UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 13, 2020

OFFICE OF THE
ADMINISTRATOR

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Mandy M. Gunasekara
Chief of Staff

TO: Andrew R. Wheeler
Administrator

I have consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own attorney bar obligations.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I understand that I am recused from participating personally and substantially in any particular matter that would have a direct and predictable effect on Blue Earth Fund, LP or its assets. I have no knowledge of the interests held in this fund nor any ability to exercise control over them.

OBLIGATIONS UNDER EXECUTIVE ORDER 13770

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, or any former client to whom I provided services during the past two years prior to my joining federal service, is a party or represents a party. Under the terms of the Ethics Pledge, this recusal lasts for two years from the date that I joined federal service.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term "particular matters involving specific parties" is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term "open to all interested parties" means that the meeting should include a multiplicity of parties. If, for example, there is "a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client."[1] Should a question arise as to whether a specific forum qualifies as "open to all interested parties," then I will consult with OGC/Ethics.

RECUSAL LIST PURSUANT TO EXECUTIVE ORDER 13770 In effect until March 15, 2022	
FORMER EMPLOYER: Mandy Gunasekara (self-employment) Texas Public Policy Foundation	
FORMER CLIENTS: Adfero Clout Public Affairs (part of Axiom Corporation) CO2 Coalition DCI Group, LLC	 Energy 45 Fund Height Capital Markets Independent Women's Forum Southern Utility Resources

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Pursuant to federal ethics rules, I understand that I have a one-year cooling off period with any organization in which I was an active participant. Thus, I am prohibited from participating personally and substantially in any particular matter involving specific parties in which Maggie's List is a party of represents a party, unless I am first authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d). My recusal lasts for one year after my resignation from these organizations.

[1] *See* Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13770 pursuant to OGE Legal Advisory LA-17-03 (3/20/17).

ATTORNEY BAR OBLIGATIONS

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

SCREENING ARRANGEMENT

In order to ensure that I do not participate in matters relating to any of the entities listed above, I will instruct Aaron Dickerson, Senior Advisor, and/or Sharnett Willis, Staff Assistant, to assist in screening EPA matters directed to my attention that involve those entities. All inquiries and comments involving the entities on my recusal list should be directed to Aaron or Sharnett without my knowledge or involvement.

If Aaron or Sharnett determines that a particular matter will directly involve any of the entities listed on my recusal list, then they will refer it for action or assignment to another, without my knowledge or involvement. In the event that they are unsure whether an issue is a particular matter from which I am recused, then they will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to Justina Fugh, Director, Ethics Office.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Doug Benevento, Associate Deputy Administrator
Henry Darwin, Assistant Deputy Administrator
Michael Molina, Deputy Chief of Staff
Wesley J. Carpenter, Acting Deputy Chief of Staff
James Payne, Designated Agency Ethics Official
Justina Fugh, Director, Ethics Office
Aaron Dickerson, Senior Advisor
Sharnett Willis, Staff Assistant