

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074

MINORITY (202) 225-5051

<http://oversight.house.gov>

January 12, 2017

The Honorable Walter M. Shaub, Jr.  
Director  
U.S. Office of Government Ethics  
1201 New York Avenue NW  
Washington, D.C. 20005

Dear Director Shaub:

On December 19, 2015, the Committee requested information related to the Office of Government Ethics' publicly-released guidance and other public interactions. The Committee's questions about blurring the line between public relations and official ethics guidance have resurfaced in the wake of OGE's communications with the incoming administration on ethics questions via Twitter and through the press.

On November 30, 2016, the OGE official Twitter account issued a series of tweets in response to the President-elect's announcement that he will address potential conflicts of interest related to his business interests and personal financial assets. The public OGE account tweeted:

.@realDonaldTrump OGE is delighted that you've decided to divest your businesses. Right decision!

.@realDonaldTrump [*sic*] As we discussed with your counsel, divestiture is the way to resolve these conflicts

.@realDonaldTrump this aligns with OGE opinion that POTUS should act as if 18 USC 208 applies. [bit.ly/2fRpIG0](http://bit.ly/2fRpIG0)

.@realDonaldTrump Bravo! Only way to resolve these conflicts is to divest. Good call!

.@realDonaldTrump this divestiture does what handing over control could never have done.

.@realDonaldTrump – we told your counsel we'd sing your praises if you divested, we meant it.

.@realDonaldTrump OGE applauds the "total" divestiture decision. Bravo!

.@realDonaldTrump Brilliant! Divestiture is good for you, very good for America!

.@realDonaldTrump We can't repeat enough how good this total divestiture will be.<sup>1</sup>

It was not clear whether the tweets constituted official OGE guidance or something less formal. It is clear, however, the tweets publicized private discussions with the President-elect's counsel. The tweets also created the appearance that OGE approved the President-elect's divestiture plan, which caused further confusion.

The line between official OGE policy and informal commentary was also blurred in May 2015. At that time, OGE offered public comments in response to former Secretary of State Hillary Clinton's failure to disclose honoraria paid to the Clinton Foundation in return for speeches made by her or her husband while she was Secretary of State. Specifically, OGE spokesman Vincent Salamone issued the following statement:

Disclosure of speaking fees is not required when a public filer or the filer's spouse is acting as an agent of an organization and payment is made directly to that organization. The rule is different when the speaking is done in a personal capacity and the fees are directed or donated to charity, in which case disclosure would be required.<sup>2</sup>

The commentary offered in response to the Clinton case created confusion. Your agency had not conducted any investigation of the circumstances of the speeches that would have allowed it to determine whether the Clintons were acting as agents of the Clinton Foundation. Ethics experts stated that there was little evidence the speeches had anything to do with the Clinton Foundation.<sup>3</sup> The Office of Government Ethics also declined to comment when asked by the press whether this exception has previously appeared in the agency's public guidance or regulations.<sup>4</sup>

Your agency's mission is to provide clear ethics guidance, not engage in public relations. The Committee is thus continuing its examination of OGE's operations. OGE's statutory authorization lapsed at the end of fiscal year 2007 and the Committee has jurisdiction in the House of Representatives for reauthorizing the office. To help the Committee understand how you perceive OGE's role, among other things, please make yourself available for a transcribed interview with Committee staff as soon as possible, but no later than January 31, 2017. The Committee may also need to interview additional witnesses pursuant to this review.

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<sup>1</sup> Office of Gov't Ethics (@OfficeGovEthics), Twitter (Nov. 30, 2016), <https://twitter.com/OfficeGovEthics/status/804020923800158209>.

<sup>2</sup> Josh Gerstein, *Hillary's speech disclosures come under fire*, POLITICO, May 20, 2015.

<sup>3</sup> *Id.*

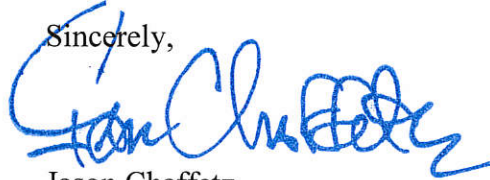
<sup>4</sup> *Id.*

The Honorable Walter M. Shaub, Jr.  
January 12, 2017  
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The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X.

Please contact Jack Thorlin of the Committee staff at (202) 226-4240 to schedule the transcribed interview requested herein or with any questions regarding this request. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Chaffetz", written in a cursive style.

Jason Chaffetz  
Chairman

cc: The Honorable Elijah E. Cummings, Ranking Minority Member



February 13, 2017

The Honorable Jason Chaffetz  
Chairman  
Committee on Oversight and Government Reform  
United States House of Representatives  
2157 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Elijah E. Cummings  
Ranking Member  
Committee on Oversight and Government Reform  
United States House of Representatives  
2471 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Chaffetz and Ranking Member Cummings:

I am in receipt of your letter dated February 9, 2017, requesting that the U.S. Office of Government Ethics (OGE) review statements made by Kellyanne E. Conway regarding the business interests of the President's daughter, act promptly on any findings, and report back to the Committee with a recommendation for disciplinary action if warranted.<sup>1</sup> Prior to receiving your letter, OGE had begun consulting with the White House regarding this matter, pursuant to OGE's regulations for addressing potential violations by individual employees of the executive branch.<sup>2</sup> This letter is to explain the applicable legal process and to confirm that OGE will take the actions you request in your letter.

As you know, Congress has not provided OGE with any actual investigative authority or resources for hiring investigators. Unlike the Committee, OGE cannot issue subpoenas, question witnesses, compel the production of documents, or take action against individuals who refuse to cooperate.<sup>3</sup> Unlike employing federal agencies, OGE cannot take disciplinary action against an executive branch employee other than an OGE employee.<sup>4</sup> Thus, OGE is limited with respect to the actions it can take.

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), the law

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<sup>1</sup> OGE received a similar letter from Representative Ted W. Lieu, as well as a separate letter signed by 42 Members of Congress.

<sup>2</sup> See 5 C.F.R. part 2638, subpart E.

<sup>3</sup> See 5 U.S.C. app. § 402.

<sup>4</sup> See *id.*



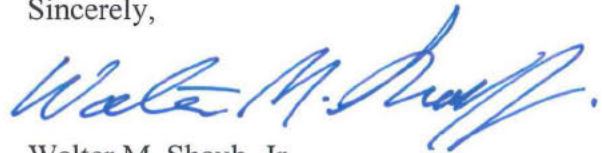


authorizes OGE to make only an informal recommendation that the employing agency investigate the matter and consider taking disciplinary action against the employee.<sup>5</sup> In the enclosed letter to the Designated Agency Ethics Official for the White House, OGE exercises this authority and requests a response by February 28, 2017.

Only in the event that this informal process fails to resolve the matter does the law authorize OGE to recommend disciplinary action.<sup>6</sup> Even in that case, however, Congress limited OGE's authority by requiring that, before OGE may make a recommendation, OGE must provide the employee with written notice of the alleged violation and an opportunity to respond either orally or in writing.<sup>7</sup> Congress also required OGE to establish a formal procedure for the employee's response, which OGE has established through regulations that provide the employee 30 days to respond.<sup>8</sup> Thereafter, OGE's General Counsel is required to provide OGE's Director with written findings and recommendations, which the Director must carefully consider before issuing a nonbinding recommendation that the employing agency take disciplinary action against the employee.<sup>9</sup> OGE is also authorized to notify the President if the agency fails to take appropriate disciplinary action; however, such notice would be ineffective in this case because any decision not to take disciplinary action will have been made by the President.<sup>10</sup>

OGE will move deliberately to complete this process as expeditiously as possible. As explained above, however, completing the legal process that Congress established for OGE will likely take until late April or early May, due to the legally mandated timeframes involved. OGE will report back to you as promptly as possible thereafter.

Sincerely,



Walter M. Shaub, Jr.  
Director

Enclosure

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

<sup>6</sup> 5 U.S.C. app. § 402(f)(2)(B); 5 C.F.R. § 2638.504.

<sup>7</sup> 5 U.S.C. app. § 402(f)(2)(B)(ii)(I); 5 C.F.R. § 2638.504(b)(1).

<sup>8</sup> 5 U.S.C. app. § 402(f)(2)(B)(ii)(II); 5 C.F.R. § 2638.504(c).

<sup>9</sup> 5 U.S.C. § 402(f)(2)(A)(iv)(I); 5 C.F.R. § 2638.504(d), (e).

<sup>10</sup> 5 U.S.C. § 402(f)(2)(A)(iv)(II); 5 C.F.R. § 2638.504(e)(2).

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).

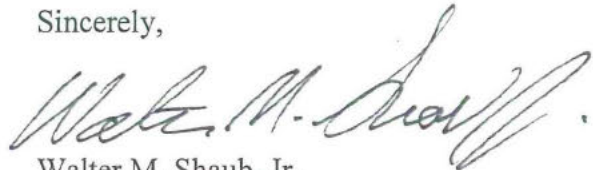
<sup>13</sup> See *id.*

<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:** [Diana Veilleux](#)  
**To:** [Brandon A. Steele](#)  
**Subject:** FOIA Response (17/197)  
**Date:** Wednesday, February 15, 2017 4:13:22 PM  
**Attachments:** [image002.png](#)  
[2017-01-12\\_JEC to Shaub-OGE - Transcribed Inverview.pdf](#)

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*Diana J. Veilleux*

Diana J. Veilleux

Chief

Legal, External Affairs and Performance Branch

Program Counsel Division

Office of Government Ethics

(202) 482-9203

[Diana.veilleux@oge.gov](mailto:Diana.veilleux@oge.gov)

Visit OGE's website at: [www.oge.gov](http://www.oge.gov)

Follow OGE on Twitter: [@OfficeGovEthics](https://twitter.com/OfficeGovEthics)

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**From:** Casey, Sharon [mailto:(b) (6)]

**Sent:** Thursday, January 12, 2017 5:58 PM

**To:** Diana Veilleux

**Cc:** Thorlin, Jack; Bailey, Katie; McKenna, Liam

**Subject:** Letter to Director Shaub OGE re Transcribed Inverview

Attached please find a letter from Chairman Chaffetz of the U.S. House of Representatives Committee on Oversight and Government Reform. Please note the letter requests a response by January 31, 2017.

Please acknowledge receipt of this letter.

Thank you,

Sharon Casey



Sharon Ryan Casey  
Deputy Chief Clerk  
Committee on Oversight and Government Reform

(b) (6)

# AIMS Agency Information Management System

## Resolved Interaction

Interaction Number: 11001	
Initiation Date*	2017-01-15
Title*	Oversight of OGE for reauthorization/its public communications
Question*	Discussion of an oversight meeting
Update	
Categories*	Ethics Program Administration
Origin Of Interaction*	Phone
Source*	Non-Agency Congress
First Name	Jennifer Heminway/Jon Skladany
Last Name	Krista Boyd
Title	
Position	Other Congressional Staff (HOCR Majority and Minority)
Email	
Phone	
Other Contact Notes	
Assignment	Shelley K. Finlayson
Watching	
Temporary Notes	
created by:	Shelley K. Finlayson

Resolution Information	
Resolution Date*	2017-01-15
Resolution Category*	Resolved
Response*	Request meeting be bi-partisan and public. (Assigned to: Shelley K. Finlayson)
Complexity (level)	1
Time Spent (hours)	
Contributor	
<input type="button" value="reopen"/>	

Interaction History Log	
Closed	01/24/2017 02:48:19 PM by Shelley K. Finlayson
Now Assigned: Shelley K. Finlayson	01/24/2017 02:48:19 PM by Shelley K. Finlayson

# AIMS Agency Information Management System

## Resolved Interaction

Interaction Number: 11002	
Initiation Date*	2017-01-18
Title*	Oversight meeting
Question*	Discussion of topics for oversight meeting on 1/23/17 based on 1/12/17 letter.
Update	
Categories*	Ethics Program Administration
Origin Of Interaction*	Phone
Source*	Non-Agency Congress
First Name	Jon
Last Name	Skladany
Title	
Position	Other Congressional staff (HOCR Majority)
Email	
Phone	(b) (6)
Other Contact Notes	
Assignment	Shelley K. Finlayson
Watching	
Temporary Notes	
created by:	Shelley K. Finlayson

Resolution Information	
Resolution Date*	2017-01-18
Resolution Category*	Resolved
Response*	Discussed potential oversight topics for meeting on 1/23/17. (Assigned to: Shelley K. Finlayson)
Complexity (level)	1 (b) (6)
Time Spent (hours)	(b) (6)
Contributor	
<input type="button" value="reopen"/>	

Interaction History Log	
Closed	01/24/2017 02:51 55 PM by Shelley K. Finlayson
Now Assigned: Shelley K. Finlayson	01/24/2017 02:51 55 PM by Shelley K. Finlayson

# AIMS Agency Information Management System

## Resolved Interaction

Interaction Number: 11602	
Initiation Date*	2017-02-28
Title*	Misuse of position/endorsement by Counselor to the President
Question*	Inquiry regarding response due from the White House to OGE's letter regarding potential misuse of position/endorsement by a Counselor to the President. Also, an inquiry regarding a letter from Cause of Action about the same incident.
Update	
Categories*	Misuse of Position
Origin Of Interaction*	Phone
Source*	Non-Agency Congress
First Name	Krista
Last Name	Boyd
Title	Counsel (HOCR Minority)
Position	Other
Email	
Phone	(b) (6)
Other Contact Notes	
Assignment	Shelley K. Finlayson
Watching	
Temporary Notes	
created by:	Shelley K. Finlayson

Resolution Information	
Resolution Date*	2017-02-28
Resolution Category*	Resolved
Response*	Updated on status of White House response, potential next steps, and receipt of Cause of Action letter. (Assigned to: Shelley K. Finlayson)
Complexity (level)	(b) (6)
Time Spent (hours)	(b) (6)
Contributor	
reopen	

Interaction History Log	
Closed	03/06/2017 02:30:14 PM by Shelley K. Finlayson
Now Assigned: Shelley K. Finlayson	03/06/2017 02:30:14 PM by Shelley K. Finlayson



# AIMS Agency Information Management System

## Resolved Interaction

Interaction Number: 11605	
Initiation Date*	2017-03-01
Title*	Is OGE an independent agency for regulatory clearance purposes?
Question*	Is OGE an independent agency for regulatory clearance purposes?
Update	
Categories*	Other
Origin Of Interaction*	Email
Source*	Non-Agency Congress
First Name	Krista
Last Name	Boyd
Title	Counsel (HOCR Minority)
Position	Other
Email	
Phone	(b) (6)
Other Contact Notes	
Assignment	Shelley K. Finlayson
Watching	
Temporary Notes	
created by:	Shelley K. Finlayson

Resolution Information	
Resolution Date*	2017-03-01
Resolution Category*	Resolved
Response*	Explained that OGE is not an independent agency for any purpose including regulatory clearance. Must go through OIRA. (Assigned to: Shelley K. Finlayson)
Complexity (level)	<input type="text" value=""/>
Time Spent (hours)	(b) (6)
Contributor	
<input type="button" value="reopen"/>	

