



U.S. Department of Justice
Office of Information Policy
441 G Street, NW
Sixth Floor
Washington, DC, 20530-0001

Telephone: (202) 514-3642

June 2, 2021

Austin R. Evers
American Oversight
1030 15th Street, NW
Suite B255
Washington, DC 20005
foia@americanoversight.org

Re: FOIA-2020-00272
DRH:ADF:ERH

Dear Austin Evers:

This responds to your Freedom of Information Act (FOIA) request dated and received in this Office on February 20, 2020 in which you requested resumes, waivers, recusals, SF-50 forms, and other named ethics records pertaining to named officials of the Offices of the Attorney General and Deputy Attorney General.

As we advised in our letter dated September 29, 2020, this Office was referred records by the Department's Justice Management Division (JMD) in response to the instant FOIA request. Our processing of that material is now completed and I have determined that sixty-one pages are appropriate for release with certain information withheld, some on behalf of JMD, pursuant to Exemptions 5 and 6 of the FOIA, 5 U.S.C. § 552(b)(5) and (b)(6). Exemption 5 pertains to certain inter- and intra-agency communications protected by the deliberative process privilege. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2018). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison, Valeree Villanueva, for any further assistance and to discuss any aspect of your request at: Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001; telephone at 202-514-3642.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601

Adelphi Road, College Park, MD 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with this Office's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically submitted within ninety days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hibbard", written over a horizontal line.

for

Douglas R. Hibbard
Chief, Initial Request Staff

Enclosures

ETHICS

WELCOME to the Department of Justice!

As a Federal employee, you have a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws, and ethical principles above private gain. You are encouraged to read the Ethics Handbook, and to go to the Departmental Ethics Office website at www.usdoj.gov/jmd/ethics for more information on the Standards of Ethical Conduct for Employees of the Executive Branch and the Department of Justice Supplemental Standards of Conduct.

The **Departmental Ethics Office**, located in the Justice Management Division, administers the Department-wide ethics program and implements Department-wide policies on ethics issues, as well as provides advice and training to employees. In addition, each component has a **Deputy Designated Agency Ethics Official** who administers the ethics program for employees within that component. If you have questions, you should contact the ethics official in your component for advice. A list of ethics officials for each component is on the reverse side. For further assistance, you may call the Departmental Ethics Office on (202) 514-8196.

Within 3 months of entering on duty, each new employee of the Department must attend **initial ethics training**. An ethics official or administrative officer in your component will contact you in a few weeks to provide information on how to register for initial ethics training.

Thank you, and welcome!

The Departmental Ethics Office

www.usdoj.gov/jmd/ethics

Department of Justice Deputy Designated Agency Ethics Officials

Office of the Attorney General, Office of the Deputy Attorney General, Office of the Associate Attorney General, and Office of the Solicitor General

Justice Management Division, Office of Public Affairs, Office of Tribal Justice, and Office for Access to Justice

Cynthia Shaw, Director
Departmental Ethics Office
202-514-8196

Antitrust Division

Nina Hale, Ethics Officer
202-307-0892

Bureau of Alcohol, Tobacco, Firearms and Explosives

Joel Roessner, Deputy Chief Counsel
202-648-7058

Bureau of Prisons

Danielle M. Clarke
Ethics Officer
202-598-8185

Civil Division

Michael Granston, Chief Counsel, Fraud Section
202-307-0231

Civil Rights Division

John Buchko, Deputy Section Chief
202-305-1528

Community Relations Service

Antoinette Barksdale, General Counsel
202-305-2964

COPS Program

Jenny Wu, Attorney Advisor
202-514-9424

Criminal Division

Robin Gold, Attorney Advisor
202-616-0743

Drug Enforcement Administration

Wendy Goggin, Chief Counsel
202-307-7322

Environmental and Natural Resources Division

Karen Wardzinski, Chief,
Law and Policy Section
202-514-0474

Executive Office for Immigration Review

Chris Cox, Associate General Counsel
703-305-0274

Executive Office for United States Attorneys

Jay Macklin, General Counsel
202-252-1600

Executive Office for United States Trustees

Ramona Elliott, General Counsel
202-353-4206

Federal Bureau of Investigations

Patrick W. Kelley, Deputy General Counsel
202-324-6110

Foreign Claims Settlement Commission

Brian Simkin, Chief Counsel
202-616-6978

INTERPOL

Kevin Smith, General Counsel
202-616-4103

National Security Division

Michael Nannes, Special Counsel
202-305-3409

Office of Information and Privacy

Vanessa Brinkmann, Attorney Advisor
202-616-5462

Office of the Inspector General

William Blier, General Counsel
202-616-0646

Office of Justice Programs

Charles Moses, Dep. General Counsel
202-305-2536

Office of Legal Counsel

Daniel L. Koffsky, DAAG
202-514-2030

Office of Legal Policy

Kevin R. Jones, Dep. Asst. Attorney Gen.
202-514-4604

Office of Legislative Affairs

Faith Burton, Special Counsel to the AAG
202-514-1653

Office of the Pardon Attorney

Rosalind Sargent-Burns, Sr. Attorney Advisor
202-514-2786

Office of Professional Responsibility

Mark Fraase, Assistant Counsel
202-514-3365

Office on Violence Against Women

Jennifer Kaplan, Attorney Advisor
202-514-0052

Professional Responsibility Advisory Office

Robert Berger, Attorney Advisor
202-514-0458

Tax Division

Eileen Shatz, Sr. Legislative Counsel
202-307-6419

United States Marshals Service

Gerald Auerbach, General Counsel
202-307-9054

United States Parole Commission

Gregory Thornton
Asst. General Counsel
202-346-7000



U.S. Department of Justice
Justice Management Division
Departmental Ethics Office

Washington, D.C. 20530

January 2017

SUMMARY OF GOVERNMENT ETHICS RULES
FOR NEW DEPARTMENT OFFICIALS

Laws and Regulations

Most of the ethics restrictions are found in sections 202 to 209 of Title 18 of the U.S. Code and in Executive Order 12674 as modified by EO 12731. The Executive Order is implemented by regulations at 5 CFR 2635. The Justice Department has supplemented these Executive branch-wide regulations with specific rules that apply to Department employees at 5 CFR 3801. This document is only a summary. You should refer to the actual laws and regulations cited below when you have a question. The laws and rules implement the foundational principle that public service is a public trust, and federal employees have a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws, and ethical principles above private gain.

Seeking Advice

The Designated Agency Ethics Official (DAEO) for the Department is the Assistant Attorney General for Administration, and the Alternate DAEO is the Deputy Assistant Attorney General, Management, Policy and Planning, Justice Management Division. The ethics program is managed centrally by the Departmental Ethics Office, which coordinates the Department program through a network of Deputy DAEOs in all components. You may call the ethics office at (202) 514-8196 for general advice or to obtain the name and telephone number of your Deputy DAEO, who will be your main source of information and advice on the rules discussed below. You will receive approval and waivers referred to in this document from your determining official¹ in concurrence with your Deputy DAEO.

Employees will not be subject to disciplinary action for violating the standards of conduct for actions taken in reliance on the advice of an ethics official as long as you provide the ethics official with all the relevant facts concerning your proposed action.

¹ For most employees, the determining official is the head of their component (e.g., Division, Bureau, Office). The Deputy Attorney General is the determining official for component heads reporting to him/her, for the Attorney General, Associate Attorney General and for employees in the Office of the Attorney General. The Associate Attorney General is the determining official for component heads reporting to him/her and for the Deputy Attorney General. The determining officials for U.S. Attorneys and for U.S. Trustees and their employees are the Directors of their respective Executive Offices.

In addition, attorneys must consider and abide by the requirements of the relevant Rules of Professional Responsibility that apply to them.

Conflicts of Interest

The governing statute on financial conflicts of interest is 18 U.S.C. § 208. It prohibits participating in matters that affect your financial interests as well as those of your spouse, minor child, or a general partner; an organization which you serve as an officer, director, trustee, partner or employee; or an organization you are negotiating with for future employment.

Certain financial interests are exempt from § 208. They include holdings in a diversified mutual fund, interests in certain employee benefit plans, and interests in publicly-traded securities that do not exceed \$15,000 when participating in a matter having parties and \$25,000 (\$50,000 for all affected interests) when participating in a matter of general applicability. A determining official may also grant an individual waiver when an interest is not large. One remedy used to resolve a conflict is disqualification (recusal) from participation in the matter. You also may be required to sell an asset, but if you are, you may qualify for a tax deferral on gains from an asset sold to prevent a conflict of interest. 5 CFR 2634.1001-.1004.

If you have a continuing financial interest in your former employer, to include a law firm, you would have to disqualify yourself from or seek and obtain a waiver for any matter affecting the former employer's interests. If your spouse is a partner in, or owner of, a firm, you also would have to disqualify yourself or seek and obtain a waiver before participating in any matter affecting that firm. You should not acquire conflicting assets during your service at DOJ.

Impartiality in Performing Duties

The standards of conduct address matters that do not affect your financial interests but which could reflect on your impartiality. You may not participate, without written authorization, in a particular matter involving specific parties which you know is likely to affect the financial interests of a member of your household. You also may have to disqualify yourself from a matter if someone with whom you have a personal or business relationship is a party or represents a party to the matter. This would include a former employer, even without a continuing financial interest, and your former clients, for a minimum of one year; an organization you worked for actively in the last year, and your spouse's employer. 5 CFR 2635.501 & .502.

If you are an attorney, you would have to disqualify yourself from any matter in which you participated before entering government. In all but the rarest cases, you would not be allowed to remain on leave of absence from a law firm while serving in the Justice Department.

If you received a payment in excess of \$10,000 from a former employer prior to entering government service that is not part of an established benefits program, you will have to disqualify yourself for two years from any matter in which your former employer is a party or

represents a party. 5 CFR 2635.503.

Financial Disclosure

Officials appointed by the President, members of the Senior Executive Service, and most Schedule C employees will be required to submit an initial financial disclosure report and annual reports thereafter that are available to the public. Such officials are notified each year of the requirement to file an annual report by May 15. One more report must be filed upon leaving government service. Reports are filed through an electronic system called Integrity.

Outside Activities in General

Generally, you should not engage in outside employment that conflicts with your duties. 5 CFR 2635.802. A Justice Department rule prohibits the outside practice of law unless it is uncompensated and in the nature of community service or on behalf of yourself, your parents, spouse or children. You are also prohibited from engaging in employment that involves a criminal matter or a matter in which the Department is or represents a party. Certain of these prohibitions may be waived by the Deputy Attorney General in unusual cases. You must obtain approval for the outside practice of law that is not otherwise prohibited (e.g., pro bono representation) and any outside employment, including unpaid service as an officer or board member, which are related to the responsibilities of your component. 5 CFR 3801.106. Certain senior non-career (political) appointees have additional restrictions.

Representations Before the Federal Government

Generally, you may not represent someone before any court or an agency of the federal government or accept compensation for someone else's representation on a matter in which the U.S. is a party or has an interest. There are exceptions for testifying under oath, for representing yourself or members of your immediate family, for representing someone in personnel administration proceedings and for representing a nonprofit organization that is composed substantially of government employees. 18 U.S.C. §§ 203 & 205.

You may not serve as an expert witness in any proceeding before a court or agency of the U.S. in which the U.S. is a party or has an interest unless it is authorized as being in the interest of the government. 5 CFR 2635.805.

Teaching, Speaking and Writing

The following restrictions must be considered by an employee who would like to engage in teaching, speaking and writing for pay.

Presidential appointees are subject to an absolute ban on the receipt of outside earned income, which does not include income from military service, pensions, investment activities, royalties, or travel expenses. The outside earned income of a non-career official above GS-15 (SES, SL, ST) is limited to 15% of the Executive Level II salary.

Executive Order 12674, § 102 and 5 U.S.C. app. 7 § 501(a).

Employees are prohibited from accepting compensation for speaking or writing, and in some cases, teaching² that relates to official duties. These activities relate to your official duties if you were invited to speak or write because of your official position or by someone whose interests you may affect in performing your duties, if the information you convey is not publicly available, or the subject deals with:

1. Any matter to which you are presently assigned or have been assigned during the previous one-year period;
2. Any ongoing or announced policy, program or operation of the Department; or
3. **In the case of a non-career (political) employee above GS-15, the general subject matter, area, industry or economic sector primarily affected by the programs and operations of the Department. In addition, employees at this level must have approval from the Assistant Attorney General for Administration/DAEO to engage in teaching for compensation.**

There should be no use of your official title to promote your teaching, speaking or writing except for inclusion with other in biographical details or in a scholarly article with a disclaimer. 5 CFR 2635.807.

Other Restrictions on Certain Non-Career Employees

A non-career employee paid above GS-15 may not be compensated for serving as a member of a board, engaging in activities that involve a fiduciary relationship, or being employed by a firm that provides such services. Nor may he or she allow their name to be used by such an entity. 5 U.S.C. app. 7 § 502.

Fundraising

You may not engage in fundraising in your official capacity unless authorized by statute or regulation. However, you may be approved to give an official speech related to your official duties or the programs of the Department that is given at a fundraiser, provided the event is appropriate for the dissemination of official information and you do not request donations or other support for the recipient, and certain other conditions are met.

You may engage in fundraising in your personal capacity if you do not solicit funds from a subordinate or from someone who has or seeks business with the Department, and you do not use your official title. There are exceptions for solicitations using the media or mass communication if they are not **targeted** to your subordinates or persons having business with the Department. 5 CFR 2635.808.

²Most employees may accept compensation for teaching a course requiring multiple presentations as part of the curriculum of a recognized institution of learning even when the subject matter generally relates to their official duties.

Partisan Political Activities

Most employees, except career members of the Senior Executive Service (SES), administrative law judges, employees of the Criminal Division, the National Security Division and the Federal Bureau of Investigation, and all Criminal Investigators and Explosives Enforcement Officers in the Bureau of Alcohol, Tobacco, Firearms and Explosives, may participate actively in partisan campaigns. However, because of the sensitivity of the Department's law enforcement role, Attorneys General in the past have determined that Justice Department political appointees should be held to the same restrictions applicable by statute to the employees mentioned above.

