(b) (5), (b) (7)(A)

(b) (5), (b) (7)(A)

(b) (6)

obtained from
Ryan Jackson
4/13/18
at 415 pm

(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (5)

(b) (5)

April 6, 2018

Kevin Minoli
Principal Deputy General Counsel
and Designated Agency Ethics Official
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code 2310A
Washington, DC 20460

Dear Mr. Minoli:

As the supervising ethics office for the executive branch, the U.S. Office of Government Ethics (OGE) leads an ethics program designed to prevent conflicts of interest on the part of executive branch employees. Public trust demands that all employees act in the public's interest, and free from any actual or perceived conflicts, when fulfilling the governmental responsibilities entrusted to them. Agency heads in particular bear a heightened responsibility, as they are required to "exercise personal leadership in . . . establishing and maintaining an effective agency ethics program and fostering an ethical culture in the agency."[1] As the Acting Director of OGE, I am writing to you regarding (1) the recently reported actions of Scott Pruitt, Administrator of the Environmental Protection Agency (EPA), that raise concerns and may constitute a violation of the Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct) and Executive Order 13770, and (2) the resulting need for your agency take action to appropriately address any violations.[2]

First, questions have been raised regarding the Administrator's rental agreement with a lobbyist whose husband's clients were seeking action by the EPA.[3] Our understanding is that the Administrator apparently did not seek ethics advice prior to entering into the lease regarding whether entering into such a lease could raise questions about his impartiality.[4] Similarly, he apparently did not seek ethics advice in advance as to whether the terms of the lease were so favorable as to be a gift from the lobbyist.[5] Only after the existence of the lease was reported in the press did he provide EPA ethics advisors with limited information about the lease. He then received, based on the incomplete information he provided, an after-the-fact opinion that the lease did not constitute a gift. Additional information has now come to light that calls into question whether the earlier determination that the Administrator paid market value for the use he made of the apartment would still be valid.

---

[1] 5 C.F.R. § 2638.107.
[2] *See* 5 U.S.C. app. § 402(f)(2); 5 C.F.R. § 2638.501.
[3] *Pruitt Had a $50-a-Day Condo Linked to Lobbyists. Their Client's Project Got Approved.*, The New York Times (April 2, 2018) (online at https://www.nytimes.com/2018/04/02/climate/epa-pruitt-pipeline-apartment.html).
[4] *See* 5 C.F.R. § 2635.502.
[5] *See* 5 C.F.R. Pt. 2635, subpt. B; Exec. Order 13770 (Jan. 28, 2017), sec. 1, par. 5.


EcoRights_EPA-HQ-2018-006474_2.28.20 Production00010

Second, questions have been raised regarding the Administrator's expenses for travel, security, and salaries for some employees,[6] as well as the use of his subordinates' time. Whether or not an official's travel and other expenses are consistent with regulations or are an appropriate use of scarce government resources is beyond the purview of OGE. Nevertheless, reports of the Administrator making frequent official trips to his home state at Government expense to offset the expense of returning home for personal or political reasons[7] do raise concerns about whether the Administrator is using his public office for personal gain in violation of ethics rules.[8] Further, reports that the Administrator's subordinates may have assisted him in finding housing[9] also raise concerns about whether the Administrator misused his position.[10]

Finally, there are extremely concerning reports that the Administrator has reassigned or demoted staff who were attempting to ensure that the expenses and other actions were in accordance with laws and regulations.[11] If true, it is hard to imagine any action that could more effectively undermine an agency's integrity than punishing or marginalizing employees who strive to ensure compliance with the laws and regulations that safeguard that integrity.

The success of our Government depends on maintaining the trust of the people we serve. The American public needs to have confidence that ethics violations, as well as the appearance of ethics violations, are investigated and appropriately addressed. Agency officials are generally in the best position to ascertain the relevant facts and address any individual conflicts of interest or systemic deficiencies in agency programs or procedures. Therefore, as the supervising ethics office for the executive branch, OGE expects that the EPA will review and analyze the alleged conduct described above. I understand that the agency's Office of Inspector General is already reviewing requests for an investigation of some of these matters. If a violation is found, OGE also expects that appropriate action will be taken in response. Similarly, if a violation or misconduct is found, your agency should ensure that processes are in place to prevent similar occurrences in the future. If you have any questions, please do not hesitate to contact my office.

Sincerely,

David J. Apol
Acting Director and General Counsel

---

[6] *A Trip to Morocco. A Condo Rental. Here's Why Scott Pruitt Is Under Fire.*, The New York Times (April 4, 2018) (online at https://www.nytimes.com/2018/04/04/climate/scott-pruitt-condo-travel.html).
[7] *Scott Pruitt, Trump's Rule-Cutting E.P.A. Chief, Plots His Political Future*, The New York Times (March 17, 2018) (online at https://www.nytimes.com/2018/03/17/climate/scott-pruitt-political-ambitions.html).
[8] *See* 5 C.F.R. § 2635.702.
[9] *EPA staffer helped Pruitt search for housing on weekends: report*, The Hill (April 3, 2018) (online at http://thehill.com/policy/energy-environment/381442-epa-staffer-helped-pruitt-search-for-housing-on-weekends-report).
[10] *See* 5 C.F.R. §§ 2635.702, 2635.705(b).
[11] *E.P.A. Officials Sidelined After Questioning Scott Pruitt*, The New York Times (April 5, 2018) (online at https://www.nytimes.com/2018/04/05/business/epa-officials-questioned-scott-pruitt.html).



EcoRights_EPA-HQ-2018-006474_2.28.20 Production00011

(b) (5)