Interaction History Log	
Closed	03/06/2017 02:37 30 PM by Shelley K. Finlayson
Now Assigned: Shelley K. Finlayson	03/06/2017 02:37 30 PM by Shelley K. Finlayson

# AIMS Agency Information Management System

## Resolved Interaction

Interaction Number: 10996	
Initiation Date*	2017-01-12
Title*	Question regarding OGE's activities
Question*	Question regarding interest in a public hearing to discuss OGE's work
Update	
Categories*	Conflicting Financial Interests, Ethics Program Administration
Origin Of Interaction*	Phone
Source*	Non-Agency Congress
First Name	Krista
Last Name	Boyd
Title	
Position	Other Congressional staff (HOCR Minority)
Email	
Phone	(b) (6)
Other Contact Notes	
Assignment	Shelley K. Finlayson
Watching	
Temporary Notes	
created by:	Shelley K. Finlayson

Resolution Information	
Resolution Date*	2017-01-12
Resolution Category*	Resolved
Response*	Discussed oversight (Assigned to: Shelley K. Finlayson)
Complexity (level)	(b) (6)
Time Spent (hours)	(b) (6)
Contributor	
<input type="button" value="reopen"/>	

Interaction History Log	
Closed	01/24/2017 02:38 22 PM by Shelley K. Finlayson
Now Assigned: Shelley K. Finlayson	01/24/2017 02:38 22 PM by Shelley K. Finlayson

# AIMS Agency Information Management System

## Resolved Interaction

Interaction Number: 11395	
Initiation Date*	2017-02-09
Title*	Congressional Inquiry
Question*	Upon request, provided technical assistance re 2635.702 and 2638 Subpart E. Note: Marked category of "other" in reference to 2638 Subpart E.
Update	
Categories*	Misuse of Position, Other
Origin Of Interaction*	Phone
Source*	Non-Agency Congress
First Name	Susanne
Last Name	Grooms
Title	HOGR
Position	
Email	
Phone	(b) (6)
Other Contact Notes	
Assignment	Jennifer Matis, Patrick Shepherd
Watching	
Temporary Notes	
created by:	Jennifer Matis

Resolution Information	
Resolution Date*	2017-02-09
Resolution Category*	Resolved
Response*	See above (Assigned to: Jennifer Matis; Patrick Shepherd)
Complexity (level)	(b) (6)
Time Spent (hours)	(b) (6)
Contributor	
reopen	

Interaction History Log	
Closed	02/16/2017 08:13 30 AM by Jennifer Matis
Now Assigned: Jennifer Matis Patrick Shepherd	02/16/2017 08:13 30 AM by Jennifer Matis

# AIMS Agency Information Management System

## Resolved Interaction

Interaction Number: 10670	
Initiation Date*	2017-01-05
Title*	Distinction between "particular matter" and "Particular matter involving specific parties"
Question*	The caller wanted information concerning the distinction between "particular matter" and "particular matter involving specific parties" as well as how that element of 18 USC § 208 works in conjunction with the element of "participating personally and substantially"? She was trying to better understand these concepts in the context of bill drafting and the effects of different language in potential bill language.
Update	
Categories*	207, 208, Impartiality
Origin Of Interaction*	Phone
Source*	Non-Agency Congress
First Name	Krista
Last Name	Boyd
Title	
Position	Other Staff Member of HOCR committee
Email	
Phone	(b) (6)
Other Contact Notes	
Assignment	Seth Jaffe
Watching	
Temporary Notes	
created by:	Seth Jaffe

Resolution Information	
Resolution Date*	2017-01-05
Resolution Category*	Resolved – ELPB Consultation
Response*	I referred Krista to and gave advice consistent with: 18 USC § 208; 5 CFR § 2641 201(h)(1)&(2) as well as 5 CFR § 2635.502(b)(3). I also referred Krista to and gave advice consistent with OGE's 2006 advisory on "matter" "particular matter" and "particular matter involving specific parties". (Assigned to: Seth Jaffe)
Complexity (level)	1 b
Time Spent (hours)	
Contributor	
reopen	

Interaction History Log	
Closed	01/05/2017 05:25:18 PM by Seth Jaffe



Now Assigned: Seth Jaffe	01/05/2017 05:25:18 PM by Seth Jaffe
Closed	01/05/2017 05:25:18 PM by Seth Jaffe
Now Assigned: Seth Jaffe	01/05/2017 05:25:18 PM by Seth Jaffe

Division(s) assigned: GCLPD

# AIMS Agency Information Management System

## Resolved Interaction

Interaction Number: 10136	
Initiation Date*	2016-11-17
Title*	Nepotism
Question*	Application of nepotism rules to the President
Update	
Categories*	Nepotism
Origin Of Interaction*	Phone
Source*	Non-Agency Congress
First Name	
Last Name	
Title	
Position	
Email	
Phone	
Other Contact Notes	
Assignment	Shelley K. Finlayson
Watching	
Temporary Notes	
created by:	Shelley K. Finlayson

Resolution Information	
Resolution Date*	2016-11-17
Resolution Category*	Resolved
Response*	OSC has jurisdiction over nepotism and MSPB has summaries of relevant cases (Assigned to: Shelley K. Finlayson)
Complexity (level)	<input type="text" value="1"/>
Time Spent (hours)	<input type="text" value=""/>
Contributor	
<input type="button" value="reopen"/>	

2016-11-17, Shelley Finlayson: Resolved OSC has jurisdiction over nepotism and MSPB has summaries of relevant cases, 2016-11-17, Shelley Finlayson: Created	
Interaction History Log	

# AIMS Agency Information Management System

## Resolved Interaction

Interaction Number: 10401	
Initiation Date*	2016-12-08
Title*	Status of incoming administration's work with OGE on PAS nominee FD review/Presidential transition
Question*	How do the incoming administration's efforts compare with recommended best practice/targets set prior to election?
Update	
Categories*	278s, Conflicting Financial Interests
Origin Of Interaction*	Phone
Source*	Non-Agency Congress
First Name	Kapil
Last Name	Longani
Title	Counsel HOCR (Minority staff)
Position	Other Congressional staff
Email	
Phone	(b) (6)
Other Contact Notes	
Assignment	Shelley K. Finlayson
Watching	
Temporary Notes	
created by:	Shelley K. Finlayson

Resolution Information	
Resolution Date*	2016-12-09
Resolution Category*	Resolved
Response*	Provided phone briefing (Assigned to: Shelley K. Finlayson)
Complexity (level)	1 b
Time Spent (hours)	
Contributor	Deborah J. Bortot, Heather A. Jones, Seth Jaffe
reopen	

Interaction History Log	
Closed	12/12/2016 08:10 26 AM by Shelley K. Finlayson
Now Assigned: Shelley K. Finlayson	12/12/2016 08:10 26 AM by Shelley K. Finlayson

# AIMS Agency Information Management System

## Resolved Interaction

Interaction Number: 10403	
Initiation Date*	2016-12-03
Title*	HOCR Chairman request for meeting with Director
Question*	Explain OGE's recent social media activities and provide an update on the status of the Presidential transition from OGE perspective, including conflict of interest issues.
Update	
Categories*	208, 278s, Conflicting Financial Interests
Origin Of Interaction*	Email
Source*	Non-Agency Congress
First Name	Jennifer
Last Name	Hemingway
Title	Chief of Staff (HOCR Majority staff)
Position	Other Congressional staff
Email	
Phone	(b) (6)
Other Contact Notes	
Assignment	Shelley K. Finlayson
Watching	
Temporary Notes	
created by:	Shelley K. Finlayson

Resolution Information	
Resolution Date*	2016-12-09
Resolution Category*	Resolved
Response*	Exchanged information regarding purpose of meeting. Schedulers attempted to coordinate time to meet. House adjourned and Chairman departed before meeting occurred. (Assigned to: Shelley K. Finlayson)
Complexity (level)	1
Time Spent (hours)	
Contributor	Matthew A. Marinec
<input type="button" value="reopen"/>	

Interaction History Log	
Closed	12/12/2016 08:22:11 AM by Shelley K. Finlayson
Now Assigned: Shelley K. Finlayson	12/12/2016 08:22:11 AM by Shelley K. Finlayson



# AIMS Agency Information Management System

## Resolved Interaction

Interaction Number: 10402	
Initiation Date*	2016-12-09
Title*	Request for information on conflicts of interest
Question*	What conflict of interest laws apply to the President-elect? How are conflicts addressed for PAS nominees?
Update	
Categories*	208, 278s, Conflicting Financial Interests
Origin Of Interaction*	Phone
Source*	Non-Agency Congress
First Name	K.
Last Name	Boyd
Title	Counsel HOGR (Minority staff)
Position	
Email	
Phone	(b) (6)
Other Contact Notes	
Assignment	Shelley K. Finlayson
Watching	
Temporary Notes	
created by:	Shelley K. Finlayson

Resolution Information	
Resolution Date*	2016-12-09
Resolution Category*	Resolved
Response*	Provided brief overview. In-depth congressional staff briefing requested. (Assigned to: Shelley K. Finlayson)
Complexity (level)	(b) (5)
Time Spent (hours)	
Contributor	
reopen	

Interaction History Log	
Closed	12/12/2016 08:15 24 AM by Shelley K. Finlayson
Now Assigned: Shelley K. Finlayson	12/12/2016 08:15 24 AM by Shelley K. Finlayson

# AIMS Agency Information Management System

## Resolved Interaction

Interaction Number: 10998	
Initiation Date*	2017-01-13
Title*	Oversight of OGE's public communications
Question*	Discussion of oversight meeting (at request of the majority) with Chairman and Ranking Member to discuss OGE's public communications and other oversight.
Update	
Categories*	Ethics Program Administration
Origin Of Interaction*	Email
Source*	Non-Agency Congress
First Name	Krista
Last Name	Boyd
Title	
Position	Other Congressional Staff (HOCR Minority)
Email	
Phone	(b) (6)
Other Contact Notes	
Assignment	Shelley K. Finlayson
Watching	
Temporary Notes	
created by:	Shelley K. Finlayson

Resolution Information	
Resolution Date*	2017-01-13
Resolution Category*	Resolved
Response*	Discussed proposed parameters for a meeting (Assigned to: Shelley K. Finlayson)
Complexity (level)	(b) (5)
Time Spent (hours)	
Contributor	
reopen	

Interaction History Log	
Closed	01/24/2017 02:42:45 PM by Shelley K. Finlayson
Now Assigned: Shelley K. Finlayson	01/24/2017 02:42:45 PM by Shelley K. Finlayson



February 13, 2017

The Honorable Jason Chaffetz  
Chairman  
Committee on Oversight and Government Reform  
United States House of Representatives  
2157 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Elijah E. Cummings  
Ranking Member  
Committee on Oversight and Government Reform  
United States House of Representatives  
2471 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Chaffetz and Ranking Member Cummings:

I am in receipt of your letter dated February 9, 2017, requesting that the U.S. Office of Government Ethics (OGE) review statements made by Kellyanne E. Conway regarding the business interests of the President's daughter, act promptly on any findings, and report back to the Committee with a recommendation for disciplinary action if warranted.<sup>1</sup> Prior to receiving your letter, OGE had begun consulting with the White House regarding this matter, pursuant to OGE's regulations for addressing potential violations by individual employees of the executive branch.<sup>2</sup> This letter is to explain the applicable legal process and to confirm that OGE will take the actions you request in your letter.

As you know, Congress has not provided OGE with any actual investigative authority or resources for hiring investigators. Unlike the Committee, OGE cannot issue subpoenas, question witnesses, compel the production of documents, or take action against individuals who refuse to cooperate.<sup>3</sup> Unlike employing federal agencies, OGE cannot take disciplinary action against an executive branch employee other than an OGE employee.<sup>4</sup> Thus, OGE is limited with respect to the actions it can take.

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), the law

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<sup>1</sup> OGE received a similar letter from Representative Ted W. Lieu, as well as a separate letter signed by 42 Members of Congress.

<sup>2</sup> See 5 C.F.R. part 2638, subpart E.

<sup>3</sup> See 5 U.S.C. app. § 402.

<sup>4</sup> See *id.*



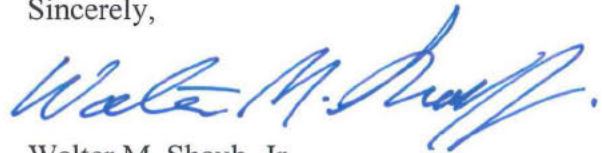


authorizes OGE to make only an informal recommendation that the employing agency investigate the matter and consider taking disciplinary action against the employee.<sup>5</sup> In the enclosed letter to the Designated Agency Ethics Official for the White House, OGE exercises this authority and requests a response by February 28, 2017.

Only in the event that this informal process fails to resolve the matter does the law authorize OGE to recommend disciplinary action.<sup>6</sup> Even in that case, however, Congress limited OGE's authority by requiring that, before OGE may make a recommendation, OGE must provide the employee with written notice of the alleged violation and an opportunity to respond either orally or in writing.<sup>7</sup> Congress also required OGE to establish a formal procedure for the employee's response, which OGE has established through regulations that provide the employee 30 days to respond.<sup>8</sup> Thereafter, OGE's General Counsel is required to provide OGE's Director with written findings and recommendations, which the Director must carefully consider before issuing a nonbinding recommendation that the employing agency take disciplinary action against the employee.<sup>9</sup> OGE is also authorized to notify the President if the agency fails to take appropriate disciplinary action; however, such notice would be ineffective in this case because any decision not to take disciplinary action will have been made by the President.<sup>10</sup>

OGE will move deliberately to complete this process as expeditiously as possible. As explained above, however, completing the legal process that Congress established for OGE will likely take until late April or early May, due to the legally mandated timeframes involved. OGE will report back to you as promptly as possible thereafter.

Sincerely,



Walter M. Shaub, Jr.  
Director

Enclosure

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

<sup>6</sup> 5 U.S.C. app. § 402(f)(2)(B); 5 C.F.R. § 2638.504.

<sup>7</sup> 5 U.S.C. app. § 402(f)(2)(B)(ii)(I); 5 C.F.R. § 2638.504(b)(1).

<sup>8</sup> 5 U.S.C. app. § 402(f)(2)(B)(ii)(II); 5 C.F.R. § 2638.504(c).

<sup>9</sup> 5 U.S.C. § 402(f)(2)(A)(iv)(I); 5 C.F.R. § 2638.504(d), (e).

<sup>10</sup> 5 U.S.C. § 402(f)(2)(A)(iv)(II); 5 C.F.R. § 2638.504(e)(2).

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).

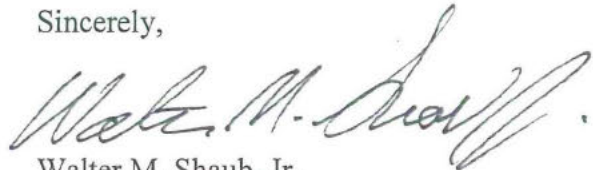
<sup>13</sup> See *id.*

<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).