All employees may vote, contribute money, sign petitions, express their views and display political stickers and buttons, except when on duty. However, no employee may solicit funds from the public or use his official authority or influence to interfere with an election. No employee may solicit or discourage the political activities of anyone with business before the Department. No employee may be a partisan candidate for office, nor engage in any political activities, to include wearing buttons, while on duty or in a government office, a government vehicle or while wearing an official uniform. 5 U.S.C. §§ 7321-26.

Purchase of Forfeited Property

You may not purchase or use any property forfeited to the government and offered for sale by the Department without a specific waiver from your determining official. 5 CFR 3801.104.

Misuse of Position

You are generally prohibited from using your public office for your own private gain or that of friends, relatives, or persons with whom you are affiliated. This includes a non-profit organization in which you hold office or are a member, and persons with whom you have, or seek, employment or business relations.

You may not use your position or title to coerce someone, including a subordinate, to provide benefits to any of the above or to imply that the government sanctions your personal activities or those of another. You are allowed to provide recommendations on request using your official position and Department stationery for someone with whom you work or have worked in the government or for someone who is seeking a government job, and about whom you have personal knowledge of their character, skills, abilities or qualifications. You may not use your public office to endorse a product or service.

You may not use nonpublic information to further your own or another's financial interests. Information designated nonpublic ranges from classified to that protected from disclosure by law, to information that has not been authorized to be made available to the public.

Generally, you may not use government property, including official time, for other than authorized purposes. You may not use the time of a subordinate for other than official duties or unless authorized by statute or regulation. 5 CFR 2635.701-.705. However, you may make personal use of equipment such as computers or library facilities as long as there is no more than a negligible expense to the government, and as long as the use does not violate security or other limitations. 28 CFR 45.4.

Acceptance of Gifts and Other Things of Value

In general, you may not accept gifts from anyone who has or seeks business with or action by the Department or an organization composed of such persons. You are also prohibited from accepting a gift given because of your official position. 5 CFR 2635.202. There are exceptions to these general prohibitions that allow acceptance in certain circumstances. However, you should remain mindful whether acceptance of a gift in a given situation may undermine the public's confidence in the operations of government, and decline otherwise permissible gifts where appropriate.

There are Exceptions to Permit Acceptance of:

1. Gifts valued at \$20 or less per occasion and a total of \$50 from one source annually;
2. Gifts based on a personal or outside business relationship;
3. Discounts and similar benefits offered to a broad group of government employees as long as there is no discrimination based on grade;
4. Awards for meritorious public service or honorary degrees from certain persons and organizations for which you may need approval;
5. Free attendance, food, and materials, from the sponsor of a conference or at a gathering of an industry or profession if your attendance is seen to further agency programs and is approved in writing; and
6. Gifts from foreign governments valued at no more than \$375. 5 U.S.C. § 7342.

Modest food and refreshments not offered as part of a meal, greeting cards and plaques, favorable rates, commercial discounts, rewards and prizes in events open to the public, and free attendance at an event on the day on which you are assigned to speak or present on behalf of the Department, are excluded from the definition of a gift. 5 CFR 2635.203.

You still may not accept gifts from the same or different sources so frequently that it would appear to be misuse of public office. And, even where an exception allows acceptance of a gift, you should always consider whether acceptance could affect the perceived integrity of you or the Department's operations.

Acceptance of Expenses for Official Travel

With approval, the Department may accept expenses for your official travel from a non-federal source for attendance at meetings and other functions, but not to carry out statutory functions. 31

U.S.C. § 1353 & 41 CFR 304.

You may use frequent flyer benefits earned from official government travel for personal travel. 41 CFR 301-53.

Supplementation of Government Salary

You may not accept compensation for your services to the government from anyone but the government. 18 U.S.C. § 209. **You are generally prohibited from accepting financial assistance from a former employer such as moving expenses or other expenses incident to entry into government service. This does not bar the receipt of benefits under bona fide employer benefit plans as long as there is no preference given for entrance into government service. You may receive payments from a former firm that are based on past service and are guaranteed as to amount and payment schedule.**

Gifts to Superiors

You may not give gifts to an official superior or solicit a contribution from another employee for a gift to a superior, except on special occasions described below. You may not accept gifts from employees receiving less pay than you, unless you are not in a superior-subordinate relationship. 5 U.S.C. § 7351.

On occasions when gifts are traditionally exchanged, such as birthdays, you may give an individual gift to a superior or accept a gift from a subordinate valued at \$10 or less. You may share refreshments to mark the occasion and give and accept gifts of personal hospitality.

On special occasions generally not related to work (except for resignation and retirement), you may make voluntary contributions of a nominal amount for a gift to a superior or for shared refreshments. 5 CFR 2635.301-.304.

Seeking Other Employment

Under the standards of conduct, you are required to disqualify yourself from participating in a matter that affects the financial interests of a prospective employer when you are seeking employment. You are considered to be seeking employment as soon as you take certain early steps toward employment, such as sending a resume, or do not reject overtures from prospective employers. 5 CFR 2635.601-.606.

Post-Employment Restrictions

A former employee is prohibited from representing someone else before the government on a particular matter involving specific parties in which he participated personally and substantially while working for the government and in which the U.S. is a party or has a substantial interest. 18 U.S.C. § 207(a)(1).

The Bar Rules prohibit behind-the-scenes work on such a matter and extend this bar to the entire law firm unless the proper screening mechanisms are in place to screen the former government employee. ABA Model Rule 1.11.

For two years, a former employee is prohibited from representing someone else before the government on a particular matter involving specific parties that he knows was pending under his official responsibility for the last year of government service and in which the U.S. is a party or has a substantial interest. 18 U.S.C. § 207(a)(2).

For one year (two years for former Cabinet officials), former *senior employees*³ are prohibited from representing someone else before their former agency with the intent to influence on a matter which is pending before the Department or in which it has an interest. 18 U.S.C. § 207(c).

For two years, former cabinet level officials are prohibited from lobbying any other Executive Level official in the Executive Branch. 18 U.S.C. § 207(d).

For one year, officials subject to 18 U.S.C. §§ 207(c) and (d) are prohibited from representing, aiding or advising a foreign entity with the intent to influence a federal employee. Foreign entity is defined as a foreign government or political party. 18 U.S.C. § 207(f).

A former employee is prohibited from sharing in fees resulting from representational services rendered by another at the time the former employee was with the government and concerning a matter in which the U.S. is a party or has a direct and substantial interest. 18 U.S.C. § 203. (This will affect former employees who leave government to become partners in a law firm.)

Departmental Ethics Office
Department of Justice
(202) 514-8196

³ Senior employees include: Executive Level officials; SES, ST, SL and employees in other pay systems with an annual rate of basic pay (excluding locality adjustments) at or above 86.5 percent of the rate for level II of the Executive Schedule (\$161,755 as of January, 2017). Executive Level personnel will be barred from the whole Department, while those in the SES and other pay systems may only be barred from certain parts of the Department.



Office of the Attorney General
Washington, D. C. 20530

April 12, 2019

MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL
THE PRINCIPAL DEPUTY ASSOCIATE ATTORNEY GENERAL
THE HEADS OF DEPARTMENT COMPONENTS
ALL UNITED STATES ATTORNEYS

FROM: Brian C. Rabbitt, Chief of Staff & Senior Counselor
Office of the Attorney General

SUBJECT: Attorney General Recusals

The purpose of this memorandum is to notify you of matters from which the Attorney General has recused himself and to provide direction on handling such matters within the Department of Justice (Department).¹

The Attorney General has recused himself from any Department matter in which: (1) the law firm of Kirkland & Ellis LLP represents a party or is itself a party; or (2) any of the entities listed in Appendix A or B is a party. These recusals include existing and future matters at the Department. The recusals will continue in effect unless modified. The Attorney General's recusals are not only with respect to his participation in such matters, but also his participation in Department responses to Congressional and media inquiries related to such matters.

Please instruct members of your staffs not to brief the Attorney General or other officials in the Office of the Attorney General (OAG) about such matters and not to involve the Attorney General or OAG in such matters. When you or members of your staff brief the Attorney General or OAG on general topics, please take appropriate steps to ensure that the briefing does not include specific matters from which the Attorney General has recused himself.

For any matter from which the Attorney General has recused himself, the Deputy Attorney General will serve as Acting Attorney General for the matter.²

¹ This memorandum is not intended to supersede or displace any notice of recusal that has been or may be sent regarding specific matters.

² There may be matters from which both the Attorney General and the Deputy Attorney General have or will have recused themselves. The Order of Succession specifies that responsibility for such matters devolves to the Associate Attorney General—an office that is vacant as of the date of this memorandum—and next to the Solicitor General.

Memorandum from the Chief of Staff & Senior Counselor
Office of the Attorney General
Subject: Attorney General Recusals

Page 2

When you first identify particular matters that could or should come to the attention of the Attorney General from which the Attorney General has recused himself, please notify the Office of the Deputy Attorney General (ODAG) of the matter by email.³ The subject line of the email should contain “AG Recusal –” followed by the case caption or other appropriate identifying description. The body of the email should identify the matter and state the basis for the Attorney General’s recusal, including the identities of the relevant parties and counsel. In addition to ODAG officials, the email should copy, for awareness, the Chief of Staff and Deputy Chief of Staff to the Attorney General, the Departmental Ethics Office, and where the matter falls under their supervision, the Principal Deputy Associate Attorney General and the Chief of Staff to the Associate Attorney General. These email notifications will assist the leadership offices and the ethics office in tracking matters from which the Attorney General has recused himself and for which the Deputy Attorney General is serving as the Acting Attorney General.⁴

Finally, in some instances, the Attorney General’s participation may be authorized in a matter in which he otherwise would be recused upon a determination that the Attorney General’s impartiality is not likely to be questioned or that the interest of the Government in the Attorney General’s participation outweighs the concerns that a reasonable person may question the integrity of the agency’s programs and operations. *See* 5 C.F.R. 2635.502(c)–(d). Other grounds for recusal may be similarly waivable to further the best interests of the United States. If you believe that the Attorney General’s involvement in a particular matter would best serve the interests of the United States and might be subject to authorized participation under the applicable rules and regulations, please contact by email the Departmental Ethics Office and ODAG, including the Associate Deputy Attorney General in ODAG serving as the agency designee, with copies for awareness to the Chief of Staff and Deputy Chief of Staff to the Attorney General.⁵

³ When notifying ODAG of recusal matters, always include the Principal Associate Deputy Attorney General, the Chief of Staff to the Deputy Attorney General, and the Deputy Chief of Staff to the Deputy Attorney General.

⁴ For matters from which both the Attorney General and the Deputy Attorney General have recused themselves and responsibility has devolved to another DOJ official consistent with the Order of Succession, notice should be sent to senior officials in the appropriate office with copies to senior officials in the other leadership offices.

⁵ For matters from which both the Attorney General and the Deputy Attorney General have recused themselves and responsibility has devolved to another DOJ official consistent with the Order of Succession, copies of the notice should be sent for awareness to senior officials in the appropriate office and the Office of the Attorney General.

Memorandum from the Chief of Staff & Senior Counselor
Office of the Attorney General
Subject: Attorney General Recusals

Page 3

APPENDIX A

AT&T Inc.
Barr Family, LLC
Dominion Energy, Inc.
Mastiff Mhor, LLC
Och-Ziff Capital Management
Ridgeback, LLC
Time Warner Inc.
U.S. Piping Foundation

Memorandum from the Chief of Staff & Senior Counselor
Office of the Attorney General
Subject: Attorney General Recusals

Page 4

APPENDIX B

ADT Inc.	Chemours Co.
Aecom	Cheniere Corpus Christi Holdings, LLC
AES Corporation	Choice Hotels International Inc.
Aircastle Ltd.	Cinemark USA Inc.
Alcoa Corp.	CIT Group Inc.
Altria Group	Citigroup
American Axle & Mfg. Inc.	City of Chicago, IL
Amerigas Partners, LP	Clear Channel Worldwide Holdings
Amkor Technologies Inc.	Clearwater Paper Corp.
Angelo Gordon Opportunistic Whole Loan Select Fund	CNO Financial Group Inc.
Anixter International Inc.	Commercial Metals Co.
Antero Resources Corp.	Concho Resources Inc.
Aramark Services Inc.	Constellation Brands Inc.
Arcelormittal	Continental Resources
Arconic Inc.	Covanta Holding Corp.
AT&T Inc.	Crestwood Midstream Partners
Avis Budget Car	Crown Amer/Cap Corp IV
B&G Foods Inc.	Crown Castle International Corp.
Ball Corp.	CST Brands Inc.
Bank of America	Cyrusone LP
BCP VI Private Investors, LLC	D.R. Horton Inc.
Benefit Street Partners IV, LLC	DCP Midstream Partners
Blackstone GSO Private Investors, LLC	Dell Inc.
Blue Cube Spinco Inc.	Deutsche Bank
Bristol Myers Squibb	Diamond Offshore Drilling, Inc.
BSREP II Private Investors, LLC	Diamondback Energy Inc.
Cablevision Systems Corp.	DISH Network Corp.
CAP IV Private Investors, LLC	Dominion Energy, Inc.
CAP V Private Investors, LLC	E Trade Financial Corp.
Carpenter Technology	Embarq Corp.
CCO Holdings LLC	EMC Corp.
CDK Global Inc.	Energy Transfer Equity
CDW LLC	Energy Transfer Partners, LLP
Cedar Fair LP	Enlink Midstream Partner
Celanese US Holdings LLC	Equinix Inc.
Cenovus Energy Inc.	Flextronics International Ltd.
Centene Corp.	Freeport-McMoran Inc.
Centurylink Inc.	Frontier Communications
Cerberus VI Private Investors, LLC	Gannett Co. Inc.
CF Industries Holding Inc.	General Motors
	GIF IV Private Investors, LLC

Memorandum from the Chief of Staff & Senior Counselor
Office of the Attorney General
Subject: Attorney General Recusals

Page 5

Global Access Hedge Fund, LLC
GLP Capital LP
GMAC
Goodyear Tire & Rubber
Graphic Package Holding Co.
Group 1 Automotive Inc.
HCA Healthcare Inc.
Hilton Domestic Operating
Hilton Grand Vaca LLC
HPS Mezzanine III Private Investors, LLC
Icahn Enterprises LP
ILM Capital Fund
International Lease Finance Corp.
J.P. Morgan
L Brands Inc.
Lamar Advertising Co.
Lennar Corp.
Lifepoint Hospitals Inc.
Limited Brands Inc.
M/I Homes Inc.
Mackay Municipal Strategic Hedge Fund
Mastec Inc.
Merck & Co.
Meritage Homes Corp.
MGM Resorts International
Morgan Stanley
Murphy Oil Corp.
Nabors Industries Ltd.
NDI Healthcare Fund
Netflix Inc.
Newfield Exploration Co.
Nielsen Finance LLC
NiSource
Nokia Corp.
NRG Energy Inc.
NRG Yield Operating LLC
Nuance Communications
PEG Digital Growth Fund II, LP
Pfizer
Pinn Foods Fin. LLC
Polyone Corp.
Precision Drilling Corp.
Providence Debt III Private Investors, LLC

Providence TMT Debt Opportunity Private
Investors, LLC
Providence VII Private Investors
Providence VIII Private Investors, LLC
PTC Inc.
PVH Corp.
Radian Group Inc.
Range Resources Corp.
Regions Financial Corp
Reynolds Group Holdings
Royal BK Scotland Group PLC
Royal Caribbean Cruises
Sally Holdings
Scotts Miracle-Gro Co.
Service Corp. International
SLA Private Investors
SM Energy Co.
Smithfield Foods Inc.
Southwestern Energy Co.
SPDR Gold Shares ETF
Spectrum Brands Holding Inc.
Springleaf Finance Corp.
Sprint Nextel Corp.
Standard Pacific Corp.
Starwood SOF VIII Private Investors, LLC
Targa Resources Partners
Teck Cominco Ltd.
Teck Resources Limited
Telecom Italia Capital
Teleflex Inc.
Tenet Healthcare Corp.
Tesoro Logistics LP
T-Mobile USA Inc.
Toll Bros. Finance Corp.
Transdigm Group Inc.
Transmontaige Partners
Transocean Inc.
Triumph Group Inc.
Unit Corp.
United Continental Holdings
United Rentals North America
Vector Group
Verisign Inc.

