

UNITED STATES OFFICE OF  
GOVERNMENT ETHICS



MAR - 8 2017

James D. Schultz  
Alternate Designated Agency Ethics Official  
The White House Office  
Washington, D.C. 20500

Dear Mr. Schultz

In response to your request of February 24, 2017, enclosed are Certificates of Divestiture OGE-2017-025 for Gary D. Cohn, Director of the National Economic Council, White House Office and OGE-2017-026 for Lisa Pevaroff, spouse of Gary Cohn. We would appreciate your forwarding the original certificates to Mr. Cohn. Also enclosed is a copy of the certificates for your files.

If there are any questions, you may contact Vincent Salamone, Associate Counsel, at (202) 482-9274.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Apol".

David J. Apol  
General Counsel

Enclosures

OGE regulations provide for a special access provision for copies of final Certificates of Divestiture (CDs). You may obtain copies of CDs on OGE's website at: <https://extapps2.oge.gov/201/Presiden.nsf/All+Certificates+of+Divestiture>



## Vincent Salamone

---

**From:** Mullis, Dianna (b) (6)  
**Sent:** Monday, February 06, 2017 6:52 PM  
**To:** Swartz, Christopher J. EOP/WHO; Vincent Salamone  
**Cc:** Rizzi, Robert  
**Subject:** RE: First Review Comments - Gary Cohn 278e report

Perfect. Talk with you tomorrow.

**From:** Swartz, Christopher J. EOP/WHO [mailto:(b) (6)]  
**Sent:** Monday, February 06, 2017 6:36 PM  
**To:** Mullis, Dianna; Vincent Salamone  
**Cc:** Rizzi, Robert  
**Subject:** RE: First Review Comments - Gary Cohn 278e report

10:30 would be fine. I am reviewing the other report now, and will be prepared to discuss that one as well at that time.

**From:** Mullis, Dianna [mailto:(b) (6)]  
**Sent:** Monday, February 6, 2017 6:35 PM  
**To:** Swartz, Christopher J. EOP/WHO (b) (6) Vincent Salamone  
<vjsalamo@oge.gov>  
**Cc:** Rizzi, Robert (b) (6)  
**Subject:** RE: First Review Comments - Gary Cohn 278e report

Chris,

Are you available tomorrow morning to discuss? Would 10:30 work?

Best,

Dianna

---

Dianna M. Mullis

Associate

(b) (6)

Step toe

+ (b) (6) direct      Steptoe & Johnson LLP  
+ (b) (6) cell      1330 Connecticut Avenue, NW  
+1 202 429 3902 fax      Washington, DC 20036  
  
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**From:** Swartz, Christopher J. EOP/WHO [mailto:(b) (6)]  
**Sent:** Monday, February 06, 2017 5:13 PM  
**To:** Mullis, Dianna; Vincent Salamone  
**Cc:** Rizzi, Robert  
**Subject:** RE: First Review Comments - Gary Cohn 278e report

Dianna-

I am reviewing the documents for Cohn right now. Can you send us the (b) (6)? Also, I am trying to think through what Cohn will retain after his divestitures under the CD so I have a fairly good view into what other steps we need to take for him. (b) (6)

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

Chris

**From:** Mullis, Dianna [mailto:(b) (6)]  
**Sent:** Monday, February 6, 2017 10:21 AM  
**To:** Vincent Salamone <vjsalamo@oge.gov>  
**Cc:** Swartz, Christopher J. EOP/WHO (b) (6) Rizzi, Robert  
(b) (6)  
**Subject:** RE: First Review Comments - Gary Cohn 278e report

7-page exhibit and 4-page entity chart withheld in full - (b)(4), (b)(6)

My apologies. Attached are the exhibits referenced in the responses, as well as an entity chart.

Dianna

**From:** Mullis, Dianna  
**Sent:** Monday, February 06, 2017 10:19 AM  
**To:** 'Vincent Salamone'  
**Cc:** Swartz, Christopher J. EOP/WHO (b) (6) Rizzi, Robert  
**Subject:** RE: First Review Comments - Gary Cohn 278e report

Attachment 13 pages withheld in full - (b)(6), (b)(4)

Vince,

Attached please find responses to your first review comments. I have copied Chris Swartz, who is working on the report at WHCO.