## Brandon A. Steele

---

**From:** Diana Veilleux  
**Sent:** Tuesday, February 14, 2017 4:48 PM  
**To:** 'Nassif, Marybeth'  
**Cc:** Shelley K. Finlayson  
**Subject:** RE: Response to February 10 E-Mail  
**Attachments:** Director's Letter to HOGF Leadership with WH Attachment.pdf

Hi Marybeth

To respond to your question, the term “user session” is the same thing as a “visit” to a website, and refers to the presence of a user with a specific IP address [on a website](#). The number of user sessions per day is one measure of how much traffic a website has.

Also, attached please find a copy of the letter (with an attachment) issued by the Director in response to an inquiry by the Chairman and Ranking Member of the House Oversight and Government Reform Committee about an ethics issue involving the Counselor to the President.

Best Regards,

*Diana J. Veilleux*

Diana J. Veilleux  
Chief  
Legal, External Affairs and Performance Branch  
Program Counsel Division  
Office of Government Ethics  
(202) 482-9203  
[Diana.veilleux@oge.gov](mailto:Diana.veilleux@oge.gov)

Visit OGE’s website at: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: [@OfficeGovEthics](https://twitter.com/OfficeGovEthics)

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**From:** Nassif, Marybeth [[\(b\) \(6\)](mailto:(b) (6))]  
**Sent:** Tuesday, February 14, 2017 11:39 AM  
**To:** Diana Veilleux  
**Cc:** Shelley K. Finlayson  
**Subject:** RE: Response to February 10 E-Mail

Hi Diana,

Thanks for the response and the charts. Can you clarify what “# of sessions” are?

Marybeth

---

**From:** Diana Veilleux [<mailto:djveille@oge.gov>]  
**Sent:** Monday, February 13, 2017 6:14 PM  
**To:** Nassif, Marybeth [[\(b\) \(6\)](mailto:(b) (6))]  
**Cc:** Shelley K. Finlayson <[skfinlay@oge.gov](mailto:skfinlay@oge.gov)>  
**Subject:** Response to February 10 E-Mail

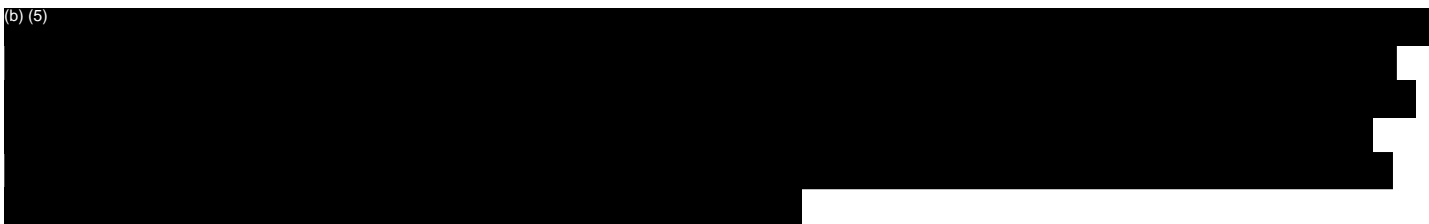
Good Evening Marybeth

Please find below responses to your most recent inquiry:

- Website

As the attached data demonstrates, OGE has received unprecedented and therefore unanticipated demands for information and resources from the public and the media, including unparalleled levels of demand for access to OGE's website. This extraordinary level of public interest and concern is largely being driven by events and activities outside of OGE's control. Despite this enormous unanticipated strain on OGE's resources, OGE's staff has acted swiftly to continue to be responsive to public demands despite being significantly constrained by the lack of our requested FY17 funding level. For example, OGE's IT staff took immediate actions to mitigate the website access problem by: increasing the amount of traffic available to enter the website; and reducing automated traffic, such as web crawlers and bots, that reduce traffic capacity.

(b) (5)



- Ethics Issues regarding the Counselor to the President

With regard to the potential ethics issue of the Counselor to the President, please be advised that the Director is issuing a response to the House Committee on Oversight and Government Reform's recent correspondence about this matter. We will forward you a link when it is published on OGE's website.

- GSA Lease

OGE has no involvement in or jurisdiction over the GSA lease matter."

Best Regards,

*Diana J. Veilleux*

Diana J. Veilleux

Chief

Legal, External Affairs and Performance Branch

Program Counsel Division

Office of Government Ethics

(202) 482-9203

[Diana.veilleux@oge.gov](mailto:Diana.veilleux@oge.gov)

Visit OGE's website at: [www.oge.gov](http://www.oge.gov)

Follow OGE on Twitter: @OfficeGovEthics

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**From:** Nicole Stein

**Sent:** Monday, February 13, 2017 6:00 PM

**To:** Shelley K. Finlayson; Diana Veilleux

**Subject:** Data Charts

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## Brandon A. Steele

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**From:** Skladany, Jon (b) (6)  
**Sent:** Saturday, January 14, 2017 7:05 PM  
**To:** Hemingway, Jennifer; Shelley K. Finlayson  
**Subject:** RE: Connecting

Hi Shelley - looking forward to working with you.

Call or email any time!

Jon

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

**From:** Hemingway, Jennifer  
**Sent:** Saturday, January 14, 2017 6:58 PM  
**To:** Shelley K. Finlayson  
**Cc:** Skladany, Jon  
**Subject:** Connecting

Shelley,

I'm copying Jon Skladany, OGR's new Staff Director.

I know you will enjoy working with each other.

Jon's cell phone is (b) (6)

Sincerely,  
Jennifer

Sent from my iPhone

## Brandon A. Steele

---

**From:** Boyd, Krista <(b) (6)>  
**Sent:** Friday, January 13, 2017 3:53 PM  
**To:** Shelley K. Finlayson  
**Subject:** Re: question

Ok thanks will call around 415 (or let me know if that won't work - just in a busy spot right now).

On Jan 13, 2017, at 3:51 PM, Shelley K. Finlayson <[skfinlay@oge.gov](mailto:skfinlay@oge.gov)> wrote:

Hi Krista - I called and left you a voicemail but am not sure it went through correctly. I am at my BlackBerry number at (b) (6) right now.

Thanks,  
Shelley

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

---

**From:** Boyd, Krista  
**Sent:** Friday, January 13, 2017 2:16 PM  
**To:** Shelley K. Finlayson  
**Subject:** RE: question

Hi, Shelley,

I just spoke with Chairman Chaffetz's staff. I agreed to be the point person to follow up with you to relay the results of that conversation whenever you have time.

Krista

---

**From:** Shelley K. Finlayson [<mailto:skfinlay@oge.gov>]  
**Sent:** Thursday, January 12, 2017 9:42 AM  
**To:** Boyd, Krista (b) (6)  
**Subject:** RE: question

Hi Krista –

Apologize for the delay in responding. Please let me know if you still want to discuss.

Thanks,  
Shelley

---

**From:** Boyd, Krista [[\(b\) \(6\)](mailto:(b) (6))]  
**Sent:** Wednesday, January 11, 2017 11:43 AM  
**To:** Shelley K. Finlayson  
**Subject:** question

Hi, Shelley,

Was the plan being announced by the President-elect run by OGE?

Thanks,  
Krista

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OGE Confidential Notice: 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. This email also may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law. 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.

## Brandon A. Steele

---

**From:** Skladany, Jon (b) (6)  
**Sent:** Thursday, February 09, 2017 5:11 PM  
**To:** Shelley K. Finlayson  
**Cc:** Casey, Sharon; Grooms, Susanne Sachsman  
**Subject:** letter from Chairman Chaffetz and Ranking Member Cummings to Director Shaub  
**Attachments:** Letter to OGE re Conway Endorsement FINAL.PDF

Hi Shelley,

Attached please find a letter from Chairman Chaffetz and Ranking Member Cummings to Director Shaub regarding Kellyanne Conway's recent statements related to Ivanka Trump's product line. Please confirm that you received the letter, and let us know if you have any questions. You can reach me at (b) (6) or Susanne at (b) (6)

Thanks,

Jon

**Brandon A. Steele**

---

**From:** Nassif, Marybeth (b) (6)  
**Sent:** Friday, February 10, 2017 7:05 AM  
**To:** Shelley K. Finlayson; Diana Veilleux  
**Subject:** OGE Website

Good Morning,

Could you provide to me a summary of what happened yesterday that caused the OGE website to crash? If possible could you let me know how much traffic your webpage can hold and what is the standard for an agency your size? How will OGE correct the situation to prevent future crashes.

Also, is there OGE follow up on the Conway comments and GSA lease?

Thanks so much.  
Marybeth

Sent from my iPhone

## Brandon A. Steele

---

**From:** Skladany, Jon (b) (6)  
**Sent:** Monday, January 30, 2017 10:54 AM  
**To:** Shelley K. Finlayson  
**Subject:** RE: Details of next Tuesday's meeting/forum

Here are the groups who are sending representatives (in most cases it is the head of the group, except Minnesota Law School . . . you can probably guess who they're sending):

- Cause of Action
- Center for Responsive Politics
- Citizens for Responsibility and Ethics in Washington (CREW)
- Demand Progress
- Judicial Watch
- OpenTheGovernment.org
- Project on Government Oversight (POGO)
- Public Citizen
- Sunlight Foundation
- Brookings Institute
- University of Minnesota Law School

---

**From:** Shelley K. Finlayson [<mailto:skfinlay@oge.gov>]  
**Sent:** Monday, January 30, 2017 10:49 AM  
**To:** Skladany, Jon  
**Subject:** RE: Details of next Tuesday's meeting/forum

Thanks, Jon. I will definitely take you up on your offer to give me a read out on any discussions regarding OGE. Can you tell me which organizations will be represented at the roundtable?  
Shelley

---

**From:** Skladany, Jon [[\(b\) \(6\)](mailto:(b) (6))]  
**Sent:** Monday, January 30, 2017 10:41 AM  
**To:** Shelley K. Finlayson  
**Subject:** RE: Details of next Tuesday's meeting/forum

Hi Shelley – the roundtable is on. It is not an open meeting, however. I am happy to give you a read out after it wraps up on anything that comes up re: OGE. But the room will be closed during the session so the participants can speak candidly. Please let me know if you have any questions.

---

**From:** Shelley K. Finlayson [<mailto:skfinlay@oge.gov>]  
**Sent:** Monday, January 30, 2017 9:37 AM  
**To:** Skladany, Jon  
**Subject:** RE: Details of next Tuesday's meeting/forum

Hi Jon –

I hope you had a nice weekend. I am writing to confirm that the roundtable discussion is still on for tomorrow at 3:30 and to inquire about the location.



Thanks,  
Shelley

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**From:** Skladany, Jon [mailto:(b) (6)]  
**Sent:** Tuesday, January 24, 2017 7:33 PM  
**To:** Shelley K. Finlayson  
**Subject:** RE: Details of next Tuesday's meeting/forum

Hi Shelley – we are looking at 3:30 on Tuesday. The event is a roundtable discussion with groups who can recommend reforms of ethics laws and weigh in on ways to strengthen OGE, among other topics.

---

**From:** Shelley K. Finlayson [mailto:skfinlay@oge.gov]  
**Sent:** Tuesday, January 24, 2017 12:44 PM  
**To:** Skladany, Jon  
**Subject:** Details of next Tuesday's meeting/forum

Hi Jon –  
Yesterday the Chairman mentioned that the committee is hosting a meeting/forum/hearing for NGOs focusing on OGE next Tuesday. I don't see it on the HOCR calendar. Will you please send me the location and time?  
Thanks,  
Shelley

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## Brandon A. Steele

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**From:** Diana Veilleux  
**Sent:** Saturday, January 14, 2017 1:11 PM  
**To:** Shelley K. Finlayson  
**Subject:** Fw: Letter to Director Shaub OGE re Transcribed Inverview  
**Attachments:** 2017-01-12 JEC to Shaub-OGE - Transcribed Inverview.pdf

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

---

**From:** Casey, Sharon  
**Sent:** Thursday, January 12, 2017 5:57 PM  
**To:** Diana Veilleux  
**Cc:** Thorlin, Jack; Bailey, Katie; McKenna, Liam  
**Subject:** Letter to Director Shaub OGE re Transcribed Inverview

Attached please find a letter from Chairman Chaffetz of the U.S. House of Representatives Committee on Oversight and Government Reform. Please note the letter requests a response by January 31, 2017.

Please acknowledge receipt of this letter.

Thank you,

Sharon Casey

Sharon Ryan Casey  
Deputy Chief Clerk  
Committee on Oversight and  
Government Reform



(b) (6)

## Brandon A. Steele

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**From:** Director of OGE  
**Sent:** Monday, February 13, 2017 5:58 PM  
**To:** (b) (6)  
**Cc:** Shelley K. Finlayson  
**Subject:** Letter from OGE Director to HOCR Chairman and Ranking Member  
**Attachments:** Letter from OGE Director to HOCR Chairman and Ranking Member.pdf

Please find attached a letter from OGE Director Walter M. Shaub, Jr. in response to the letter received from Chairman Chaffetz and Ranking Member Cummings on February 9, 2017. The original will follow by courier. Please contact Shelley Finlayson, OGE's Chief of Staff, with any questions at (202) 482-9314.

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)  
Follow OGE on Twitter: @OfficeGovEthics

## Brandon A. Steele

---

**From:** Diana Veilleux  
**Sent:** Friday, February 10, 2017 5:40 PM  
**To:** 'Nassif, Marybeth'; Shelley K. Finlayson  
**Subject:** RE: OGE Website

Hi Marybeth

Just wanted to let you know that we will be sending you a response to this on Monday.

Have a nice weekend!

Diana J. Veilleux  
Diana J. Veilleux  
Chief  
Legal, External Affairs and Performance Branch Program Counsel Division Office of Government Ethics  
(202) 482-9203  
[Diana.veilleux@oge.gov](mailto:Diana.veilleux@oge.gov)

Visit OGE's website at: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics

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

From: Nassif, Marybeth [[\(b\) \(6\)](mailto:(b) (6))]  
Sent: Friday, February 10, 2017 7:05 AM  
To: Shelley K. Finlayson; Diana Veilleux  
Subject: OGE Website

Good Morning,

Could you provide to me a summary of what happened yesterday that caused the OGE website to crash? If possible could you let me know how much traffic your webpage can hold and what is the standard for an agency your size? How will OGE correct the situation to prevent future crashes.

Also, is there OGE follow up on the Conway comments and GSA lease?

Thanks so much.  
Marybeth

Sent from my iPhone



## Brandon A. Steele

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**From:** Hemingway, Jennifer (b) (6)  
**Sent:** Saturday, January 14, 2017 1:52 PM  
**To:** Shelley K. Finlayson  
**Subject:** Re: Questions

Sounds good.

Sent from my iPhone

On Jan 14, 2017, at 1:51 PM, Shelley K. Finlayson <[skfinlay@oge.gov](mailto:skfinlay@oge.gov)> wrote:

Great. How about 3:15?

---

**From:** Hemingway, Jennifer  
**Sent:** Saturday, January 14, 2017 1:17 PM  
**To:** Shelley K. Finlayson  
**Subject:** Re: Questions

Hi Shelley,

I'm happy to help. My cell is (b) (6)

Should we connect today? I'll be checked out of the grocery store in about 20 min.

