



PROTECT the PUBLIC'S TRUST

VIA ELECTRONIC MAIL

June 2, 2021

OGE FOIA Officer
Office of Government Ethics
Suite 500
1201 New York Avenue, NW.
Washington, DC 20005-3917

Re: Ethics waivers or impartiality determinations for political appointees

Dear FOIA Officer,

This is a request under the Freedom of Information Act, 5 U.S.C. § 552, *as amended* (FOIA), from the Protect the Public's Trust (PPT), a non-profit organization dedicated to promoting ethics in government and restoring the public's trust in government officials.

Records Requested

PPT requests the following records from the U.S. Office of Government Ethics (OGE):

From November 23, 2020 through the date this request is processed, all waivers, impartiality determinations, or any other guidance issued to political appointees of the Biden Administration exempting them from any part of their obligations as defined in relevant laws, regulations, rules, and/or the Biden Administration's Ethics Pledge. This request also includes any records and communications between OGE employees as well as any records and communications between the OGE and any political appointees regarding waivers or impartiality determinations.

For this request, the term "all records" refers to, but is not limited to, any and all documents, correspondence (including, but not limited to, inter and/or intra-agency correspondence as well as correspondence with entities or individuals outside the federal government), emails, text messages letters, notes, telephone records, telephone notes, minutes, memoranda, comments, files, presentations, consultations, biological opinions, assessments, evaluations, schedules, telephone logs, digital logs such as those produced by Microsoft Teams (including Teams file folders or collaborative work documents housed in Teams), papers published, and/or unpublished, reports, studies, photographs



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and other images, data (including raw data, GPS or GIS data, UTM, LiDAR, etc.), maps, and/or all other responsive records, in draft or final form.

This request is not meant to exclude any other request that, although not specifically requested, are reasonably related to the subject matter of this request. If you or your office have destroyed or determine to withhold any records that could be reasonably construed to be responsive to this request, I ask that you indicate this fact and the reasons therefore in your response.

Under the FOIA Improvement Act of 2016, agencies are prohibited from denying requests for information under the FOIA unless the agency reasonably believes release of the information will harm an interest that is protected by the exemption. FOIA Improvement Act of 2016 (Public Law No. 114-185), codified at 5 U.S.C. § 552(a)(8)(A).

Should you decide to invoke a FOIA exemption, please include sufficient information for us to assess the basis for the exemption, including any interest(s) that would be harmed by release. Please include a detailed ledger which includes:

1. Basic factual material about each withheld record, including the originator, date, length, general subject matter, and location of each item; and
2. Complete explanations and justifications for the withholding, including the specific exemption(s) under which the record (or portion thereof) was withheld and a full explanation of how each exemption applies to the withheld material. Such statements will be helpful in deciding whether to appeal an adverse determination. Your written justification may help to avoid litigation.

If you determine that portions of the records requested are exempt from disclosure, we request that you segregate the exempt portions and mail the non-exempt portions of such records to my attention at the address below within the statutory time limit. 5 U.S.C. § 552(b).

PPT is willing to receive records on a rolling basis.

These communications could be very relevant to understanding the ethics compliance of political leadership at the OGE and educate the public about any appointees who have been granted exemptions from any part of their ethical obligations, the reason for such exemptions, and which particular matters those appointees are now permitted to participate in as a result of receiving the exemptions. If applicable, we request that the



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FOIA office use the email Enterprise Records and Document Management System (eERDMS) to search and process this request.

The number of records requested should be of such limited number and in the custody of a select group of ethics officials that the request should be placed in the Simple track. If for some reason, you determine that another track is more suitable, please identify the reason for the decision and track.

Finally, FOIA's "frequently requested record" provision was enacted as part of the 1996 Electronic Freedom of Information Act Amendments, and requires all federal agencies to give "reading room" treatment to any FOIA-processed records that, "because of the nature of their subject matter, the agency determines have become the subject of subsequent requests for substantially the same records." 5 U.S.C. § 552(a)(2)(D)(ii)(I). Also, enacted as part of the 2016 FOIA Improvement Act, FOIA's Rule of 3 requires all federal agencies to proactively "make available for public inspection in an electronic format" "copies of records, regardless of form or format ... that have been released to any person ... and ... that have been requested 3 or more times." 5 U.S.C. § 552(a)(2)(D)(ii)(I). Therefore, we respectfully request that you make available online any records that the agency determines will become the subject of subsequent requests for substantially the same records, and records that have been requested three or more times.

Format of Requested Records

Under FOIA, you are obligated to provide records in a readily accessible electronic format and in the format requested. See, e.g., 5 U.S.C. § 552(a)(3)(B) ("In making any record available to a person under this paragraph, an agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format."). "Readily accessible" means text-searchable and OCR-formatted. See 5 U.S.C. § 552(a)(3)(B). We ask that you please provide all records in an electronic format. Additionally, please provide the records either in (1) load-ready format with a CSV file index or Excel spreadsheet, or; (2) for files that are in .PDF format, without any "portfolios" or "embedded files." Portfolios and embedded files within files are not readily accessible. Please do not provide the records in a single, or "batched," .PDF file. We appreciate the inclusion of an index.

If you should seek to withhold or redact any responsive records, we request that you: (1) identify each such record with specificity (including date, author, recipient, and parties copied); (2) explain in full the basis for withholding responsive material; and (3) provide all segregable portions of the records for which you claim a specific exemption. 5 U.S.C. § 552(b). Please correlate any redactions with specific exemptions under FOIA.

Fee Waiver Request



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FOIA was designed to provide citizens a broad right to access government records. FOIA's basic purpose is to "open agency action to the light of public scrutiny," with a focus on the public's "right to be informed about what their government is up to." *U.S. Dep't of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 773-74 (1989) (internal quotation and citations omitted). In order to provide public access to this information, FOIA's fee waiver provision requires that "[d]ocuments shall be furnished without any charge or at a [reduced] charge," if the request satisfies the standard. 5 U.S.C. § 552(a)(4)(A)(iii). FOIA's fee waiver requirement is "liberally construed." *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1310 (D.C. Cir. 2003); *Forest Guardians v. U.S. Dept. of Interior*, 416 F.3d 1173, 1178 (10th Cir. 2005).

The 1986 fee waiver amendments were designed specifically to provide non-profit organizations such as PPT access to government records without the payment of fees. Indeed, FOIA's fee waiver provision was intended "to prevent government agencies from using high fees to discourage certain types of requesters and requests," which are "consistently associated with requests from journalists, scholars, and non-profit public interest groups." *Ettlinger v. FBI*, 596 F.Supp. 867, 872 (D. Mass. 1984) (emphasis added). As one Senator stated, "[a]gencies should not be allowed to use fees as an offensive weapon against requesters seeking access to Government information" 132 Cong. Rec. S. 14298 (statement of Senator Leahy).

I. PPT Qualifies for a Fee Waiver.

Under FOIA, a party is entitled to a fee waiver when "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the [Federal] government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii). The OGE FOIA regulations at 5 CFR § 2604.503(c) establish the same standard.

Thus, the OGE must consider four factors to determine whether a request is in the public interest: (1) whether the subject of the requested records concerns "the operations or activities of the Federal government," (2) whether the disclosure is "likely to contribute" to an understanding of government operations or activities, (3) whether the disclosure "will contribute to public understanding" of a reasonably broad audience of persons interested in the subject, and (4) whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities. 5 CFR § 2604.503(c). As shown below, PPT meets each of these factors.