Once we are able to edit the report, we will do so. Please let me know if you have any questions.

Best,  
Dianna

**Dianna M. Mullis**  
Associate

(b) (6)

Step toe

+(b) (6) direct      Steptoe & Johnson LLP  
(b) cell              1330 Connecticut Avenue, NW  
+1 202 429 3902 fax      Washington, DC 20036  
  
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**From:** Vincent Salamone [<mailto:vjsalamo@oge.gov>]  
**Sent:** Tuesday, January 31, 2017 4:30 PM  
**To:** Mullis, Dianna  
**Subject:** First Review Comments - Gary Cohn 278e report

Attachment 7 pages withheld under (b)(6)

Dianna – As we discussed today, I have attached comments on the first review of Gary Cohn’s report. Should you have any questions about any comment, please feel free to contact me at the telephone number provided below or by email.

Best,

Vincent Salamone

U.S. Office of Government Ethics

(202) 482-9274

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**Vincent Salamone**

---

**From:** Elaine Newton  
**Sent:** Monday, February 27, 2017 9:36 AM  
**To:** Vincent Salamone  
**Subject:** FW: COHN COD REQUEST  
**Attachments:** COHN FINAL COD PACKAGE.PDF; JDS DESIGNATION.PDF

Attachment 1: 6 pages withheld in full - (b)(5), (b)(6). Attachment 2 not responsive.

Vince,

On February 6, 2017, OGE received a CD request for Gary Cohn. I assigned the CD request to Jack. When Jack reached out to the White House, he was told that the White House was updating the 278 so they asked that OGE delay reviewing the CD request. On Friday, February 24, OGE received a revised CD request for Mr. Cohn. The revised request, which is attached, does not include an updated 278. Using the initial draft 278, please review the attached CD request to determine (b) (5)

Please let me know if you would like to see the initial draft CD request that OGE received on February 6, 2017.

Thanks, Elaine

-----Original Message-----

**From:** David J. Apol  
**Sent:** Friday, February 24, 2017 3:36 PM  
**To:** Elaine Newton  
**Subject:** FW: COHN COD REQUEST

-----Original Message-----

**From:** Schultz, James D. EOP/WHO [mailto:(b) (6)]  
**Sent:** Friday, February 24, 2017 2:21 PM  
**To:** David J. Apol  
**Cc:** Mullis, Dianna  
**Subject:** COHN COD REQUEST

Dave - attached you will find the Cohn COD Package. Thank you for your assistance. J

JAMES D. SCHULTZ

Senior Associate Counsel and Special Assistant to the President Office of the White House Counsel

(b) (6)

## Vincent Salamone

---

**From:** Rodrick T. Johnson  
**Sent:** Wednesday, March 08, 2017 4:04 PM  
**To:** 'Christopher'; (b) (6) James Schultz  
**Cc:** Elaine Newton; Teresa L. Williamson; Sandra S. Mabry; Vincent Salamone  
**Subject:** Certificate of Divestiture for Gary D. Cohn  
**Attachments:** Cohn, Gary D. CD's 025-026.pdf OGE regulations provide for a special access provision for copies of final Certificates of Divestiture (CDs). You may obtain copies of CDs on OGE's website at: <https://extapps2.oge.gov/201/Presiden.nsf/All+Certificates+of+Divestiture>  
**Importance:** High

Good Afternoon, Chris:

Attached is the Certificate of Divestiture OGE-2017-025 for Gary D. Cohn, Director of the National Economic Council, White House Office and OGE-2017-026 for Lisa Pevaroff, spouse of Gary Cohn. We would appreciate your forwarding the original certificates to Mr. Cohn. Also enclosed is a copy of the certificates for your files.

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

Please confirm receipt of this email by replying to all.

Thanks, Again  
Rodrick Johnson



## Vincent Salamone

---

**From:** Swartz, Christopher J. EOP/WHO (b) (6)  
**Sent:** Thursday, March 02, 2017 5:53 PM  
**To:** David J. Apol  
**Cc:** Vincent Salamone; Schultz, James D. EOP/WHO  
**Subject:** Cohn CD

Dave-

As we just discussed, we have been informed that Mr. Cohn (b)(6) which are under the heading (b) (6). He will (b)(6)

He continues to seek a CD for the stock and partnership interests in the CD request we sent to your office late last month.