Jennifer

Sent from my iPhone

On Jan 14, 2017, at 1:14 PM, Shelley K. Finlayson <[skfinlay@oge.gov](mailto:skfinlay@oge.gov)> wrote:

Hi Jennifer -

I'm spoke to Krista Boyd of Ranking Member Cummings' staff yesterday and have some questions about the details she relayed. Are you the correct point of contact for Chairman Chaffetz? If not, can you please put me in touch with the correct POC?

Thanks,  
Shelley

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## Brandon A. Steele

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**From:** Diana Veilleux  
**Sent:** Wednesday, February 15, 2017 4:14 PM  
**To:** Brandon A. Steele  
**Subject:** Response to FOIA (17/197)

*Diana J. Veilleux*

Diana J. Veilleux  
Chief  
Legal, External Affairs and Performance Branch  
Program Counsel Division  
Office of Government Ethics  
(202) 482-9203  
[Diana.veilleux@oge.gov](mailto:Diana.veilleux@oge.gov)

Visit OGE's website at: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics

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**From:** Diana Veilleux  
**Sent:** Thursday, January 12, 2017 7:45 PM  
**To:** 'Casey, Sharon'  
**Cc:** Thorlin, Jack; Bailey, Katie; McKenna, Liam  
**Subject:** RE: Letter to Director Shaub OGE re Transcribed Interview

Good Evening

I am writing to acknowledge receipt of the referenced correspondence from Chairman Chaffetz. If you have any further questions about this matter, please direct them to me or to Shelley Finlayson at [shelley.finlayson@oge.gov](mailto:shelley.finlayson@oge.gov).

Best regards,

*Diana J. Veilleux*

Diana J. Veilleux  
Chief  
Legal, External Affairs and Performance Branch  
Program Counsel Division  
Office of Government Ethics  
(202) 482-9203  
[Diana.veilleux@oge.gov](mailto:Diana.veilleux@oge.gov)

Visit OGE's website at: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics

---

**From:** Casey, Sharon [[\(b\) \(6\)](mailto:(b) (6))]  
**Sent:** Thursday, January 12, 2017 5:58 PM

**To:** Diana Veilleux  
**Cc:** Thorlin, Jack; Bailey, Katie; McKenna, Liam  
**Subject:** Letter to Director Shaub OGE re Transcribed Interview

Attached please find a letter from Chairman Chaffetz of the U.S. House of Representatives Committee on Oversight and Government Reform. Please note the letter requests a response by January 31, 2017.

Please acknowledge receipt of this letter.

Thank you,  
Sharon Casey



Sharon Ryan Casey  
Deputy Chief Clerk  
Committee on Oversight and Government Reform

(b) (6)



Advocates for Government Accountability

A 501(c)(3) Nonprofit Corporation

February 14, 2017

Walter M. Shaub, Jr.  
Director  
US Office of Government Ethics  
1201 New York Ave., NW  
Suite 500  
Washington, DC 20005

**RE: PETITION FOR RULEMAKING**

Dear Director Shaub:

I write on behalf of Cause of Action Institute (“CoA Institute”), a nonprofit strategic oversight group committed to ensuring that government decision-making is open, honest, and fair.<sup>1</sup> In carrying out its mission, CoA Institute uses various investigative and legal tools to educate the public about the importance of government transparency and accountability. In light of recent events, CoA Institute is concerned that both the Office of Government Ethics (“OGE”) and the public, including legal and ethics experts, may be confused about the coverage of the OGE regulations concerning product endorsements. Although many commenters have claimed OGE’s ethics regulations extend to presidential advisors, such as Kellyanne Conway, our review of the relevant statutes and regulations concludes that such individuals may not be covered. Unfortunately, OGE’s recent letter to Congress and the White House Designated Ethics Officer fails to address this potential problem with the current rules. We in no way endorse or approve of Ms. Conway’s actions; however, that does not mean that they were illegal or in violation of your ethics rules. We write today to petition OGE to initiate a rulemaking correcting or clarifying these regulations.

**BACKGROUND**

Appearing on Fox News last week, Counselor to the President Kellyanne Conway encouraged viewers to “[g]o buy Ivanka’s stuff, is what I would tell you . . . I’m

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<sup>1</sup> See CAUSE OF ACTION INSTITUTE, *About*, [www.causeofaction.org/about/](http://www.causeofaction.org/about/).



going to give it a free commercial here, go buy it today.”<sup>2</sup> Many government watchdogs, including us here at CoA Institute, perked up upon hearing this. There are, as you know, strict rules prohibiting the endorsement of products by government employees.<sup>3</sup> In light of those rules, Ms. Conway’s comments seemed, on their face, to be clearly illegal. Indeed, many attorneys and ethics experts have publicly suggested that Ms. Conway violated the law and should be held accountable.<sup>4</sup> Don W. Fox, who formerly served as general counsel and acting director of OGE, claimed this was “a clear violation of rules prohibiting misuse of public office for anyone’s private gain.”<sup>5</sup> Citizens for Responsibility and Ethics in Washington (“CREW”) promptly filed an ethics complaint with your office, citing Ms. Conway’s comments.<sup>6</sup> Most importantly, the U.S. House Committee on Oversight and Government Reform (“OGR”) sent a letter to you asking for an investigation.<sup>7</sup> You responded by letter today, indicating you have opened such an investigation.<sup>8</sup>

As a government watchdog, we here at CoA Institute share in the concerns about Ms. Conway’s conduct. Government employees working on the taxpayer dime should not be using their official position to endorse a product or provide “free commercials.” Ms. Conway’s comments were wholly inappropriate, especially given her relationship to the presumed beneficiary. For a great number of Executive Branch employees, this conduct would almost certainly be illegal. However, upon review of the relevant regulations and statutes, we believe that OGE regulations may not extend to cover Ms. Conway’s conduct given her employment in the White House. In light of this, OGE needs to analyze its existing regulations and conduct a rulemaking to correct or clarify them.

---

<sup>2</sup> Joe Concha, *Conway Promotes Trump Daughter’s Merchandise: ‘Go buy Ivanka’s stuff’*, THE HILL (Feb. 9, 2017), <http://bit.ly/2kX8A19>.

<sup>3</sup> 5 C.F.R. § 2635.702.

<sup>4</sup> See, e.g., Linda Qiu, *What You Need to Know About Kellyanne Conway’s Endorsement of Ivanka Trump Products*, POLITICOFACT (Feb. 9, 2017), <http://bit.ly/2lMMrUX>; Rob Tornoe, *Former Ethics Czar: Kellyanne Conway Broke the Law on Fox News*, PHILLY.COM (Feb. 9, 2017), <http://bit.ly/2knmg9Y>.

<sup>5</sup> Drew Harwell, Tom Hamburger, and Rosalind S. Helderman, *White House Says Conway has been ‘Counseled’ After Touting Ivanka Trump’s Products*, WASH. POST (Feb. 9, 2017), <http://wapo.st/2ldByxG> (quoting former OGE general counsel and former acting director

<sup>6</sup> Letter from Noah Bookbinder, Exec. Dir., CREW, to Walter M. Shaub, Jr., Dir., OGE, & Donald F. McGahn, White House Counsel (Feb. 9, 2017), available at <http://bit.ly/2lHv9LO>.

<sup>7</sup> Max Greenwood, *Top Oversight Lawmakers Ask Ethics Office to Recommend Discipline for Conway*, THE HILL (Feb. 9, 2017), <http://bit.ly/2k8ECvo>.

<sup>8</sup> Letter from Walter Shaub, Dir., OGE, to Jason Chaffetz, Chairman, OGR, & Elijah E. Cummings, Ranking Member, OGR, (Feb. 13, 2017), available at <http://bit.ly/2kPYnXg>.



## DISCUSSION

The relevant regulation, 5 C.F.R. § 2635.702, bars an “employee” from engaging in product promotion. 5 C.F.R. § 2635.102 defines “employee” as “any officer or employee of an agency, including a special Government employee.” 5 U.S.C. § 105 reads, “For the purposes of this title, ‘Executive Agency’ means an Executive Department, a Government corporation, and an independent establishment.” The White House is obviously not a “Government Corporation.” Furthermore, “Executive Department” is defined by an exhaustive list in 5 U.S.C. § 101 that does not include the White House or any of its offices. The analysis, then, centers on whether or not the White House Office is an “independent establishment.”

The statutory definition of independent establishment is confusing and ambiguous.<sup>9</sup> However, the D.C. Circuit tackled this quagmire in *Haddon v. Walters*, 43 F.3d 1488 (D.C. Cir. 1995). There, the court evaluated whether the Executive Residence qualifies as an independent establishment for the purposes of a Title VII claim.

First, we note that elsewhere Congress has used the term “independent establishment” in distinction to the Executive Residence. Specifically, Congress has authorized “[t]he head of any department, agency, or independent establishment of the executive branch of the Government [to] detail, from time to time, employees of such department, agency, or establishment to the White House Office, the *Executive Residence at the White House*, the Office of the Vice President, the Domestic Policy Staff, and the Office of Administration.” 3 U.S.C. § 112 (1988) (emphasis added). That Congress distinguished the Executive Residence from the independent establishments, whatever they may be, suggests that Congress does not regard the Executive Residence to be an independent establishment, as it uses that term.

*Id.* at 1490.

The court held that Congress referred to an “independent establishment” and the “Executive Residence” as two separate entities. Right next to Executive Residence on that same, distinguished list is the “White House Office.” Following the D.C. Circuit’s reasoning, the White House Office is also not an independent establishment. Therefore, because the White House Office does not fall into either of

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<sup>9</sup> See, e.g., Mark Liberman, *An Independent Establishment is an Establishment which is Not Part of an Independent Establishment*, Language Log (Apr. 20, 2011), available at <http://bit.ly/2lgObYC>.

the other two covered categories, Government Corporations and Executive Departments, it appears that 5 C.F.R. § 2635.702 may not cover Kellyanne Conway as Counselor to the President.<sup>10</sup>

Unfortunately, your February 13, 2017 letter does not take any of the above into account. You indicate that you will be opening an investigation into Ms. Conway, citing 5 C.F.R. § 2635.702. In an enclosed letter, you also encourage the White House to open its own investigation.<sup>11</sup> The regulations and examples you cite in the enclosure deal with presidential appointees who are plainly covered by the statutory definitions set above.<sup>12</sup> You provide no legal analysis indicating why Ms. Conway would be covered by this regulation or if it extends to the White House. Given OGE's stated mission, you must immediately address this issue.<sup>13</sup>

### **PETITION FOR RULEMAKING**

Pursuant to 5 U.S.C. § 553(e), CoA Institute petitions OGE to act swiftly and initiate an exploratory process and rulemaking to correct or clarify covered persons under 5 C.F.R. § 2635.702. This rulemaking could take the form of an amended regulation or an explanatory guidance document. It is possible that there are statutory or constitutional bars that prevent OGE from regulating the conduct of White House staff, especially staff serving at the pleasure of the President. It is also possible that OGE reaches the legal conclusion that Ms. Conway is already covered by the existing regulation, despite CoA Institute's analysis suggesting otherwise. If either are the case, OGE must make this abundantly clear in its regulations, letters to agency ethics officials, and public-facing documents. Given recent events, Executive Branch officials and the American public must be able to clearly understand how relevant ethics laws and regulations apply to the White House. It is OGE's duty as the government's top ethics agency to clarify the scope of its regulatory coverage and instill confidence in the public.<sup>14</sup>

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<sup>10</sup> The regulation is clear, however, that it does not apply to the President or the Vice President, creating more confusion in how to read it given the statutory definitions.

<sup>11</sup> Letter from Walter Shaub, Dir., OGE, to Stefan C. Passantino, Designated Agency Ethics Official, White House (Feb. 13, 2017), *available at* <http://bit.ly/2kPYnXg>.

<sup>12</sup> *Id.* (OGE cites Example 1 from 5 C.F.R. § 2635.702(c), which references an independent agency commissioner, not a White House official).

<sup>13</sup> *See* 5 C.F.R. § 2600.101(a) ("OGE exercises leadership in the executive branch of the Federal Government to prevent conflicts of interest on the part of executive branch employees and resolve those conflicts of interest that do occur.").

<sup>14</sup> *Id.* ("OGE fosters high ethical standards for executive branch employees which, in turn, strengthens the public's confidence that the Government's business is conducted with impartiality and integrity.").

Director Walter M. Shaub  
February 14, 2017  
Page 5

Thank you for your swift attention to this matter. If you have any questions about this petition, please contact me by telephone at (b) (6) or by e-mail at (b) (6).

Sincerely,

(b) (6)

---

Eric R. Bolinder  
COUNSEL

cc:

Chairman Jason Chaffetz  
US House Committee on Oversight and Government Reform  
2157 Rayburn House Office Building  
Washington, DC 20515

Ranking Member Elijah Cummings  
US House Committee on Oversight and Government Reform  
2157 Rayburn House Office Building  
Washington, DC 20515

The Honorable Donald F. McGahn  
White House Counsel  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500



UNITED STATES OFFICE OF  
GOVERNMENT ETHICS



February 17, 2017

Eric R. Bolinder  
Counsel  
Cause of Action Institute

(b) (6)

Dear Mr. Bolinder:

I am in receipt of your February 14, 2017, letter expressing concern that employees of the White House Office may not be covered by 5 C.F.R. part 2635. This letter is to reassure you that their coverage is well settled.<sup>1</sup> In addition, regulations applicable to the White House Office provide that, "Employees of the Executive Office of the President are subject to the executive branch-wide standards of ethical conduct at 5 CFR part 2635...." 3 C.F.R. § 100.1.<sup>2</sup>

Sincerely,

Walter M. Shaub, Jr.  
Director

cc: The Honorable Jason Chaffetz  
Chairman  
Committee on Oversight and Government Reform  
United States House of Representatives  
2157 Rayburn House Office Building  
Washington, DC 20515

The Honorable Elijah E. Cummings  
Ranking Member  
Committee on Oversight and Government Reform  
United States House of Representatives  
2471 Rayburn House Office Building  
Washington, DC 20515

The Honorable Donald F. McGahn  
White House Counsel  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

<sup>1</sup> See, e.g., 5 C.F.R. § 2635.204(h), example 1 (illustrating applicability of the Standards of Conduct to White House employees).

<sup>2</sup> See also 64 Fed. Reg. 12,881 (Mar. 16, 1999) (acknowledging that 5 C.F.R. part 2635 "superseded" EOP's former standards of conduct and "established uniform standards of ethical conduct that apply to all executive branch personnel").



UNITED STATES OFFICE OF  
GOVERNMENT ETHICS



January 16, 2017

The Honorable Jason Chaffetz  
Chairman  
Committee on Oversight and Government Reform  
United States House of Representatives  
2157 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Chaffetz:

In a letter dated January 12, 2017, you requested that I attend a transcribed interview with your Committee staff to answer questions about the role of the U.S. Office of Government Ethics (OGE). Over the weekend, your office modified your original request and proposed a private meeting with you and the Ranking Member and your respective staffs to take place on January 23. Through staff, I requested that meeting be open to the public. I recently received word from your Chief of Staff that you are not able to accommodate that request. I write to ask you to reconsider. Allowing the public to attend our meeting—or, at the very least, to view it through live broadcast or the attendance of the news media—would ensure transparency and educate the public about how OGE guards the executive branch against conflicts of interest.