A. The Subject of This Request Concerns "The Operations and Activities of the Government."

The subject matter of this request concerns the operations and activities of the OGE. This request asks for: All waivers, impartiality determinations, or any other guidance issued to political appointees of the Biden Administration exempting them from any part of their



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obligations as defined in relevant laws, regulations, rules, and/or the Biden Administration's Ethics Pledge. This request also includes any records and communications between OGE employees, as well as any records and communications between OGE employees and any political appointees regarding waivers or impartiality determinations.

B. Disclosure is "Likely to Contribute" to an Understanding of Government Operations or Activities.

The requested records are meaningfully informative about government operations or activities and will contribute to an increased understanding of those operations and activities by the public.

Disclosure of the requested records will allow PPT to convey to the public information about any appointees who have been granted waivers or impartiality determinations from any part of their ethical obligations, the reason for such waivers or determinations, and which particular matters those appointees are now permitted to participate in as a result of receiving those waivers or determinations. After disclosing the requesting records, PPT will inform the public about their findings in order to ensure decisions are being made consistent with the law. Once the information is made available, PPT will analyze it and present it to its followers and the general public in a manner that will meaningfully enhance the public's understanding of this topic.

Thus, the requested records are likely to contribute to an understanding of the OGE's operations and activities.

C. Disclosure of the Requested Records Will Contribute to a Reasonably Broad Audience of Interested Persons' Understanding of the Ethics Obligations of Non-Career Appointees at the Office of Government Ethics.

The requested records will contribute to public understanding of the ethics compliance of political appointees at the OGE. As explained above, the records will contribute to public understanding of this topic.

Ethics obligations exist to reduce the likelihood that senior government officials are making decisions in a biased or arbitrary manner or to benefit the interests of former employers, clients or related parties. Ensuring the avoidance of conflicts of interest or the appearance of bias is of interest to a reasonably broad segment of the public. Any exemptions granted to political appointees from those obligations are also of interest to many members of the public. PPT will use the information it obtains from the disclosed records to educate the public at large about any ethics waivers or impartiality determinations granted to those individuals making the OGE's most important decisions. *See W. Watersheds Proj. v. Brown*, 318 F.Supp.2d 1036, 1040 (D. Idaho 2004) ("... find[ing] that WWP adequately specified the public interest to be served, that is, educating the public about the ecological conditions of the land managed by the BLM



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and also how ... management strategies employed by the BLM may adversely affect the environment.”).

Through PPT’s synthesis and dissemination (by means discussed in Section II, below), disclosure of information contained and gleaned from the requested records will contribute to a broad audience of persons who are interested in the subject matter.

Ettlinger v. FBI, 596 F.Supp. at 876 (benefit to a population group of some size distinct from the requester alone is sufficient); *Carney v. Dep’t of Justice*, 19 F.3d 807, 815 (2d Cir. 1994), cert. denied, 513 U.S. 823 (1994) (applying “public” to require a sufficient “breadth of benefit” beyond the requester’s own interests); *Cnty. Legal Servs. v. Dep’t of Hous. & Urban Dev.*, 405 F.Supp.2d 553, 557 (E.D. Pa. 2005) (in granting fee waiver to community legal group, court noted that while the requester’s “work by its nature is unlikely to reach a very general audience,” “there is a segment of the public that is interested in its work”).

Indeed, the public does not currently have an ability to easily evaluate the requested records, which concern waivers and impartiality determinations granted to political appointees. We are also unaware of any previous release to the public of these or similar records. See *Cnty. Legal Servs. v. HUD*, 405 F.Supp.2d 553, 560 (D. Pa. 2005) (because requested records “clarify important facts” about agency policy, “the CLS request would likely shed light on information that is new to the interested public.”). As the Ninth Circuit observed in *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1286 (9th Cir. 1987), “[FOIA] legislative history suggests that information [has more potential to contribute to public understanding] to the degree that the information is new and supports public oversight of agency operations....”

Disclosure of these records is not only “likely to contribute,” but is certain to contribute, to public understanding of which political appointees have received waivers or impartiality determination releasing them from any part of their ethical obligations. The public is always well served when it knows how the government conducts its activities, particularly matters touching on ethics questions. Hence, there can be no dispute that disclosure of the requested records to the public will educate the public about the ethics waivers and impartiality determinations issued to those charged with running the OGE.

D. Disclosure is Likely to Contribute Significantly to Public Understanding of Government Operations or Activities.

PPT is not requesting these records merely for their intrinsic informational value. Disclosure of the requested records will significantly enhance the public’s understanding of any ethics waivers or impartiality determinations granted to Biden Administration political appointees exempting them from any part of their ethical obligations as compared to the level of public understanding that exists prior to the disclosure. Indeed, public understanding will be significantly increased as a result of disclosure.



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The records are also certain to shed light on the OGE's compliance with its own mission and responsibility to lead and oversee the executive branch ethics program. Such public oversight of agency action is vital to our democratic system and clearly envisioned by the drafters of the FOIA. Thus, PPT meets this factor as well.

II. PPT has the Ability to Disseminate the Requested Information Broadly.

PPT is a non-profit organization that informs, educates, and counsels the public about the importance of government officials acting consistently with their ethics obligations. A key component of being able to fulfill this mission and educate the public about these duties is access to information that articulates what obligations exist for senior government officials. PPT intends to publish information from requested records on its website, distribute the records and expert analysis to its followers through social media channels including Twitter, Facebook, and other similar platforms. PPT also has a robust network of reporters, bloggers, and media publications interested in its content and that have durable relationships with the organization. PPT intends to use any or all of these far-reaching media outlets to share with the public information obtained as a result of this request.

Through these means, PPT will ensure: (1) that the information requested contributes significantly to the public's understanding of the government's operations or activities; (2) that the information enhances the public's understanding to a greater degree than currently exists; (3) that PPT possesses the expertise to explain the requested information to the public; (4) that PPT possesses the ability to disseminate the requested information to the general public; (5) and that the news media recognizes PPT as a reliable source in the field of government ethics and conduct.

Public oversight and enhanced understanding of the OGE's duties is absolutely necessary. In determining whether disclosure of requested information will contribute significantly to public understanding, a guiding test is whether the requester will disseminate the information to a reasonably broad audience of persons interested in the subject. *Carney v U.S. Dept. of Justice*, 19 F.3d 807 (2nd Cir. 1994). PPT need not show how it intends to distribute the information, because "[n]othing in FOIA, the [agency] regulation, or our case law require[s] such pointless specificity." *Judicial Watch*, 326 F.3d at 1314. It is sufficient for PPT to show how it distributes information to the public generally. *Id.*

III. Obtaining the Requested Records is of No Commercial Interest to PPT.

Access to government records, disclosure forms, and similar materials through FOIA requests is essential to PPT's role of educating the general public. PPT is a 501(c)(3) nonprofit organization with supporters and members of the public who seek a transparent, ethical and impartial government that makes decisions in the best interests of all Americans, not former employers and special interests. PPT has no commercial interest and will realize no commercial benefit from the release of the requested records.