Please do not hesitate to call me if there are any additional questions in this regard.

Christopher J. Swartz  
Ethics Counsel  
Office of the White House Counsel

(b)

## Vincent Salamone

---

**From:** David J. Apol  
**Sent:** Thursday, January 19, 2017 7:54 PM  
**To:** 'Mullis, Dianna'  
**Cc:** Rizzi, Robert; Vincent Salamone  
**Subject:** RE: Cohn

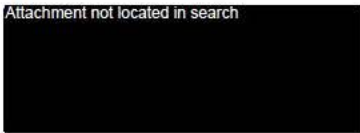
This looks good. I will forward it to Stefan for his action.

Dave

---

**From:** Mullis, Dianna [mailto:(b) (6)]  
**Sent:** Thursday, January 19, 2017 7:13 PM  
**To:** David J. Apol  
**Cc:** Rizzi, Robert  
**Subject:** RE: Cohn

Attachment not located in search



Dave,

Attached please find our proposed edits to the letter.

Let us know if you have any questions.

Dianna

**From:** David J. Apol [mailto:djapol@oge.gov]  
**Sent:** Thursday, January 19, 2017 5:27 PM  
**To:** Mullis, Dianna  
**Subject:** RE: Cohn

Attachment not located in search



Will this memorandum meet your needs?

Dave

**From:** Mullis, Dianna [mailto:(b) (6)]  
**Sent:** Thursday, January 19, 2017 1:03 PM  
**To:** Vincent Salamone; David J. Apol  
**Subject:** RE: Cohn

Attachment: non-responsive record

Following up on our phone conversation, please see the attached letter from (b) (6) with the 208 language. I have redacted out the client's name and former employer for privacy.

Let me know if you have any questions.

Best,

Dianna

**From:** Mullis, Dianna  
**Sent:** Wednesday, January 18, 2017 8:15 PM  
**To:** 'vjsalamo@oge.gov'; 'djapol@oge.gov'  
**Cc:** Rizzi, Robert  
**Subject:** Cohn

David and Vince,

Following up on our call this morning, below please find the steps to be taken tomorrow/Friday. I have highlighted some pressing matters where we would like some guidance from you in red. As you know, (b) (6)

Could we plan to discuss at your earliest convenience tomorrow?

Steps to be taken Tomorrow/Friday

(b) (6), (b) (4)

(b) [Redacted]

6

(b) [Redacted]

4

(b) (6), (b) (4)

(b) (6), (b) (4)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (6), (b) (4)

[Redacted text]

[Redacted text]

[Redacted text]

[Redacted text]

[Redacted text]

[Redacted text]

[Redacted text]

[Redacted text]

[Redacted text]

[Redacted text]

[Redacted text]

[Redacted text]

Dianna M. Mullis

Associate



(b) (6)

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**Vincent Salamone**

---

**From:** Mullis, Dianna (b) (6)  
**Sent:** Thursday, January 19, 2017 6:29 PM  
**To:** David J. Apol  
**Cc:** Vincent Salamone; Rizzi, Robert  
**Subject:** RE: Cohn

Dave,

We want to confirm with you that (b) (4), (b) (6)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Thanks again,

Dianna

**From:** Mullis, Dianna  
**Sent:** Thursday, January 19, 2017 5:39 PM  
**To:** 'David J. Apol'  
**Cc:** 'vjsalamo@oge.gov'; Rizzi, Robert  
**Subject:** RE: Cohn

Dave,

Thanks for turning this around so quickly. We will review with the group and get back to you.

Are you comfortable with the timing issues and other elements outlined in the email last night? For example,

(b) (6)

We want to be sure all elements of the plan are satisfactory.

Dianna

**From:** David J. Apol [mailto:[djapol@oge.gov](mailto:djapol@oge.gov)]  
**Sent:** Thursday, January 19, 2017 5:27 PM  
**To:** Mullis, Dianna  
**Subject:** RE: Cohn

Will this memorandum meet your needs?

Dave

**From:** Mullis, Dianna [mailto:[\(b\) \(6\)](mailto:(b) (6))]  
**Sent:** Thursday, January 19, 2017 1:03 PM  
**To:** Vincent Salamone; David J. Apol  
**Subject:** RE: Cohn

Following up on our phone conversation, please see the attached letter from (b) (6) with the 208 language. I have redacted out the client's name and former employer for privacy.