As you know, I have devoted most of my career to government ethics. I believe passionately that ethics matters and that if Americans do not have confidence that their government leaders' decisions are free from conflicts, the integrity of our government suffers. I have had the honor of helping thousands of officials from both parties ensure that their work is free from any conflicts of interest. In recent weeks, I have spoken publicly about my concerns about the President Elect's current plan to not divest—as well as to applaud some of his nominees' ethics agreements, such as Rex Tillerson's. My remarks were intended to educate the public about the shortcomings of the President Elect's current plan and made in the hopes of persuading him to make adjustments that will resolve his conflicts of interest. I believe these remarks to be in line with OGE's mission.

OGE is an independent agency that aims to prevent conflicts of interest in the executive branch. A core function of OGE is to educate the public about government ethics and “promote transparency of the executive branch ethics program by raising the visibility of the ethics



The Honorable Jason Chaffetz  
Chairman  
Committee on Oversight and Government Reform  
Page 2


program and OGE, and by ensuring that ethics information is publicly available.”<sup>1</sup> Since the election, there has been significant public interest in OGE and government ethics issues. Our office has received an unprecedented volume of telephone calls, emails, and letters from members of the public related to our executive branch ethics program. As these communications make clear, the public wants to understand conflicts of interest in government and the role that OGE plays in preventing conflicts from hindering effective governance. Holding our meeting in public is in accordance with OGE’s educational function and will further ensure transparency in how we approach ethical governance.

Although I am willing to attend a private meeting if you insist, I am hopeful that you will agree that a public meeting is preferable. If a different date would allow for a public meeting, I would be happy to discuss alternative dates with you or your staff.

Sincerely,

WALTER  
SHAUB

Walter M. Shaub, Jr.  
Director

 Digitally signed by WALTER SHAUB  
DN: c=US, o=U.S. Government, ou=Office of  
Government Ethics, cn=WALTER SHAUB,  
0.9.2342.19200300.100.1.1=95491000364655  
Date: 2017.01.16 22:44:35 -05'00'

cc. The Honorable Elijah E. Cummings  
Ranking Member  
Committee on Oversight and Government Reform  
United States House of Representatives  
2471 Rayburn House Office Building  
Washington, DC 20515

---

<sup>1</sup> See <https://www.oge.gov/web/oge.nsf/Mission%20and%20Responsibilities>; see also, e.g., 5 C.F.R. § 2638.108(a)(16) (“The Office of Government Ethics conducts outreach to inform the public of matters related to the executive branch ethics program.”).



**From:** [Matthew A. Marinec](#)  
**To:** [Director of OGE](#); [Shelley K. Finlayson](#)  
**Subject:** Scheduling  
**Date:** Thursday, December 08, 2016 1:49:37 PM

---

Chairman Chaffetz's scheduler told me:

**The Chairman requested that I pass on the message that he is disturbed and disappointed that we weren't able to make this happen. We'll have to come back to this in January to see if we can make something work.**

To this, I quickly reminded her of our conversation yesterday whereby the ball was in her court as to whether or not the Chairman was amenable to a phone call next week as opposed to an in-person meeting for 12/8.

I reminded her again that I never once declined an in-person meeting. In fact, yesterday she asked me point blank if we were declining an in-person meeting, to which I responded no, but that we wanted to explore the option of a call on Monday, 12/12. I also reminded her that 2:30 pm 12/8 was one of her initial offerings, and one that was never declined by us and never taken off of the table by her.

I was eagerly standing by for her response. After respectfully waiting until 1:00 pm today, I called her and upon our exchange had above conversation.

Thanks,

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)  
Follow OGE on Twitter: @OfficeGovEthics

**From:** [Hemingway, Jennifer](#)  
**To:** [Shelley K. Finlayson](#)  
**Cc:** [Skladany, Jon](#)  
**Subject:** Connecting  
**Date:** Saturday, January 14, 2017 6:57:59 PM

---

Shelley,

I'm copying Jon Skladany, OGR's new Staff Director.

I know you will enjoy working with each other.

Jon's cell phone is (b)(6) .

Sincerely,  
Jennifer

Sent from my iPhone

**From:** [Director of OGE](#)  
**To:** [Shelley K. Finlayson](#); [Director of OGE](#); [Diana Veilleux](#)  
**Subject:** RE: Meeting  
**Date:** Saturday, January 14, 2017 9:23:05 PM

---

Thanks for the phone call earlier, Shelley. I'm just adding Diana to this message.

**Diana**, we have an agreement in principle, but the date is actually TBD. Danielle Bryan had indicated in her conversation with me that the Chairman was eager to come to agreement before the Sunday morning TV shows, and tonight the Chairman's staffer confirmed that he's going on Stephanopolous (spelling?). We wanted to be helpful and try to accommodate his desire to come to an agreement before his TV appearance on the alternative plan he had initiated after sending his letter, so we agreed in principle but we still have some coordinating to do in order to figure out a workable date given the transition work that we're doing. Let me know your availability for the week after this coming one, in case we need some support.

There's two confusing things, but they may not need to be sorted out.

First is the statement by his staff that he wanted the letter he sent me to be withheld from the public. We were not the ones who released the letter, at least as far as Shelley or I know. Given that Chairman Chaffetz spoke to the press about his letter before sending it to us, I had assumed he was the one who released the letter. But he copied the ranking member on the letter, so maybe the minority released it. Shelley explained to the Chairman's staffer that a letter between two public institutions is not something we would have withheld from a FOIA response. It's not clear why the staffer raised this issue, but it seems like a non-issue because they didn't sound like they're blaming us. All the same, please just double-check on whether anyone released the letter for some reason? If so, we can follow up with the Chairman's staff to just let them know.

During Shelley's call, the Chairman's staffer didn't bring up that bizarre claim that we declined to meet with them in December. I told Danielle that we have emails corroborating the fact that the Chairman is the one who cancelled the meeting planned for 2:30 on the House's last day in session. I explained that his staffer even sent us a message explaining that he was on the floor at 2:30 and had a "hard stop" for a flight. Maybe Danielle passed on the word that we have emails and that news jogged their memory, or showed we could prove it. Please have your folks keep an eye on the news. Let me know if they repeat that incorrect claim to the press again. We'll need to decide whether to respond to correct the record if they keep repeating it. If they don't repeat it, I'm willing to forgive and forget. There's too many incorrect stories floating around out there to run around correcting all of them.

Thanks!

Walt

Walter M. Shaub, Jr.  
Director  
U.S. Office of Government Ethics  
1201 New York Avenue, NW, Suite 500  
Washington, DC 20005-3917  
Telephone: 202.482.9292  
Email: [walter.shaub@oge.gov](mailto:walter.shaub@oge.gov)

---

**From:** Shelley K. Finlayson  
**Sent:** Saturday, January 14, 2017 6:44 PM  
**To:** Director of OGE  
**Subject:** Meeting

Walt -

I spoke to Chairman Chaffetz's Chief of Staff and she provided the following details about the meeting being offered in lieu of the closed-door, transcribed interview:

The event is a meeting in a conference room with the Chairman and Ranking Member and their staff present, in addition to the Director of OGE and his chosen attendees. The Chairman, Ranking Member, and their respective staff may ask questions. The meeting will not be recorded or transcribed other than staff taking notes. The meeting is scheduled to last no longer than 90 minutes. The meeting will focus on OGE's public outreach activities and potential reauthorization. The meeting will not be under oath. The proposed meeting date and time is Monday, January 23 from 4-5:30 pm.

She indicated that they would like to de-escalate. She also indicated that the Chairman's letter was not intended to be made public, but did not suggest that we had made it public.

In addition, she agreed that there would be a staff-level conference call with HOCR majority and minority staff and OGE staff no later than Tuesday to ensure that we all have the same understanding of the meeting. I will provide a written summary of our understanding to both the majority and minority staff points of contact. I will also relay that the date does not work for you.

Thanks,  
Shelley

**From:** [Diana Veilleux](#)  
**To:** [Jennifer Matis](#)  
**Subject:** FOIA Response  
**Date:** Tuesday, January 17, 2017 11:53:17 AM  
**Attachments:** [image002.png](#)  
[2017-01-12\\_JEC to Shaub-OGE - Transcribed Inverview.pdf](#)

---

*Diana J. Veilleux*

Diana J. Veilleux  
Chief  
Legal, External Affairs and Performance Branch  
Program Counsel Division  
Office of Government Ethics  
(202) 482-9203  
[Diana.veilleux@oge.gov](mailto:Diana.veilleux@oge.gov)

Visit OGE's website at: [www.oge.gov](http://www.oge.gov)  
Follow OGE on Twitter: @OfficeGovEthics

---

**From:** Casey, Sharon [mailto:(b)(6) contact info ]  
**Sent:** Thursday, January 12, 2017 5:58 PM  
**To:** Diana Veilleux  
**Cc:** Thorlin, Jack; Bailey, Katie; McKenna, Liam  
**Subject:** Letter to Director Shaub OGE re Transcribed Inverview

Attached please find a letter from Chairman Chaffetz of the U.S. House of Representatives Committee on Oversight and Government Reform. Please note the letter requests a response by January 31, 2017.

Please acknowledge receipt of this letter.

Thank you,  
Sharon Casey



Sharon Ryan Casey  
Deputy Chief Clerk  
Committee on Oversight and Government Reform  
2157 Rayburn Building, Washington, DC 20515  
(b)(6) contact info

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074

MINORITY (202) 225-5051

<http://oversight.house.gov>

January 12, 2017

The Honorable Walter M. Shaub, Jr.  
Director  
U.S. Office of Government Ethics  
1201 New York Avenue NW  
Washington, D.C. 20005

Dear Director Shaub:

On December 19, 2015, the Committee requested information related to the Office of Government Ethics' publicly-released guidance and other public interactions. The Committee's questions about blurring the line between public relations and official ethics guidance have resurfaced in the wake of OGE's communications with the incoming administration on ethics questions via Twitter and through the press.

On November 30, 2016, the OGE official Twitter account issued a series of tweets in response to the President-elect's announcement that he will address potential conflicts of interest related to his business interests and personal financial assets. The public OGE account tweeted:

.@realDonaldTrump OGE is delighted that you've decided to divest your businesses. Right decision!

.@realDonaldTrump [*sic*] As we discussed with your counsel, divestiture is the way to resolve these conflicts

.@realDonaldTrump this aligns with OGE opinion that POTUS should act as if 18 USC 208 applies. [bit.ly/2fRpIG0](http://bit.ly/2fRpIG0)

.@realDonaldTrump Bravo! Only way to resolve these conflicts is to divest. Good call!

.@realDonaldTrump this divestiture does what handing over control could never have done.

.@realDonaldTrump – we told your counsel we'd sing your praises if you divested, we meant it.

.@realDonaldTrump OGE applauds the "total" divestiture decision. Bravo!



.@realDonaldTrump Brilliant! Divestiture is good for you, very good for America!

.@realDonaldTrump We can't repeat enough how good this total divestiture will be.<sup>1</sup>

It was not clear whether the tweets constituted official OGE guidance or something less formal. It is clear, however, the tweets publicized private discussions with the President-elect's counsel. The tweets also created the appearance that OGE approved the President-elect's divestiture plan, which caused further confusion.

The line between official OGE policy and informal commentary was also blurred in May 2015. At that time, OGE offered public comments in response to former Secretary of State Hillary Clinton's failure to disclose honoraria paid to the Clinton Foundation in return for speeches made by her or her husband while she was Secretary of State. Specifically, OGE spokesman Vincent Salamone issued the following statement:

Disclosure of speaking fees is not required when a public filer or the filer's spouse is acting as an agent of an organization and payment is made directly to that organization. The rule is different when the speaking is done in a personal capacity and the fees are directed or donated to charity, in which case disclosure would be required.<sup>2</sup>

The commentary offered in response to the Clinton case created confusion. Your agency had not conducted any investigation of the circumstances of the speeches that would have allowed it to determine whether the Clintons were acting as agents of the Clinton Foundation. Ethics experts stated that there was little evidence the speeches had anything to do with the Clinton Foundation.<sup>3</sup> The Office of Government Ethics also declined to comment when asked by the press whether this exception has previously appeared in the agency's public guidance or regulations.<sup>4</sup>

Your agency's mission is to provide clear ethics guidance, not engage in public relations. The Committee is thus continuing its examination of OGE's operations. OGE's statutory authorization lapsed at the end of fiscal year 2007 and the Committee has jurisdiction in the House of Representatives for reauthorizing the office. To help the Committee understand how you perceive OGE's role, among other things, please make yourself available for a transcribed interview with Committee staff as soon as possible, but no later than January 31, 2017. The Committee may also need to interview additional witnesses pursuant to this review.

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<sup>1</sup> Office of Gov't Ethics (@OfficeGovEthics), Twitter (Nov. 30, 2016), <https://twitter.com/OfficeGovEthics/status/804020923800158209>.

<sup>2</sup> Josh Gerstein, *Hillary's speech disclosures come under fire*, POLITICO, May 20, 2015.

<sup>3</sup> *Id.*

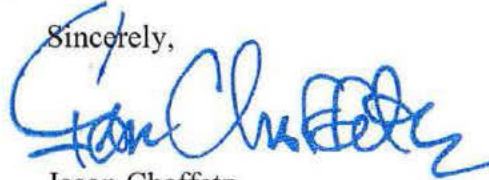
<sup>4</sup> *Id.*

The Honorable Walter M. Shaub, Jr.  
January 12, 2017  
Page 3

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X.

Please contact Jack Thorlin of the Committee staff at (202) 226-4240 to schedule the transcribed interview requested herein or with any questions regarding this request. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Chaffetz", written in a cursive style.

Jason Chaffetz  
Chairman

cc: The Honorable Elijah E. Cummings, Ranking Minority Member

**From:** [Diana Veilleux](#)  
**To:** [Jennifer Matis](#)  
**Subject:** FOIA Response  
**Date:** Tuesday, January 17, 2017 11:53:53 AM  
**Attachments:** [image001.png](#)

---

*Diana J. Veilleux*

Diana J. Veilleux  
Chief  
Legal, External Affairs and Performance Branch  
Program Counsel Division  
Office of Government Ethics  
(202) 482-9203  
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Follow OGE on Twitter: @OfficeGovEthics

---

**From:** Diana Veilleux  
**Sent:** Thursday, January 12, 2017 7:45 PM  
**To:** 'Casey, Sharon'  
**Cc:** Thorlin, Jack; Bailey, Katie; McKenna, Liam  
**Subject:** RE: Letter to Director Shaub OGE re Transcribed Interview

Good Evening

I am writing to acknowledge receipt of the referenced correspondence from Chairman Chaffetz. If you have any further questions about this matter, please direct them to me or to Shelley Finlayson at [shelley.finlayson@oge.gov](mailto:shelley.finlayson@oge.gov).

