:24:45 PM

Keith and Randy,

Below in BLUE are the confirmations/responses. Please let me know if you have any further questions.

Regards,

Leslie Kiernan

From: Keith Labeledz [mailto:klabeledz@oge.gov]
Sent: Tuesday, March 21, 2017 3:34 PM
To: Kiernan, Leslie; "(b)(6) - Randall Hall email"
Subject: Draft Ethics Agreement and Technical Notes

Hello,

Attached is a proposed draft of the ethics agreement for discussion. I am also including some additional technical comments on the report based on our review of the latest version.

Ethics Agreement

* The agreement makes statements about the interests the filer does (or does not) have and the circumstances under which certain interests were acquired. Those statements were included based on my understanding of the report and our conversations. Please let me know if those statements are incorrect as they may affect the phrasing or placement of certain commitments. I HAVE SENT YOU BACK BY SEPARATE EMAIL THE ETHICS AGREEMENT.

* Although not mentioned explicitly in the ethics agreement, it is my understanding that:

(b)(6)

A large rectangular area of the document is completely redacted with black ink, covering approximately three lines of text.

Please let me know if I am incorrect.

Additional Technical Comments on Report

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

A large rectangular area of the document is completely redacted with black ink, covering approximately four lines of text.

(b)(6)

[Redacted]

[Redacted]

[Redacted]

Thank you.

Keith

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confidential use of the recipient(s) named above. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

From: [Kiernan, Leslie](#)
To: [Keith Labedz](#)
Date: Friday, March 17, 2017 4:48:41 PM

Keith,

Thanks again for making time for this today. Filer has ^{(b)(6)} [REDACTED]
The new form has been certified by the filer and sent so just needs to be released to you by WH.

(b)(6) [REDACTED]

Please let me know if you have further questions or need additional information.

I hope you have a good weekend.

Best,

Leslie Kiernan

Sent from my iPhone

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From: [Keith Labeledz](#)
To: (b)(6) L Kiernan's
Cc: (b)(6) - R Hall
Subject: Round 2 comments
Date: Friday, March 10, 2017 5:45:02 PM
Attachments: [Round 2 Comments.docx](#)

Attachment nonresponsive record

Hello,

Attached is our second round of comments on the filer's draft report. These comments incorporate the pending items from round 1 and new items based on a review of the most recent draft. Please let me know if there are any questions about the comments.

Thank you.

Keith

Keith Labeledz
Senior Program Analyst
Presidential Nominations Branch
U.S. Office of Government Ethics
Telephone: (202) 482-9218

From: [Walter M. Shaub](#)
To: [Kiernan Leslie](#) ((b)(6))
Cc: [Keith Labeledz](#); [Deborah J. Bortot](#); [Heather A. Jones](#)
Subject: first round of comments attached
Date: Tuesday, March 07, 2017 7:28:44 PM
Attachments: [Round 1 Comments.pdf](#)

Attachment nonresponsive record

Leslie,

Keith Labeledz put together the attached set of comments on the draft we discussed. Deb Bortot, Heather Jones, and I reviewed the comments and made a few modifications. So, we're all on the same page here and ready for you to work on the next draft of the report.

The report looks like it's in very good shape for a first round draft, and I think these comments will move things along nicely. Please just make sure your client understands that, as you know, there are often multiple rounds of follow-up questions and fine-tuning.

I've copied Keith, so you'll have his email address. As I think you know, his phone number is 202-482-9218. (I've also copied Deb and Heather, so you'll have their contact information too.)

Walt

Walter M. Shaub, Jr.
Director
U.S. Office of Government Ethics
1201 New York Avenue, NW, Suite 500
Washington, DC 20005-3917

Telephone: 202.482.9((b)(6))
Email: walter.shaub@oge.gov

From: Walter M. Shaub
To: Kiernan Leslie (b)(6)
Cc: Deborah J. Bortot
Subject: FW: nominee
Date: Wednesday, February 15, 2017 1:56:58 PM
Attachments: [fund_manager_letter_\(word_version\).docx](#) [fund_manager_letter_\(pdf_version\).pdf](#) [EA Shell.doc](#) Attachments: Nonresponsive records

Leslie,

I am forwarding this message again because I have assembled the shell of an ethics agreement we will likely use for him. (Attached as "EA Shell.doc") In red text, you'll see that I have added (1) a paragraph addressing (b)(6) and (2) the special paragraph that HHS uses in all of its ethics agreements requiring nominees to stay out of investments in a list of sectors. We will likely have to add additional paragraphs to address your client's individual circumstances, but this draft gives you a significant portion of the ethics agreement. This draft may help in preparing your client for the nominee process.

Walt

Walter M. Shaub, Jr
Director
U S Office of Government Ethics
1201 New York Avenue, NW, Suite 500
Washington, DC 20005-3917
Telephone: (b)(6)
Email: walter.shaub@oge.gov

From: Walter M. Shaub
Sent: Wednesday, February 15, 2017 1:34 PM
To: (b)(6); E. Kiernan's email
Cc: Jack MacDonald; George Hancock; Deborah J. Bortot
Subject: nominee
Leslie,

I've copied Jack MacDonald (202-482-9310) and George Hancock on this message. They will be able to schedule a brief training session on Integrity consistent with the training we've provided to other nominees' representatives.

My assistant Matt Marinec is on his way now with a copy of the Nominee Ethics Guide.

I have attached a copy of the fund manager letter we're currently using.