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IV. Conclusion

For all of the foregoing reasons, PPT qualifies for a full fee waiver. We hope that the OGE will immediately grant this fee waiver request and begin to search and disclose the requested records without any unnecessary delays.

If you have any questions, please contact me at (b) (6). All records and any related correspondence should be sent to my attention at the address below.

Sincerely,

Morgan Yardis
Research and Publication Associate
(b) (6)

The following list contains the entire submission submitted December 10, 2021 12:50:04pm ET, and is formatted for ease of viewing and printing.

Contact information

First name	Eleanor
Last name	Eagan
Mailing Address	1611 Connecticut Ave NW
City	Washington
State/Province	District of Columbia
Postal Code	20009
Country	United States
Phone	(b) (6)
Company/Organization	The Revolving Door Project
Email	(b) (6)

Request

Request ID	298116
Confirmation ID	297591
Request description	All communications between employees of the Federal Reserve's Legal Division and employees of the Office of Government Ethics, excluding routine communications relating to the generation of Personal Financial Disclosure reports. (Date Range for Record Search: From 02/15/2020 To 12/10/2021)

Supporting documentation

Fees

Request category ID	scientific
Fee waiver	yes

Explanation

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's implementing regulations, the Revolving Door Project requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes. The Revolving Door Project requests a waiver of fees because disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of activities of the government. Information regarding the nature and dispensation of ethics advice, especially under the extraordinary circumstances of the pandemic, is of great public interest as it helps members of the public to assess the integrity and credibility of governing institutions. The requested materials will shed light on this matter of great public interest. Additionally, Revolving Door Project has a long history of educating the public about the contents of its FOIA requests. This request is primarily and fundamentally not for commercial purposes, but rather the primary interest is in public disclosure of responsive records. As a 501(c)(3) nonprofit, the Revolving Door Project does not have a commercial purpose and the release of the information requested is not in the Revolving Door Project's financial interest. The Revolving Door Project is a non-profit educational institution, and this request is made for educational purposes and not for a commercial use.

Expedited processing

Expedited Processing

yes

Explanation

Federal Reserve leadership's handling of and representations about the recent ethics scandal is a key consideration for Senators considering whether to confirm the President's nominees. These records will shed light on that time-sensitive question

From: [McEvan Baum](#)
To: "Thomas Gokey"
Subject: RE: OGE FOIA FY 22/051 / New FOIA Request Clarification / New Tracking Number (OGE FOIA FY 22/061)
Date: Friday, February 11, 2022 5:39:42 PM

Good afternoon,

The new tracking number assigned to your request is 22/061. Please let me know if you have any questions.

Thank you,
McEvan Baum
Assistant Counsel
Legal, External Affairs, and Performance Branch
Program Counsel Division
U.S. Office of Government Ethics
mbaum@oge.gov
202-482-9287

From: McEvan Baum
Sent: Tuesday, January 25, 2022 2:40 PM
To: 'Thomas Gokey' <(b) (6)>
Cc: Jennifer Matis <jmatis@oge.gov>
Subject: RE: OGE FOIA FY 22/051 / New FOIA Request Clarification

Good afternoon,

Based on the information you provided in our earlier correspondence, please find the language of your new request below. We have begun processing your new request and will provide the tracking number as soon as it becomes available. Should you have any questions or concerns, please reach out immediately. Thank you.

* * *

All records from the Office of Government Ethics regarding potential or actual conflicts of interest from any appointees to the Department of Education or Federal Student Aid identified below from January 20, 2021 to present, including but not limited to any documents submitted to the Department of Education as part of the appointment vetting process. This includes but is not limited to documents from the Office of the Secretary of Education, the Office of the Under Secretary of Education and the Office of General Council of the Department of Education. We request all documents reflecting the conclusion or response to the Office of Government Ethics, including all appeals, to any inquiries or questions concerning information of potential or actual conflicts of interest of the below-listed Department of Education appointees. We request all documents and

correspondence between the Office of Government Ethics and the Department of Education or Federal Student Aid.

1. Alice Abrokwa, Senior Counsel, Office for Civil Rights
2. Doralicia "Allie" Aguilera, Deputy Chief of Staff to the Deputy Secretary
3. Chauncey Alexander, Special Assistant, Office of Communications and Outreach
4. Lexi Barrett, Senior Advisor, Office of the Secretary
5. Jacob Blaut, Confidential Assistant, Office of Legislation and Congressional Affairs
6. Levi Bohanan, Special Assistant, Office of Elementary and Secondary Education
7. Jasmine Bolton, Senior Counsel, Office for Civil Rights
8. Larry Bowden, Special Assistant, Office of the Secretary
9. Bryan Bowsbey, Advisor for Data Management, Office of the Under Secretary
10. J. Noah Brown, Senior Advisor, Office of Career, Technical, and Adult Education
11. Lisa Brown, General Counsel, Office of the General Counsel
12. Miriam Calderon, Deputy Assistant Secretary, Policy and Early Learning, Office of Elementary and Secondary Education
13. Jessica Cardichon, Deputy Assistant Secretary, P-12 Education, Office of Planning, Evaluation, and Policy Development
14. Miguel Cardona, Secretary of Education
15. Stephen Cekuta, Special Assistant, Office of Legislation and Congressional Affairs
16. Vikram Chaudhuri, Confidential Assistant, Office of Career, Technical, and Adult Education
17. Claudia Chavez, White House Liaison, Office of the Secretary
18. Ben Cogley, Senior Director of Digital Strategy, Office of Communications and Outreach
19. Deven Comen, Chief of Staff, Office of Communications and Outreach
20. Michelle Asha Cooper, Ph.D, Deputy Assistant Secretary for Higher Education Programs Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary, Office of Postsecondary Education
21. Una Corbett, Confidential Assistant, Office of the Secretary Joanna Darcus, Senior Counsel, Office of the General Counsel
22. Amanda DelGiudice, Director of Advance, Office of the Secretary
23. William Desmond, Senior Counsel, Office of the General Counsel
24. Monique Dixon, Deputy Assistant Secretary for Policy, Office for Civil Rights
25. Antoinette Flores, Senior Advisor for ARP Implementation, Office of Postsecondary Education
26. Cristina Flores, Director of Scheduling, Office of the Secretary
27. Seth Galanter, Deputy Assistant Secretary for Legal Affairs, Office for Civil Rights
28. Meredith Galanti, Confidential Assistant, Office of the Secretary/Deputy Secretary
29. Sara Garcia, Special Assistant, Office of Planning, Evaluation, and Policy Development
30. Montserrat Garibay, Senior Advisor for Labor Relations, Office of Secretary
31. Melody Gonzales, Senior Advisor, Office of the Secretary
32. Gwen Graham, Assistant Secretary, Office of Legislation and Congressional Affairs
33. Tariq Habash, Special Assistant, Office of Planning, Evaluation, and Policy Development
34. Latricia Hardman, Confidential Assistant, Office of the Under Secretary
35. Vanessa Harmoush, Special Assistant, Office of Communications and Outreach
36. Donna Harris-Aikens, Deputy Chief of Staff, Office of the Secretary
37. Anna Hartge, Special Assistant, Office of the Secretary