Best regards,

*Diana J. Veilleux*

Diana J. Veilleux  
Chief  
Legal, External Affairs and Performance Branch  
Program Counsel Division  
Office of Government Ethics  
(202) 482-9203  
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---

**From:** Casey, Sharon [[mailto:\(b\)\(6\) contact info](#)]  
**Sent:** Thursday, January 12, 2017 5:58 PM  
**To:** Diana Veilleux  
**Cc:** Thorlin, Jack; Bailey, Katie; McKenna, Liam  
**Subject:** Letter to Director Shaub OGE re Transcribed Interview

Attached please find a letter from Chairman Chaffetz of the U.S. House of Representatives Committee on Oversight and Government Reform. Please note the letter requests a response by January 31, 2017.

Please acknowledge receipt of this letter.

Thank you,  
Sharon Casey



Sharon Ryan Casey  
Deputy Chief Clerk  
Committee on Oversight and Government Reform  
2157 Rayburn Building, Washington, DC 20515  
[\(b\)\(6\) contact info](#)

- Saturday, December 3 – email requesting a meeting between the Chairman and the Director
- Monday, December 5 called his Chief of Staff to request information about the meeting
- Tuesday, December 6 – his COS returned my call
- Mat has phone tag with scheduler and Thursday at 2:30 looks like only option that may work. We offer the following Monday. This is his summary of those exchanges:

**The Chairman requested that I pass on the message that he is disturbed and disappointed that we weren't able to make this happen. We'll have to come back to this in January to see if we can make something work.**

To this, I quickly reminded her of our conversation yesterday whereby the ball was in her court as to whether or not the Chairman was amenable to a phone call next week as opposed to an in-person meeting for 12/8.

I reminded her again that I never once declined an in-person meeting. In fact, yesterday she asked me point blank if we were declining an in-person meeting, to which I responded no, but that we wanted to explore the option of a call on Monday, 12/12. I also reminded her that 2:30 pm 12/8 was one of her initial offerings, and one that was never declined by us and never taken off of the table by her.

I was eagerly standing by for her response. After respectfully waiting until 1:00 pm today, I called her and upon our exchange had above conversation.

- I email his COS when they suggest we are declining a meeting and stop answering our calls the day of the proposed meeting.

**From:** Shelley K. Finlayson [<mailto:skfinlay@oge.gov>]  
**Sent:** Thursday, December 08, 2016 1:17 PM  
**To:** Hemingway, Jennifer  
**Subject:** RE: Meeting request - Chairman Chaffetz

Hi Jennifer –

The Director's scheduler just indicated that we are uncertain based on his exchange with the Chairman's scheduler about whether we are on for a 2:30 meeting or not. I understand that he was waiting to hear back about the possibility of a call on Monday, but did not. The Director is available for a meeting today if the Chairman would still like to meet in person. Please let me know if the Director is expected at 2:30.

Thanks,

Shelley

- We wait (up at the Hill) and continue to call with no one answering.
- I receive the following message from his COS the next day (Friday, December 9)

Hi Shelley,

I'm sorry to have missed this yesterday. We were on the floor with bills/votes and the Chairman's scheduled was backed up with a hard stop for a return flight home.

I believe Dannie is working to schedule the in person meeting for January.

Sincerely,  
Jennifer



**From:** [Director of OGE](#)  
**To:** **(b)(6) J Heminway, J Skladany, K Boyd**  
**Cc:** [Director of OGE](#); [Shelley K. Finlayson](#); [Walter M. Shaub](#); [Matthew A. Marinec](#)  
**Subject:** Letter from OGE Director Walter M. Shaub, Jr. dated January 16, 2017  
**Date:** Monday, January 16, 2017 11:07:36 PM  
**Attachments:** [16 January 2017 letter from OGE Director W Shaub Jr.pdf](#)

---

Please find the attached letter from OGE Director Walter M. Shaub, Jr. The original will follow by regular mail.

UNITED STATES OFFICE OF  
GOVERNMENT ETHICS



January 16, 2017

The Honorable Jason Chaffetz  
Chairman  
Committee on Oversight and Government Reform  
United States House of Representatives  
2157 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Chaffetz:

In a letter dated January 12, 2017, you requested that I attend a transcribed interview with your Committee staff to answer questions about the role of the U.S. Office of Government Ethics (OGE). Over the weekend, your office modified your original request and proposed a private meeting with you and the Ranking Member and your respective staffs to take place on January 23. Through staff, I requested that meeting be open to the public. I recently received word from your Chief of Staff that you are not able to accommodate that request. I write to ask you to reconsider. Allowing the public to attend our meeting—or, at the very least, to view it through live broadcast or the attendance of the news media—would ensure transparency and educate the public about how OGE guards the executive branch against conflicts of interest.

As you know, I have devoted most of my career to government ethics. I believe passionately that ethics matters and that if Americans do not have confidence that their government leaders' decisions are free from conflicts, the integrity of our government suffers. I have had the honor of helping thousands of officials from both parties ensure that their work is free from any conflicts of interest. In recent weeks, I have spoken publicly about my concerns about the President Elect's current plan to not divest—as well as to applaud some of his nominees' ethics agreements, such as Rex Tillerson's. My remarks were intended to educate the public about the shortcomings of the President Elect's current plan and made in the hopes of persuading him to make adjustments that will resolve his conflicts of interest. I believe these remarks to be in line with OGE's mission.

OGE is an independent agency that aims to prevent conflicts of interest in the executive branch. A core function of OGE is to educate the public about government ethics and “promote transparency of the executive branch ethics program by raising the visibility of the ethics



The Honorable Jason Chaffetz  
Chairman  
Committee on Oversight and Government Reform  
Page 2

program and OGE, and by ensuring that ethics information is publicly available.”<sup>1</sup> Since the election, there has been significant public interest in OGE and government ethics issues. Our office has received an unprecedented volume of telephone calls, emails, and letters from members of the public related to our executive branch ethics program. As these communications make clear, the public wants to understand conflicts of interest in government and the role that OGE plays in preventing conflicts from hindering effective governance. Holding our meeting in public is in accordance with OGE’s educational function and will further ensure transparency in how we approach ethical governance.

Although I am willing to attend a private meeting if you insist, I am hopeful that you will agree that a public meeting is preferable. If a different date would allow for a public meeting, I would be happy to discuss alternative dates with you or your staff.

Sincerely,

Walter M. Shaub, Jr.  
Director

cc. The Honorable Elijah E. Cummings  
Ranking Member  
Committee on Oversight and Government Reform  
United States House of Representatives  
2471 Rayburn House Office Building  
Washington, DC 20515

---

<sup>1</sup> See <https://www.oge.gov/web/oge.nsf/Mission%20and%20Responsibilities>; see also, e.g., 5 C.F.R. § 2638.108(a)(16) (“The Office of Government Ethics conducts outreach to inform the public of matters related to the executive branch ethics program.”).

**From:** [Hemingway, Jennifer](#)  
**To:** [Shelley K. Finlayson](#)  
**Cc:** [Suber, Dannie](#); [Bailey, Katie](#)  
**Subject:** Meeting request - Chairman Chaffetz  
**Date:** Saturday, December 03, 2016 1:27:51 PM

---

Shelly,

Chairman Chaffetz would like to meet with Director Schaub by Thursday, December 7.

I've copied Dannie Suber for scheduling.

Sincerely,  
Jennifer

**From:** [Hemingway, Jennifer](#)  
**To:** [Shelley K. Finlayson](#)  
**Cc:** [Suber, Dannie](#); [Bailey, Katie](#)  
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Jennifer

**From:** [Shelley K. Finlayson](#)  
**To:** [Director of OGE](#)  
**Subject:** Meeting  
**Date:** Saturday, January 14, 2017 6:43:34 PM

---

Walt -

I spoke to Chairman Chaffetz's Chief of Staff and she provided the following details about the meeting being offered in lieu of the closed-door, transcribed interview:

The event is a meeting in a conference room with the Chairman and Ranking Member and their staff present, in addition to the Director of OGE and his chosen attendees. The Chairman, Ranking Member, and their respective staff may ask questions. The meeting will not be recorded or transcribed other than staff taking notes. The meeting is scheduled to last no longer than 90 minutes. The meeting will focus on OGE's public outreach activities and potential reauthorization. The meeting will not be under oath. The proposed meeting date and time is Monday, January 23 from 4-5:30 pm.

She indicated that they would like to de-escalate. She also indicated that the Chairman's letter was not intended to be made public, but did not suggest that we had made it public.

In addition, she agreed that there would be a staff-level conference call with HOCR majority and minority staff and OGE staff no later than Tuesday to ensure that we all have the same understanding of the meeting. I will provide a written summary of our understanding to both the majority and minority staff points of contact. I will also relay that the date does not work for you.

Thanks,  
Shelley



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**To:** [Director of OGE](#)  
**Subject:** Meeting  
**Date:** Saturday, January 14, 2017 6:43:34 PM

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Thanks,  
Shelley

**From:** [Skladany, Jon](#)  
**To:** [Hemingway, Jennifer](#); [Shelley K. Finlayson](#)  
**Subject:** RE: Connecting  
**Date:** Saturday, January 14, 2017 7:04:14 PM

---

Hi Shelley - looking forward to working with you.

Call or email any time!

Jon

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

From: Hemingway, Jennifer  
Sent: Saturday, January 14, 2017 6:58 PM  
To: Shelley K. Finlayson  
Cc: Skladany, Jon  
Subject: Connecting

Shelley,

I'm copying Jon Skladany, OGR's new Staff Director.

I know you will enjoy working with each other.

Jon's cell phone is (b)(6)

Sincerely,  
Jennifer

Sent from my iPhone

**From:** [Hemingway, Jennifer](#)  
**To:** [Shelley K. Finlayson](#)  
**Subject:** RE: Meeting request - Chairman Chaffetz  
**Date:** Friday, December 09, 2016 9:00:21 AM

---

Hi Shelley,

I'm sorry to have missed this yesterday. We were on the floor with bills/votes and the Chairman's scheduled was backed up with a hard stop for a return flight home.

I believe Dannie is working to schedule the in person meeting for January.

Sincerely,  
Jennifer

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**Sent:** Thursday, December 08, 2016 1:17 PM  
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Shelley

---

**From:** Hemingway, Jennifer [mailto:(b)(6) contact info]  
**Sent:** Saturday, December 03, 2016 1:28 PM  
**To:** Shelley K. Finlayson  
**Cc:** Suber, Dannie; Bailey, Katie  
**Subject:** Meeting request - Chairman Chaffetz

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OGE Confidential Notice: 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. This email also may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law. 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.

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Jennifer

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**Cc:** Suber, Dannie; Bailey, Katie  
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**From:** [Shelley K. Finlayson](#)  
**To:** "[Hemingway, Jennifer](#)"  
**Subject:** RE: Meeting request - Chairman Chaffetz  
**Date:** Thursday, December 08, 2016 1:16:56 PM

---

Hi Jennifer –

The Director's scheduler just indicated that we are uncertain based on his exchange with the Chairman's scheduler about whether we are on for a 2:30 meeting or not. I understand that he was waiting to hear back about the possibility of a call on Monday, but did not. The Director is available for a meeting today if the Chairman would still like to meet in person. Please let me know if the Director is expected at 2:30.

Thanks,  
Shelley

---

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**Sent:** Saturday, December 03, 2016 1:28 PM  
**To:** Shelley K. Finlayson  
**Cc:** Suber, Dannie; Bailey, Katie  
**Subject:** Meeting request - Chairman Chaffetz

Shelly,

Chairman Chaffetz would like to meet with Director Schaub by Thursday, December 7.

I've copied Dannie Suber for scheduling.

Sincerely,  
Jennifer

**From:** [Director of OGE](#)  
**To:** [Shelley K. Finlayson](#); [Director of OGE](#); [Diana Veilleux](#)  
**Subject:** RE: Meeting  
**Date:** Saturday, January 14, 2017 9:23:05 PM

---

Thanks for the phone call earlier, Shelley. I'm just adding Diana to this message.

**Diana**, we have an agreement in principle, but the date is actually TBD. Danielle Bryan had indicated in her conversation with me that the Chairman was eager to come to agreement before the Sunday morning TV shows, and tonight the Chairman's staffer confirmed that he's going on Stephanopolous (spelling?). We wanted to be helpful and try to accommodate his desire to come to an agreement before his TV appearance on the alternative plan he had initiated after sending his letter, so we agreed in principle but we still have some coordinating to do in order to figure out a workable date given the transition work that we're doing. Let me know your availability for the week after this coming one, in case we need some support.

There's two confusing things, but they may not need to be sorted out.

First is the statement by his staff that he wanted the letter he sent me to be withheld from the public. We were not the ones who released the letter, at least as far as Shelley or I know. Given that Chairman Chaffetz spoke to the press about his letter before sending it to us, I had assumed he was the one who released the letter. But he copied the ranking member on the letter, so maybe the minority released it. Shelley explained to the Chairman's staffer that a letter between two public institutions is not something we would have withheld from a FOIA response. It's not clear why the staffer raised this issue, but it seems like a non-issue because they didn't sound like they're blaming us. All the same, please just double-check on whether anyone released the letter for some reason? If so, we can follow up with the Chairman's staff to just let them know.

During Shelley's call, the Chairman's staffer didn't bring up that bizarre claim that we declined to meet with them in December. I told Danielle that we have emails corroborating the fact that the Chairman is the one who cancelled the meeting planned for 2:30 on the House's last day in session. I explained that his staffer even sent us a message explaining that he was on the floor at 2:30 and had a "hard stop" for a flight. Maybe Danielle passed on the word that we have emails and that news jogged their memory, or showed we could prove it. Please have your folks keep an eye on the news. Let me know if they repeat that incorrect claim to the press again. We'll need to decide whether to respond to correct the record if they keep repeating it. If they don't repeat it, I'm willing to forgive and forget. There's too many incorrect stories floating around out there to run around correcting all of them.

Thanks!

Walt

Walter M. Shaub, Jr.  
Director  
U.S. Office of Government Ethics  
1201 New York Avenue, NW, Suite 500  
Washington, DC 20005-3917  
Telephone: 202.482.9292  
Email: [walter.shaub@oge.gov](mailto:walter.shaub@oge.gov)

---

**From:** Shelley K. Finlayson  
**Sent:** Saturday, January 14, 2017 6:44 PM  
**To:** Director of OGE  
**Subject:** Meeting

Walt -

I spoke to Chairman Chaffetz's Chief of Staff and she provided the following details about the meeting being offered in lieu of the closed-door, transcribed interview:

The event is a meeting in a conference room with the Chairman and Ranking Member and their staff present, in addition to the Director of OGE and his chosen attendees. The Chairman, Ranking Member, and their respective staff may ask questions. The meeting will not be recorded or transcribed other than staff taking notes. The meeting is scheduled to last no longer than 90 minutes. The meeting will focus on OGE's public outreach activities and potential reauthorization. The meeting will not be under oath. The proposed meeting date and time is Monday, January 23 from 4-5:30 pm.

She indicated that they would like to de-escalate. She also indicated that the Chairman's letter was not intended to be made public, but did not suggest that we had made it public.

In addition, she agreed that there would be a staff-level conference call with HOCR majority and minority staff and OGE staff no later than Tuesday to ensure that we all have the same understanding of the meeting. I will provide a written summary of our understanding to both the majority and minority staff points of contact. I will also relay that the date does not work for you.