Let me know if you have any questions.

Best,

Dianna

**From:** Mullis, Dianna  
**Sent:** Wednesday, January 18, 2017 8:15 PM  
**To:** 'vjsalamo@oge.gov'; 'djapol@oge.gov'  
**Cc:** Rizzi, Robert  
**Subject:** Cohn

David and Vince,

Following up on our call this morning, below please find the steps to be taken tomorrow/Friday. I have highlighted some pressing matters where we would like some guidance from you in red. As you know, timing is a major issue on this as the (b) (6)

Could we plan to discuss at your earliest convenience tomorrow?

**Steps to be taken Tomorrow/Friday**

1. (b) (6), (b) (4)

[Redacted]

[Redacted]

[Redacted]

[REDACTED]

(  
b  
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6  
)  
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b  
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(  
4  
)  
)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



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

[Redacted text block]

**Dianna M. Mullis**

Associate

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**From:** [Rizzi, Robert](#)  
**To:** ["Stefan Passantino"](#); [David J. Apol](#); [Mullis, Dianna](#)  
**Subject:** RE: Cohn (b)(6)  
**Date:** Thursday, January 19, 2017 8:25:02 PM

---

The change in "address" helps, but does not change (b)(6)

We are trying to figure out all the timing issues and should know more by tomorrow morning.

Bob

**From:** Stefan Passantino [mailto:(b)(6)]  
**Sent:** Thursday, January 19, 2017 8:12 PM  
**To:** David J. Apol; Mullis, Dianna  
**Cc:** Rizzi, Robert  
**Subject:** Re: Cohn (b)(6)

Understood. The letter is not as important as the fact that the (b)(6)  
(b)(6). Does that change things?

On Thu, Jan 19, 2017 at 8:08 PM Mullis, Dianna <(b)(6)> wrote:

Stefan,

If you could actually wait and issue the letter from the WH, rather than PTT, that would be better for our purposes.

We will also confirm the appointment date with you tomorrow, if that's OK.

Thanks very much.

Dianna

On Jan 19, 2017, at 7:57 PM, David J. Apol <[djapol@oge.gov](mailto:djapol@oge.gov)> wrote:

Attachment not located in search

Stefan,

Here is the letter that Gary Cohn's representatives need to <sup>(b)(6)</sup> [REDACTED]  
[REDACTED] Getting this  
done before he joins the administration eliminates any potential issues under

18 USC 209, which is always a good thing. If you could initial and forward this to them, it would be extremely helpful.

Thanks.

I can be reached tomorrow at <sup>(b)(6)</sup> [REDACTED].

Hope you have a chance to enjoy tomorrow.

Dave

**From:** [Matthew A. Marinec](#)  
**To:** [Walter M. Shaub](#)  
**Subject:** Call with OGE Cancelled  
**Date:** Monday, December 12, 2016 10:37:07 AM

---

Mr. McGahn's Assistant Jo Lynch contacted me this morning to cancel today's call with Mr. McGahn and Ms. Donaldson.

Thank You,

**Matthew Marinec, M.P.P.**  
Confidential Assistant to the Director  
U.S. Office of Government Ethics  
1201 New York Ave., NW, Suite 500  
Washington, DC 20005-3917  
Tel. 202.482.9286  
Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
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**From:** [Sandra S. Mabry](#)  
**To:** [Elaine Newton](#)  
**Cc:** [Rodrick T. Johnson](#)  
**Subject:** CD Request - FW: COD REQUEST LIDDELL  
**Date:** Thursday, February 09, 2017 9:56:42 AM  
**Attachments:** [LIDDELL SCHEDULE A.PDF](#)  
[LIDDELL SCHEDULE B.PDF](#)  
[LIDDELL SCHEDULE C.PDF](#)  
[LIDDELL COD MEMO TO JDS SIGNED.PDF](#)  
[LIDDELL OGE COD REQUEST SIGNED.PDF](#)  
[JDS DESIGNATION.PDF](#)

278s are available through the 201 process

Attachments withheld in full; financial disclosure - (b)(3); CD request 3 pages  
(b)(5), (b)(6), designation not responsive

