

**From:** [Deborah J. Bortot](#)  
**To:** [Cheryl L. Kane-Piasecki](#)  
**Subject:** Recusal for (b)(6)  
**Date:** Wednesday, (b)(6) 6:53:28 PM

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Cheryl,

I had a conversation with (b)(6) today about the financial disclosure report for (b)(6). (b)(6) will be recused from this matter forthwith.

Thanks,  
Deb

Deborah J. Bortot  
Chief, Presidential Nominations Branch  
U.S. Office of Government Ethics  
1201 New York Ave., NW, Suite 500  
Washington, DC 20005-3917  
Telephone: (202) 482-9227

**From:** [Cheryl L. Kane-Piasecki](#)  
**To:** (b) (6)  
**Cc:** [Deborah J. Bortot](#)  
**Subject:** Your recusal from matters involving (b) (6) nomination  
**Date:** Thursday, (b)(6) 2:42:05 PM

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(b)(6)

Deb Bortot has informed me that the nominee financial disclosure report for (b)(6), originally assigned to you, is now a matter from which you are to be recused. Deb has reassigned the report.

In my conversation with Deb, we agreed that in the process of transferring the file and any review notes associated with it, you should and the new assignee should refrain from discussions involving anything other than factual statements about work that has already been completed.

Because it is impossible to delineate every possible permutation of what those limitations might be in practice, I advise you to consult with Deb or me if you have questions about what you are able to discuss with the person newly assigned to this report.

I am copying Deb on this for her information.

I am also making a memo to file that will record all of the information you shared with me about the nature and timing of Deb's and your identification of a potential ethics concern, which is what has prompted this recusal decision.

Best,

Cheryl

Cheryl Kane-Piasecki  
ADAEO  
Program Counsel Division  
T: 202-482-9252  
Email: [clkanepi@oge.gov](mailto:clkanepi@oge.gov)  
[www.oge.gov](http://www.oge.gov)

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**From:** [David J. Apol](#)  
**To:** [Emory A. Rounds III](#)  
**Cc:** [Seth Jaffe](#); [Cheryl L. Kane-Piasecki](#)  
**Subject:** Participation in discussions on the applicability of 18 USC 208 and student loans  
**Date:** Thursday, May 26, 2022 10:57:23 AM

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You have asked whether you may participate in discussions about the applicability of 18 USC 208 to people who have student loans and are assigned to participate in discussions related to student loan forgiveness. The subject discussions could relate to forgiveness of student loans in general, or to the forgiveness of student loans for public service. You ask because you personally are responsible for some student loans taken out for your children's education.

We think it is clear that your holding of student loans does not prohibit you from participating in this matter. The matter you are being asked to participate in is not whether or not student loans should be forgiven, or how such forgiveness will be accomplished. The matter you are participating in relates to whether others, whose identities you do not know, may participate in the matter related to forgiveness. The resolution of that matter will have no direct and predictable effect on your financial interests.

This conclusion is consistent with OGE's longstanding practice (b) (5) [REDACTED]  
[REDACTED]  
[REDACTED]. (For  
example, (b) (5) [REDACTED]  
[REDACTED]  
[REDACTED]

Additionally, (b) (5) [REDACTED]  
[REDACTED]. As an example, (b) (5) [REDACTED]  
[REDACTED]  
[REDACTED]. (b) (5) [REDACTED]  
[REDACTED]

David J. Apol  
General Counsel  
U.S. Office of Government Ethics  
(202) 482 - 9300

**From:** (b)(6)  
**To:** Cheryl L. Kane-Piasecki  
**Subject:** [Recusal notice] FW: Question re assignment  
**Date:** Thursday, (b)(6) 9:13:19 AM

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Please see below. I submitted a job application for a (b)(6) before I went on vacation. I received an automated notice that my application (b)(6), but I have not heard anything further. Given that it is a federal position (b)(6)  
(b)(6)  
ut I still think it would be better for me to recuse from a substantive review of the report.

Thanks.

(b)(6)

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

**From:** (b)(6)  
**Sent:** Thursday, (b)(6) 8:55 AM  
**To:** Teresa L. Williamson; Heather A. Jones  
**Cc:** (b)(6)  
**Subject:** RE: Question re assignment

If the report cannot be reassigned back a step (this issue came up once before and I think there is a pending ticket), we can either (1) ask the contractors to force the report back a step manually or (2) add (b)(6) to the Program Manager step.

I am recusing from this report so it cannot be assigned to me.