Thanks,  
Shelley

**From:** [Director of OGE](#)  
**To:** [Shelley K. Finlayson](#); [Director of OGE](#); [Diana Veilleux](#)  
**Subject:** RE: Meeting  
**Date:** Saturday, January 14, 2017 9:23:05 PM

---

Thanks for the phone call earlier, Shelley. I'm just adding Diana to this message.

**Diana**, we have an agreement in principle, but the date is actually TBD. Danielle Bryan had indicated in her conversation with me that the Chairman was eager to come to agreement before the Sunday morning TV shows, and tonight the Chairman's staffer confirmed that he's going on Stephanopolous (spelling?). We wanted to be helpful and try to accommodate his desire to come to an agreement before his TV appearance on the alternative plan he had initiated after sending his letter, so we agreed in principle but we still have some coordinating to do in order to figure out a workable date given the transition work that we're doing. Let me know your availability for the week after this coming one, in case we need some support.

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Telephone: 202.482.9292  
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Thanks,  
Shelley

**From:** [Diana Veilleux](#)  
**To:** [Director of OGE](#); [Shelley K. Finlayson](#); [Director of OGE](#)  
**Subject:** Re: Meeting  
**Date:** Sunday, January 15, 2017 5:18:32 AM

---

Good Morning

No one released the letter from our end as far as I know. I did not give a copy of it to anyone other than the two of you and Dave when we were all reading it together on Thursday evening. I am available the week after next as needed; my schedule is clearable. Will keep an eye on the news.

Diana

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

---

**From:** Director of OGE  
**Sent:** Saturday, January 14, 2017 9:23 PM  
**To:** Shelley K. Finlayson; Director of OGE; Diana Veilleux  
**Subject:** RE: Meeting

---

Thanks for the phone call earlier, Shelley. I'm just adding Diana to this message.

**Diana**, we have an agreement in principle, but the date is actually TBD. Danielle Bryan had indicated in her conversation with me that the Chairman was eager to come to agreement before the Sunday morning TV shows, and tonight the Chairman's staffer confirmed that he's going on Stephanopolous (spelling?). We wanted to be helpful and try to accommodate his desire to come to an agreement before his TV appearance on the alternative plan he had initiated after sending his letter, so we agreed in principle but we still have some coordinating to do in order to figure out a workable date given the transition work that we're doing. Let me know your availability for the week after this coming one, in case we need some support.

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Walt

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In addition, she agreed that there would be a staff-level conference call with HOCR majority and minority staff and OGE staff no later than Tuesday to ensure that we all have the same understanding of the meeting. I will provide a written summary of our understanding to both the majority and minority staff points of contact. I will also relay that the date does not work for you.

Thanks,  
Shelley

**From:** [Skladany, Jon](#)  
**To:** [Shelley K. Finlayson](#)  
**Cc:** [Hemingway, Jennifer](#); [Boyd, Krista](#)  
**Subject:** Re: Questions  
**Date:** Sunday, January 15, 2017 1:29:04 PM

---

I'm available at 2:00

On Jan 15, 2017, at 1:24 PM, Shelley K. Finlayson <[skfinlay@oge.gov](mailto:skfinlay@oge.gov)> wrote:

All -

I have spoken to the Director so we can go forward with the 2pm call if everyone is still free.

Shelley

---

**From:** Hemingway, Jennifer  
**Sent:** Sunday, January 15, 2017 11:07 AM  
**To:** Shelley K. Finlayson  
**Cc:** Boyd, Krista; Skladany, Jon  
**Subject:** Re: Questions

---

Hi Shelley,

Let's wait until you have a better sense of times that work well for Director Shaub. We can then look to schedule our call.

Sincerely,  
Jennifer

Sent from my iPhone

On Jan 15, 2017, at 8:44 AM, Shelley K. Finlayson <[skfinlay@oge.gov](mailto:skfinlay@oge.gov)> wrote:

Yes, I can do 2, but cannot be assured that I will have connected with the Director to have alternative dates by then, so a later time might be preferable. I am available this afternoon/evening and tomorrow.

Shelley

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

---

**From:** Boyd, Krista  
**Sent:** Saturday, January 14, 2017 9:54 PM  
**To:** Hemingway, Jennifer  
**Cc:** Shelley K. Finlayson; Skladany, Jon  
**Subject:** Re: Questions

---

Yes, I can do a call at 2 p.m. tomorrow or any time on Monday.

On Jan 14, 2017, at 8:19 PM, Hemingway, Jennifer  
<(b)(6) contact info > wrote:

Hi Shelley,

Thanks for your email, and for reaching out to Director Shaub. We will let the Chairman know that staff level discussions continue, which he will appreciate.

Re a staff call, Jon and I should be available almost anytime. Could we plan for Sunday (tomorrow), perhaps at 2 pm? We can circulate a conference line. Krista are you free?

If we are looking at dates other than Jan 23, there is a possibility the meeting may last beyond 90 minutes. We can discuss this during our call as we confirm the specifics of the meeting in response to the Chairman's request.

It would also be helpful to know what other dates are possible if Director Shaub has a conflict on Jan 23.

Sincerely,  
Jennifer

Sent from my iPhone

On Jan 14, 2017, at 7:09 PM, Shelley K. Finlayson  
<[skfinlay@oge.gov](mailto:skfinlay@oge.gov)> wrote:

Hi Jennifer -

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The Director has agreed in concept to the meeting as described above, but will need to discuss other possible dates.

I have included Krista Boyd on this email so she is aware of the status.

Please let me know best days and times for the staff level call.

Thanks,  
Shelley

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**From:** [Hemingway, Jennifer](#)  
**To:** [Shelley K. Finlayson](#)  
**Cc:** [Boyd, Krista](#); [Skladany, Jon](#)  
**Subject:** Re: Questions  
**Date:** Sunday, January 15, 2017 11:07:25 AM

---

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**From:** Boyd, Krista  
**Sent:** Saturday, January 14, 2017 9:54 PM  
**To:** Hemingway, Jennifer  
**Cc:** Shelley K. Finlayson; Skladany, Jon  
**Subject:** Re: Questions

---

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**From:** [Boyd, Krista](#)  
**To:** [Hemingway, Jennifer](#)  
**Cc:** [Shelley K. Finlayson](#); [Skladany, Jon](#)  
**Subject:** Re: Questions  
**Date:** Saturday, January 14, 2017 9:54:32 PM

---

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**From:** [Hemingway, Jennifer](#)  
**To:** [Shelley K. Finlayson](#)  
**Cc:** [Boyd, Krista](#); [Skladany, Jon](#)  
**Subject:** Re: Questions  
**Date:** Saturday, January 14, 2017 8:18:54 PM

---

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**From:** [Hemingway, Jennifer](#)  
**To:** [Shelley K. Finlayson](#)  
**Subject:** Re: Questions  
**Date:** Saturday, January 14, 2017 1:51:49 PM

---

Sounds good.

Sent from my iPhone

On Jan 14, 2017, at 1:51 PM, Shelley K. Finlayson <[skfinlay@oge.gov](mailto:skfinlay@oge.gov)> wrote:

Great. How about 3:15?

---

**From:** Hemingway, Jennifer  
**Sent:** Saturday, January 14, 2017 1:17 PM  
**To:** Shelley K. Finlayson  
**Subject:** Re: Questions

---

Hi Shelley,

I'm happy to help. My cell is (b)(6) contact

Should we connect today? I'll be checked out of the grocery store in about 20 min.

Jennifer

Sent from my iPhone

On Jan 14, 2017, at 1:14 PM, Shelley K. Finlayson <[skfinlay@oge.gov](mailto:skfinlay@oge.gov)> wrote:

Hi Jennifer -

I'm spoke to Krista Boyd of Ranking Member Cummings' staff yesterday and have some questions about the details she relayed. Are you the correct point of contact for Chairman Chaffetz? If not, can you please put me in touch with the correct POC?

Thanks,  
Shelley

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**From:** [Hemingway, Jennifer](#)  
**To:** [Shelley K. Finlayson](#)  
**Subject:** Re: Questions  
**Date:** Saturday, January 14, 2017 1:18:00 PM

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On Jan 14, 2017, at 1:14 PM, Shelley K. Finlayson <[skfinlay@oge.gov](mailto:skfinlay@oge.gov)> wrote:

Hi Jennifer -

I'm spoke to Krista Boyd of Ranking Member Cummings' staff yesterday and have some questions about the details she relayed. Are you the correct point of contact for Chairman Chaffetz? If not, can you please put me in touch with the correct POC?

Thanks,  
Shelley

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**From:** [Skladany, Jon](#)  
**To:** [Shelley K. Finlayson](#)  
**Cc:** [Hemingway, Jennifer](#); [Boyd, Krista](#)  
**Subject:** Re: Questions  
**Date:** Monday, January 16, 2017 9:43:11 AM

---

Hi Shelley,

The Chairman is not able to accommodate the Director's request for a public event at that time. Please let us know if the Director will meet with the Chairman and Ranking Member under the concept that you described below.

Thanks,

Jon

On Jan 15, 2017, at 2:40 PM, Shelley K. Finlayson <[skfinlay@oge.gov](mailto:skfinlay@oge.gov)> wrote:

All -

Thanks for the call. As we discussed, the Director is agreeing to the date and time originally offered (January 23 at 4 pm) for a meeting as described below; however, he is requesting that the meeting be open to the public. He is not refusing to attend if it is not open to the public, but is requesting that it be open to the public.

Thanks again,

Shelley

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

---

**From:** Hemingway, Jennifer  
**Sent:** Sunday, January 15, 2017 1:30 PM  
**To:** Skladany, Jon; Shelley K. Finlayson  
**Cc:** Boyd, Krista  
**Subject:** RE: Questions

---

Me, too. I just sent a revised calendar invitation so folks would have it handy.

---

**From:** Skladany, Jon  
**Sent:** Sunday, January 15, 2017 1:29 PM  
**To:** Shelley K. Finlayson  
**Cc:** Hemingway, Jennifer; Boyd, Krista  
**Subject:** Re: Questions

I'm available at 2:00

On Jan 15, 2017, at 1:24 PM, Shelley K. Finlayson <[skfinlay@oge.gov](mailto:skfinlay@oge.gov)> wrote:

All -

I have spoken to the Director so we can go forward with the 2pm call if everyone is still free.

Shelley

---

**From:** Hemingway, Jennifer  
**Sent:** Sunday, January 15, 2017 11:07 AM  
**To:** Shelley K. Finlayson  
**Cc:** Boyd, Krista; Skladany, Jon  
**Subject:** Re: Questions

Hi Shelley,

Let's wait until you have a better sense of times that work well for Director Shaub. We can then look to schedule our call.

Sincerely,  
Jennifer

Sent from my iPhone

On Jan 15, 2017, at 8:44 AM, Shelley K. Finlayson <[skfinlay@oge.gov](mailto:skfinlay@oge.gov)> wrote:

Yes, I can do 2, but cannot be assured that I will have connected with the Director to have alternative dates by then, so a later time might be preferable. I am available this afternoon/evening and tomorrow.

Shelley

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

---

**From:** Boyd, Krista  
**Sent:** Saturday, January 14, 2017 9:54 PM  
**To:** Hemingway, Jennifer  
**Cc:** Shelley K. Finlayson; Skladany, Jon  
**Subject:** Re: Questions

Yes, I can do a call at 2 p.m. tomorrow or any time on Monday.

On Jan 14, 2017, at 8:19 PM, Hemingway, Jennifer <(b)(6) contact info > wrote:

Hi Shelley,

Thanks for your email, and for reaching out to Director Shaub. We will let the Chairman know that staff level discussions continue, which he will appreciate.

Re a staff call, Jon and I should be available almost anytime. Could we plan for Sunday (tomorrow), perhaps at 2 pm? We can circulate a conference line. Krista are you free?



If we are looking at dates other than Jan 23, there is a possibility the meeting may last beyond 90 minutes. We can discuss this during our call as we confirm the specifics of the meeting in response to the Chairman's request.

It would also be helpful to know what other dates are possible if Director Shaub has a conflict on Jan 23.

Sincerely,  
Jennifer

Sent from my iPhone

On Jan 14, 2017, at 7:09 PM, Shelley K. Finlayson  
<[skfinlay@oge.gov](mailto:skfinlay@oge.gov)> wrote:

Hi Jennifer -

Thanks for the call today. I spoke to OGE's Director this evening. I relayed the following details from our conversation about the meeting being offered in lieu of the closed-door, transcribed interview:

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In addition, there will be a staff-level conference call with HOCR majority and minority staff and OGE staff no later than Tuesday to ensure that we all have the same understanding of the meeting.

The Director has agreed in concept to the

meeting as described above, but will need to discuss other possible dates.

I have included Krista Boyd on this email so she is aware of the status.

Please let me know best days and times for the staff level call.

Thanks,  
Shelley

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**From:** [Hemingway, Jennifer](#)  
**To:** [Skladany, Jon](#); [Shelley K. Finlayson](#)  
**Cc:** [Boyd, Krista](#)  
**Subject:** RE: Questions  
**Date:** Sunday, January 15, 2017 1:30:18 PM

---

Me, too. I just sent a revised calendar invitation so folks would have it handy.

---

**From:** Skladany, Jon  
**Sent:** Sunday, January 15, 2017 1:29 PM  
**To:** Shelley K. Finlayson  
**Cc:** Hemingway, Jennifer; Boyd, Krista  
**Subject:** Re: Questions

I'm available at 2:00

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Shelley

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

**From:** Boyd, Krista  
**Sent:** Saturday, January 14, 2017 9:54 PM  
**To:** Hemingway, Jennifer  
**Cc:** Shelley K. Finlayson; Skladany, Jon  
**Subject:** Re: Questions

Yes, I can do a call at 2 p.m. tomorrow or any time on Monday.

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Hi Shelley,

Thanks for your email, and for reaching out to Director Shaub. We will let the Chairman know that staff level discussions continue, which he will appreciate.

Re a staff call, Jon and I should be available almost anytime. Could we plan for Sunday (tomorrow), perhaps at 2 pm? We can circulate a conference line. Krista are you free?

If we are looking at dates other than Jan 23, there is a possibility the meeting may last beyond 90 minutes. We can discuss this during our call as we confirm the specifics of the meeting in response to the Chairman's request.

It would also be helpful to know what other dates are possible if Director Shaub has a conflict on Jan 23.

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Sent from my iPhone

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In addition, there will be a staff-level conference call with HOCR majority and minority staff and OGE staff no later than Tuesday to ensure that we all have the same understanding of the meeting.

The Director has agreed in concept to the meeting as described above, but will need to discuss other possible dates.

I have included Krista Boyd on this email so she is aware of the status.

Please let me know best days and times for the staff level call.

Thanks,  
Shelley

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**From:** [Boyd, Krista](#)  
**To:** [Shelley K. Finlayson](#)  
**Subject:** Re: Questions  
**Date:** Sunday, January 15, 2017 2:00:16 PM

---

I'm free - on the call.