38. Rachel Hegarty, Confidential Assistant, Office of Planning, Evaluation, and Policy Development
39. Juliana Herman, Chief of Staff, Office of Planning, Evaluation, and Policy Development
40. Riter Hoopes, Confidential Assistant, Office of Postsecondary Education
41. Jack Hurley, Confidential Assistant, Office of the Undersecretary
42. Kristina Ishmael, Education Technology Deputy Director, Office of Planning, Evaluation, and Policy Development
43. Laura Jimenez, Senior Advisor, Office of Elementary and Secondary Education
44. Jordan Johnson, Deputy Director of Advance, Office of the Secretary
45. DeAndre Jones, Special Assistant, Office of Career, Technical, and Adult Education
46. Kabrillen Jones, Special Assistant, Office of Special Education and Rehabilitative Services
47. Aileen Kim, Special Assistant, Office of the Secretary
48. Philip Kim, Deputy White House Liaison, Office of the Secretary
49. James Kvaal, Under Secretary
50. Stephen Lamb, Confidential Assistant, Office of Postsecondary Education
51. Emily Lamont, Special Assistant, Office of Career, Technical, and Adult Education
52. James Lane, Senior Advisor, Office of the Secretary
53. Kelly Leon, Press Secretary, Office of Communications and Outreach
54. Catherine Lhamon, Assistant Secretary, Office for Civil Rights
55. Kevin Lima, Special Assistant, Office of Communications and Outreach
56. Amy Loyd, Senior Advisor, Office of the Secretary
57. Sophie Maher, Confidential Assistant, Office of Elementary and Secondary Education
58. Ben Martel, Confidential Assistant, Office of Legislative and Congressional Affairs
59. Cindy Marten, Deputy Secretary
60. Jordan Matsudaira, Deputy Under Secretary, Office of the Under Secretary
61. Hayley Matz Meadvin, Senior Advisor, Office of the Secretary
62. Colleen May, Confidential Assistant, Office of Special Education and Rehabilitative Services
63. Clare McCann, Special Assistant, Office of the Under Secretary
64. Patrick McCarthy, Confidential Assistant, Office of the General Counsel
65. Abel McDaniels, Special Assistant, Office of Elementary and Secondary Education
66. Precious McKesson, Special Assistant, OCO
67. Toby Merrill, Deputy General Counsel, Office of the General Counsel
68. Ben Miller, Senior Advisor to the Chief of Staff, Office of the Secretary
69. Jessa Mirtle, Senior Counsel, Office of the General Counsel
70. Jen Mishory, Chief of Staff Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary, Office of Career, Technical, and Adult Education
71. Staci Monreal, Senior Advisor, Office of the Secretary/Deputy Secretary
72. Gypsy Moore, Senior Counsel, Office of the General Counsel
73. Julie Morgan, Senior Advisor, Office of the Under Secretary
74. Melanie Muenzer, Chief of Staff, Office of the Under Secretary
75. Maggie Murphy, Director of Scheduling & Advance, Office of the Secretary
76. Katherine Neas, Deputy Assistant Secretary Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary, Office of Special Education and Rehabilitative Services
77. Rachel Bird Niebling, Deputy Assistant Secretary, Office of Legislation and Congressional Affairs
78. Sheila Nix, Chief of Staff, Office of the Secretary

79. Keigo O'Haru, Confidential Assistant, Office of Elementary and Secondary Education
80. Alex Payne, Special Assistant, Office of Legislation and Congressional Affairs
81. Clarence "CJ" Powell, Special Assistant, Office of Postsecondary Education
82. Alexander Prowda, Confidential Assistant, Office of Communications and Outreach
83. Christian Rhodes, Chief of Staff, Office of Elementary and Secondary Education
84. Blanche Roblero, Chief of Staff, Office of Legislation and Congressional Affairs
85. Roberto Rodriguez, Assistant Secretary, Office of Planning, Evaluation and Policy Development
86. Elias Romanos, Special Assistant, Office of Career, Technical, and Adult Education
87. Ian Rosenblum, Deputy Assistant Secretary for Policy and Programs Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary, Office of Elementary and Secondary Education
88. Sebastian Roza, Confidential Assistant, Office of the Under Secretary
89. Christopher Rush, Senior Advisor of Innovation, Office of the Secretary
90. Marco Sanchez, Special Assistant, Office of Legislative and Congressional Affairs
91. Jorge Santiago, Confidential Assistant, Office of the Secretary/Office of the Deputy Secretary
92. Scott Sargrad, Deputy Chief of Staff for Policy and Programs, Office of the Secretary
93. Greg Schmidt, Chief of Staff, Office of the General Counsel
94. Shital Shah, Director of Strategic Partnerships, Office of the Secretary
95. Heather Shuttleworth, Confidential Assistant, Office of Planning, Evaluation, and Policy Development
96. Nick Simmons, Senior Advisor for School Reopening and Recovery, Office of the Secretary
97. Chris Soto, Senior Advisor, Office of the Secretary
98. Lakeisha Steele, Deputy Assistant Secretary, Office of Legislation and Congressional Affairs
99. Sue Swenson, Senior Advisor, Office of Special Education and Rehabilitative Services
100. Tiffany Taber, Managing Writer, Office of Communications and Outreach
101. Ramin Taheri, Chief of Staff, Office for Civil Rights
102. Joaquin Tamayo, Chief of Staff to the Deputy Secretary
103. Rachel Thomas, Deputy Assistant Secretary for Communications Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary, Office of Communications and Outreach (serving as Acting Assistant Secretary)
104. Loredana Valtierra, Special Assistant, Office of Planning, Evaluation, and Policy Development
105. Niki Wagner, Special Assistant, Office of the Secretary
106. Serena Walker, Confidential Assistant, Office of Communications and Outreach
107. Heather Ward, Special Assistant, Office of Postsecondary Education
108. Meghan Whittaker, Special Assistant, Office of Special Education and Rehabilitative Services
109. Bridget Williams, Deputy Director of Scheduling, Office of the Secretary
110. Rich Williams, Chief of Staff, Office of Postsecondary Education
111. Sedona Williams, Confidential Assistant, Office of the Secretary
112. Valerie Williams, Deputy Assistant Secretary, Office of Special Education and Rehabilitative Services
113. Kalila Winters, Special Assistant, Office of Legislative and Congressional Affairs
114. Addie Zinsner, Confidential Assistant, Office for Civil Rights

From: Thomas Gokey [[mailto:\(b\) \(6\)](mailto:(b) (6))]

Sent: Monday, January 24, 2022 3:44 PM

To: McEvan Baum <mbaum@oge.gov>

Subject: Re: OGE FOIA FY 22/051 / New FOIA Request Clarification

I'm so sorry about making this more complicated than it needed to be.

1. Is your new FOIA request the same as the original (22/051), except that you are limiting your new request to records related to the individuals that you specifically identify in your email directly below?

Yes

2. In the interest of expediency, do you want the cutoff date to be the date of our last search? If so, we will be able to review the records of those at OGE who have already performed their searches, rather than requiring them to perform the search again. Your preference here will impact our response time. In other words, if you would like all potential custodians to perform a new search, it will take us longer to respond.

Yes, that makes sense. Let's use the cutoff date from the original search.

On Mon, Jan 24, 2022 at 2:29 PM McEvan Baum <mbaum@oge.gov> wrote:

Good afternoon,

Thank you for this information.