Memorandum from the Chief of Staff & Senior Counselor
Office of the Attorney General
Subject: Attorney General Recusals

Page 6

Viacom Inc.
Vistra Energy Corp.
Vulcan Materials
Watford Re Ltd.
Wellcare Health Plans

Western Digital Corp.
Windstream Corp.
WPX Energy Inc.
Wyndham Worldwide Corp.

From: [Shaw, Cynthia K. \(JMD\)](#)
To: [Moran, John \(OAG\)](#)
Subject: FW: WAG approval for Rabbit, Moran, and Levi
Date: Wednesday, May 22, 2019 8:13:00 AM

From: Weinsheimer, Bradley (ODAG) <bradweinsheimer@jmd.usdoj.gov>
Sent: Tuesday, May 21, 2019 7:12 PM
To: Shaw, Cynthia K. (JMD) <cshaw@jmd.usdoj.gov>
Subject: RE: WAG approval for Rabbit, Moran, and Levi

Approved. Thanks, Brad.

Brad Weinsheimer
Associate Deputy Attorney General
Office: 202-305-7848
Cell: (b) (6)
Bradley.weinsheimer@usdoj.gov

From: Shaw, Cynthia K. (JMD) <cshaw@jmd.usdoj.gov>
Sent: Tuesday, May 21, 2019 5:26 PM
To: Weinsheimer, Bradley (ODAG) <bradweinsheimer@jmd.usdoj.gov>
Subject: WAG approval for Rabbit, Moran, and Levi

Brad,

Three members of the AG's Office—Brian Rabbit, John Moran, and Will Levi—have been invited to attend the American Law Institute Dinner tonight. I recommend approval of their attendance under the WAG exception to the gift rules.

Acceptance under the WAG exception requires a written authorization by the agency designee that:

- (1) The event is a widely attended gathering;
- (2) The employee's attendance at the event is in the agency's interest because it will further agency programs or operations; and
- (3) The agency's interest in the employee's attendance outweighs the concern that the employee may be, or may appear to be, improperly influenced in the performance of official duty.

5 C.F.R. §2635.204(g)(3).

The Dinner meets the definition of widely attended. More than 400 people are expected. They represent a diversity of views, coming from the public and private sectors and from academia and the judiciary. There will be ample opportunity for exchange of views at the Dinner. Attendance of three at this event is in the interest of the Department because of the opportunity for each of them to both hear from other lawyers and discuss the current priorities of the Department. There is little concern that acceptance of the gift will improperly influence any of the three in the performance of their duties. The price of the ticket, approximately \$120, is negligible. ALI does not have matters pending before the Department.

The Ethics Order and Ethics Pledge do not prohibit the three employees' attendance at the event; ALI is not a registered lobbyist.

I therefore recommend that you approve their attendance.

Cindy

Cynthia K. Shaw
Director
Departmental Ethics Office
Justice Management Division
U.S. Department of Justice
145 N Street, NE
Washington, DC 20530
(202) 514-8196

AUTHORIZATION UNDER 5 CFR 2635.502(d)

The Department of Justice is investigating the conduct of 1 Malaysian Development Berhad (1MDB), a strategic investment and development company that was wholly owned by the government of Malaysia. This includes investigations by the FBI, the Criminal Division, and the U.S. Attorney's Office for the Eastern District of New York. A subject of the investigation is Goldman Sachs Group, Inc, which is represented by the law firm Kirkland & Ellis, LLP. Until his confirmation as Attorney General, Attorney General William Barr was Of Counsel to Kirkland & Ellis. Because of the existence of a covered relationship with Kirkland & Ellis, I have been asked to consider authorization pursuant to 5 CFR 2635.502(d) for Attorney General Barr's participation in the 1MDB investigation to the extent it involves Goldman Sachs.

Based on my consideration of the recommendation and related information, and having fully considered the factors of 5 CFR 2635.502(d), I hereby authorize Attorney General William Barr's participation in the 1MDB and Goldman Sachs matter.

GERARD
WEINSHEIMER

Digitally signed by
GERARD WEINSHEIMER
Date: 2019.04.05
10:54:04 -04'00'

Bradley Weinsheimer
Associate Deputy Attorney General

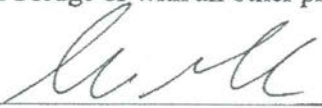
Date

EXECUTIVE ORDER 13770 WAIVER FOR WILLIAM BARR

Pursuant to the authority delegated under Section 3 of Executive Order 13770, I grant a waiver for William Barr, Attorney General, U.S. Department of Justice, to participate in the investigation and litigation of the 1MDB matter in which his former law firm represents an entity involved in the matter.

This waiver does not otherwise affect Mr. Barr's obligation to comply with other provisions of the Ethics Pledge or with all other pre-existing government ethics rules.

Signed



Date

4/16/19

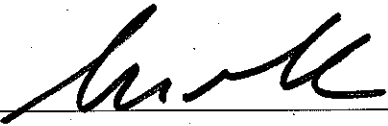
EXECUTIVE ORDER 13770 WAIVER FOR WILLIAM BARR

Pursuant to the authority delegated under Section 3 of Executive Order 13770, I grant a limited waiver for William Barr, Attorney General, U.S. Department of Justice, to participate in matters in which his former law firm represents an entity involved in the matter.

This waiver does not permit Mr. Barr to participate in any matter in which he participated personally and substantially while with his former law firm.

This waiver does not otherwise affect Mr. Barr's obligation to comply with other provisions of the Ethics Pledge or with all other pre-existing government ethics rules.

Signed



Date

4/21/20

From: [Weinsheimer, Bradley \(ODAG\)](#)
To: [Shaw, Cynthia K. \(JMD\)](#)
Subject: RE: AG Barr WAG
Date: Monday, April 1, 2019 10:47:34 AM

Approved. Thanks, Brad.

Brad Weinsheimer
Associate Deputy Attorney General
Office: 202-305-7848
Cell: (b) (6)
Bradley.weinsheimer@usdoj.gov

From: Shaw, Cynthia K. (JMD) <cshaw@jmd.usdoj.gov>
Sent: Monday, April 1, 2019 10:26 AM
To: Weinsheimer, Bradley (ODAG) <bradweinsheimer@jmd.usdoj.gov>
Subject: AG Barr WAG

Brad,
Attorney General William Barr requests approval to accept the gift of free attendance for himself and his spouse at the Inaugural Antonin Scalia Forum. The event includes a lecture and discussion, followed by a reception for all attendees and a private VIP dinner, hosted by the George Mason University Antonin Scalia Law School Dean, Henry N. Butler. We recommend you approve this request under the widely attended gathering (WAG) provision of the gift rules.

BACKGROUND

The Antonin Scalia Law School at George Mason University is located in Arlington, VA. The Inaugural Antonin Scalia Forum is to be held on Thursday, April 25, 2019, starting at 4:30 p.m., in the Law School's Founders Hall Auditorium with a lecture and discussion, *Scalia and Democracy*, followed by a reception for all attendees in the Hazel Hall Robert A. Levy Atrium from 6:00 to 7:00 p.m., and a private VIP dinner in the Founders Hall Multi-Purpose Room from 7:00 to 9:00 p.m. The estimated total market value of the food and beverages offered at the reception and private VIP dinner is \$100 per person. Approximately 300 attendees are expected at the lecture and reception, and between 100 and 140 guests are expected at the private VIP dinner.

DISCUSSION

For the purposes of this analysis, we assume the invitation to the luncheon is based on the Attorney General's official position. A Government official is generally prohibited from accepting a gift, including attendance at an event, from a prohibited source or that is based on his or her official position. 5 C.F.R. §2635.202(b). However, there are a number of exceptions to the general rule, including the WAG exception.

Acceptance under the WAG exception requires a written authorization by the agency designee that:

- (1) The event is a widely attended gathering;
- (2) The employee's attendance at the event is in the agency's interest because it will further agency programs or operations; and
- (3) The agency's interest in the employee's attendance outweighs the concern that the employee may be, or may appear to be, improperly influenced in the performance of official duty.

5 C.F.R. §2635.204(g)(3). The Inaugural Antonin Scalia Forum meets the requirements of the WAG exception.

The event meets the widely attended gathering element of a WAG. See 5 C.F.R. §2635.204(g)(2) and (3)(i). The event includes a large number of persons who represent a diversity of views. Approximately 300 diverse guests are expected to attend the lecture and reception, including justices of the Supreme Court of the United States and of Virginia, other federal judges, students, faculty, and alumni of the Antonin Scalia Law School, all former law clerks of the late Justice Scalia, members of the Scalia family, and other members of the Washington, D.C., legal community. A diverse subset of that group, between 100 and 140 individuals, is expected to attend the private VIP dinner, including members of the Scalia family and the former Scalia clerks, federal and state judges, select members of the Antonin Scalia Law School faculty and administration, and other members of the Washington, D.C., legal community. In addition, attendees will have the opportunity to exchange ideas and views with both groups of attendees during the reception and the dinner.

The Attorney General's attendance is in the Department's interest. See 5 C.F.R. §2635.204(g)(3)(ii) and (4). The event will be both substantive and social. The lecture, entitled *Scalia and Democracy*, will be delivered by the Hon. William H. Pryor, Jr., U.S. Circuit Judge, U.S. Court of Appeals for the Eleventh Circuit. The discussion panel will include judges from the Seventh and Eighth Circuits, an Antonin Scalia Law School faculty member, and partners from two law firms. During the reception and the private VIP dinner, the Attorney General will have the opportunity to informally engage with other attendees representing various interests in Supreme Court jurisprudence. Additionally, the Department's interest is served by the Attorney General's attendance at an inaugural event honoring a former Justice of the Supreme Court.

In determining whether the Department's interest in having an employee attend the event is outweighed by appearance concerns, the WAG rule advises considering: the importance of the event to the agency; the nature

of the sponsor's interest before the agency and the employee's role in any matter affecting the interests of the sponsor; the purpose of the event; the identity of other participants; whether it appears that the sponsor is receiving preferential treatment; and the market value of the gift. 5 C.F.R. §2635.204(g)(4).

The Department's interest in the Attorney General's attendance at the Inaugural Antonin Scalia Forum is outweighed by any appearance concerns. There is a substantial Departmental interest in having the Attorney General attend the lecture and panel discussion and in talking with others at the Forum. In addition, the risk that accepting the gift of free attendance creates an appearance that the sponsor or other private interests are receiving preferential treatment is relatively low in light of the large number of attendees. The Attorney General is not working on any pending Department matters affecting the interests of the George Mason University or the Law School. The market value of the gift, approximately \$200 total for the Attorney General and his spouse, is reasonable given the nature of the event. The event is not a fundraiser. For these reasons, the Department's interest in the Attorney General's attendance outweighs the minimal appearance concerns that his attendance may present. The Ethics Order and Ethics Pledge do not prohibit the Attorney General's attendance at the event; the Antonin Scalia Law School is not a registered lobbyist.

Finally, when others in attendance will generally be accompanied by a spouse or other guest, approval may include acceptance of an unsolicited invitation that includes the employee's spouse. 5 C.F.R. §2635.204(g)(6). The Antonin Scalia Law School has confirmed that all attendees invited to the private VIP dinner have the opportunity to bring a guest. Therefore, Attorney General Barr may also accept the gift of free attendance for his accompanying spouse.

I believe that you may determine it is in the Department's interest for the Attorney General to attend the Inaugural Antonin Scalia Forum. I therefore recommend you approve Attorney General Barr's acceptance of the invitation for himself and his spouse to attend the Inaugural Antonin Scalia Forum on April 25, 2019.

Cindy

Cynthia K. Shaw
Director
Departmental Ethics Office
Justice Management Division
U.S. Department of Justice
145 N Street, NE
Washington, DC 20530
(202) 514-8196

From: Shaw, Cynthia K. (JMD)
To: Bryant, Errica (OAG)
Subject: FW: Save the Date - Downton Abbey Screening and Reception - Thursday, 12th September - The Honorable William P Barr and Ms Christine Moynihan Barr
Date: Tuesday, September 3, 2019 3:26:00 PM
Attachments: [image001.png](#)

Hi
The AG and Mrs. Barr are approved for the Downton Abbey event at the Embassy.
Cindy

From: Weinsheimer, Bradley (ODAG) <bradweinsheimer@jmd.usdoj.gov>
Sent: Tuesday, September 3, 2019 3:26 PM
To: Shaw, Cynthia K. (JMD) <cshaw@jmd.usdoj.gov>
Subject: RE: Save the Date - Downton Abbey Screening and Reception - Thursday, 12th September - The Honorable William P Barr and Ms Christine Moynihan Barr

Approved. Thanks. Brad.