On Jan 15, 2017, at 1:24 PM, Shelley K. Finlayson <[skfinlay@oge.gov](mailto:skfinlay@oge.gov)> wrote:

All -

I have spoken to the Director so we can go forward with the 2pm call if everyone is still free.  
Shelley

---

**From:** Hemingway, Jennifer  
**Sent:** Sunday, January 15, 2017 11:07 AM  
**To:** Shelley K. Finlayson  
**Cc:** Boyd, Krista; Skladany, Jon  
**Subject:** Re: Questions

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Sent from my iPhone

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Shelley

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

---

**From:** Boyd, Krista  
**Sent:** Saturday, January 14, 2017 9:54 PM  
**To:** Hemingway, Jennifer  
**Cc:** Shelley K. Finlayson; Skladany, Jon  
**Subject:** Re: Questions

---

Yes, I can do a call at 2 p.m. tomorrow or any time on Monday.

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It would also be helpful to know what other dates are possible if Director Shaub has a conflict on Jan 23.

Sincerely,  
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Sent from my iPhone

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In addition, there will be a staff-level conference call with HOG R

majority and minority staff and OGE staff no later than Tuesday to ensure that we all have the same understanding of the meeting.

The Director has agreed in concept to the meeting as described above, but will need to discuss other possible dates.

I have included Krista Boyd on this email so she is aware of the status.

Please let me know best days and times for the staff level call.

Thanks,  
Shelley

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**From:** [Diana Veilleux](#)  
**To:** [Director of OGE](#); [Shelley K. Finlayson](#); [Director of OGE](#)  
**Subject:** Re: Meeting  
**Date:** Sunday, January 15, 2017 5:18:32 AM

---

Good Morning

No one released the letter from our end as far as I know. I did not give a copy of it to anyone other than the two of you and Dave when we were all reading it together on Thursday evening. I am available the week after next as needed; my schedule is clearable. Will keep an eye on the news.

Diana

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

---

**From:** Director of OGE  
**Sent:** Saturday, January 14, 2017 9:23 PM  
**To:** Shelley K. Finlayson; Director of OGE; Diana Veilleux  
**Subject:** RE: Meeting

---

Thanks for the phone call earlier, Shelley. I'm just adding Diana to this message.

**Diana**, we have an agreement in principle, but the date is actually TBD. Danielle Bryan had indicated in her conversation with me that the Chairman was eager to come to agreement before the Sunday morning TV shows, and tonight the Chairman's staffer confirmed that he's going on Stephanopolous (spelling?). We wanted to be helpful and try to accommodate his desire to come to an agreement before his TV appearance on the alternative plan he had initiated after sending his letter, so we agreed in principle but we still have some coordinating to do in order to figure out a workable date given the transition work that we're doing. Let me know your availability for the week after this coming one, in case we need some support.

There's two confusing things, but they may not need to be sorted out.

First is the statement by his staff that he wanted the letter he sent me to be withheld from the public. We were not the ones who released the letter, at least as far as Shelley or I know. Given that Chairman Chaffetz spoke to the press about his letter before sending it to us, I had assumed he was the one who released the letter. But he copied the ranking member on the letter, so maybe the minority released it. Shelley explained to the Chairman's staffer that a letter between two public institutions is not something we would have withheld from a FOIA response. It's not clear why the staffer raised this issue, but it seems like a non-issue because they didn't sound like they're blaming us. All the same, please just double-check on whether anyone released the letter for some reason? If so, we can follow up with the Chairman's staff to just let them know.

During Shelley's call, the Chairman's staffer didn't bring up that bizarre claim that we declined to meet with them in December. I told Danielle that we have emails corroborating the fact that the Chairman is the one who cancelled the meeting planned for 2:30 on the House's last day in session. I explained that his staffer even sent us a message explaining that he was on the floor at 2:30 and had a "hard stop" for a flight. Maybe Danielle passed on the word that we have emails and that news jogged their memory, or showed we could prove it. Please have your folks keep an eye on the news. Let me know if they repeat that incorrect claim to the press again. We'll need to decide whether to respond to correct the record if they keep repeating it. If they don't repeat it, I'm willing to forgive and forget. There's too many incorrect stories floating around out there to run around correcting all of them.

Thanks!

Walt

Walter M. Shaub, Jr.  
Director  
U.S. Office of Government Ethics  
1201 New York Avenue, NW, Suite 500  
Washington, DC 20005-3917  
Telephone: 202.482.9292  
Email: walter.shaub@oge.gov

---

**From:** Shelley K. Finlayson  
**Sent:** Saturday, January 14, 2017 6:44 PM  
**To:** Director of OGE  
**Subject:** Meeting

Walt -

I spoke to Chairman Chaffetz's Chief of Staff and she provided the following details about the meeting being offered in lieu of the closed-door, transcribed interview:

The event is a meeting in a conference room with the Chairman and Ranking Member and their staff present, in addition to the Director of OGE and his chosen attendees. The Chairman, Ranking Member, and their respective staff may ask questions. The meeting will not be recorded or transcribed other than staff taking notes. The meeting is scheduled to last no longer than 90 minutes. The meeting will focus on OGE's public outreach activities and potential reauthorization. The meeting will not be under oath. The proposed meeting date and time is Monday, January 23 from 4-5:30 pm.

She indicated that they would like to de-escalate. She also indicated that the Chairman's letter was not intended to be made public, but did not suggest that we had made it public.

In addition, she agreed that there would be a staff-level conference call with HOCR majority and minority staff and OGE staff no later than Tuesday to ensure that we all have the same understanding of the meeting. I will provide a written summary of our understanding to both the majority and minority staff points of contact. I will also relay that the date does not work for you.

Thanks,  
Shelley

**From:** [Matthew A. Marinec](#)  
**To:** [Director of OGE](#); [Shelley K. Finlayson](#)  
**Subject:** Scheduling  
**Date:** Thursday, December 08, 2016 1:49:37 PM

---

Chairman Chaffetz's scheduler told me:

**The Chairman requested that I pass on the message that he is disturbed and disappointed that we weren't able to make this happen. We'll have to come back to this in January to see if we can make something work.**

To this, I quickly reminded her of our conversation yesterday whereby the ball was in her court as to whether or not the Chairman was amenable to a phone call next week as opposed to an in-person meeting for 12/8.

I reminded her again that I never once declined an in-person meeting. In fact, yesterday she asked me point blank if we were declining an in-person meeting, to which I responded no, but that we wanted to explore the option of a call on Monday, 12/12. I also reminded her that 2:30 pm 12/8 was one of her initial offerings, and one that was never declined by us and never taken off of the table by her.

I was eagerly standing by for her response. After respectfully waiting until 1:00 pm today, I called her and upon our exchange had above conversation.

Thanks,

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)  
Follow OGE on Twitter: @OfficeGovEthics

- Saturday, December 3 – email requesting a meeting between the Chairman and the Director
- Monday, December 5 called his Chief of Staff to request information about the meeting
- Tuesday, December 6 – his COS returned my call
- Mat has phone tag with scheduler and Thursday at 2:30 looks like only option that may work. We offer the following Monday. This is his summary of those exchanges:

**The Chairman requested that I pass on the message that he is disturbed and disappointed that we weren't able to make this happen. We'll have to come back to this in January to see if we can make something work.**

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I was eagerly standing by for her response. After respectfully waiting until 1:00 pm today, I called her and upon our exchange had above conversation.

- I email his COS when they suggest we are declining a meeting and stop answering our calls the day of the proposed meeting.

**From:** Shelley K. Finlayson [<mailto:skfinlay@oge.gov>]  
**Sent:** Thursday, December 08, 2016 1:17 PM  
**To:** Hemingway, Jennifer  
**Subject:** RE: Meeting request - Chairman Chaffetz

Hi Jennifer –

The Director's scheduler just indicated that we are uncertain based on his exchange with the Chairman's scheduler about whether we are on for a 2:30 meeting or not. I understand that he was waiting to hear back about the possibility of a call on Monday, but did not. The Director is available for a meeting today if the Chairman would still like to meet in person. Please let me know if the Director is expected at 2:30.

Thanks,

Shelley



- We wait (up at the Hill) and continue to call with no one answering.
- I receive the following message from his COS the next day (Friday, December 9)

Hi Shelley,

I'm sorry to have missed this yesterday. We were on the floor with bills/votes and the Chairman's scheduled was backed up with a hard stop for a return flight home.

I believe Dannie is working to schedule the in person meeting for January.

Sincerely,  
Jennifer

**From:** [Hemingway, Jennifer](#)  
**To:** [Shelley K. Finlayson](#)  
**Cc:** [Suber, Dannie](#); [Bailey, Katie](#)  
**Subject:** Meeting request - Chairman Chaffetz  
**Date:** Saturday, December 03, 2016 1:27:51 PM

---

Shelly,

Chairman Chaffetz would like to meet with Director Schaub by Thursday, December 7.

I've copied Dannie Suber for scheduling.

Sincerely,  
Jennifer

**From:** [Matthew A. Marinec](#)  
**To:** [Director of OGE](#); [Shelley K. Finlayson](#)  
**Subject:** Scheduling  
**Date:** Thursday, December 08, 2016 1:49:37 PM

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Follow OGE on Twitter: @OfficeGovEthics

**From:** [Hemingway, Jennifer](#)  
**To:** [Shelley K. Finlayson](#)  
**Subject:** RE: Meeting request - Chairman Chaffetz  
**Date:** Friday, December 09, 2016 9:00:21 AM

---

Hi Shelley,

I'm sorry to have missed this yesterday. We were on the floor with bills/votes and the Chairman's scheduled was backed up with a hard stop for a return flight home.

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**To:** Hemingway, Jennifer  
**Subject:** RE: Meeting request - Chairman Chaffetz

Hi Jennifer –

The Director's scheduler just indicated that we are uncertain based on his exchange with the Chairman's scheduler about whether we are on for a 2:30 meeting or not. I understand that he was waiting to hear back about the possibility of a call on Monday, but did not. The Director is available for a meeting today if the Chairman would still like to meet in person. Please let me know if the Director is expected at 2:30.

Thanks,  
Shelley

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**From:** Hemingway, Jennifer [mailto:(b)(6) contact info]  
**Sent:** Saturday, December 03, 2016 1:28 PM  
**To:** Shelley K. Finlayson  
**Cc:** Suber, Dannie; Bailey, Katie  
**Subject:** Meeting request - Chairman Chaffetz

Shelly,

Chairman Chaffetz would like to meet with Director Schaub by Thursday, December 7.

I've copied Dannie Suber for scheduling.

Sincerely,  
Jennifer

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**From:** [Diana Veilleux](#)  
**To:** [Jennifer Matis](#)  
**Subject:** FOIA response  
**Date:** Tuesday, January 17, 2017 3:14:16 PM

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Hi Jen

I found this one in my sent.

*Diana J. Veilleux*

Diana J. Veilleux  
Chief  
Legal, External Affairs and Performance Branch  
Program Counsel Division  
Office of Government Ethics  
(202) 482-9203  
[Diana.veilleux@oge.gov](mailto:Diana.veilleux@oge.gov)

Visit OGE's website at: [www.oge.gov](http://www.oge.gov)  
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**From:** Diana Veilleux  
**Sent:** Sunday, January 15, 2017 5:19 AM  
**To:** Director of OGE; Shelley K. Finlayson; Director of OGE  
**Subject:** Re: Meeting

Good Morning

No one released the letter from our end as far as I know. I did not give a copy of it to anyone other than the two of you and Dave when we were all reading it together on Thursday evening. I am available the week after next as needed; my schedule is clearable. Will keep an eye on the news.

Diana

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

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**From:** Director of OGE  
**Sent:** Saturday, January 14, 2017 9:23 PM  
**To:** Shelley K. Finlayson; Director of OGE; Diana Veilleux  
**Subject:** RE: Meeting

Thanks for the phone call earlier, Shelley. I'm just adding Diana to this message.

**Diana**, we have an agreement in principle, but the date is actually TBD. Danielle Bryan had indicated in her conversation with me that the Chairman was eager to come to agreement before the Sunday morning TV shows, and tonight the Chairman's staffer confirmed that he's going on Stephanopolous (spelling?). We wanted to be helpful and try to accommodate his desire to come to an agreement before his TV appearance on the alternative plan he had initiated after sending his letter, so we

agreed in principle but we still have some coordinating to do in order to figure out a workable date given the transition work that we're doing. Let me know your availability for the week after this coming one, in case we need some support.

There's two confusing things, but they may not need to be sorted out.

First is the statement by his staff that he wanted the letter he sent me to be withheld from the public. We were not the ones who released the letter, at least as far as Shelley or I know. Given that Chairman Chaffetz spoke to the press about his letter before sending it to us, I had assumed he was the one who released the letter. But he copied the ranking member on the letter, so maybe the minority released it. Shelley explained to the Chairman's staffer that a letter between two public institutions is not something we would have withheld from a FOIA response. It's not clear why the staffer raised this issue, but it seems like a non-issue because they didn't sound like they're blaming us. All the same, please just double-check on whether anyone released the letter for some reason? If so, we can follow up with the Chairman's staff to just let them know.

During Shelley's call, the Chairman's staffer didn't bring up that bizarre claim that we declined to meet with them in December. I told Danielle that we have emails corroborating the fact that the Chairman is the one who cancelled the meeting planned for 2:30 on the House's last day in session. I explained that his staffer even sent us a message explaining that he was on the floor at 2:30 and had a "hard stop" for a flight. Maybe Danielle passed on the word that we have emails and that news jogged their memory, or showed we could prove it. Please have your folks keep an eye on the news. Let me know if they repeat that incorrect claim to the press again. We'll need to decide whether to respond to correct the record if they keep repeating it. If they don't repeat it, I'm willing to forgive and forget. There's too many incorrect stories floating around out there to run around correcting all of them.

Thanks!

Walt

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

Telephone: 202.482.9292  
Email: [walter.schaub@oge.gov](mailto:walter.schaub@oge.gov)

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**From:** Shelley K. Finlayson  
**Sent:** Saturday, January 14, 2017 6:44 PM  
**To:** Director of OGE  
**Subject:** Meeting

Walt -

I spoke to Chairman Chaffetz's Chief of Staff and she provided the following details about the

meeting being offered in lieu of the closed-door, transcribed interview:

The event is a meeting in a conference room with the Chairman and Ranking Member and their staff present, in addition to the Director of OGE and his chosen attendees. The Chairman, Ranking Member, and their respective staff may ask questions. The meeting will not be recorded or transcribed other than staff taking notes. The meeting is scheduled to last no longer than 90 minutes. The meeting will focus on OGE's public outreach activities and potential reauthorization. The meeting will not be under oath. The proposed meeting date and time is Monday, January 23 from 4-5:30 pm.

She indicated that they would like to de-escalate. She also indicated that the Chairman's letter was not intended to be made public, but did not suggest that we had made it public.

In addition, she agreed that there would be a staff-level conference call with HOCR majority and minority staff and OGE staff no later than Tuesday to ensure that we all have the same understanding of the meeting. I will provide a written summary of our understanding to both the majority and minority staff points of contact. I will also relay that the date does not work for you.

Thanks,  
Shelley