To: Wilcox, Jahan[wilcox.jahan@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]
Cc: Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]
From: Wagner, Kenneth
Sent: Mon 4/16/2018 3:14:12 PM
Subject: RE: APPROVAL -- Lincoln

On number 3, I might suggest:

Ex. 5 - Deliberative Process

From: Wilcox, Jahan
Sent: Monday, April 16, 2018 11:01 AM
To: Kelly, Albert <kelly.albert@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>
Cc: Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>
Subject: APPROVAL -- Lincoln

SP wanted me to run these two answers by you. Can you look at them and get back to me by 12p.

On Apr 13, 2018, at 5:27 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Lincoln –

I need SP to review and approve this on his plane ride. If it's easier I can print it off and drop it off at his apartment.

1) How does administrator Pruitt respond to the assertion of state auditors, writing in the Tar Creek audit that was released on Monday, that the audit yielded "sufficient circumstantial evidence for additional investigation into a potential conspiracy against the state"?

2) If EPA Administrator Pruitt disagreed/disagrees with the supporting circumstantial evidence of a conspiracy that Jones enclosed, related to the assertion above, why did he? Was it the 2013 EPA OIG report that made him decide against Jones's findings that there was indeed evidence of conspiracy worthy of further investigation? And/or was it the arguments of attorney Andy Lester?

Ex. 5 - Deliberative Process

3) Does administrator Pruitt support AG Mike Hunter's decision to disclose the audit now after all these years?

4) Prior to Monday, did AG Mike Hunter notify administrator Pruitt that his office was going to the release the audit? If so, when?

Ex. 5 - Deliberative Process

From: Wilcox, Jahan
Sent: Thursday, April 12, 2018 6:02 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: Fwd: Politico Mag: New Questions on Tar Creek Audit

Something we need to address tomorrow.

Sent from my iPhone

Begin forwarded message:

From: Malcolm Burnley <Ex. 6 - Personal Privacy>
Date: April 12, 2018 at 5:36:41 PM EDT
To: "Wilcox, Jahan" <wilcox.jahan@epa.gov>

Cc: Press@epa.gov, "Abboud, Michael" <abboud.michael@epa.gov>
Subject: Politico Mag: New Questions on Tar Creek Audit

Hi Jahan,

I'm writing a story for POLITICO magazine that's following up on my feature from last December on Tar Creek. It'll be shorter, something of a news piece related to the news Monday that Oklahoma AG Mike Hunter released the audit report from the Tar Creek investigation that EPA Administrator Pruitt ordered years ago when he was AG.

We want to publish this Monday, if not before.

I'm hoping to get answers to **four questions listed below**, circling back to my conversation with EPA Administrator Pruitt last November. Give me a call if you'd like to discuss — on or off record — on my cell: Ex. 6 - Personal Privacy anytime.

If I don't hear back from you by early tomorrow, I'll follow up with a call early tomorrow.

Refresher: In November, Administrator Pruitt explained his decision to not release the Tar Creek audit (back in 2015, during the time he was Oklahoma AG) to the public because

A) the audit didn't turn up sufficient evidence to pursue prosecution

B) As a result, he didn't want innocent people to be besmirched, to protect their names and reputations.

His exact response was "I know the decision I made at that time was based upon the investigative audit. The investigative audit didn't yield anything to the grand jury, and as such, it was important to protect the individuals' reputation that were in that investigation."

Therefore, my questions:

1) How does administrator Pruitt respond to the assertion of state auditors, writing in the Tar Creek audit that was released on Monday, that the audit yielded "sufficient circumstantial evidence for additional investigation into a potential conspiracy against the state"?

2) If EPA Administrator Pruitt disagreed/disagrees with the supporting circumstantial evidence of a conspiracy that Jones enclosed, related to the assertion above, why did he? Was it the 2013 EPA OIG report that made him decide against Jones's findings that there was indeed evidence of conspiracy worthy of further investigation? And/or was it the arguments of attorney Andy Lester?

3) Does administrator Pruitt support AG Mike Hunter's decision to disclose the audit now after all these years?

4) Prior to Monday, did AG Mike Hunter notify administrator Pruitt that his office was going to the release the audit? If so, when?

Thanks,

Malcolm

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Malcolm Burnley

Freelance writing / researcher

Philadelphia