Brad Weinsheimer
Associate Deputy Attorney General
Office: 202-305-7848
Cell: (b) (6)
Bradley.weinsheimer@usdoj.gov

From: Shaw, Cynthia K. (JMD) <cshaw@jmd.usdoj.gov>
Sent: Tuesday, September 3, 2019 1:45 PM
To: Weinsheimer, Bradley (ODAG) <bradweinsheimer@jmd.usdoj.gov>
Subject: FW: Save the Date - Downton Abbey Screening and Reception - Thursday, 12th September - The Honorable William P Barr and Ms Christine Moynihan Barr

Brad

The AG and Mrs. Barr have been invited by the British Embassy to a showing of Downton Abbey at the British Embassy on September 12, 2019. The direct invitation came from the Embassy. The formal invitation also lists Comcast NBCUniversal and Focus Features (both of which produced the movie). The event includes a screening of the movie and a reception with the movie's Director and some cast members. Mrs. Barr might attend without the AG.

The Foreign Gifts and Decorations Act allows acceptance of a gift under \$390 from a foreign government to a government employee. Under the FGDA's definitions, not only the AG, but also his spouse is an "employee." As a result, because the gift has a market value of less than \$390 per person, both the Barrs may accept the gift as under the current de minimis value. In addition, there are no appearance problems that would militate against attendance. OAG was consulted and there appears to be no matter affecting the corporate sponsors that is currently before the AG. There is also Comcast case pending in the SCt where OSG is participating, but the brief is already filed, so the government's position is already "baked." CRM may need to have the AG authorize a subpoena in a DOD court martial proceeding, but that seems to be a ministerial kind of participation, and one that is not currently pending.

In short, I believe that this invitation may be accepted under the FGDA, and that no appearance issues mitigate against acceptance. I recommend that you approve Mrs. Barr's (and the AG's) should he so choose) acceptance of the Embassy's invitation.

Cindy

From: Bryant, Errica (OAG) <ebryant@jmd.usdoj.gov>
Sent: Tuesday, August 27, 2019 6:08 AM
To: Shaw, Cynthia K. (JMD) <cshaw@jmd.usdoj.gov>
Subject: FW: Save the Date - Downton Abbey Screening and Reception - Thursday, 12th September - The Honorable William P Barr and Ms Christine Moynihan Barr

For your approval. This may be Mrs. Barr attending.

Begin forwarded message:

From: Chris (b) (6) >
Subject: Fwd: Save the Date - Downton Abbey Screening and Reception - Thursday, 12th September - The Honorable William P Barr and Ms Christine Moynihan Barr
Date: August 19, 2019 at 1:02:48 PM EDT
To: Christine Barr (b) (6) >

Sent from my iPhone

Begin forwarded message:

From: "Caitlin O'Connor (Sensitive)" (b) (6) >
Date: August 19, 2019 at 11:21:03 AM EDT
To: (b) (6) >
Cc: (b) (6) >
Subject: Save the Date - Downton Abbey Screening and Reception - Thursday, 12th September - The Honorable William P Barr and Ms Christine Moynihan Barr

Dear Mr Barr and Ms Moynihan Barr,
Please Save the Date!

Thursday, 12th September 2019

The British Embassy, Comcast NBCUniversal and Focus Features invite you to a special advance screening of **Downton Abbey** and reception to follow with Creator and Writer Julian Fellowes, Filmmakers, and select members of the Cast. Please see attached.

Invitation and details to follow.

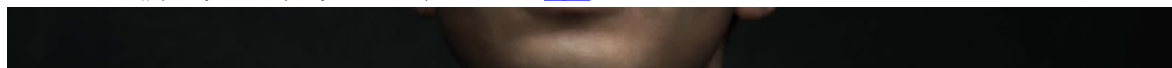
Warm regards,

Cait O'Connor

Miss Caitlin O'Connor
Social Secretary
The British Embassy
3100 Massachusetts Avenue NW
Washington DC 20008

Tel: 202 588 5007

This email is intended for the addressee(s) only. All messages sent and received by the Foreign & Commonwealth Office may be monitored in line with relevant [UK legislation](#).





The British Embassy
Comcast NBCUniversal
and
Focus Features
Invite you to

Save the Date

12 SEPTEMBER 2019

For a special advance screening and reception with
Creator and Writer Julian Fellowes
Filmmakers, and select members of the Cast



From: [Weinsheimer, Bradley \(ODAG\)](#)
To: [Shaw, Cynthia K. \(JMD\)](#)
Subject: RE: AG WAG FedSoc Dinner and Reception
Date: Wednesday, November 13, 2019 6:08:23 PM

Approved. Thanks, Brad.

Brad Weinsheimer
Associate Deputy Attorney General
Office: 202-305-7848
Cell: (b) (6)
Bradley.weinsheimer@usdoj.gov

From: Shaw, Cynthia K. (JMD) <cshaw@jmd.usdoj.gov>
Sent: Wednesday, November 13, 2019 6:00 PM
To: Weinsheimer, Bradley (ODAG) <bradweinsheimer@jmd.usdoj.gov>
Subject: AG WAG FedSoc Dinner and Reception

Brad,

Lee Lofthus, the Department's Designated Agency Ethics Official, has made a blanket determination (attached) that the Federalist Society Dinner to be held November 14, 2019, is a widely attended gathering and that, under this blanket determination, employees of the Department may accept free attendance at the dinner, provided that (1) they do not have official duties that may substantially affect the interests of the Federalist Society, (2) they do not sit at a table purchased by a law firm, and (3) the agency designee determines that attendance is in the interests of the Department. I recommend that Attorney General Barr be approved to attend the Federalist Society Dinner pursuant to the determination. While the Federalist Society may have ideological interests in matters before the Department, the organization itself is not a party to matters before the AG; neither is it a partisan political organization nor a registered lobbyist. As a result, this is a gift that the AG may accept.

The AG has also been invited to the private reception hosted by the Federalist Society which will precede the Dinner, and which is not subject to the blanket determination and thus requires a separate approval. An agency designee may approve free attendance at an event if it is a "widely attended gathering"; the employee's attendance "is in the agency's interest because it will further agency programs or operations"; and this interest "outweighs the concern that the employee may be, or may appear to be, improperly influenced in the performance of official duties." 5 C.F.R. § 2635.204(g)(3).

The private reception is a widely attended event. It is expected that 350 people will attend, which meets the requirement that "a large number of persons will attend," that "persons with a diversity of views or interests will be present," and that "there will be an opportunity to exchange ideas and views among invited persons." 5 C.F.R. § 2635.204(g)(2). The invitees have been selected by an

eight-person panel and represent a cross-section of the legal community. In view of the large number of attendees expected and the variety of their backgrounds, as well as the reception format of the event, the requirements of what constitutes a widely attended gathering are met for the private reception.

The regulations also require that attendance be in the interest of the agency. Because the range of people who will attend the reception will be an opportunity to discuss many issues of importance to the Attorney General, it serves the Department's interest for him to attend. Any appearance problems in his attending are outweighed by the government's interest. The event itself has a value of only \$40, and the number of people attending makes it unlikely that the Federalist Society, or anyone attending, will have special access to the AG.

I recommend you approve his attendance not only to the dinner, but also to the special invitation reception.

Cindy

Cynthia K. Shaw
Director
Departmental Ethics Office
Justice Management Division
U.S. Department of Justice
145 N Street, NE
Washington, DC 20530
(202) 514-8196

From: [Weinsheimer, Bradley \(ODAG\)](#)
To: [Shaw, Cynthia K. \(JMD\)](#)
Subject: RE: Heritage Foundation reception for Ed Meese
Date: Wednesday, October 2, 2019 9:24:35 AM

Approved. Thanks, Brad.

Brad Weinsheimer
Associate Deputy Attorney General
Office: 202-305-7848
Cell: (b) (6)
Bradley.weinsheimer@usdoj.gov

From: Shaw, Cynthia K. (JMD) <cshaw@jmd.usdoj.gov>
Sent: Wednesday, October 2, 2019 9:19 AM
To: Weinsheimer, Bradley (ODAG) <bradweinsheimer@jmd.usdoj.gov>
Subject: Heritage Foundation reception for Ed Meese

Brad,

Attorney General Barr, Mr. Rabbitt, and Mr. Levi request approval to accept a gift of free attendance at a reception honoring Edwin Meese at the Heritage Foundation offices in Washington, D.C. on October 8th at 5:30 PM.

BACKGROUND

Mr. Meese is a former Attorney General and is receiving the Presidential Medal of Freedom. To honor Mr. Meese's public service and service to the conservative movement, the Heritage Foundation is hosting a reception. The Heritage Foundation expects approximately 60-80 guests, including members of Congress, their staff, former members of President Reagan's Administration, members of the current Administration, friends of Mr. Meese, and Heritage Foundation staff. AG Barr, Mr. Rabbitt, and Mr. Levi have been invited because of their official positions in the current Administration. There is no specific agenda for the event, though the current president of the Heritage Foundation is expected to make some introductory remarks. The per person cost for hors d'oeuvres and drinks at the event is approximately \$40.

DISCUSSION

A Government official is generally prohibited from accepting a gift, including attendance at an event, from a prohibited source or that is based on his or her official position. 5 C.F.R. §2635.202(b). Nonetheless, there are a number of exceptions to the general rule, including the WAG exception. Acceptance under this exception requires a written authorization by the agency designee that:

- (1) The event is a widely attended gathering, that is, a large number of persons will attend, who have a diversity of views or interests, and there will be an opportunity to exchange ideas;

- (2) The employee's attendance at the event is in the agency's interest because it will further agency programs or operations;
- (3) The agency's interest in the employee's attendance outweighs the concern that the employee may be, or may appear to be, improperly influenced in the performance of official duty; and
- (4) If a person other than the sponsor of the event invites the employee, the event is expected to be attended by more than 100 persons and the value of the gift of free attendance does not exceed \$390.

5 C.F.R. §2635.204(g)(3).

The invitation for the Heritage Foundation reception meets the requirements of the WAG exception.

This event is "widely attended." See 5 C.F.R. §2635.204(g)(3)(i). The event includes a large number of persons who represent a diversity of views. It is estimated that the reception will have over 60 attendees, including Federal officials from the executive and legislative branch. The event provides an opportunity to exchange ideas and views.

The attendance of AG Barr, Mr. Rabbitt, and Mr. Levi is in the Department's interest. See 5 C.F.R. §2635.204(g)(3)(ii) and (4). It will provide them an opportunity to discuss matters important to the Department with congressional members and leaders across the executive branch. It is appropriate for the current AG to attend the reception honoring the former AG.

In determining whether the Department's interest in having an employee attend the event is outweighed by appearance concerns, the WAG rule advises considering: the importance of the event to the agency; the nature of the sponsor's interest before the agency and the employee's role in any matter affecting the interests of the sponsor; the purpose of the event; the identity of other participants; whether it appears that the sponsor is receiving preferential treatment; and the market value of the gift. See 5 C.F.R. §2635.204(g)(4).

While the Department's interest in AG Barr's, Mr. Rabbitt's, and Mr. Levi's attendance is not great, it does outweigh any appearance concerns. This appears to be a social event that will gather people with whom it is helpful for Department officials to exchange views. See OGE 99 x 2. The market value of the gift is insignificant. There is little appearance that the sponsor is receiving preferential treatment.

Heritage Foundation is not a registered lobbyist according to the House and Senate lobbying disclosure sites. Therefore there are no Ethics Pledge restrictions limiting attendance.

CONCLUSION

I believe that you may determine that the Department's interest in having AG Barr, Mr. Rabbitt, and Mr. Levi attend the Heritage Foundation reception outweighs appearance concerns. I therefore

recommend that you approve their attendance.

Cindy

Cynthia K. Shaw
Director
Departmental Ethics Office
Justice Management Division
U.S. Department of Justice
145 N Street, NE
Washington, DC 20530
(202) 514-8196



U.S. Department of Justice

Justice Management Division

Departmental Ethics Office

Washington, D.C. 20530

April 23, 2019

RECOMMENDATION

TO: Bradley Weinsheimer
Associate Deputy Attorney General

FROM: Cynthia K. Shaw, Director
Departmental Ethics Office

CYNTHIA SHAW

Digitally signed by
CYNTHIA SHAW
Date: 2019.04.23
09:49:30 -04'00'

SUBJECT: Recommendation to Approve Attorney General William Barr's Attendance at the
2019 White House Correspondents Association Dinner

Attorney General (AG) Barr has been invited to attend this year's White House Correspondents Association (WHCA) Dinner at 7:30 p.m. on April 27, 2019, at the Washington Hilton, by Fox News leadership. Approximately 2,600 people are expected to attend the Dinner including cabinet members and other senior government officials, members of the press, and persons from the entertainment industry. Individual tickets to the Dinner are \$300 and the cost includes a contribution to the WHCA scholarship fund.

Because AG Barr has been invited to attend because of his official position, the standards of conduct at 5 C.F.R. § 2635.201 et seq., generally would prohibit accepting the gift of free attendance unless an exception applies. In this case, he may accept the gift of free attendance under the widely attended gathering ("WAG") exception (5 C.F.R. § 2635.204(g)).

Acceptance under this exception requires a written authorization by the agency designee that:

- (1) The event is a widely attended gathering, that is, a large number of persons will attend, who have a diversity of views or interests, and there will be an opportunity to exchange ideas;
- (2) The employee's attendance at the event is in the agency's interest because it will further agency programs or operations;
- (3) The agency's interest in the employee's attendance outweighs the concern that the employee may be, or may appear to be, improperly influenced in the performance of official duty; and
- (4) If a person other than the sponsor of the event invites the employee, the event is expected to be attended by more than 100 persons and the value of the gift of free attendance does not exceed \$390.