Please be advised that your last request (22/051) was closed when it was withdrawn such that we will provide you with a new tracking number for this request when it becomes available.

So that we may process your request appropriately, a couple of clarifying questions that we have are as follows:

1. Is your new FOIA request the same as the original (22/051), except that you are limiting your new request to records related to the individuals that you specifically identify in your email directly below?

2. In the interest of expediency, do you want the cutoff date to be the date of our last search? If so, we will be able to review the records of those at OGE who have already performed their searches, rather than requiring them to perform the search again. Your preference here will impact our response time. In other words, if you would like all potential custodians to perform a

new search, it will take us longer to respond.

Thanks,
McEvan

McEvan Baum
Assistant Counsel
Legal, External Affairs, and Performance Branch
Program Counsel Division
U.S. Office of Government Ethics
mbaum@oge.gov
202-482-9287

From: Thomas Gokey [mailto:(b) (6)]
Sent: Sunday, January 23, 2022 9:38 PM
To: Jennifer Matis <jmatis@oge.gov>
Cc: McEvan Baum <mbaum@oge.gov>
Subject: Re: OGE FOIA FY 22/051 - Acknowledgement of Receipt

I apologize for not getting back to you sooner. I had submitted what was essentially the same request to the Department of Education and they requested clarification about the scope.

I am only interested in the following people (listed here:
<https://www2.ed.gov/news/staff/appointees.html>)

Alice Abrokwa
Senior Counsel, Office for Civil Rights

Doralicia "Allie" Aguilera
Deputy Chief of Staff to the Deputy Secretary

Chauncey Alexander
Special Assistant, Office of Communications and Outreach

Lexi Barrett
Senior Advisor, Office of the Secretary

Jacob Blaut
Confidential Assistant, Office of Legislation and Congressional Affairs

Levi Bohanan
Special Assistant, Office of Elementary and Secondary Education

Jasmine Bolton
Senior Counsel, Office for Civil Rights

Larry Bowden
Special Assistant, Office of the Secretary

Bryan Bowlsbey
Advisor for Data Management, Office of the Under Secretary

J. Noah Brown
Senior Advisor, Office of Career, Technical, and Adult Education

Lisa Brown
General Counsel, Office of the General Counsel

Miriam Calderon
Deputy Assistant Secretary, Policy and Early Learning, Office of Elementary and Secondary Education

Jessica Cardichon
Deputy Assistant Secretary, P-12 Education, Office of Planning, Evaluation, and Policy Development

Miguel Cardona
Secretary of Education

Stephen Cekuta
Special Assistant, Office of Legislation and Congressional Affairs

Vikram Chaudhuri
Confidential Assistant, Office of Career, Technical, and Adult Education

Claudia Chavez
White House Liaison, Office of the Secretary

Ben Cobley
Senior Director of Digital Strategy, Office of Communications and Outreach

Deven Comen
Chief of Staff, Office of Communications and Outreach

Michelle Asha Cooper, Ph.D
Deputy Assistant Secretary for Higher Education Programs Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary, Office of Postsecondary Education

Una Corbett
Confidential Assistant, Office of the Secretary

Joanna Darcus

Senior Counsel, Office of the General Counsel

Amanda DelGiudice
Director of Advance, Office of the Secretary

William Desmond
Senior Counsel, Office of the General Counsel

Monique Dixon
Deputy Assistant Secretary for Policy, Office for Civil Rights

Antoinette Flores
Senior Advisor for ARP Implementation, Office of Postsecondary Education

Cristina Flores
Director of Scheduling, Office of the Secretary

Seth Galanter
Deputy Assistant Secretary for Legal Affairs, Office for Civil Rights

Meredith Galanti
Confidential Assistant, Office of the Secretary/Deputy Secretary

Sara Garcia
Special Assistant, Office of Planning, Evaluation, and Policy Development

Montserrat Garibay
Senior Advisor for Labor Relations, Office of Secretary

Melody Gonzales
Senior Advisor, Office of the Secretary

Gwen Graham
Assistant Secretary, Office of Legislation and Congressional Affairs

Tariq Habash
Special Assistant, Office of Planning, Evaluation, and Policy Development

Latricia Hardman
Confidential Assistant, Office of the Under Secretary

Vanessa Harmoush
Special Assistant, Office of Communications and Outreach

Donna Harris-Aikens
Deputy Chief of Staff, Office of the Secretary

Anna Hartge
Special Assistant, Office of the Secretary

Rachel Hegarty
Confidential Assistant, Office of Planning, Evaluation, and Policy Development

Juliana Herman
Chief of Staff, Office of Planning, Evaluation, and Policy Development

Riter Hoopes
Confidential Assistant, Office of Postsecondary Education

Jack Hurley
Confidential Assistant, Office of the Undersecretary

Kristina Ishmael
Education Technology Deputy Director, Office of Planning, Evaluation, and Policy Development

Laura Jimenez
Senior Advisor, Office of Elementary and Secondary Education

Jordan Johnson
Deputy Director of Advance, Office of the Secretary

DeAndre Jones
Special Assistant, Office of Career, Technical, and Adult Education

Kabrillen Jones
Special Assistant, Office of Special Education and Rehabilitative Services

Aileen Kim
Special Assistant, Office of the Secretary

Philip Kim
Deputy White House Liaison, Office of the Secretary

James Kvaal
Under Secretary

Stephen Lamb
Confidential Assistant, Office of Postsecondary Education

Emily Lamont
Special Assistant, Office of Career, Technical, and Adult Education

James Lane
Senior Advisor, Office of the Secretary

Kelly Leon
Press Secretary, Office of Communications and Outreach

Catherine Lhamon

Assistant Secretary, Office for Civil Rights

Kevin Lima

Special Assistant, Office of Communications and Outreach

Amy Loyd

Senior Advisor, Office of the Secretary

Sophie Maher

Confidential Assistant, Office of Elementary and Secondary Education

Ben Martel

Confidential Assistant, Office of Legislative and Congressional Affairs

Cindy Marten

Deputy Secretary

Jordan Matsudaira

Deputy Under Secretary, Office of the Under Secretary

Hayley Matz Meadvin

Senior Advisor, Office of the Secretary

Colleen May

Confidential Assistant, Office of Special Education and Rehabilitative Services

Clare McCann

Special Assistant, Office of the Under Secretary

Patrick McCarthy

Confidential Assistant, Office of the General Counsel

Abel McDaniels

Special Assistant, Office of Elementary and Secondary Education

Precious McKesson

Special Assistant, OCO

Toby Merrill

Deputy General Counsel, Office of the General Counsel

Ben Miller

Senior Advisor to the Chief of Staff, Office of the Secretary

Jessa Mirtle

Senior Counsel, Office of the General Counsel

Jen Mishory

Chief of Staff Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary, Office of Career, Technical, and Adult Education

Staci Monreal, Senior Advisor
Office of the Secretary/Deputy Secretary

Gypsy Moore
Senior Counsel, Office of the General Counsel

Julie Morgan
Senior Advisor, Office of the Under Secretary

Melanie Muenzer
Chief of Staff, Office of the Under Secretary

Maggie Murphy
Director of Scheduling & Advance, Office of the Secretary

Katherine Neas
Deputy Assistant Secretary Delegated the Authority to Perform the Functions and Duties of
the Assistant Secretary, Office of Special Education and Rehabilitative Services