---

Elaine, this is the original email we received from Jim Schultz, transmitting Mr. Liddell's CD request. Sandy

-----Original Message-----

From: Schultz, James D. EOP/WHO [[mailto:\(b\) \(6\)](#)]  
Sent: Friday, February 03, 2017 9:54 AM  
To: David J. Apol  
Cc: Sandra S. Mabry  
Subject: COD REQUEST LIDDELL

JAMES D. SCHULTZ

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

(b) (6)

**From:** [Elaine Newton](#)  
**To:** [Jack MacDonald](#)  
**Subject:** FW: COHN COD REQUEST  
**Date:** Friday, February 24, 2017 3:41:17 PM  
**Attachments:** [COHN FINAL COD PACKAGE.PDF](#)  
[JDS DESIGNATION.PDF](#)

Attachment 1: 6 pages withheld in full - (b) (5), (b)(6). Attachment 2 not responsive.

---

Good Afternoon,

I believe the attached material is the revised CD request for Mr. Cohn. Let's talk Monday morning about the status of the 278.

Thanks, Elaine

-----Original Message-----

**From:** David J. Apol  
**Sent:** Friday, February 24, 2017 3:36 PM  
**To:** Elaine Newton  
**Subject:** FW: COHN COD REQUEST

-----Original Message-----

**From:** Schultz, James D. EOP/WHO [[mailto:\(b\) \(6\)](#)]  
**Sent:** Friday, February 24, 2017 2:21 PM  
**To:** David J. Apol  
**Cc:** Mullis, Dianna  
**Subject:** COHN COD REQUEST

Dave - attached you will find the Cohn COD Package. Thank you for your assistance. J

JAMES D. SCHULTZ

Senior Associate Counsel and Special Assistant to the President Office of the White House Counsel

(b) (6)

**From:** [Elaine Newton](#)  
**To:** [Jack MacDonald](#)  
**Subject:** FW: COHN COD  
**Date:** Monday, February 06, 2017 3:56:45 PM  
**Attachments:** [SCHULTZ PRESIDENTIALDESIGNATION.PDF](#)  
[cohn.pdf](#)  
[2017\\_02\\_03\\_18-26-15.pdf](#)  
[2017\\_02\\_03\\_18-28-38.pdf](#)

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Attachment 6 pages withheld in full - (b)(5), (b)(6)

-----Original Message-----

From: David J. Apol  
Sent: Monday, February 06, 2017 3:30 PM  
To: Elaine Newton  
Subject: FW: COHN COD

This is another big one. Deb says Jack it available to work on it if you want.

-----Original Message-----

From: Schultz, James D. EOP/WHO [[mailto:](#)(b) (6)]  
Sent: Monday, February 06, 2017 1:33 PM  
To: David J. Apol  
Subject: COHN COD

Dave

Please find the COD request for Mr. Cohn. Expedited review on this one is appreciated. J

JAMES D. SCHULTZ

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

(b) (6)

**From:** [Elaine Newton](#)  
**To:** [Megan V. Khaner](#)  
**Subject:** FW: DINA POWELL  
**Date:** Wednesday, February 15, 2017 11:15:51 AM  
**Attachments:** [SCHULTZ DESIGNATION.PDF](#)  
[POWELL COD PACKAGE.PDF](#)  
[DP Form 278e \(Draft 1-23-17\) \(initial filing\) \(002\).pdf](#)

278e available through 201 system

Attachments withheld in full; financial disclosure - (b)(3); COD request  
4 pages (b)(5), (b)(6). Designation not responsive.

Good Morning,

Please review the new CD request, which is attached. If you have any questions, please let me know.

Thanks, Elaine

-----Original Message-----

From: David J. Apol  
Sent: Tuesday, February 14, 2017 3:37 PM  
To: Elaine Newton  
Subject: FW: DINA POWELL

Elaine, I think you talked to Seth about assigning this one to Patrick, right?