Thanks.

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

**From:** Teresa L. Williamson  
**Sent:** Thursday, (b)(6) 8:38 AM  
**To:** Heather A. Jones; (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: Question re assignment

Heather I can walk you through how to get it back to me so that I can get it assigned to (b)(6).

**From:** Heather A. Jones  
**Sent:** Wednesday, (b)(6) 6:11 PM  
**To:** (b)(6); Teresa L. Williamson  
**Cc:** (b)(6)  
**Subject:** Question re assignment

Deb routed to herself in "Nominee Program Managers" instead of "Nominee Reviewers". It is now routed to me, since she will be out tomorrow. Is there a way to undue this? We can't figure out how to get it back to Nominee Reviewers.

If we can't get it to (b)(6), we may just assign it to you, (b)(6).

[redacted]

In the original email-no  
redaction made by FOIA  
Office

Teresa, I have the report in my office.

Thanks,

Heather

Heather Jones

(202) 482-9316

Office of Government Ethics

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**From:** [David J. Apol](#)  
**To:** [Cheryl L. Kane-Piasecki](#)  
**Subject:** FW: Working on (b)(6) reports  
**Date:** Wednesday, (b)(6) 3:51:24 PM

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FYI

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**From:** (b)(6)  
**Sent:** Wednesday, (b)(6) 8:38 AM  
**To:** David J. Apol <[djapol@oge.gov](mailto:djapol@oge.gov)>  
**Subject:** RE: Working on (b)(6) reports

Thanks, Dave. I really appreciate the email.

---

**From:** David J. Apol  
**Sent:** Tuesday, (b)(6) 4:30 PM  
**To:** (b)(6)  
**Cc:** Heather A. Jones <[hajones@oge.gov](mailto:hajones@oge.gov)>; Deborah J. Bortot <[djbortot@oge.gov](mailto:djbortot@oge.gov)>  
**Subject:** Working on (b)(6) reports

(b)(6),

Thank you for raising the issue of working on nom reports for (b)(6) nominees with me. You wanted guidance on whether you could work on those reports given that you were going to be working for the (b)(6).

Although, as we discussed, since the (b)(6) is part of the US government, your future employment does not create a statutory or regulatory conflict of interest. Nonetheless, normally in this situation, we would try to have someone else work these reports. Unfortunately, we are extremely short staffed the next few weeks and (b)(6) so we cannot just let them sit.

As we discussed, I would appreciate you beginning to review the report for technical compliance and to identify any potential issues that need to be addressed. If you believe there is an issue where there is a controversy, or where there might be or is a difference of opinion between OGE and the (b)(6), please refer that issue to Heather or Deb for resolution without opining on the solution. This should minimize any concerns regarding the integrity of OGE's decision making on such a matter.

Thank you again for raising this with me and for taking the steps above to avoid potential questioning of your impartiality.

Dave Apol

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**From:** (b)(6)

**Sent:** Tuesday, (b)(6) 3:53 PM

**To:** David J. Apol <[djapol@oge.gov](mailto:djapol@oge.gov)>

**Subject:** Please call me...

...I have a question for you as the DAEO regarding a couple of nom reports that I've been assigned to review as a backup.

Thanks,

(b)(6)

**From:** [Cheryl L. Kane-Piasecki](#)  
**To:** [David J. Apol](#)  
**Subject:** FW: Question about whether I need to recuse  
**Date:** Friday, (b)(6) 3:06:01 PM

---

Dave-

I defer to you completely on this as DAEO and (b)(6) supervisor. To the extent there is any issue at all, in my opinion, (b)(5).

Unless I am missing something, (b)(5), (b)(6)

And (b)(5)

So we are left with just the (b)(5) —and (b)(5), (b)(6)

Happy to discuss if you'd like.

Best,  
Cheryl  
Cheryl Kane-Piasecki  
ADAEO  
Program Counsel Division  
T: 202-482-9252  
Email: [clkanepi@oge.gov](mailto:clkanepi@oge.gov)  
Pronouns: she, her

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**From:** (b)(6)  
**Sent:** Friday, (b)(6) 1:35 PM  
**To:** Cheryl L. Kane-Piasecki <[clkanepi@oge.gov](mailto:clkanepi@oge.gov)>; David J. Apol <[djapol@oge.gov](mailto:djapol@oge.gov)>  
**Subject:** Question about whether I need to recuse

Dave and Cheryl,

I own a rental property (b)(6). The tenant works for (b)(6). Please advise whether I should be recused from (b)(6).