Rachel Bird Niebling
Deputy Assistant Secretary, Office of Legislation and Congressional Affairs

Sheila Nix
Chief of Staff, Office of the Secretary

Keigo O'Haru
Confidential Assistant, Office of Elementary and Secondary Education

Alex Payne
Special Assistant, Office of Legislation and Congressional Affairs

Clarence "CJ" Powell
Special Assistant, Office of Postsecondary Education

Alexander Prowda
Confidential Assistant, Office of Communications and Outreach

Christian Rhodes
Chief of Staff, Office of Elementary and Secondary Education

Blanchi Roblero
Chief of Staff, Office of Legislation and Congressional Affairs

Roberto Rodriquez
Assistant Secretary, Office of Planning, Evaluation and Policy Development

Elias Romanos
Special Assistant, Office of Career, Technical, and Adult Education

Ian Rosenblum

Deputy Assistant Secretary for Policy and Programs Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary, Office of Elementary and Secondary Education

Sebastian Rozo
Confidential Assistant, Office of the Under Secretary

Christopher Rush
Senior Advisor of Innovation, Office of the Secretary

Marco Sanchez
Special Assistant, Office of Legislative and Congressional Affairs

Jorge Santiago
Confidential Assistant, Office of the Secretary/Office of the Deputy Secretary

Scott Sargrad
Deputy Chief of Staff for Policy and Programs, Office of the Secretary

Greg Schmidt
Chief of Staff, Office of the General Counsel

Shital Shah
Director of Strategic Partnerships, Office of the Secretary

Heather Shuttleworth
Confidential Assistant, Office of Planning, Evaluation, and Policy Development

Nick Simmons
Senior Advisor for School Reopening and Recovery, Office of the Secretary

Chris Soto
Senior Advisor, Office of the Secretary

Lakeisha Steele
Deputy Assistant Secretary, Office of Legislation and Congressional Affairs

Sue Swenson, Senior Advisor
Office of Special Education and Rehabilitative Services

Tiffany Taber
Managing Writer, Office of Communications and Outreach

Ramin Taheri
Chief of Staff, Office for Civil Rights

Joaquin Tamayo
Chief of Staff to the Deputy Secretary

Rachel Thomas

Deputy Assistant Secretary for Communications Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary, Office of Communications and Outreach (serving as Acting Assistant Secretary)

Loredana Valtierra
Special Assistant, Office of Planning, Evaluation, and Policy Development

Niki Wagner
Special Assistant, Office of the Secretary

Serena Walker
Confidential Assistant, Office of Communications and Outreach

Heather Ward
Special Assistant, Office of Postsecondary Education

Meghan Whittaker
Special Assistant, Office of Special Education and Rehabilitative Services

Bridget Williams
Deputy Director of Scheduling, Office of the Secretary

Rich Williams
Chief of Staff, Office of Postsecondary Education

Sedona Williams
Confidential Assistant, Office of the Secretary

Valerie Williams
Deputy Assistant Secretary, Office of Special Education and Rehabilitative Services

Kalila Winters
Special Assistant, Office of Legislative and Congressional Affairs

Addie Zinsner
Confidential Assistant, Office for Civil Rights

On Thu, Jan 20, 2022 at 10:03 AM Jennifer Matis <jmatis@oge.gov> wrote:

Hello,

I am the FOIA Officer here. McEvan already began searching for records responsive to your request when you notified us that you wish to withdraw. We understand that you plan to resubmit a modified request. Rather than stop the original search and have to restart, we would like to discuss with you the scope of your anticipated request. It will be more efficient for us and also allow us to process your resubmitted request more expeditiously. Are you available for a phone call today any time between 2:30 and 4:30 Eastern, or tomorrow morning?

Thanks,

Jen

Jennifer Matis
FOIA Officer
U.S. Office of Government Ethics
jmatis@oge.gov
202.482.9216
Pronouns: she/her

From: Thomas Gokey [mailto:(b) (6)]
Sent: Tuesday, January 18, 2022 1:12 PM
To: McEvan Baum <mbaum@oge.gov>
Subject: Re: OGE FOIA FY 22/051 - Acknowledgement of Receipt

I would like to withdraw this request.
I will resubmit with clarifying info to help define the scope.

Thank you,

Thomas
(b) (6)

On Tue, Jan 11, 2022 at 5:27 PM McEvan Baum <mbaum@oge.gov> wrote:

Good afternoon,

This acknowledges receipt of your January 10, 2022 Freedom of Information Act (FOIA) request for “all records from the Office of Government Ethics regarding potential or actual conflicts of interest from any appointees to the Department of Education or Federal Student Aid from January 20, 2021 to present, including but not limited to any documents submitted to the Department of Education as part of the appointment vetting process. This includes but is not limited to documents from the Office of the Secretary of Education, the Office of the Under Secretary of Education and the Office of General Council of the Department of Education. We request all documents reflecting the conclusion or response to the Office of Government Ethics, including all appeals, to any inquiries or questions concerning information of potential or actual conflicts of interest of the Department of Education appointees. We request all documents and correspondence between the Office of Government Ethics and the Department of Education or Federal Student Aid.”

Your request, which OGE received on January 11, 2022, has been assigned tracking number FY 22/051 and is being processed.

You may now track the status of your FOIA request online at:
<https://extapps2.oge.gov/FOIAStatus/FOIAInfo.nsf/SearchByFOIANumber?OpenForm>

. Please enter the individualized tracking number above for status information, including the estimated date of completion. Status information is updated on an hourly basis.

Thank you,
McEvan Baum
Assistant Counsel
Legal, External Affairs, and Performance Branch
Program Counsel Division
U.S. Office of Government Ethics
mbaum@oge.gov
202-482-9287

OGE Confidential Notice: This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy. This email, including all attachments, may constitute a Federal record or other Government property that is intended only for the use of the individual or entity to which it is addressed. If you are not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this email or its contents is strictly prohibited. If you have received this email in error, please notify the sender by responding to the email and then immediately delete the email.

THE WALL STREET JOURNAL.

(b) (6)

DOWJONES

October 25, 2022

Sent Via email: usoge@oge.gov

RETURN RECEIPT REQUESTED

OGE FOIA Officer
Office of Government Ethics
Suite 500
1201 New York Avenue, NW.
Washington, DC 20005-3917 Request Pursuant To Freedom of

Information Act, 5 U.S.C. § 552

To Whom It May Concern:

This is a request for information via the Freedom of Information Act, 5 U.S.C. § 552, as amended.

I hereby request the department provide the following records within 20 business days:

- Any conflicts or ethics waivers or authorizations for the individual, including authorizations pursuant to 5 C.F.R. § 2635.502 and pursuant to 18 U.S. Code § 208(b)
- Any records related to any recusal determination made or issued for the individual

I would like to limit the scope of my request to the period from Jan 1, 2018 to the present.

I am seeking records for employees of the Office of Government Ethics.

If you determine that any of the documents sought by this request are exempt from disclosure, and you decide to apply an exemption, please state the legal and factual basis for that decision. If you determine that only portions of either document must be withheld under an exemption, I request that the documents be produced with redactions.