-----Original Message-----

From: Schultz, James D. EOP/WHO [mailto:[\(b\) \(6\)](#)]  
Sent: Tuesday, February 14, 2017 8:58 AM  
To: David J. Apol  
Cc: Schultz, James D. EOP/WHO  
Subject: DINA POWELL

Attached you will find a COD request for Dina Powell. Thank you. Jim

JAMES D. SCHULTZ

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

(b) (6)

**From:** [Schultz, James D. EOP/WHO](#)  
**To:** [Elaine Newton](#)  
**Cc:** [Sandra S. Mabry](#); [Teresa L. Williamson](#)  
**Subject:** RE: Certificates of Divestiture for Christopher Liddell  
**Date:** Thursday, February 09, 2017 6:59:48 PM

---

Thank you. J

JAMES D. SCHULTZ

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

(b) (6)

**From:** Elaine Newton [mailto:enewton@oge.gov]  
**Sent:** Thursday, February 9, 2017 6:55 PM  
**To:** Schultz, James D. EOP/WHO  
**Cc:** Sandra S. Mabry ; Teresa L. Williamson ; Elaine Newton  
**Subject:** Certificates of Divestiture for Christopher Liddell

OGE regulations provide for a special access provision for copies of final Certificates of Divestiture (CDs). You may obtain copies of CDs on OGE's website at: <https://extapps2.oge.gov/201/Presiden.nsf/All+Certificates+of+Divestiture>

Good Evening,

Attached are Certificates of Divestiture OGE-2017-009 for Christopher P. Liddell, Assistant to the President, White House Office; OGE-2017-010 for Renee Watremez Harbers, spouse of Christopher P. Liddell; OGE-2017-011 for BNY Mellon Trust Company, trustee of the JMH Marital Trust; and OGE-2017-012, for Christopher P. Liddell and Renee Watremez Harbers. We would appreciate your forwarding the certificates to Mr. Liddell.

Please let us know when you would like to arrange for the pick-up of the original certificates.

Please confirm receipt of this email by replying to all.

Thank you,  
Elaine Newton

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**From:** [Passantino, Stefan C. EOP/WHO](#)  
**To:** [Elaine Newton](#)  
**Cc:** [Monica M. G. Ashar](#)  
**Subject:** RE: WH request for replacement CD  
**Date:** Wednesday, February 01, 2017 6:44:14 PM  
**Attachments:** [WHCO Memo Re amended Kushner COD.pdf](#)

Attachment available in OGE's reading room

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Thank you so much. The executed version is attached for your records. Stefan.

STEFAN C. PASSANTINO  
Deputy Counsel to the President, Ethics & Compliance  
Office of the White House Counsel  
(202) 395-4753

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**From:** Elaine Newton [mailto:[enewton@oge.gov](mailto:enewton@oge.gov)]  
**Sent:** Wednesday, February 1, 2017 5:33 PM  
**To:** Passantino, Stefan C. EOP/WHO (b) (6)  
**Cc:** Monica M. G. Ashar <[mmgashar@oge.gov](mailto:mmgashar@oge.gov)>; Elaine Newton <[enewton@oge.gov](mailto:enewton@oge.gov)>  
**Subject:** WH request for replacement CD

Good Afternoon:

Attached is your request for the replacement CD for Mr. Kushner. Could you please sign the attached request and send it back to me so we have a signed request for our records?

Thanks, Elaine

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

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**From:** [Elaine Newton](#)  
**To:** ["Passantino, Stefan C. EOP/WHO"](#)  
**Cc:** [Monica M. G. Ashar](#); [Rodrick T. Johnson](#); [Elaine Newton](#); [Teresa L. Williamson](#); [Sandra S. Mabry](#)  
**Subject:** Replacement Certificate of Divestiture  
**Date:** Wednesday, February 01, 2017 5:29:49 PM  
**Attachments:** [Kushner Jared C. CD 007.pdf](#) OGE regulations provide for a special access provision for copies of final Certificates of Divestiture (CDs). You may obtain copies of CDs on OGE's website at: <https://extapps2.oge.gov/201/Presiden nsf/All+Certificates+of+Divestiture>

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Good Afternoon:

Attached is Certificate of Divestiture OGE-2017-007 for Jared C. Kushner, Senior Advisor to the President, White House Office. This certificate replaces Certificate of Divestiture OGE-2017-002.

Please let us know when you would like to schedule a time to pick-up the original certificate. We would appreciate your forwarding the original certificate to Mr. Kushner, upon receipt.

Please confirm receipt of this email by replying to all.