5 C.F.R. §2635.204(g)(2) and (3). The invitation for the Dinner falls within this exception.

The WHCA Dinner is an annual event in Washington to which members of the press invite government officials, members of the diplomatic and business communities, and individuals from the film and entertainment industries, and it meets the size and diversity criteria for a WAG event. In fact, the event is designed for attendees to talk with a wide variety of people, not simply the people at the table where they and the inviter are seated. The AG must make sure that he is equally accessible to a variety of reporters at the Dinner in order to avoid the appearance of giving special access to any one news source.

AG Barr's attendance at the event will further the interests of the Department by affording him an opportunity to interact with other government officials, the business and diplomatic communities and the media, on matters that are of importance to the Department, as well as to maintain good relations with the media. The Office of the Attorney General is not working on any matters specifically affecting Fox News per se.

This particular invitation cannot be said not to raise appearance issues, however. On one hand, it is my view that acceptance of this invitation will not improperly influence AG Barr in the performance of his official duties. On the other hand, there is a risk of an appearance issue. During these hyper-politicized times, Fox News is generally viewed as having a strong partisan point of view. In order to lessen any appearance issues, I advocate that AG Barr make himself available not only to the Fox News leadership, but also to a variety of reporters and other attendees at this event.

As discussed above, the value of a gift that may be received from someone who is a non-sponsor of a WAG event is limited to \$390. Because tickets to the WHCA Dinner are valued at \$300, AG Barr may accept this gift.

Finally, the Ethics Order and Pledge do not prohibit attendance at this event. The Ethics Order, E.O. 13770, prohibits political appointees from accepting gifts from registered lobbying organizations. Fox News is not a registered lobbyist. However, even if they were, there is an exception allowing gifts, including invitations to WAGs, if they are extended by members of the media as long as the individual donor is not him or herself a registered lobbyist.

I also note that in recent years attendees at press dinners often are given "gift bags" (also known as "swag bags") that contain additional gifts that may be quite valuable. It is not clear who the source of these gifts are, but in any event the exception does not permit accepting additional gifts. Therefore, I recommend approval of the request to accept the gift of one ticket to the Dinner by AG Barr, but no additional gifts such as swag bags.

With the caveat that AG Barr make himself available to a variety of reporters and not accept additional gifts, I recommend approval of his attendance at the Dinner.

GERARD
WEINSHEIMER

Digitally signed by
GERARD WEINSHEIMER
Date: 2019.04.23
09:56:22 -04'00'

Approved

Date

Disapproved

Date

From: [Shaw, Cynthia K. \(JMD\)](#)
To: [Weinsheimer, Bradley \(ODAG\)](#); [Rabbitt, Brian \(OAG\)](#); [Francisco, Noel \(OSG\)](#); [Kupec, Kerri \(OPA\)](#)
Subject: March Madness reminder
Date: Monday, March 18, 2019 10:51:00 AM

Hello All,

It's March Madness (of the basketball variety) season, and so we are again sending out this reminder: As federal employees, we are prohibited from gambling while on duty, while in a Government facility, or when using Government equipment. We may use federal property only for authorized activities. NCAA pools are, of course, not official business and are not authorized.

The General Services Administration (GSA) bars anyone—federal employee, contractor, or member of the general public—from participating in games for money or personal property, operating gambling devices, or conducting a lottery or a pool, while in or on federal property. 41 C.F.R. § 102-74.395. The Office of Personnel Management's (OPM) Standards of Conduct forbid any gambling activity, including operating a gambling device, conducting a lottery or pool, or participating in a game for money or property, while on Government-owned or leased property or while on Government duty. 5 C.F.R. § 735.201. Gambling is defined as: (1) the furnishing of consideration (in other words, offering something of value, usually money), (2) in a game of chance, (3) that offers a reward prize, be it money or something else.

These regulations make clear that gambling (including lotteries, football or basketball pools and similar activities) is prohibited for federal employees while on official duty, while on Government property, or while using Government property. Please note that Government computers, phones, fax machines, and vehicles are federal property. There is no de minimis use exception for gambling activities. There is, however, a very narrow exception for employees who undertake the activity as part of their official law enforcement duties.

Violations of the gambling regulations may result in disciplinary action, including removal from federal service. Federal employees have been suspended for engaging in a sports pool on federal property and while on duty.

An event such as an office pool, which is not for a monetary prize but for "bragging rights" only, may not be gambling as defined in the regulations, and therefore may not be flatly prohibited. However, even these types of sports pools can involve a lot of official time and resources. As federal employees, we are bound to protect and conserve Government property and time, and not use them for other than authorized activities. 5 C.F.R. § 2635.101(b)(9). Conducting office pools may easily run afoul of this obligation.

Please remind your staffs, including all contractor personnel, of these prohibitions, and contact our office if there are further questions.

Thank you,

The Departmental Ethics Office
(202) 514-8196

Cynthia K. Shaw
Director
Departmental Ethics Office
Justice Management Division
U.S. Department of Justice
145 N Street, NE
Washington, DC 20530
(202) 514-8196

From: [Shaw, Cynthia K. \(JMD\)](#)
To: [Rabbitt, Brian \(OAG\)](#)
Subject: FW: Rabbit 502 1MDB
Date: Friday, July 26, 2019 5:32:00 PM

Hi Brian,
Here is your authorization to work on 1MDB.
Cindy

From: Weinsheimer, Bradley (ODAG) <bradweinsheimer@jmd.usdoj.gov>
Sent: Friday, July 26, 2019 5:31 PM
To: Shaw, Cynthia K. (JMD) <cshaw@jmd.usdoj.gov>
Subject: RE: Rabbit 502 1MDB

Approved. Thanks, Brad.

Brad Weinsheimer
Associate Deputy Attorney General
Office: 202-305-7848
Cell: (b) (6)
Bradley.weinsheimer@usdoj.gov

From: Shaw, Cynthia K. (JMD) <cshaw@jmd.usdoj.gov>
Sent: Friday, July 26, 2019 5:19 PM
To: Weinsheimer, Bradley (ODAG) <bradweinsheimer@jmd.usdoj.gov>
Subject: Rabbit 502 1MDB

Brad,
I recommend that you authorize Brian Rabbit, Chief of Staff for the Office of the Attorney General, to participate in matters relating to the 1Malaysian Development Berhad (1MDB) investigation. 1MDB was a strategic investment and development company that was wholly owned by the Government of Malaysia through its Ministry of Finance. The 1MDB matter is wide-ranging and international in scope. The Criminal Division and the United States Attorney's Office for the Eastern District of New York (EDNY) are investigating Goldman Sachs Group Inc. and various of its subsidiaries ("Goldman") for paying bribes to secure the right to handle three bond issuances for 1MDB in 2012 and 2013.

Under the Standards of Conduct addressing impartiality in the performance of duties, a federal employee may not participate in a matter where circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality and a person with whom he has a covered relationship is or represents a party to a matter. 5 C.F.R. §

2635.502(a). Under 5 CFR § 2635.502, federal employees may not participate, without authorization, in particular matters involving specific parties when the matter is likely to affect the financial interests of a member of their household, or when the employee has a covered relationship with a party or someone who represent a party to the matter. An employee has a covered relationship with "a person for whom the employee's spouse, parent or dependent child is, to the employee's knowledge, serving or seeking to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee." 5 C.F.R. § 2635.502(b)(1)(iii). Mr. Rabbit's spouse is an employee of (b) (6), which represents two individuals and entities in the 1MDB matter. Mr. Rabbit therefore has a covered relationship with (b) (6) and, absent an authorization, must be recused from 1MBD in which (b) (6) represents a party.

An authorization to participate in a matter may be granted if the agency designee determines that the government's interest in the employee's participation in a particular matter involving specific parties outweighs the concern that a reasonable person would question the integrity of the agency's programs and operations. 5 CFR 2635.502(d). I recommend that you authorize Mr. Rabbit's participation.

As agency designee, you, with the recommendation of an ethics official, make the determination whether that the interests of the government in the employee's participation outweighs the concern that a reasonable person may question the integrity of the Department's programs and operations. In making this determination, you may consider such factors as:

- (1) the nature of the relationship involved;
- (2) the effect that resolution of the matter will have on the financial interest of the person involved in the matter;
- (3) the nature and importance of the employee's role in the matter, including the extent to which the employee is called upon to exercise discretion in the matter;
- (4) the sensitivity of the matter;
- (5) the difficulty of reassigning the matter; and
- (6) adjustments, if any, that are viable to reduce or eliminate the likelihood that a reasonable person will question the employee's impartiality.

5 C.F.R. § 2635.502(d).

(b)(5), (b)(6) per JMD

(b)(5), (b)(6) per JMD

In short, I believe the government's interest in Mr. Rabbit's participation in the 1MDB matter far outweighs the concern that a reasonable person may question the integrity of the Department's programs and operations. Accordingly, I recommend that you make a determination under 5 C.F.R. § 2635.502(d) that Mr. Rabbit may participate in the 1MDB matter.

Cindy

Cynthia K. Shaw
Director
Departmental Ethics Office
Justice Management Division
U.S. Department of Justice
145 N Street, NE
Washington, DC 20530
(202) 514-8196

From: [Weinsheimer, Bradley \(ODAG\)](#)
To: [Shaw, Cynthia K. \(JMD\)](#)
Subject: RE: Heritage Foundation reception for Ed Meese
Date: Wednesday, October 2, 2019 9:24:35 AM

Approved. Thanks, Brad.

Brad Weinsheimer
Associate Deputy Attorney General
Office: 202-305-7848
Cell: (b) (6)
Bradley.weinsheimer@usdoj.gov

From: Shaw, Cynthia K. (JMD) <cshaw@jmd.usdoj.gov>
Sent: Wednesday, October 2, 2019 9:19 AM
To: Weinsheimer, Bradley (ODAG) <bradweinsheimer@jmd.usdoj.gov>
Subject: Heritage Foundation reception for Ed Meese

Brad,

Attorney General Barr, Mr. Rabbitt, and Mr. Levi request approval to accept a gift of free attendance at a reception honoring Edwin Meese at the Heritage Foundation offices in Washington, D.C. on October 8th at 5:30 PM.

BACKGROUND

Mr. Meese is a former Attorney General and is receiving the Presidential Medal of Freedom. To honor Mr. Meese's public service and service to the conservative movement, the Heritage Foundation is hosting a reception. The Heritage Foundation expects approximately 60-80 guests, including members of Congress, their staff, former members of President Reagan's Administration, members of the current Administration, friends of Mr. Meese, and Heritage Foundation staff. AG Barr, Mr. Rabbitt, and Mr. Levi have been invited because of their official positions in the current Administration. There is no specific agenda for the event, though the current president of the Heritage Foundation is expected to make some introductory remarks. The per person cost for hors d'oeuvres and drinks at the event is approximately \$40.

DISCUSSION

A Government official is generally prohibited from accepting a gift, including attendance at an event, from a prohibited source or that is based on his or her official position. 5 C.F.R. §2635.202(b). Nonetheless, there are a number of exceptions to the general rule, including the WAG exception. Acceptance under this exception requires a written authorization by the agency designee that:

- (1) The event is a widely attended gathering, that is, a large number of persons will attend, who have a diversity of views or interests, and there will be an opportunity to exchange ideas;

- (2) The employee's attendance at the event is in the agency's interest because it will further agency programs or operations;
- (3) The agency's interest in the employee's attendance outweighs the concern that the employee may be, or may appear to be, improperly influenced in the performance of official duty; and
- (4) If a person other than the sponsor of the event invites the employee, the event is expected to be attended by more than 100 persons and the value of the gift of free attendance does not exceed \$390.

5 C.F.R. §2635.204(g)(3).

The invitation for the Heritage Foundation reception meets the requirements of the WAG exception.

This event is "widely attended." See 5 C.F.R. §2635.204(g)(3)(i). The event includes a large number of persons who represent a diversity of views. It is estimated that the reception will have over 60 attendees, including Federal officials from the executive and legislative branch. The event provides an opportunity to exchange ideas and views.

The attendance of AG Barr, Mr. Rabbitt, and Mr. Levi is in the Department's interest. See 5 C.F.R. §2635.204(g)(3)(ii) and (4). It will provide them an opportunity to discuss matters important to the Department with congressional members and leaders across the executive branch. It is appropriate for the current AG to attend the reception honoring the former AG.

In determining whether the Department's interest in having an employee attend the event is outweighed by appearance concerns, the WAG rule advises considering: the importance of the event to the agency; the nature of the sponsor's interest before the agency and the employee's role in any matter affecting the interests of the sponsor; the purpose of the event; the identity of other participants; whether it appears that the sponsor is receiving preferential treatment; and the market value of the gift. See 5 C.F.R. §2635.204(g)(4).

While the Department's interest in AG Barr's, Mr. Rabbitt's, and Mr. Levi's attendance is not great, it does outweigh any appearance concerns. This appears to be a social event that will gather people with whom it is helpful for Department officials to exchange views. See OGE 99 x 2. The market value of the gift is insignificant. There is little appearance that the sponsor is receiving preferential treatment.

Heritage Foundation is not a registered lobbyist according to the House and Senate lobbying disclosure sites. Therefore there are no Ethics Pledge restrictions limiting attendance.

CONCLUSION

I believe that you may determine that the Department's interest in having AG Barr, Mr. Rabbitt, and Mr. Levi attend the Heritage Foundation reception outweighs appearance concerns. I therefore

recommend that you approve their attendance.

Cindy

Cynthia K. Shaw
Director
Departmental Ethics Office
Justice Management Division
U.S. Department of Justice
145 N Street, NE
Washington, DC 20530
(202) 514-8196

From: [Shaw, Cynthia K. \(JMD\)](#)
To: [Rabbitt, Brian \(OAG\)](#)
Subject: FW: Rabbit WAG WHCA Dinner
Date: Wednesday, April 17, 2019 12:00:00 PM

Hi Brian,
You are approved to attend the WHCA Dinner. Please see the limitations summarized in the last paragraph.
Best regards,
Cindy

From: Weinsheimer, Bradley (ODAG) <bradweinsheimer@jmd.usdoj.gov>
Sent: Wednesday, April 17, 2019 11:56 AM
To: Shaw, Cynthia K. (JMD) <cshaw@jmd.usdoj.gov>
Subject: RE: Rabbit WAG WHCA Dinner

Approved. Thanks, Brad.