I am employed as a full-time reporter with The Wall Street Journal and therefore a member of the news media engaged primarily in the dissemination of information that is in the public's interest and hereby request a fee waiver. I certify that my statements concerning a fee waiver are true and correct to the best of my knowledge and belief.

I intend to use these records with a story to be published in *The Wall Street Journal* that will provide a benefit to a large segment of the public, and therefore request that any fees be waived.

Very truly yours,

Brody Mullins

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



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December 23, 2022

Office of Government Ethics
OGE FOIA Officer
Suite 500
1201 New York Avenue, NW.
Washington, DC 20005-3917

Via email to: usoge@oge.gov

Re: Freedom of Information Act Request

Dear Sir or Madam:

Pursuant to the Freedom of Information Act (FOIA), as amended, 5 U.S.C. §§ 552, *et seq.*, COGENCY GLOBAL INC., hereby requests the following:

1. All past and present recusal lists for Chief Economist Susan Athey, including a list of all matters in which she has been recused since joining the Department of Justice.
2. Ethics advice, decisions, or opinions, including waivers and authorizations for Chief Economist Susan Athey.
3. Ethics advice, decisions, or opinions, including waivers and authorizations, for Chief Economist Susan Athey related to social media companies, e-commerce companies, technology platforms, and internet services companies, including Alphabet Inc., Amazon.com, Inc., Apple Inc., Epic Games, Inc., Facebook Inc., Google LLC, Instagram, Inc., Match Group, Inc., Meta Platforms, Inc., Microsoft Corporation, Sony Group Corporation, Spotify AB, TikTok Inc., Twitter, Inc., WhatsApp LLC, and Yelp Inc.
4. All documents and communications discussing ethics decisions, or opinions, including waivers and authorizations for Chief Economist Susan Athey related to social media companies, e-commerce companies, technology platforms, and internet services companies, including Alphabet Inc., Amazon.com, Inc., Apple Inc., Epic Games, Inc., Facebook Inc., Google LLC, Instagram, Inc., Match Group, Inc., Meta Platforms, Inc., Microsoft Corporation, Sony Group Corporation, Spotify AB, TikTok Inc., Twitter, Inc., WhatsApp LLC, and Yelp Inc.
5. All lists reflecting matters—including investigations, lawsuits, and agency proceedings—in which Chief Economist Susan Athey participated as a witness, consultant, or expert, whether disclosed or undisclosed, in the 5 years prior to joining the Department of Justice.
6. Records, including speeches, draft speeches, notes, testimony, and transcripts, or any statements made or provided by Chief Economist Susan Athey to state or federal governmental entities, or non-governmental entities, related to social media companies, e-commerce companies, technology platforms, and internet services companies, including Alphabet Inc., Amazon.com, Inc., Apple Inc., Epic Games, Inc., Facebook Inc.,

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Google LLC, Instagram, Inc., Match Group, Inc., Meta Platforms, Inc., Microsoft Corporation, Sony Group Corporation, Spotify AB, TikTok Inc., Twitter, Inc., WhatsApp LLC, and Yelp Inc.

7. Records reflecting all sources and amounts of income received during the calendar year preceding Chief Economist Susan Athey's selection to be Chief Economist, and for all years up to and including the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more.
8. All documents and communications not part of any ongoing investigation sent between pro bono, public interest, or industry trade organizations and Chief Economist Susan Athey since joining the Department of Justice, related to social media companies, e-commerce companies, technology platforms, and internet services companies, including Alphabet Inc., Amazon.com, Inc., Apple Inc., Epic Games, Inc., Facebook Inc., Google LLC, Instagram, Inc., Match Group, Inc., Meta Platforms, Inc., Microsoft Corporation, Sony Group Corporation, Spotify AB, TikTok Inc., Twitter, Inc., WhatsApp LLC, and Yelp Inc.
9. All documents and communications not part of any ongoing investigation sent between Chief Economist Susan Athey and Alphabet Inc., Amazon.com, Inc., Apple Inc., Epic Games, Inc., Facebook Inc., Google LLC, Instagram, Inc., Match Group, Inc., Meta Platforms, Inc., Microsoft Corporation, Sony Group Corporation, Spotify AB, TikTok Inc., Twitter, Inc., WhatsApp LLC, and Yelp Inc., since she joined the Department of Justice.

COGENCY GLOBAL INC. requests that you provide us with accurate copies or a complete and accurate account of the information requested. This is a commercial request. We agree to pay reasonable search and reproduction costs; however, if these costs exceed \$2000.00, we request that you notify us before reproducing the documents.

We understand that we can expect a response within twenty days of your receipt of this letter. We prefer electronic copies of the documents, but if courier or overnight delivery is necessary, please contact us for delivery or pickup information.

If you have any questions about this request or require further information, please contact us at 800.494.5225 or (b) (6). Thank you for your attention to this matter.

Sincerely,
Andrew Hackett

Andrew Hackett, Vice President
On behalf of:
Cogency Global Inc.
800.494.5225
(b) (6)

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December 23, 2022

Office of Government Ethics
OGE FOIA Officer
Suite 500
1201 New York Avenue, NW.
Washington, DC 20005-3917

Via email to: usoge@oge.gov

Re: Freedom of Information Act Request

Dear Sir or Madam:

Pursuant to the Freedom of Information Act (FOIA), as amended, 5 U.S.C. §§ 552, *et seq.*, COGENCY GLOBAL INC., hereby requests the following:

1. All past and present recusal lists for Deputy Assistant Attorneys General Andrew Forman, Michael Kades, and Doha Mekki, including a list of all matters in which they have been recused since joining the Department of Justice.
2. Ethics advice, decisions, or opinions, including waivers and authorizations for Deputy Assistant Attorneys General Andrew Forman, Michael Kades, and Doha Mekki.
3. Ethics advice, decisions, or opinions, including waivers and authorizations, for Deputy Assistant Attorneys General Andrew Forman, Michael Kades, and Doha Mekki related to social media companies, e-commerce companies, technology platforms, and internet services companies, including Alphabet Inc., Amazon.com, Inc., Apple Inc., Epic Games, Inc., Facebook Inc., Google LLC, Instagram, Inc., Match Group, Inc., Meta Platforms, Inc., Microsoft Corporation, Sony Group Corporation, Spotify AB, TikTok Inc., Twitter, Inc., WhatsApp LLC, and Yelp Inc.
4. All documents and communications discussing ethics decisions, or opinions, including waivers and authorizations for Deputy Assistant Attorneys General Andrew Forman, Michael Kades, and Doha Mekki related to social media companies, e-commerce companies, technology platforms, and internet services companies, including Alphabet Inc., Amazon.com, Inc., Apple Inc., Epic Games, Inc., Facebook Inc., Google LLC, Instagram, Inc., Match Group, Inc., Meta Platforms, Inc., Microsoft Corporation, Sony Group Corporation, Spotify AB, TikTok Inc., Twitter, Inc., WhatsApp LLC, and Yelp Inc.
5. All lists reflecting matters—including investigations, lawsuits, and agency proceedings—in which Deputy Assistant Attorneys General Andrew Forman, Michael Kades, and Doha Mekki participated as counsel in the 5 years prior to joining the Department of Justice.
6. Records, including speeches, draft speeches, notes, testimony, and transcripts, or any statements made or provided by Deputy Assistant Attorneys General Andrew Forman, Michael Kades, and Doha Mekki to state or federal governmental entities, or non-governmental entities, related to social media companies, e-commerce companies,

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technology platforms, and internet services companies, including Alphabet Inc., Amazon.com, Inc., Apple Inc., Epic Games, Inc., Facebook Inc., Google LLC, Instagram, Inc., Match Group, Inc., Meta Platforms, Inc., Microsoft Corporation, Sony Group Corporation, Spotify AB, TikTok Inc., Twitter, Inc., WhatsApp LLC, and Yelp Inc.