Thanks,

Elaine

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

UNITED STATES OFFICE OF  
GOVERNMENT ETHICS



February 13, 2017

Stefan C. Passantino  
Deputy Counsel to the President  
and Designated Agency Ethics Official  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Mr. Passantino:

I write to you in your capacity as the Designated Agency Ethics Official for the White House, pursuant to written designation by President Donald J. Trump on January 24, 2017. I am following up on your conversation on February 9, 2017, with David J. Apol, General Counsel of the U.S. Office of Government Ethics (OGE) regarding Kellyanne E. Conway, Special Counselor to the President.

During the conversation on February 9, 2017, Mr. Apol requested that you notify OGE of any disciplinary or other corrective action taken by the White House in connection with Ms. Conway's public statements regarding the business interests of the President's daughter, Ivanka Trump.<sup>1</sup> Subsequently, OGE received a letter from Chairman Jason E. Chaffetz (R-Utah) and Ranking Member Elijah E. Cummings (D-Maryland) of the House Committee on Oversight and Government Reform asking OGE to review Ms. Conway's statements, act promptly on any findings, and report back to the Committee with a recommendation for disciplinary action if warranted.<sup>2</sup>

Although Press Secretary Sean Spicer stated during a press conference on February 9, 2017, that, "Kellyanne has been counseled, and that's all we're going to go with," OGE has not yet received notification of any disciplinary or other corrective action against Ms. Conway.<sup>3</sup> When OGE has reason to believe that an employee may have violated the Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct), OGE is authorized to recommend that the employing agency investigate the matter and consider taking disciplinary

<sup>1</sup> See 5 C.F.R. § 2635.702.

<sup>2</sup> OGE received a similar letter from Representative Ted W. Lieu, as well as one signed by 42 Members of Congress.

<sup>3</sup> *White House: Conway has been 'counseled' for urging people to buy Ivanka's products*, POLITICO, Feb. 9, 2017, available at <http://www.politico.com/video/2017/02/white-house-conway-has-been-counseled-for-urging-people-to-buy-ivankas-products-062202> (video). See also Louis Nelson, *White House: Conway has been 'counseled' for urging people to buy Ivanka's products*, POLITICO, Feb. 9, 2017, available at <http://www.politico.com/story/2017/02/kellyanne-conway-ivanka-nordstrom-white-house-react-234856>; Drew Harwell, Tom Hamburger and Rosalind S. Helderman, *White House says Conway has been "counseled" after touting Ivanka Trump's products*, The Washington Post, Feb. 9, 2017, available at [https://www.washingtonpost.com/politics/conway-may-have-broken-key-ethics-rule-by-touting-ivanka-trumps-products-experts-say/2017/02/09/fd1cc64a-eeda-11e6-b4ff-ac2cf509efe5\\_story.html?utm\\_term=.5cd0f41fd54c](https://www.washingtonpost.com/politics/conway-may-have-broken-key-ethics-rule-by-touting-ivanka-trumps-products-experts-say/2017/02/09/fd1cc64a-eeda-11e6-b4ff-ac2cf509efe5_story.html?utm_term=.5cd0f41fd54c).



action against the employee.<sup>4</sup> Under the present circumstances, there is strong reason to believe that Ms. Conway has violated the Standards of Conduct and that disciplinary action is warranted.

At issue is the section of the Standards of Conduct prohibiting employees from misusing their official positions.<sup>5</sup> The misuse of position prohibition is rooted in the first principle of the government ethics program.<sup>6</sup> Established by Executive Order of President George H. W. Bush and codified in OGE's government-wide regulations, this principle holds that, "Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain."<sup>7</sup> Executive branch officials should use the authority entrusted to them for the benefit of the American people and not for private profit.