Brad Weinsheimer
Associate Deputy Attorney General
Office: 202-305-7848
Cell: (b) (6)
Bradley.weinsheimer@usdoj.gov

From: Shaw, Cynthia K. (JMD) <cshaw@jmd.usdoj.gov>
Sent: Wednesday, April 17, 2019 11:51 AM
To: Weinsheimer, Bradley (ODAG) <bradweinsheimer@jmd.usdoj.gov>
Subject: Rabbit WAG WHCA Dinner

Brian Rabbit, Chief of Staff for the Attorney General, has been invited to attend this year's White House Correspondents Association (WHCA) Dinner at 7:30 p.m. on April 27, 2019, at the Washington Hilton, by Sadie Gorman of the Wall Street Journal. Approximately 2,600 people are expected to attend the Dinner including cabinet members and other senior government officials, members of the press, and persons from the entertainment industry. Individual tickets to the Dinner are \$300 and the cost includes a contribution to the WHCA scholarship fund.

Because Mr. Rabbit has been invited to attend because of his official position, the standards of conduct at 5 C.F.R. § 2635.201 et seq., generally would prohibit accepting the gift of free attendance unless an exception applies. In this case, he may accept the gift of free attendance under the widely attended gathering ("WAG") exception (5 C.F.R. § 2635.204(g)).

Acceptance under this exception requires a written authorization by the agency designee that:

- (1) The event is a widely attended gathering, that is, a large number of persons will attend, who have a diversity of views or interests, and there will be an opportunity to exchange ideas;
- (2) The employee's attendance at the event is in the agency's interest because it will further agency programs or operations;
- (3) The agency's interest in the employee's attendance outweighs the concern that the employee may be, or may appear to be, improperly influenced in the performance of official duty; and
- (4) If a person other than the sponsor of the event invites the employee, the event is expected to be attended by more than 100 persons and the value of the gift of free attendance does not exceed \$390.

5 C.F.R. §2635.204(g)(2) and (3). The invitation for the Dinner falls within this exception.

The WHCA Dinner is an annual event in Washington to which members of the press invite government officials, members of the diplomatic and business communities, and individuals from the film and entertainment industries, and it meets the size and diversity criteria for a WAG event. In fact, the event is designed for attendees to talk with a wide variety of people, not simply the people at the table where they and the inviter are seated. Mr. Rabbit must make sure that he makes himself equally accessible to a variety of reporters at the Dinner in order to avoid the appearance of giving special access to any one news source.

Mr. Rabbit's attendance at the event will further the interests of the Department by affording him an opportunity to interact with other government officials, the business and diplomatic communities and the media, on matters that are of importance to the Department, as well as to maintain good relations with the media. The Office of the Attorney General is not working on any matters specifically affecting Ms. Gurman or the Wall Street Journal.

As discussed above, the value of a gift that may be received from someone who is a non-sponsor of a WAG event is limited to \$390. Because tickets to the WHCA Dinner are valued at \$300, Mr. Rabbit may accept this gift.

Finally, the Ethics Order and Pledge do not prohibit attendance at this event. The Ethics Order, E.O. 13770, prohibits political appointees from accepting gifts from registered lobbying organizations. Ms. Gurman and the Wall Street Journal are not registered lobbyists. However, even if they were, there is an exception allowing gifts, including invitations to WAGs, if they are extended by members of the media as long as the individual donor is not him or herself a registered lobbyist. Ms. Gurman is not a registered lobbyist, so the Ethics Pledge does not restrict acceptance of this gift.

It is my view that the benefit of Mr. Rabbit's attendance outweighs the concern that acceptance of this invitation may or may appear to improperly influence him in the performance of his official duties. I also note that in recent years attendees at press dinners often are given "gift bags" (also known as "swag bags") that contain additional gifts that may be quite valuable. It is not clear who the source of these gifts are, but in any event the exception does not permit accepting additional gifts. Therefore, I recommend approval of the request to accept the gift of one ticket to the Dinner by Mr. Rabbit, but no additional gifts such as swag bags.

With the caveat that Mr. Rabbit make himself available to a variety of reporters and not accept

additional gifts, I recommend approval of his attendance at the Dinner.

Cindy

Cynthia K. Shaw
Director
Departmental Ethics Office
Justice Management Division
U.S. Department of Justice
145 N Street, NE
Washington, DC 20530
(202) 514-8196

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) BARR, WILLIAM P				2. Social Security Number (b) (6)		3. Date of Birth (b) (6)		4. Effective Date 02/14/19			
FIRST ACTION					SECOND ACTION						
5-A. Code 170		5-B. Nature of Action EXC APPT			6-A. Code		6-B. Nature of Action				
5-C. Code ZNM		5-D. Legal Authority 28 USC 503			6-C. Code		6-D. Legal Authority				
5-E. Code		5-F. Legal Authority			6-E. Code		6-F. Legal Authority				
7. FROM: Position Title and Number					15. TO: Position Title and Number ATTORNEY GENERAL 01137939 AG001Z						
8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan EX	17. Occ. Code 0905	18. Grade or Level 01	19. Step or Rate 00	20. Total Salary/Award 199,700.00	21. Pay Basis PA
12A. Basic Pay		12B. Locality Adj. .00		12C. Adj. Basic Pay		12D. Other Pay .00		20A. Basic Pay 199,700.00		20B. Locality Adj. .00	
								20C. Adj. Basic Pay 199,700.00		20D. Other Pay .00	
14. Name and Location of Position's Organization					22. Name and Location of Position's Organization OFFICE OF THE ATTORNEY GENERAL						
					DJ HC0100000000000000 PP 04 2019						
EMPLOYEE DATA											
23. Veterans Preference 1 1 - None 2 - 5-Point 3 - 10-Point/Disability 4 - 10-Point/Compensable 5 - 10-Point/Other 6 - 10-Point/Compensable/30%					24. Tenure 0 0 - None 1 - Permanent 2 - Conditional 3 - Indefinite			25. Agency Use		26. Veterans Preference for RIF X YES NO	
27. FEGLI B0 WAIVED					28. Annuitant Indicator 9 NOT APPLICABLE				29. Pay Rate Determinant T BELOW THE MINIMUM		
30. Retirement Plan C FICA & CIVIL SERVICE				31. Service Comp. Date (Leave) 02/14/19		32. Work Schedule F FULL TIME			33. Part-Time Hours Per Biweekly Pay Period		
POSITION DATA											
34. Position Occupied 2 1 - Competitive Service 2 - Excepted Service 3 - SES General 4 - SES Career Reserved				35. FLSA Category E E - Exempt N - Nonexempt		36. Appropriation Code			37. Bargaining Unit Status 8888		
38. Duty Station Code 11-0010-001				39. Duty Station (City - County - State or Overseas Location) WASHINGTON DIST OF COLUMBIA DC							
40. Agency Data		41. SEX: M		42. CITZ: 1		43. VET STAT: X		44. ED LV:15 YR:77 INST PRG:220101			
45. Remarks TENTATIVE SCD PENDING CERTIFICATION OF PRIOR FEDERAL SERVICE. WELCOME TO THE DEPARTMENT OF JUSTICE APPOINTMENT AFFIDAVIT EXECUTED: 02/14/2019 FROZEN SERVICE: 00 YRS. 00 MOS. CREDITABLE MILITARY SERVICE: 00 YRS. 00 MOS. PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.											
46. Employing Department or Agency U.S. DEPARTMENT OF JUSTICE/HC						50. Signature/Authentication and Title of Approving Official ELECTRONICALLY SIGNED BY: TERRY L. MINTZ					
47. Agency Code DJ HC		48. Personnel Office ID 1831		49. Approval Date 02/28/19		AD JMD HR SERVICES					

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) BARR, WILLIAM P				2. Social Security Number (b) (6)		3. Date of Birth (b) (6)		4. Effective Date 02/14/19															
FIRST ACTION						SECOND ACTION																	
5-A. Code 002		5-B. Nature of Action CORRECTION				6-A. Code 170		6-B. Nature of Action EXC APPT															
5-C. Code		5-D. Legal Authority				6-C. Code ZNM		6-D. Legal Authority 28 USC 503															
5-E. Code		5-F. Legal Authority				6-E. Code		6-F. Legal Authority															
7. FROM: Position Title and Number						15. TO: Position Title and Number ATTORNEY GENERAL 01137939 AG001Z																	
8. Pay Plan		9. Occ. Code		10. Grade or Level		11. Step or Rate		12. Total Salary 199,700.00		13. Pay Basis PA		16. Pay Plan EX		17. Occ. Code 0905		18. Grade or Level 01		19. Step or Rate 00		20. Total Salary/Award 203,500.00		21. Pay Basis PA	
12A. Basic Pay 199,700.00		12B. Locality Adj. .00		12C. Adj. Basic Pay 199,700.00		12D. Other Pay .00		20A. Basic Pay 203,500.00		20B. Locality Adj. .00		20C. Adj. Basic Pay 203,500.00		20D. Other Pay .00									
14. Name and Location of Position's Organization						22. Name and Location of Position's Organization OFFICE OF THE ATTORNEY GENERAL																	
						DJ HC0100000000000000 PP 12 2019																	
EMPLOYEE DATA																							
23. Veterans Preference 1 1 - None 2 - 5-Point 3 - 10-Point/Disability 4 - 10-Point/Compensable 5 - 10-Point/Other 6 - 10-Point/Compensable/30%												24. Tenure 0 0 - None 1 - Permanent 2 - Conditional 3 - Indefinite				25. Agency Use		26. Veterans Preference for RIF X YES X NO					
27. FEGLI B0 WAIVED												28. Annuitant Indicator 9 NOT APPLICABLE				29. Pay Rate Determinant T BELOW THE MINIMUM							
30. Retirement Plan C FICA & CIVIL SERVICE						31. Service Comp. Date (Leave) 02/14/19				32. Work Schedule F FULL TIME				33. Part-Time Hours Per Biweekly Pay Period									
POSITION DATA																							
34. Position Occupied 2 1 - Competitive Service 2 - Excepted Service 3 - SES General 4 - SES Career Reserved						35. FLSA Category E E - Exempt N - Nonexempt				36. Appropriation Code						37. Bargaining Unit Status 8888							
38. Duty Station Code 11-0010-001						39. Duty Station (City - County - State or Overseas Location) WASHINGTON DIST OF COLUMBIA DC																	
40. Agency Data		41. SEX: M		42. CITZ: 1		43. VET STAT: X		44. ED LV:15 YR:77 INST PRG:220101															
45. Remarks TENTATIVE SCD PENDING CERTIFICATION OF PRIOR FEDERAL SERVICE. CORRECTS ITEM 20 FROM \$199,700 WELCOME TO THE DEPARTMENT OF JUSTICE APPOINTMENT AFFIDAVIT EXECUTED: 02/14/2019 FROZEN SERVICE: 00 YRS. 00 MOS. CREDITABLE MILITARY SERVICE: 00 YRS. 00 MOS. PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.																							
46. Employing Department or Agency U.S. DEPARTMENT OF JUSTICE/HC												50. Signature/Authentication and Title of Approving Official ELECTRONICALLY SIGNED BY: TERRY L. MINTZ AD JMD HR SERVICES											
47. Agency Code DJ HC		48. Personnel Office ID 1831		49. Approval Date 02/28/19																			

Brian C. Rabbitt

(b) (6)

PROFESSIONAL EXPERIENCE

U.S. Securities and Exchange Commission, Washington, D.C.

Senior Policy Adviser to Chairman Jay Clayton

July 2018 – Present

- Advise Chairman on legal and policy issues relating to enforcement, rulemaking, international affairs, legislative and intergovernmental affairs, distributed ledger technology and digital asset issues, communications and press, and congressional oversight.

Senior Counsel to the Co-Directors of Enforcement

November 2017 – July 2018

- Advised Co-Directors and other senior agency officials on legal and policy issues relating to all aspects of the SEC's enforcement program, including investigations, Wells meetings, litigation, communications, legislative affairs, and congressional oversight.
- Assisted Co-Directors in supervising and managing regional offices and specialized units, including FCPA Unit and Asset Management Unit.

The White House, Office of the White House Counsel, Washington, D.C.

Associate Counsel and Special Assistant to the President

January – November 2017

- Advised senior White House and Administration officials regarding legal issues relating to financial and economic regulatory policy matters. Served as office's principal liaison for legal matters involving independent financial regulatory agencies, including SEC, CFTC, CFPB, OCC, and FDIC.
- Represented White House and the Executive Office of the President in investigations, including oversight inquiries involving multiple congressional committees.
- Counseled senior White House and Administration officials regarding executive privilege issues in inquiries, investigations, oversight matters, and litigation.
- Member of teams that assisted with confirmations of U.S. Supreme Court Justice Neil Gorsuch and SEC Chairman Jay Clayton.

Williams & Connolly LLP, Washington, D.C.

Associate Attorney

2010 – 2017

- Practice focused on complex civil litigation, white collar matters, and government investigations for financial institutions, investment funds, corporations, and individual clients.
- Managed teams of attorneys and support staff in all stages of domestic and international litigation and investigations, including complex breach-of-contract dispute involving litigation over a failed fund in multiple courts in the U.S. and abroad.
- Conducted depositions of fact and expert witnesses, argued pretrial, dispositive, and other motions, and examined witnesses at trial; authored pleadings and briefs at trial and appellate level in state and federal courts and other tribunals.
- Lead appellate counsel in *Carroll v. State*, 428 Md. 679 (2012), which resulted in revisions to Maryland's pattern jury instructions on reasonable doubt.

