



OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

Senior Political DOI Employee Did Not Comply With the Federal Ethics Pledge

This is a revised version of the report prepared for public release.

I. EXECUTIVE SUMMARY

We investigated an allegation that a senior political employee of the U.S. Department of the Interior (DOI) did not comply with the Federal ethics pledge under Executive Order No. 13770. In particular, we examined allegations that the senior employee improperly met with a representative from a former employer during the ethics pledge's 2-year recusal period. The senior political employee left the DOI in early 2021.

We found that the senior political employee did not comply with paragraph 6 of the ethics pledge by attending an in-person meeting with representatives from the former employer and another DOI official and discussing departmental matters during the 2-year recusal period.

We are providing this report to the Chief of Staff for the Office of the Secretary for any action deemed appropriate.

II. RESULTS OF INVESTIGATION

In 2017, the senior political employee signed the Federal ethics pledge, which prohibited them from participating in “any particular matter involving specific parties that [was] directly and substantially related to [their] former employer” for 2 years following appointment to the Federal position. In early 2019, we received a complaint alleging that the senior employee had met with a representative from a former employer during that 2-year recusal period.

A. Facts

1. *The Senior Political Employee's Former Employment, Appointment at the DOI, and Federal Ethics Training*

The senior political employee worked at the organization that was a former employer until 2016 and then started employment at the DOI in early 2017. The senior employee received ethics training from the Departmental Ethics Office (DEO) shortly after starting at the DOI, which included information regarding the restrictions limiting Federal employees' contact with their former employers. The senior employee signed the Federal ethics pledge in the spring of 2017.

2. *The Senior Political Employee Met With Representatives From a Former Employer in the Summer of 2017*

In the summer of 2017, an assistant in the senior political employee's office (Assistant 1) sent emails to multiple organizations, including the employee's former employer, that had signed a 2017 letter of support to President Donald J. Trump. The emails invited the various organizations to meet with the senior political employee and Assistant 1.¹

¹ Assistant 1 left the DOI in the summer of 2019. We attempted to interview Assistant 1 after they left the DOI to learn more about their role in setting up the meeting with the organization, but Assistant 1 declined to participate in a voluntary interview. As a former employee, we could not compel an interview.

Shortly after receiving the email, a representative from the senior political employee's former employer (Representative 1) responded and copied the senior employee, thanking Assistant 1 for reaching out and expressing interest in meeting with the senior political employee and Assistant 1 to discuss partnering on shared priorities.

Later that day, the senior political employee forwarded Representative 1's email to a program assistant in the senior political employee's office (Assistant 2) asking whether they could be worked into the schedule and specifically asking to include Assistant 1, and Assistant 2 responded that they would. The senior political employee's official DOI calendar indicated that the senior employee, Representative 1, and Assistant 1 met at a Federal building in the summer of 2017 to discuss partnering on shared priorities.

A few days after the meeting, Representative 1 emailed the senior political employee and Assistant 1, copying a second representative from the senior employee's former employer (Representative 2), expressing thanks for the meeting earlier that week and stating that it was good to learn about their upcoming priorities. Representative 1 stated that they would follow up shortly with more State-based activities that supported the senior political employee and Assistant 1's efforts related to a specific Federal site.

Later that day, Representative 2 emailed the senior political employee, Assistant 1, and Representative 1, stating that they also enjoyed talking with them and expressing thanks for the tour of the Federal building.

That same day, Assistant 1 responded to Representatives 1 and 2 via email, copying the senior political employee, and stating that they would be happy to collaborate with them and their organization moving forward.

When we spoke to Representative 1 in the spring of 2019, we were told that this person met the senior political employee for the first and only time during the meeting at the Federal building in the summer of 2017. Representative 1 stated that the meeting was so long ago that this person did not remember what they talked about.

Also in the spring of 2019, Representative 2 told us that Representative 1 invited Representative 2 to the meeting because Representative 2 worked on State policy issues. To Representative 2's recollection, they mostly just walked around the Federal building and did not discuss any specific policies.

3. The Senior Political Employee Told the DEO and the OIG That They Did Not Recall Meeting With the Former Employer

We interviewed an individual who served as a senior DEO official at the time of the alleged misconduct. The senior DEO official spoke to the senior political employee about the allegation in the complaint shortly after it was filed. According to the memorandum the senior DEO official prepared after meeting with the senior employee, the senior employee told the senior DEO official that they did not have a call or meeting with the organization and had no contact with the organization since they started working at the DOI.

In the spring of 2019 and in early 2020, we interviewed the senior political employee about the allegations that they met with Representatives 1 and 2 during the recusal period. The senior political employee maintained throughout both interviews that they did not recall meeting with the representatives.

B. Analysis

As a threshold matter, we determined that the senior political employee met with Representatives 1 and 2 in the summer of 2017. Despite the senior employee's statements that the senior employee did not remember meeting with the representatives, the senior employee's official calendar, emails, and witness testimony established the senior employee's attendance at an in-person meeting with the representatives at a Federal building in the summer of 2017. Because the senior political employee was appointed in 2017, this meeting occurred within the 2-year recusal period under paragraph 6 of the ethics pledge under Executive Order No. 13770.

Paragraph 6 of the ethics pledge states:

I will not for a period of 2 years after the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.²

Office of Government Ethics (OGE) memorandum DO-09-011, *Ethics Pledge: Revolving Door Ban—All Appointees Entering Government* (issued March 26, 2009), states that the ethics pledge itself expands the scope of the phrase “particular matter involving specific parties” to include “any meeting or other communication with a former employer or former client relating to the performance of the appointee’s 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.” The OGE memorandum further states that meetings need not “be open to every comer, but should include a multiplicity of parties.” The memorandum continues, “The purpose of this expansion of the traditional definition is to address concerns that former employers and clients may appear to have privileged access, which they may exploit to influence an appointee out of the public view.”

Taken together, this authority establishes that the ethics pledge prohibits any meeting or other communication with a former employer relating to the appointee’s official duties unless the communication is (1) about a particular matter of general applicability and (2) made at a meeting or other event at which participation is open to all interested parties or includes a multiplicity of parties.

² Executive Order No. 13770 states a “former employer is any person for whom the appointee has within the 2 years prior to the date of his or her appointment served as an employee, officer, director, trustee, or general partner, except that ‘former employer’ does not include any executive agency or other entity of the Federal Government, State or local government, the District of Columbia, Native American tribe, or any United States territory or possession.” Retrieved from <https://www.federalregister.gov/documents/2017/02/03/2017-02450/ethics-commitments-by-executive-branch-appointees> (last visited April 28, 2021).

In this case, the evidence established that the senior political employee met with representatives of the senior employee's former employer in the summer of 2017, which was within 2 years of the date of the senior employee's appointment. The evidence also showed that the meeting was related to the senior employee's official duties, as it was to discuss partnering on shared priorities and referenced the DOI's desire to collaborate with the organization moving forward on efforts pertaining to a Federal site. Pursuant to the ethics pledge and OGE guidance, such a meeting would be permissible only if it involved a particular matter of general applicability and was open to "a multiplicity of parties." Here, however, the meeting was not open to a "multiplicity of parties" because it involved only DOI officials and representatives of the senior political employee's former employer; no evidence suggested that others attended. Accordingly, the senior political employee's meeting with the former employer in the summer of 2017 was prohibited under paragraph 6 of the ethics pledge.

III. SUBJECT

A senior political DOI employee.

IV. DISPOSITION

We are providing this report to the Chief of Staff for the Office of the Secretary for any action deemed appropriate.

