

**From:** [CMitchell@foley.com](mailto:CMitchell@foley.com)  
**To:** [Rachel K. Dowell](mailto:Rachel.K.Dowell)  
**Cc:** [Seth Jaffe](mailto:Seth.Jaffe)  
**Subject:** Re: Legal Expenses Trust Fund  
**Date:** Friday, April 27, 2018 12:46:01 PM

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Thank you for your assistance. As I've said, my primary concern is to ensure we are doing everything in compliance with the Ethics guidelines for a legal expenses trust. Those are my instructions from the beneficiary (b) (6) and is my goal as well.

Thank you very much. Cleta

Cleta Mitchell, Esq.  
Foley & Lardner, LLP  
[cmitchell@foley.com](mailto:cmitchell@foley.com) <<mailto:cmitchell@foley.com>>  
(b) (6) (cell)  
202.295.4081 (office)  
Sent from my iPhone

On Apr 27, 2018, at 11:52 AM, Rachel K. Dowell <[rkdowell@oge.gov](mailto:rkdowell@oge.gov)> <<mailto:rkdowell@oge.gov>>> wrote:

Cleta,

Per our conversation, here is the contact information for the EPA ethics official: Justina Fugh, (b) (6)

Thank you,  
Rachel

From: [CMitchell@foley.com](mailto:CMitchell@foley.com) <<mailto:CMitchell@foley.com>> [<mailto:CMitchell@foley.com>]  
Sent: Thursday, April 26, 2018 12:50 PM  
To: Rachel K. Dowell  
Cc: Seth Jaffe  
Subject: RE: Legal Expenses Trust Fund

Rachel and Seth:

Here are the questions I would like to discuss tomorrow:

1. May the Beneficiary contribute to the Legal Expenses Trust Fund?
2. Is a company or industry that has no business before the agency, has never had such business before the agency and does not anticipate having any business before the agency, a prohibited source – there is a 'fear' that "everything is someday, somehow going to be subject to the EPA"... With no specific transactions, business, matter, proceeding, in the past or in the present, is that a 'prohibited source'?
3. If a person is an investor, not an owner, but a passive investor in an LLC, or owns stock in a publicly traded company, or has some other investment in an entity that may have transactions or business before the agency – is that investor a prohibited source?

I have looked at the opinions related to "interests that may be substantially affected" by the agency – and find no real guidance. If you have such guidance, I'd be happy to review it, but this is what I need to discuss and try to get some clarification about.

Look forward to speaking to you tomorrow and I appreciate your time. Thank you. Cleta

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From: Rachel K. Dowell [<mailto:rkdowell@oge.gov>]  
Sent: Wednesday, April 25, 2018 3:37 PM  
To: Mitchell, Cleta  
Cc: Seth Jaffe  
Subject: RE: Legal Expenses Trust Fund

Cleta,

Would a call on Friday, April 27, at 11am work for you? If so, the call-in information is as follows:

(b) (6) - telephone bridge access info  
[Redacted]

Thanks,

Rachel

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Rachel K Dowell  
Associate Counsel  
Office of Government Ethics  
General Counsel & Legal Policy Division  
Ethics Law and Policy Branch  
(202) 482-9267

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From: CMitchell@foley.com <<mailto:CMitchell@foley.com>> [<mailto:CMitchell@foley.com>]  
Sent: Monday, April 23, 2018 5:33 PM  
To: Seth Jaffe  
Cc: Rachel K Dowell  
Subject: RE: Legal Expenses Trust Fund

Hello! I appreciate both of your efforts to return my call to Seth. I realized after I had left the message that I had some additional questions other than the one I mentioned to Seth in my voicemail. So I've been assembling those questions and wonder when you might be able to schedule a call with me so I can ask all the questions at once. I have a very brief call tomorrow at 10 am and then another at 3 pm that will last awhile – I do need to try to get these questions answered soon, so let me know when one or both of you are available to talk with me. I really appreciate it. Cleta

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From: Seth Jaffe [<mailto:sjaffe@oge.gov>]  
Sent: Tuesday, November 28, 2017 11:57 AM  
To: Mitchell, Cleta  
Cc: Rachel K Dowell  
Subject: RE: Legal Expenses Trust Fund

Dear Cleta,

Would a call at 2:30pm today work for you? If so, you can give us a call at: 202-482-9298

Thanks,  
Seth

Seth H Jaffe  
Chief, Ethics Law & Policy Branch  
U S Office of Government Ethics  
(202) 482-9303

From: CMitchell@foley.com <<mailto:CMitchell@foley.com>> [<mailto:CMitchell@foley.com>]  
Sent: Tuesday, November 28, 2017 10:16 AM  
To: Seth Jaffe  
Subject: Lega Expenses Trust Fund

Mr Jaffe – I left a message on your voicemail

I have been retained by (b) (6) to establish and serve as Trustee for a Legal Expenses Trust Fund to raise funds and pay the legal expenses incurred by virtue of a bar complaint filed against (b) (6) alleging violation of the Code of Professional Responsibility by reason of (b) (6) appointment as (b) (6), having previously filed suit against the agency

Stefan Passantino forwarded to me the template document from your office regarding such trusts

I have several questions which I would like to discuss with you, so if you could please let me know a convenient time to talk, I will call you at that time. Thank you

Cleta Mitchell  
Foley & Lardner LLP

3000 K Street, N W | Suite 600  
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