Judge Thomas M. Hardiman, U.S. Court of Appeals for the Third Circuit, Pittsburgh, PA

Law Clerk

2009 – 2010

Judge Henry E. Hudson, U.S. District Court for the Eastern District of Virginia, Richmond, VA

Law Clerk

2008 – 2009

EDUCATION

University of Virginia School of Law, Charlottesville, VA

Juris Doctor, 2008

Activities: Articles Editor, *The Virginia Journal of International Law*
 Treasurer and Board Member, The William Minor Lile Moot Court Board
 Member, Federalist Society

Vanderbilt University, College of Arts and Science, Nashville, TN

Bachelor of Arts, *magna cum laude*, 2004

Majors: Political Science; Economics & History

Honors: Phi Alpha Theta National History Honors Society

BAR ADMISSIONS

- Virginia, District of Columbia; U.S. Courts of Appeals for the District of Columbia, Third, and Fourth Circuits; U.S. District Courts for the Eastern and Western Districts of Virginia and Western District of Pennsylvania

CLEARANCES

- Previously held Top Secret / SCI clearance (interim), 2017

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) RABBITT, BRIAN C					2. Social Security Number (b) (6)		3. Date of Birth (b) (6)		4. Effective Date 05/12/19					
FIRST ACTION					SECOND ACTION									
5-A. Code 170		5-B. Nature of Action EXC APPT			6-A. Code		6-B. Nature of Action							
5-C. Code WDM		5-D. Legal Authority SCH A 213.3102D			6-C. Code		6-D. Legal Authority							
5-E. Code		5-F. Legal Authority			6-E. Code		6-F. Legal Authority							
7. FROM: Position Title and Number					15. TO: Position Title and Number ATTORNEY-ADVISOR 90131411 AG108A									
8. Pay Plan		9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary		13. Pay Basis	16. Pay Plan GS	17. Occ. Code 0905	18. Grade or Level 15	19. Step or Rate 10	20. Total Salary/Award 166,500.00	21. Pay Basis PA	
12A. Basic Pay		12B. Locality Adj. .00		12C. Adj. Basic Pay		12D. Other Pay .00		20A. Basic Pay 138,572.00		20B. Locality Adj. 27,928.00		20C. Adj. Basic Pay 166,500.00		20D. Other Pay .00
14. Name and Location of Position's Organization					22. Name and Location of Position's Organization OFFICE OF THE ATTORNEY GENERAL DJ HC0100000000000000 PP 10 2019									
EMPLOYEE DATA														
23. Veterans Preference 1 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%					24. Tenure 2 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite			25. Agency Use		26. Veterans Preference for RIF YES X NO				
27. FEGLI W0 BASIC-5X ADDITIONAL					28. Annuitant Indicator 9 NOT APPLICABLE				29. Pay Rate Determinant 0 NOT APPLICABLE					
30. Retirement Plan KF FERS (FRAE)				31. Service Comp. Date (Leave) 02/13/15		32. Work Schedule F FULL TIME				33. Part-Time Hours Per Biweekly Pay Period				
POSITION DATA														
34. Position Occupied 2 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved				35. FLSA Category E E - Exempt N - Nonexempt		36. Appropriation Code				37. Bargaining Unit Status 8888				
38. Duty Station Code 11-0010-001				39. Duty Station (City - County - State or Overseas Location) WASHINGTON DIST OF COLUMBIA DC										
40. Agency Data		41. SEX: M		42. CITZ: 1		43. VET STAT: X		44. ED LV:15 YR:08 INST PRG:220101						
45. Remarks WELCOME TO THE DEPARTMENT OF JUSTICE APPOINTMENT AFFIDAVIT EXECUTED 5/13/2019 FROZEN SERVICE: YRS. MOS. CREDITABLE MILITARY SERVICE: YRS. MOS. PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.														
46. Employing Department or Agency U.S. DEPARTMENT OF JUSTICE/HC						50. Signature/Authentication and Title of Approving Official ELECTRONICALLY SIGNED BY: TERRY L. MINTZ AD JMD HR SERVICES								
47. Agency Code DJ HC		48. Personnel Office ID 1831		49. Approval Date 05/13/19										

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) RABBITT, BRIAN C					2. Social Security Number (b) (6)		3. Date of Birth (b) (6)		4. Effective Date 05/12/19						
FIRST ACTION					SECOND ACTION										
5-A. Code 170		5-B. Nature of Action EXC APPT			6-A. Code		6-B. Nature of Action								
5-C. Code WDM		5-D. Legal Authority SCH A 213.3102D			6-C. Code		6-D. Legal Authority								
5-E. Code		5-F. Legal Authority			6-E. Code		6-F. Legal Authority								
7. FROM: Position Title and Number					15. TO: Position Title and Number ATTORNEY-ADVISOR 90131411 AG108A										
8. Pay Plan		9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary		13. Pay Basis		16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis	
									GS	0905	15	10	166,500.00	PA	
12A. Basic Pay		12B. Locality Adj. .00		12C. Adj. Basic Pay		12D. Other Pay .00		20A. Basic Pay 138,572.00		20B. Locality Adj. 27,928.00		20C. Adj. Basic Pay 166,500.00		20D. Other Pay .00	
14. Name and Location of Position's Organization					22. Name and Location of Position's Organization OFFICE OF THE ATTORNEY GENERAL DJ HC0100000000000000 PP 10 2019										
EMPLOYEE DATA															
23. Veterans Preference 1 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%					24. Tenure 2 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite			25. Agency Use		26. Veterans Preference for RIF ☐ YES ☒ X NO					
27. FEGLI W0 BASIC-5X ADDITIONAL					28. Annuitant Indicator 9 NOT APPLICABLE					29. Pay Rate Determinant 0 NOT APPLICABLE					
30. Retirement Plan KF FERS (FRAE)				31. Service Comp. Date (Leave) 02/13/15		32. Work Schedule F FULL TIME				33. Part-Time Hours Per Biweekly Pay Period					
POSITION DATA															
34. Position Occupied 2 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved				35. FLSA Category E E - Exempt N - Nonexempt		36. Appropriation Code				37. Bargaining Unit Status 8888					
38. Duty Station Code 11-0010-001				39. Duty Station (City - County - State or Overseas Location) WASHINGTON DIST OF COLUMBIA DC											
40. Agency Data		41. SEX: M		42. CITZ: 1		43. VET STAT: X		44. ED LV:15 YR:08 INST PRG:220101							
45. Remarks WELCOME TO THE DEPARTMENT OF JUSTICE APPOINTMENT AFFIDAVIT EXECUTED 5/13/2019 FROZEN SERVICE: YRS. MOS. CREDITABLE MILITARY SERVICE: YRS. MOS. PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.															
46. Employing Department or Agency U.S. DEPARTMENT OF JUSTICE/HC					50. Signature/Authentication and Title of Approving Official ELECTRONICALLY SIGNED BY: TERRY L. MINTZ AD JMD HR SERVICES										
47. Agency Code DJ HC		48. Personnel Office ID 1831		49. Approval Date 05/13/19											

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) RABBITT, BRIAN C					2. Social Security Number (b) (6)		3. Date of Birth (b) (6)		4. Effective Date 05/12/19						
FIRST ACTION					SECOND ACTION										
5-A. Code 170		5-B. Nature of Action EXC APPT			6-A. Code		6-B. Nature of Action								
5-C. Code WDM		5-D. Legal Authority SCH A 213.3102D			6-C. Code		6-D. Legal Authority								
5-E. Code		5-F. Legal Authority			6-E. Code		6-F. Legal Authority								
7. FROM: Position Title and Number					15. TO: Position Title and Number ATTORNEY-ADVISOR 90131411 AG108A										
8. Pay Plan		9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary		13. Pay Basis		16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award		21. Pay Basis
									GS	0905	15	10	166,500.00		PA
12A. Basic Pay		12B. Locality Adj. .00		12C. Adj. Basic Pay		12D. Other Pay .00		20A. Basic Pay 138,572.00		20B. Locality Adj. 27,928.00		20C. Adj. Basic Pay 166,500.00		20D. Other Pay .00	
14. Name and Location of Position's Organization					22. Name and Location of Position's Organization OFFICE OF THE ATTORNEY GENERAL DJ HC0100000000000000 PP 10 2019										
EMPLOYEE DATA															
23. Veterans Preference 1 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%					24. Tenure 2 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite			25. Agency Use		26. Veterans Preference for RIF ☐ YES ☒ X NO					
27. FEGLI W0 BASIC-5X ADDITIONAL					28. Annuitant Indicator 9 NOT APPLICABLE					29. Pay Rate Determinant 0 NOT APPLICABLE					
30. Retirement Plan KF FERS (FRAE)				31. Service Comp. Date (Leave) 02/13/15		32. Work Schedule F FULL TIME				33. Part-Time Hours Per Biweekly Pay Period					
POSITION DATA															
34. Position Occupied 2 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved				35. FLSA Category E E - Exempt N - Nonexempt		36. Appropriation Code				37. Bargaining Unit Status 8888					
38. Duty Station Code 11-0010-001				39. Duty Station (City - County - State or Overseas Location) WASHINGTON DIST OF COLUMBIA DC											
40. Agency Data		41. SEX: M		42. CITZ: 1		43. VET STAT: X		44. ED LV:15 YR:08 INST PRG:220101							
45. Remarks WELCOME TO THE DEPARTMENT OF JUSTICE APPOINTMENT AFFIDAVIT EXECUTED 5/13/2019 FROZEN SERVICE: YRS. MOS. CREDITABLE MILITARY SERVICE: YRS. MOS. PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.															
46. Employing Department or Agency U.S. DEPARTMENT OF JUSTICE/HC					50. Signature/Authentication and Title of Approving Official ELECTRONICALLY SIGNED BY: TERRY L. MINTZ AD JMD HR SERVICES										
47. Agency Code DJ HC		48. Personnel Office ID 1831		49. Approval Date 05/13/19											

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) RABBITT, BRIAN C					2. Social Security Number (b) (6)		3. Date of Birth (b) (6)		4. Effective Date 05/12/19						
FIRST ACTION					SECOND ACTION										
5-A. Code 170		5-B. Nature of Action EXC APPT			6-A. Code		6-B. Nature of Action								
5-C. Code WDM		5-D. Legal Authority SCH A 213.3102D			6-C. Code		6-D. Legal Authority								
5-E. Code		5-F. Legal Authority			6-E. Code		6-F. Legal Authority								
7. FROM: Position Title and Number					15. TO: Position Title and Number ATTORNEY-ADVISOR 90131411 AG108A										
8. Pay Plan		9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary		13. Pay Basis		16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis	
									GS	0905	15	10	166,500.00	PA	
12A. Basic Pay		12B. Locality Adj. .00		12C. Adj. Basic Pay		12D. Other Pay .00		20A. Basic Pay 138,572.00		20B. Locality Adj. 27,928.00		20C. Adj. Basic Pay 166,500.00		20D. Other Pay .00	
14. Name and Location of Position's Organization					22. Name and Location of Position's Organization OFFICE OF THE ATTORNEY GENERAL DJ HC0100000000000000 PP 10 2019										
EMPLOYEE DATA															
23. Veterans Preference 1 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%					24. Tenure 2 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite			25. Agency Use		26. Veterans Preference for RIF ☐ YES ☒ X NO					
27. FEGLI W0 BASIC-5X ADDITIONAL					28. Annuitant Indicator 9 NOT APPLICABLE				29. Pay Rate Determinant 0 NOT APPLICABLE						
30. Retirement Plan KF FERS (FRAE)				31. Service Comp. Date (Leave) 02/13/15		32. Work Schedule F FULL TIME				33. Part-Time Hours Per Biweekly Pay Period					
POSITION DATA															
34. Position Occupied 2 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved				35. FLSA Category E E - Exempt N - Nonexempt		36. Appropriation Code				37. Bargaining Unit Status 8888					
38. Duty Station Code 11-0010-001				39. Duty Station (City - County - State or Overseas Location) WASHINGTON DIST OF COLUMBIA DC											
40. Agency Data		41. SEX: M		42. CITZ: 1		43. VET STAT: X		44. ED LV:15 YR:08 INST PRG:220101							
45. Remarks WELCOME TO THE DEPARTMENT OF JUSTICE APPOINTMENT AFFIDAVIT EXECUTED 5/13/2019 FROZEN SERVICE: YRS. MOS. CREDITABLE MILITARY SERVICE: YRS. MOS. PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.															
46. Employing Department or Agency U.S. DEPARTMENT OF JUSTICE/HC					50. Signature/Authentication and Title of Approving Official ELECTRONICALLY SIGNED BY: TERRY L. MINTZ AD JMD HR SERVICES										
47. Agency Code DJ HC		48. Personnel Office ID 1831		49. Approval Date 05/13/19											

TIMOTHY J. SHEA

(b) (6)

LEGAL EXPERIENCE

PRINCIPAL, Morgan Lewis Consulting LLC (2000-present)

OF COUNSEL, Morgan, Lewis & Bockius LLP

- Previously Principal at Bingham Consulting Group and Of Counsel at Bingham McCutchen LLP (1999-2014)
- Provide legal counsel and strategic advice to Fortune 500 companies facing high profile multistate inquiries by the State Attorneys General, occurring in the context of complex civil litigation, class action cases, criminal investigations, federal regulatory reviews, and Congressional oversight hearings.
- Negotiated some of the largest, most extensive and complex multistate settlements with State Attorneys General, totaling payments of hundreds of millions of dollars.
- Represent international companies in a variety of industries, including high technology, healthcare, pharmaceutical, manufacturing, insurance, energy, and transportation among others. Clients include Google, Intel, General Motors, Toyota, Verizon, Bank of America, Merck, Eli Lilly, Pfizer, Bridgestone/Firestone, Merrill Lynch, NewsCorp, Verizon Wireless, among others.

CHIEF OF THE PUBLIC PROTECTION BUREAU (1999-2000)

Office of the Attorney General, Commonwealth of Massachusetts

- Assistant Attorney General and Senior Advisor to the Attorney General.
- Reviewed legal work and managed the operations of the Public Protection Bureau (130 attorneys and other employees), including the following Divisions: Consumer Protection and Antitrust; Public Charities; Regulated Industries (telecommunications, utilities, energy and insurance); Civil Rights; Health Care, Investigations; Chief Criminal Prosecutor; Internet Enforcement Unit; Elder Protection Unit.
- Testified before Committees of the state legislature on legal and policy matters.
- Responsible for cases in the following practice areas: health care, antitrust, unfair and deceptive trade practices, high technology and the Internet, telecommunications, regulation of public utilities, including rate and merger/acquisition cases, insurance regulation and rate setting, privacy issues, criminal matters, among others.

ASSOCIATE DEPUTY ATTORNEY GENERAL (1990-1992)

U.S. Department of Justice Washington, D.C.

- Senior Justice Department Official during the Administration of George H.W. Bush, responsible for advising U.S. Attorney General William P. Barr and the Deputy Attorney General on policy and management issues affecting DOJ and the criminal justice system, particularly the Department's violent crime initiative.