Thanks,



(b)  
(6)

[REDACTED]  
[REDACTED]  
U.S. Office of Government Ethics  
1201 New York Ave., NW, Suite 500  
Washington, DC 20005-3917  
Telephone: (202) 482-[REDACTED]

**From:** [Cheryl L. Kane-Piasecki](#)  
**To:** (b)(6)  
**Subject:** RE: Memorandum Covering Ethics Advice  
**Date:** Tuesday, (b)(6) 2:42:59 PM

---

(b)(6) —

Your email below accurately captures my perspective as ADAEO; given the circumstances as described, I do not believe that you have a disqualifying conflict or appearance concern with respect to your participation in the review of the financial disclosure report of a (b)(6). I do however believe, and have advised, that you may elect to disqualify yourself if you have any concerns about your ability to be impartial or the appearance thereof. Such a disqualification would have to be discussed with and be subject to approval by your supervisor.

You have said that you elect to continue to participate in the review and that you propose to undertake certain steps to alleviate any possible appearance concerns. I have no objections to your proposed course of action. Clearly you are exercising an abundance of caution, which is laudable even if it is not required in this circumstance. Given that your proposal requires certain actions by your supervising official, it is subject to her approval, as well.

Please let me know if Heather has any questions about the proposed arrangement.

Cheryl  
Cheryl Kane-Piasecki  
ADAEO  
Program Counsel Division  
T: 202-482-9252  
Email: [clkanepi@oge.gov](mailto:clkanepi@oge.gov)  
[www.oge.gov](http://www.oge.gov)  
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**From:** (b)(6)  
**Sent:** Tuesday, (b)(6) 1:45 PM  
**To:** Cheryl L. Kane-Piasecki  
**Subject:** Memorandum Covering Ethics Advice  
**Importance:** High

PERSONNEL RELATED

Cheryl-

Thanks for talking last week. I wanted to send this document to cover our conversation concerning my review of a (b)(6) report for an individual who is (b)(6). (b)(6)

(b)(6)

(b)(6)

(b)(6)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. As a result, I don't believe that I would have a "covered relationship" with (b)(6). I also have no relationship with the filer. As a result, you indicated that you believed that I had no disqualifying conflict of interest and could either continue to work on the matter or have it reassigned. After careful consideration, I have decided that I would rather just finish up the review of the document, since I don't see a reason to disqualify myself at this point. To alleviate any potential appearance concerns, however, I propose to cc' Heather Jones (Senior Financial Disclosure Counsel) on all my correspondence with the agency that is reviewing the filer (and if I was to have direct conversations with the filer, I would ask Heather to participate in those discussions). Please let me know if this reflects a way forward. If not, please let me know and I will arrange to have the matter moved to another reviewer's portfolio.

(b)(6)

[REDACTED]

U.S. Office of Government Ethics  
Telephone: 202-482- (b)(6)

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**From:** [Cheryl L. Kane-Piasecki](#)  
**To:** (b)(6)  
**Subject:** RE: Our Conversation Friday (CONTROLLED) (Personal)  
**Date:** Monday, (b)(6) 10:34:10 AM

---

(b)(6)

I have received and read your email and the accompanying notice from (b)(6). I concur that you are no longer seeking employment and therefore you have no obligation to refrain from participating in any matters that may involve or affect

(b)(6)

Thank you very much for reaching out on Friday to seek guidance on this issue.

(b)(6)

Best,  
Cheryl  
Cheryl Kane-Piasecki  
ADAEO  
Program Counsel Division  
T: 202-482-9252  
Email: [clkanepi@oge.gov](mailto:clkanepi@oge.gov)  
[www.oge.gov](http://www.oge.gov)  
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**From:** (b)(6)  
**Sent:** Saturday, (b)(6) 6:13 PM  
**To:** Cheryl L. Kane-Piasecki  
**Subject:** RE: Our Conversation Friday (CONTROLLED) (Personal)

CONTROLLED

THIS EMAIL CONTAINS PERSONAL INFORMATION AND SHOULD NOT BE SHARED.

Cheryl,

In regards to the conversation that we had yesterday, as you can see below the (b)(6)

(b)(6) As a result, I understand that I am no longer "seeking" or "negotiating for" employment as those terms are used in the Standards. I therefore believe then that I am no longer required to recuse from any matters involving (b)(6). If you could please confirm when you receive this email that would be appreciated.