7. Records reflecting all sources and amounts of income received during the calendar year preceding Deputy Assistant Attorneys General Andrew Forman, Michael Kades, and Doha Mekki's selection to be Deputy Assistant Attorneys General, as well as for all years up to and including the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more.
8. All documents and communications not part of any ongoing investigation sent between pro bono, public interest, or industry trade organizations and Deputy Assistant Attorneys General Andrew Forman, Michael Kades, and Doha Mekki since they joined the Department of Justice, related to social media companies, e-commerce companies, technology platforms, and internet services companies, including Alphabet Inc., Amazon.com, Inc., Apple Inc., Epic Games, Inc., Facebook Inc., Google LLC, Instagram, Inc., Match Group, Inc., Meta Platforms, Inc., Microsoft Corporation, Sony Group Corporation, Spotify AB, TikTok Inc., Twitter, Inc., WhatsApp LLC, and Yelp Inc.
9. All documents and communications not part of any ongoing investigation sent between Deputy Assistant Attorneys General Andrew Forman, Michael Kades, and Doha Mekki and Alphabet Inc., Amazon.com, Inc., Apple Inc., Epic Games, Inc., Facebook Inc., Google LLC, Instagram, Inc., Match Group, Inc., Meta Platforms, Inc., Microsoft Corporation, Sony Group Corporation, Spotify AB, TikTok Inc., Twitter, Inc., WhatsApp LLC, and Yelp Inc., since they joined the Department of Justice.

COGENCY GLOBAL INC. requests that you provide us with accurate copies or a complete and accurate account of the information requested. This is a commercial request. We agree to pay reasonable search and reproduction costs; however, if these costs exceed \$2000.00, we request that you notify us before reproducing the documents.

We understand that we can expect a response within twenty days of your receipt of this letter. We prefer electronic copies of the documents, but if courier or overnight delivery is necessary, please contact us for delivery or pickup information.

If you have any questions about this request or require further information, please contact us at 800.494.5225 or (b) (6). Thank you for your attention to this matter.

Sincerely,

Andrew Hackett

Andrew Hackett, Vice President
On behalf of:

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December 23, 2022

Office of Government Ethics
OGE FOIA Officer
Suite 500
1201 New York Avenue, NW.
Washington, DC 20005-3917

Via email to: usoge@oge.gov

Re: Freedom of Information Act Request

Dear Sir or Madam:

Pursuant to the Freedom of Information Act (FOIA), as amended, 5 U.S.C. §§ 552, *et seq.*, COGENCY GLOBAL INC., hereby requests the following:

1. All past and present recusal lists for Assistant Attorney General Jonathan Kanter, including a list of all matters in which he has been recused since joining the Department of Justice.
2. Ethics advice, decisions, or opinions, including waivers and authorizations for Assistant Attorney General Jonathan Kanter.
3. Ethics advice, decisions, or opinions, including waivers and authorizations, for Assistant Attorney General Jonathan Kanter related to social media companies, e-commerce companies, technology platforms, and internet services companies, including Alphabet Inc., Amazon.com, Inc., Apple Inc., Epic Games, Inc., Facebook Inc., Google LLC, Instagram, Inc., Match Group, Inc., Meta Platforms, Inc., Microsoft Corporation, Sony Group Corporation, Spotify AB, TikTok Inc., Twitter, Inc., WhatsApp LLC, and Yelp Inc.
4. All documents and communications discussing ethics decisions, or opinions, including waivers and authorizations for Assistant Attorney General Jonathan Kanter related to social media companies, e-commerce companies, technology platforms, and internet services companies, including Alphabet Inc., Amazon.com, Inc., Apple Inc., Epic Games, Inc., Facebook Inc., Google LLC, Instagram, Inc., Match Group, Inc., Meta Platforms, Inc., Microsoft Corporation, Sony Group Corporation, Spotify AB, TikTok Inc., Twitter, Inc., WhatsApp LLC, and Yelp Inc.
5. All lists reflecting matters—including investigations, lawsuits, and agency proceedings—in which Attorney General Jonathan Kanter participated as counsel in the 5 years prior to joining the Department of Justice.
6. Records, including speeches, draft speeches, notes, testimony, and transcripts, or any statements made or provided by Assistant Attorney General Kanter to state or federal governmental entities, or non-governmental entities, related to social media companies, e-commerce companies, technology platforms, and internet services companies, including Alphabet Inc., Amazon.com, Inc., Apple Inc., Epic Games, Inc., Facebook Inc.,

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Google LLC, Instagram, Inc., Match Group, Inc., Meta Platforms, Inc., Microsoft Corporation, Sony Group Corporation, Spotify AB, TikTok Inc., Twitter, Inc., WhatsApp LLC, and Yelp Inc.

7. Records reflecting all sources and amounts of income received during the calendar year preceding Assistant Attorney General Kanter's nomination and appointment to be Assistant Attorney General, as well as for all years up to and including the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more.
8. All documents and communications not part of any ongoing investigation sent between pro bono, public interest, or industry trade organizations and Assistant Attorney General Jonathan Kanter since joining the Department of Justice, related to social media companies, e-commerce companies, technology platforms, and internet services companies, including Alphabet Inc., Amazon.com, Inc., Apple Inc., Epic Games, Inc., Facebook Inc., Google LLC, Instagram, Inc., Match Group, Inc., Meta Platforms, Inc., Microsoft Corporation, Sony Group Corporation, Spotify AB, TikTok Inc., Twitter, Inc., WhatsApp LLC, and Yelp Inc.
9. All documents and communications not part of any ongoing investigation sent between Assistant Attorney General Jonathan Kanter and Alphabet Inc., Amazon.com, Inc., Apple Inc., Epic Games, Inc., Facebook Inc., Google LLC, Instagram, Inc., Match Group, Inc., Meta Platforms, Inc., Microsoft Corporation, Sony Group Corporation, Spotify AB, TikTok Inc., Twitter, Inc., WhatsApp LLC, and Yelp Inc., since he joined the Department of Justice.

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Sincerely,
Andrew Hackett

Andrew Hackett, Vice President
On behalf of:
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The following list contains the entire submission submitted January 21, 2023 10:45:16pm ET, and is formatted for ease of viewing and printing.

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Request

Request ID	551476
Confirmation ID	550936
Request description	A copy of the letter of request for each of the 20 oldest pending FOIA requests at the OGE; a copy of the letter of appeal for each of the 15 oldest pending FOIA appeals at the OGE. If any of these requests or appeals are "first party" requests, you may omit the names and all personal information from the scope of this request.

Supporting documentation

Fees

Request category ID	other
Fee waiver	no
Willing to pay	50

Expedited processing

Expedited Processing	no
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