Here are some links to items that might prove helpful as well:

- Nominee Ethics Guide
[https://www.oge.gov/Web/OGEnsf/0/908088E45E5A64778525801B00590DD5/\\$FILE/Final%20Nomination%20Guide%20Spreads%20Optimized%20Web.pdf](https://www.oge.gov/Web/OGEnsf/0/908088E45E5A64778525801B00590DD5/$FILE/Final%20Nomination%20Guide%20Spreads%20Optimized%20Web.pdf)
- Appendix to Nominee Ethics Guide
[https://www.oge.gov/Web/OGEnsf/0/0EA56347F998FFA78525801B0058E0F9/\\$FILE/Final%20Appendix%20Spreads%20Web%20.pdf](https://www.oge.gov/Web/OGEnsf/0/0EA56347F998FFA78525801B0058E0F9/$FILE/Final%20Appendix%20Spreads%20Web%20.pdf)
- One-page flyer on Certificates of Divestiture
[https://www.oge.gov/Web/OGEnsf/0/CB13B398F168EC5E85258026004CE9B3/\\$FILE/Certificate%20of%20Divestiture%20Fact%20Sheet.pdf](https://www.oge.gov/Web/OGEnsf/0/CB13B398F168EC5E85258026004CE9B3/$FILE/Certificate%20of%20Divestiture%20Fact%20Sheet.pdf)
- Financial Disclosure Checklists (*a good tool for double-checking that your client has disclosed everything required*)
[https://www.oge.gov/Web/OGEnsf/0/BC975C546F68A21C852580560045BE83/\\$FILE/Financial%20Disclosure%20Checklists.pdf](https://www.oge.gov/Web/OGEnsf/0/BC975C546F68A21C852580560045BE83/$FILE/Financial%20Disclosure%20Checklists.pdf)
- Financial Disclosure Guide (*a good tool for figuring out how to disclose specific types of assets*)
<https://www.oge.gov/Web/278eGuide.nsf>
- Integrity (*electronic filing system*)
www.integrity.gov
- Legal advisory on investment funds (supersedes the 2008 advisory)
[https://www.oge.gov/web/oge.nsf/Legal%20Advisories/6796AE932D86D26E85257E96005FBF0B/\\$FILE/b1aa4ca489f74ef3b5bafc0af37fa2253.pdf?open](https://www.oge.gov/web/oge.nsf/Legal%20Advisories/6796AE932D86D26E85257E96005FBF0B/$FILE/b1aa4ca489f74ef3b5bafc0af37fa2253.pdf?open)
- Legal advisory on the new Executive Order
[https://www.oge.gov/web/oge.nsf/Legal%20Advisories/F5470156962CE0F6852580BF00752A17/\\$FILE/LA-17-02%20\(final\).pdf?open](https://www.oge.gov/web/oge.nsf/Legal%20Advisories/F5470156962CE0F6852580BF00752A17/$FILE/LA-17-02%20(final).pdf?open)

Walt

Walter M. Shaub, Jr
Director
U S Office of Government Ethics
1201 New York Avenue, NW, Suite 500
Washington, DC 20005-3917
Telephone: (b)(6)
Email: walter.shaub@oge.gov

From: [Walter M. Shaub](#)
To: [Elaine Newton](#); [Seth Jaffe](#)
Subject: FW: Dr. Gottlieb CD Request
Date: Wednesday, May 10, 2017 3:44:44 PM
Attachments: [cover letter for CDs.msg](#)
[CD Request.msg](#)
[EA Final 3-28-17.pdf](#)

Attachment: Nonresponsive record. Ethics agreements publicly available at
<https://extapps2.oge.gov/2017/Presiden.nsf/>
<https://extapps2.oge.gov/2017/Presiden.nsf/54fd322068f23a385257fc40006f88e?OpenForm>. CDs publicly available at
<https://extapps2.oge.gov/2017/Presiden.nsf/All+Certificates+of+Divestiture>.

Walter M. Shaub, Jr.
Director
U.S. Office of Government Ethics
1201 New York Avenue, NW, Suite 500
Washington, DC 20005-3917
Telephone: (b)(6)
Email: walter.shaub@oge.gov

From: Kiernan, Leslie [mailto:(b)(6)]
Sent: Wednesday, May 10, 2017 3:22 PM
To: Walter M. Shaub
Subject: Dr. Gottlieb CD Request

Walt,

Dr. Gottlieb was confirmed as FDA Commissioner last night and is to be sworn in tomorrow morning. Attached are the CD request materials sent to the agency ethics official and the ethics agreement. Dr. Gottlieb would like to divest as soon as possible so would appreciate expedited processing of this request. Thank you in advance for your assistance.

Regards,

Leslie

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From: [Walter M. Shaub](#)
To: ["Kiernan, Leslie"](#)
Subject: CD?
Date: Wednesday, May 10, 2017 3:05:27 PM

Leslie,

I've got people standing by but we haven't got anything from you or the agency. Are you going to be sending it today?

Walt

Walter M. Shaub, Jr.

Director

U.S. Office of Government Ethics

1201 New York Avenue, NW, Suite 500

Washington, DC 20005-3917

Telephone: (b)(6)

Email: walter.shaub@oge.gov

From: [Walter M. Shaub](#)
To: ["Kiernan, Leslie"](#)
Subject: CD has been issued
Date: Thursday, May 11, 2017 1:01:49 PM

CD issued and sent to agency