(b)(6)

Finally, I wanted to note that (b)(6)

(b) (6) [Redacted]  
[Redacted]  
[Redacted]  
(b)(6) [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

V/r

(b)(6) [Redacted]

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**From:** (b)(6) [Redacted]  
**Sent:** Saturday, (b)(6) [Redacted] 5:27 PM  
**To:** (b)(6) [Redacted]  
**Subject:** Fwd: (b)(6) [Redacted] Position (b)(6) [Redacted]

Sent from my iPhone

(b)(6) [Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]



[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]  
[Redacted]  
[Redacted]

(b)(6)

[Redacted]

[Redacted]

CSOD SYSTEM ID: 606225

**From:** [Cheryl L. Kane-Piasecki](#)  
**To:** (b)(6)  
**Subject:** FW: [CONTAINS CUI]--Request for Advice - [ Message and attachment(s) contain CUI ]  
**Date:** Tuesday, (b)(6) 1:45:48 PM

No attachment found in search

Resent with typo fixed! Sorry about that!

---

**From:** Cheryl L. Kane-Piasecki  
**Sent:** Tuesday, (b)(6) 1:43 PM  
**To:** (b)(6)  
**Subject:** [CONTAINS CUI]--Request for Advice - [ Message and attachment(s) contain CUI ]

(b)(6) —

Per your email and our prior conversation, I agree that there does not appear to be any risk that 18 USC 208 would be implicated if you were to participate in (b)(5), (b)(6)

[REDACTED]

Consequently, there appears to be no nexus between the (b)(6) you would provide and any hiring decision taken by the (b)(6)

With respect to appearance and other concerns, as I mentioned when we last spoke, you would be well-advised to consider not participating in any matter(s) where (b)(5), (b)(6)

[REDACTED]

Please let me know if you have any questions with respect to this response.

Best,

Cheryl

Cheryl Kane-Piasecki  
ADAEO  
Program Counsel Division  
T: 202-482-9252  
Email: [clkanepi@oge.gov](mailto:clkanepi@oge.gov)  
[www.oge.gov](http://www.oge.gov)

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CONTROLLED

Email and attachment(s) contain CUI.

-----

From: (b)(6)  
Sent: Tuesday, (b)(6) 10:00 AM  
To: Cheryl L. Kane-Piasecki <[clkanepi@oge.gov](mailto:clkanepi@oge.gov)>  
Subject: [CONTAINS CUI]--Request for Advice  
Importance: High

CONTROLLED

THIS EMAIL AND ATTACHMENT(S) CONTAIN CONTROLLED UNCLASSIFIED INFORMATION.

Cheryl,

Two weeks ago I came to you for advice on whether or not I could participate in (b)(6)  
(b)(6)  
(b)(6)  
(b)(6)  
(b)(6)  
(b)(6)  
(b)(6)

As I noted before, I am currently applying for a position (b)(6)  
(b)(6)  
(b)(6)  
(b)(6)  
(b)(6)

Even though I have tried to demur from the possibility of doing the (b)(6) has now asked me to participate. (b)(6) has made it clear that this is an assignment, which means that I must consider now whether I am legally incapable of acting or whether I must remove myself from the (b)(6) I have considered the matter and have concluded that I am not



prohibited from participating.

(b) (5), (b) (6)  
[Redacted]  
[Redacted]  
[Redacted] (b) (5), (b) (6)  
[Redacted] (b) (5), (b) (6)  
[Redacted]  
[Redacted] (b) (6)  
[Redacted]

Ultimately (b) (5), (b) (6)  
[Redacted]  
[Redacted]. I understand the overall concerns regarding appearances, but in this instance I don't believe that a reasonable person would question my participation in (b) (6)  
[Redacted] (b) (6)  
[Redacted]  
[Redacted]

As such, unless I am directed not to, I plan to participate.

One additional question I have for you (b) (5), (b) (6)  
[Redacted]

Unfortunately, given the timeframes, I will need a response back today. I greatly appreciate your assistance.

(b)(6)  
[Redacted]  
[Redacted]

U.S. Office of Government Ethics

Telephone: 202-482-(b)(6)

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**From:** (b)(6)  
**To:** [Cheryl L. Kane-Piasecki](#)  
**Subject:** section 17 notice  
**Date:** Monday, (b) (6) 1:40:31 PM

---

Hi Cheryl –

My open section 17 matter concluded as of (b) (6).

Please let me know if you need any additional information.

Thanks,

(b)(6)