The facts as OGE understands them are as follows. You previously advised OGE that all new senior White House appointees received their required initial ethics training. OGE's regulations require that initial ethics training must cover the misuse of position prohibition, as one of four mandatory subjects.<sup>8</sup> On the morning of Thursday, February 9, 2017, the hosts of a news program interviewed Ms. Conway from the White House's James S. Brady Briefing Room.<sup>9</sup> She was unquestionably appearing in her official capacity.<sup>10</sup> She used that interview, however, as an opportunity to market Ms. Trump's products, stating, "*Go buy Ivanka's stuff, is what I would tell you. I hate shopping, I'm going to go get some myself today.*"<sup>11</sup> Shortly thereafter, she added: "*This is just a wonderful line. I own some of it, I fully – I'm going to give a free commercial here. Go buy it today everybody, you can find it online.*"<sup>12</sup> As Ms. Conway made these statements, she appeared on screen in a tight frame between the official seal of the White House and the American flag.<sup>13</sup>

These facts, if true, would establish a clear violation of the prohibition against misuse of position. I note that OGE's regulation on misuse of position offers as an example the hypothetical case of a Presidential appointee appearing in a television commercial to promote a product.<sup>14</sup> Ms. Conway's actions track that example almost exactly. Therefore, I recommend that the White House investigate Ms. Conway's actions and consider taking disciplinary action against her.

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<sup>4</sup> 5 U.S.C. app. § 402(f)(2)(A)(ii); 5 C.F.R. § 2638.503.

<sup>5</sup> See 5 C.F.R. § 2635.702.

<sup>6</sup> See 5 C.F.R. part 2635, subpart G.

<sup>7</sup> E.O. 12,674, sec. 101(g) (Apr. 12, 1989) (as modified by Executive Order 12731); 5 C.F.R. § 2635.101(b)(1).

<sup>8</sup> 5 C.F.R. § 2638.304(e)(1)(iii).

<sup>9</sup> Richard Pérez-Peña and Rachel Abrams, *Kellyanne Conway Promotes Ivanka Trump Brand, Raising Ethics Concerns*, The New York Times, Feb. 9, 2017, available at <https://www.nytimes.com/2017/02/09/us/politics/kellyanne-conway-ivanka-trump-ethics.html>.

<sup>10</sup> One of the program's hosts introduced her to viewers as "Kellyanne Conway, Special Counselor to the President of the United States." *Kellyanne Conway addresses rumors about Sean Spicer's job, Fox & Friends*, Feb. 9, 2017, available at [http://video.foxnews.com/v/5316971350001/?playlist\\_id=930909787001#sp=show-clips](http://video.foxnews.com/v/5316971350001/?playlist_id=930909787001#sp=show-clips) (video: relevant portion begins at approximately 0:08) ("Fox Video Clip").

<sup>11</sup> See Fox Video Clip (beginning at approximately 8:40).

<sup>12</sup> See *id.* (beginning at approximately 9:25).

<sup>13</sup> See *id.*

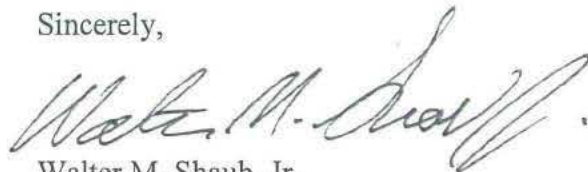
<sup>14</sup> 5 C.F.R. § 2635.702(c), example 1.



Stefan C. Passantino  
Deputy Counsel to the President  
and Designated Agency Ethics Official  
Page 3

I request that you notify OGE in writing of the findings of your investigation and any disciplinary or other corrective taken in connection with this matter by February 28, 2017.<sup>15</sup> Please be advised that OGE will share a copy of that written notification with Representatives Chaffetz and Cummings.

Sincerely,



Walter M. Shaub, Jr.  
Director

cc. Mr. Donald F. McGahn II  
Counsel to the President

Rep. Jason Chaffetz  
Chairman  
Committee on Oversight and Government Reform  
U.S. House of Representatives

Rep. Elijah E. Cummings  
Ranking Minority Member  
Committee on Oversight and Government Reform  
U.S. House of Representatives

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<sup>15</sup> See 5 U.S.C. app. § 403(a)(2).

**From:** [Elaine Newton](#)  
**To:** ["Schultz, James D. EOP/WHO"](#)  
**Subject:** OGE Comments on New Entrant Report (Miller)  
**Date:** Friday, February 17, 2017 11:37:44 AM  
**Attachments:** [OGE Comments on Miller NE Report \(2-17-17\).docx](#)

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Attachment -  
1 page (b)  
(5), (b)(6)

Good Morning,

Attached are the OGE comments on the New Entrant Report for Stephen Miller. Please let me know if you have any questions.

Thank you,

Elaine Newton

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