- Administered and developed policy for the Metropolitan High Intensity Drug Trafficking Areas (HIDTA) program in four cities, with a force of 600 Federal, state and local law enforcement agents and a budget of \$68 million.
- Managed federal law enforcement operations designed to combat violent crime, including two nation-wide operations targeting violent criminals and sex offenders.
- Coordinated and administered Justice Department urban revitalization efforts, including the Weed and Seed Program in 20 cities.
- Represented the Justice Department on legal matters affecting federal and state law enforcement.
- Responsible for managing several legislative issues before the Congress affecting the Justice Department, especially during the appropriations process.

ASSISTANT UNITED STATES ATTORNEY (1992-1997)

Eastern District of Virginia Alexandria, Virginia

- Assigned to Major Crimes Division, U.S. Attorney's Office
- Investigation/Prosecution: violent crimes, such as murder, armed robbery, rape, assault; drug distribution cases; waste, fraud and matters; perjury and obstruction of justice investigations; federal tax fraud and evasion cases; federal employee embezzlement prosecutions; civil rights prosecutions; public corruption investigations.
- Conducted and supervised Grand Jury investigations.
- Tried more than 25 felony cases before a jury.
- Drafted briefs and argued criminal appeals to the Fourth Circuit Court of Appeals.
- Supervising Attorney, Lorton Prison Prosecution Task Force
- District Coordinator, Criminal Enforcement of Child Support
- Member, Attorney Hiring Committee (EDVA/USAO)
- Instructor, Office of Legal Education, U.S. Department of Justice
- Instructor, U.S. Marshals Service Regional Law Enforcement Training Seminars
- Lecturer, National Fugitive Conference
- Lecturer, Special U.S. Attorneys Seminar

PUBLIC POLICY AND CONGRESSIONAL EXPERIENCE:

U.S. SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS (1997-1999)

Chief Counsel and Staff Director Washington, D.C.

- Worked under the direction of Subcommittee Chair, Susan Collins (R-ME).
- Responsible for developing and implementing the agenda of Subcommittee, a powerful panel with broad jurisdiction, including investigations into public corruption, securities fraud, money laundering, health care fraud, government waste, fraud and abuse, regulatory activities, and consumer protection matters.
- Supervised Subcommittee activities related to drafting subpoenas and document requests in support of investigations, Senate reports, federal legislation, Senate floor and Committee statements as well as conducting oversight of federal regulatory activities and the administration of federal programs.

- Developed and implemented legislative solutions to problems uncovered during investigations, working with the Chair, U.S. Senator Susan Collins (R-ME), and Members of the Subcommittee.
- Advised Republican Subcommittee Members and other U.S. Senators on law and procedures related to Congressional investigations and floor proceedings.

U.S. HOUSE APPROPRIATIONS COMMITTEE Washington, DC (1984-1991)

Full Committee Professional Staff Member (Republican Staff)

- Advised Ranking Republican Member on the appropriations process and procedures, general budget matters, economic policy and tax issues, including participating in the 1990 Budget Summit negotiations with Congressional and Administration officials.
- Worked directly with the Republican leadership of the House as well as the Executive Office of the President and other cabinet level departments and agencies on budget matters and other federal government policies.
- Supervised the work of three Subcommittees, participating in all levels of the appropriations process, including subcommittee hearings, mark-ups, floor consideration and House-Senate Conferences.
- Drafted committee reports, legislative language and floor statements on matters considered by the Appropriations Committee and the U.S. House of Representatives.

OFFICE OF U.S. REPRESENTATIVE SILVIO O. CONTE (R-MA) (1982-1984)

Legislative Director

- Responsible for developing and implementing the Congressman's legislative agenda, including working with House Republican leadership offices, Committees, Senate counterparts, the White House and other Executive Branch agencies and drafting legislative language and floor statements to advance that agenda.
- Supervised work of legislative assistants and correspondents.

BAR MEMBERSHIP

Massachusetts

District of Columbia

EDUCATION:

Georgetown University Law Center, Washington, D.C.

Juris Doctor, *Magna Cum Laude* May 1991

Honors: Dean's List all semesters

Senior Staff, American Criminal Law Review

Author, *CIPA Under Siege: Use and Abuse of Classified Information in Criminal Trials*. 27 Am.Crim.L.Rev. 657 (1990).

Boston College, College of Arts and Sciences, Chestnut Hill, MA

Bachelor of Arts degree, *Magna Cum Laude* May 1982

Honors: Dean's List all semesters, Boston College Academic Scholarship.

ACADEMIC AND PERFORMANCE AWARDS

Sustained Superior Performance Award (U.S. Attorney's Office)

Attorney General Award for Excellence in Management (Department of Justice)

Order of the Coif (Law School Honor Society)

Kenealy Award for Academic Excellence (Boston College)

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) RABBITT, BRIAN C					2. Social Security Number (b) (6)		3. Date of Birth (b) (6)		4. Effective Date 05/12/19						
FIRST ACTION					SECOND ACTION										
5-A. Code 170		5-B. Nature of Action EXC APPT			6-A. Code		6-B. Nature of Action								
5-C. Code WDM		5-D. Legal Authority SCH A 213.3102D			6-C. Code		6-D. Legal Authority								
5-E. Code		5-F. Legal Authority			6-E. Code		6-F. Legal Authority								
7. FROM: Position Title and Number					15. TO: Position Title and Number ATTORNEY-ADVISOR 90131411 AG108A										
8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan GS	17. Occ. Code 0905	18. Grade or Level 15	19. Step or Rate 10	20. Total Salary/Award 166,500.00	21. Pay Basis PA				
12A. Basic Pay		12B. Locality Adj. .00		12C. Adj. Basic Pay		12D. Other Pay .00		20A. Basic Pay 138,572.00		20B. Locality Adj. 27,928.00		20C. Adj. Basic Pay 166,500.00		20D. Other Pay .00	
14. Name and Location of Position's Organization					22. Name and Location of Position's Organization OFFICE OF THE ATTORNEY GENERAL DJ HC0100000000000000 PP 10 2019										
EMPLOYEE DATA															
23. Veterans Preference 1 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%					24. Tenure 2 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite			25. Agency Use		26. Veterans Preference for RIF ☐ YES ☒ X NO					
27. FEGLI W0 BASIC-5X ADDITIONAL					28. Annuitant Indicator 9 NOT APPLICABLE				29. Pay Rate Determinant 0 NOT APPLICABLE						
30. Retirement Plan KF FERS (FRAE)				31. Service Comp. Date (Leave) 02/13/15		32. Work Schedule F FULL TIME				33. Part-Time Hours Per Biweekly Pay Period					
POSITION DATA															
34. Position Occupied 2 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved				35. FLSA Category E E - Exempt N - Nonexempt		36. Appropriation Code				37. Bargaining Unit Status 8888					
38. Duty Station Code 11-0010-001				39. Duty Station (City - County - State or Overseas Location) WASHINGTON DIST OF COLUMBIA DC											
40. Agency Data		41. SEX: M		42. CITZ: 1		43. VET STAT: X		44. ED LV:15 YR:08 INST PRG:220101							
45. Remarks WELCOME TO THE DEPARTMENT OF JUSTICE APPOINTMENT AFFIDAVIT EXECUTED 5/13/2019 FROZEN SERVICE: YRS. MOS. CREDITABLE MILITARY SERVICE: YRS. MOS. PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.															
46. Employing Department or Agency U.S. DEPARTMENT OF JUSTICE/HC						50. Signature/Authentication and Title of Approving Official ELECTRONICALLY SIGNED BY: TERRY L. MINTZ AD JMD HR SERVICES									
47. Agency Code DJ HC		48. Personnel Office ID 1831		49. Approval Date 05/13/19											

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) SHEA, TIMOTHY JOSEPH						2. Social Security Number (b) (6)		3. Date of Birth (b) (6)		4. Effective Date 02/02/20	
FIRST ACTION						SECOND ACTION					
5-A. Code 570		5-B. Nature of Action CONV TO EXC APPT				6-A. Code		6-B. Nature of Action			
5-C. Code ZLM		5-D. Legal Authority 28 USC 548				6-C. Code		6-D. Legal Authority			
5-E. Code		5-F. Legal Authority				6-E. Code		6-F. Legal Authority			
7. FROM: Position Title and Number COUNSELOR TO THE ATTORNEY GENERAL 90040342 006680						15. TO: Position Title and Number ASST US ATTY 160128 P0CRM8					
8. Pay Plan ES		9. Occ. Code		10. Grade or Level 00		11. Step or Rate		12. Total Salary 179,700.00		13. Pay Basis PA	
16. Pay Plan AD		17. Occ. Code 0905		18. Grade or Level 29		19. Step or Rate 00		20. Total Salary/Award 170,700.00		21. Pay Basis PA	
12A. Basic Pay 179,700.00		12B. Locality Adj. .00		12C. Adj. Basic Pay 179,700.00		12D. Other Pay .00		20A. Basic Pay 144,392.00		20B. Locality Adj. 26,308.00	
20C. Adj. Basic Pay 170,700.00		20D. Other Pay .00		14. Name and Location of Position's Organization OFFICE OF THE ATTORNEY GENERAL		22. Name and Location of Position's Organization DISTRICT OF COLUMBIA CRIMINAL DIVISION DJ JA1620220200000000 PP 03 2020					
EMPLOYEE DATA											
23. Veterans Preference 1 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%						24. Tenure 1 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite		25. Agency Use		26. Veterans Preference for RIF YES X NO	
27. FEGLI C0 BASIC						28. Annuitant Indicator 9 NOT APPLICABLE		29. Pay Rate Determinant 0 NOT APPLICABLE			
30. Retirement Plan C FICA & CIVIL SERVICE				31. Service Comp. Date (Leave) 05/14/02		32. Work Schedule F FULL TIME		33. Part-Time Hours Per Biweekly Pay Period			
POSITION DATA											
34. Position Occupied 2 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved				35. FLSA Category E E - Exempt N - Nonexempt		36. Appropriation Code				37. Bargaining Unit Status 8888	
38. Duty Station Code 11-0010-001				39. Duty Station (City - County - State or Overseas Location) WASHINGTON DIST OF COLUMBIA DC							
40. Agency Data		41. SEX: M		42. CITIZ: 1		43. VET STAT: X		44. ED LV:15 YR:91 INST PRG:220101			
45. Remarks CREDITABLE MILITARY SERVICE: 00 YRS. 00 MOS.											
46. Employing Department or Agency U.S. DEPARTMENT OF JUSTICE/USA						50. Signature/Authentication and Title of Approving Official ELECTRONICALLY SIGNED BY: MELISSA D NEWBELL HUMAN RESOURCES OFFICER					
47. Agency Code DJ JA		48. Personnel Office ID 4429		49. Approval Date 02/10/20							

NOTIFICATION OF PERSONNEL ACTION

Unofficial Document

Rev 7/91

U.S. Office of Personnel Management

Guide to Processing Personnel Actions, Chapter 4

1. Name (Last, First, Middle) SHEA, TIMOTHY JOSEPH				2. Social Security Number (b) (6)				3. Date of Birth (b) (6)				4. Effective Date 05-18-2020															
FIRST ACTION								SECOND ACTION																			
5-A. Code 546		5-B. Nature of Action CONV - SES NONCAREER APPT						6-A. Code		6-B. Nature of Action																	
5-C. Code V4L		5-D. Legal Authority 5 USC 3394 (A) Noncar						6-C. Code		6-D. Legal Authority																	
5-E. Code AWM		5-F. Legal Authority OPM FORM 1652						6-E. Code		6-F. Legal Authority																	
7. FROM: Position Title and Number US ATTY JC: USA001 Position: 160003								15. TO: Position Title and Number Senior Counselor JC: 030299 Position: 90147117																			
8. Pay Plan AD		9. Occ. Code 0905		10. Grade/Lvl 39		11. Step/Rate 0		12. Tot. Salary \$222,682.39		13. Pay Basis PA		16. Pay Plan ES		17. Occ. Code 0905		18. Grade/Lvl 00		19. Step/Rate 0		20. Tot. Salary/Award \$179,700.00		21. Pay Basis PA					
12A. Basic Pay \$170,664.00				12B. Locality Adj. \$52,018.39		12C. Adj. Basic Pay \$222,682.39		12D. Other Pay \$0		20A. Basic Pay \$179,700.00				20B. Locality Adj. \$0		20C. Adj. Basic Pay \$179,700.00		20D. Other Pay \$0									
14. Name and Location of Position's Organization U S ATTORNEYS OFFICE DISTRICT OF COLUMBIA WASHINGTON DC USA								22. Name and Location of Position's Organization HEADQUARTERS COMPONENTS (DOJ) OFFICE OF LEGAL POLICY WASHINGTON DC USA																			
EMPLOYEE DATA																											
23. Veterans Preference 1 1-None 3-10 Point/Disability 5-10 Point/Other 2-5 Point 4-10 Point/Compensable 6-10 Point/Compensable/30%												24. Tenure 0 0-None 2-Conditional 1-Permanent 3-Indefinite				25. Agency Use		26. Veterans Preference for RIF YES X NO									
27. FEGLI C0 Basic only												28. Annuity Indicator 9 Not Applicable				29. Pay Rate Determinant 0 0:Regular Rate											
30. Retirement Plan C FICA and CSRS (Partial)								31. Service Comp. Date (Leave) 05-14-2002				32. Work Schedule F F:Full Time				33. Part-Time Hours Per Biweekly Pay Period											
POSITION DATA																											
34. Position Occupied 3 1-Competitive Service 3-SES General 2-Excepted Service 4-SES Career Reserved												35. FLSA Category E E-Exempt N-Nonexempt				36. Appropriation Code				37. Bargaining Unit Status 8888							
38. Duty Station Code 110010001								39. Duty Station (City-County-State or Overseas Location) WASHINGTON DIST COLUMBIA DC USA																			
40. Agency Data				41.				42.				43.				44. Organization Structure 903094 HC 07 00 0000 00 00 0000											
45. Remarks																											
46. Employing Department or Agency Department of Justice HEADQUARTERS COMPONENTS (DOJ)												50. Signature/Authentication and Title of Approving Official /s/ E/S BY: TERRY L. MINTZ AD JMD HR SERVICES															
47. Agency Code DJHC				48. Personnel Office ID 1831				49. Approval Date 05-11-2020																			

Editions Prior to 7/91 Are Not Usable After 6/30/93