



June 19, 2018

Arthur A. Elkins Jr.
Inspector General
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Inspector General Elkins:

On June 8, 2018, the Campaign Legal Center (CLC) requested that you investigate EPA Administrator Scott Pruitt's violations of ethical standards when he used his official position and government resources to ask the CEO of Chick-fil-A for help in securing a competitive franchise opportunity for his wife, Marlyn Pruitt.¹ Now reports have surfaced that Administrator Pruitt has continued to use his government position to secure favors and advantages for his family: he made overtures to political donors, including at least one with interests before the EPA, in order to find a job for his wife²; and he enlisted at least three EPA staff members to secure his daughter, McKenna Pruitt, a competitive summer internship in the White House.³ These new allegations underscore the need for investigation of his repeated violations of the Standards of Ethical Conduct for Executive Branch Employees (Standards of Conduct).⁴

According to sources in a *Washington Post* report, Administrator Pruitt engaged in a months-long effort to secure employment for his wife by soliciting numerous corporate executives and political donors.⁵ He enlisted the then-associate administrator for the EPA's Office of Policy, Samantha Dravis, to assist in this personal endeavor; she reportedly felt "pressured" by Administrator Pruitt.⁶

¹ Campaign Legal Center, "Complaint before EPA Inspector General on Scott Pruitt," (June 8, 2018), <http://www.campaignlegalcenter.org/document/complaint-epa-inspector-general-scott-pruitt>.

² Juliet Eilperin, Josh Dawsey, Brady Dennis & Shawn Boburg, *EPA chief Scott Pruitt tapped aide, donors to help wife land job at conservative group*, WASH. POST (June 13, 2018), <https://wapo.st/2JBpinV>.

³ Eric Lipton, Steve Eder, Lisa Friedman & Hiroko Tabuchi, *For Pruitt Aides, the Boss's Personal Life Was Part of the Job*, N.Y. TIMES (June 15, 2018), <https://nyti.ms/2LQ0MMq>.

⁴ 5 C.F.R. part 2635.

⁵ Eilperin et al., *supra* n. 2.

⁶ *Id.*

Last year, Administrator Pruitt approached political donor Doug Deason, whose Dallas-based company had financial interests regulated by the EPA.⁷ He hoped Deason would hire his wife, but Deason declined due to the conflict of interest her hiring would create. Continuing to press Deason, Administrator Pruitt asked him to help find other employment opportunities for his wife – just as he had sought assistance from Chick-fil-A’s CEO in securing a franchise opportunity.⁸ Deason then worked with Dravis and Administrator Pruitt’s outside counsel, Cleta Mitchell, to find a job for Marlyn Pruitt.⁹ Over several months, they struggled to find a position for her, given the conflict of interest that hiring an EPA administrator’s wife would create for various prospective employers.¹⁰

The Judicial Crisis Network (JCN), an organization that has contributed millions to groups associated with Administrator Pruitt, eventually hired Marlyn Pruitt.¹¹ The *Washington Post* article suggests a causal link between Administrator Pruitt’s solicitation of donors and her hiring. In this regard, it bears noting that JCN received her resume from Leonard Leo, executive vice president of the Federalist Society and longtime supporter of Administrator Pruitt, and who has close ties to JCN.¹² Leo is the outside party who arranged Administrator Pruitt’s controversial \$100,000 trip to Italy last year.¹³

Administrator Pruitt engaged in similar behavior in order to secure a coveted White House internship for his daughter. According to a *New York Times* article, Administrator Pruitt instructed former deputy chief of staff Kevin Chmielewski and at least two other top aides to “see what [they] could do” about getting McKenna Pruitt the internship.¹⁴

Administrator Pruitt’s conduct surrounding his wife’s and daughter’s job searches violated three provisions of the Standards of Conduct. His solicitation of assistance from

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* “The Judicial Crisis Network, which historically has pushed for the appointment of conservative judges, has given millions of dollars in recent years to groups associated with Pruitt, according to IRS filings. Starting in 2013, when he was chairman of the Republican Attorneys General Association, the JCN gave the organization \$2,445,000 over three years. It donated \$885,000 in the same period to the Rule of Law Defense Fund, an offshoot group Pruitt launched that describes itself as a ‘public policy organization for issues relevant to the nation’s Republican attorneys general.’ In 2016, records show, one of Pruitt’s Oklahoma-based PACs, Liberty 2.0, received \$25,000 from the JCN. The attorneys general organization got \$1.3 million that year.”

¹² JCN “has an office in the same building as the Federalist Society on I Street NW in the District.” *Id.*; see also Viveca Novak, *Wellspring Gives Big Boost to Judicial Crisis Network With \$6.6 Million Grant*, DAILY BEAST (Nov. 25, 2015), <https://thebea.st/2JSFb8B> (noting that the Wellspring Committee had given large grants to both JCN and the Federalist Society, and that “Leonard Leo[] was instrumental in getting both Wellspring and JCN off the ground.”); Robert Maguire, *\$1 Million Mystery Gift to Inauguration Traced to Conservative Legal Activist*, MCCLATCHY (May 14, 2018), <https://bit.ly/2JUuYZu> (“Leo is directly involved in raising much of the anonymous money the Wellspring Committee brings in every year.”); Andrew Perez, *Tax Returns Identify Dark Money Organization As Source of GOP Supreme Court Attacks*, MAPLIGHT (Nov. 21, 2017), <https://bit.ly/2A4FvMd> (“JCN and Wellspring provided almost 80 percent of the money raised by the Rule of Law Project, a conservative nonprofit that listed Leo as a director in tax filings.”).

¹³ Eilperin et al., *supra* n. 2.

¹⁴ Lipton et al., *supra* n. 3.

donors violated the general misuse of position regulation.¹⁵ Directing a subordinate to assist with the job searches violated the both the provision barring coercion of personal benefits and the provision barring misuse of a subordinate's official time.¹⁶

First, Administrator Pruitt's conduct raises concerns about the repeated misuse of his position to find a job for his wife. The misuse of official position to advance financial interests of an employee or the employee's family member is prohibited by the Standards of Conduct, which provide that "an employee shall not use his public office for his own private gain . . . or for the private gain of friends [or] relatives."¹⁷ He violated this provision by misusing his position as a top-ranking Cabinet-level official to solicit help from influential outside parties, including at least one individual whom he knew to have interests regulated by the EPA, in order to benefit himself and his wife personally.

The contacts Administrator Pruitt targeted for assistance appear to have been vulnerable to a solicitation backed by the weight of the EPA. They may not have been amenable to helping him otherwise. Deason, for instance, may have been motivated to help him because the EPA regulates his company's oil holdings.¹⁸ When a conflict of interest prevented him from offering a job, he invested his time over a period of months to satisfy the request from the head of this regulatory agency.

Second, Administrator Pruitt's use of subordinate EPA employees to coordinate his wife's personal job search and to secure his daughter a coveted White House internship violated two additional provisions of the Standards of Conduct. Given the inherently coercive nature of a personal request from a supervisor, this conduct violated the regulatory provision barring the use of governmental authority "in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, [or] relatives."¹⁹ Dravis reportedly felt "uncomfortable" leveraging her political network to find a job for the wife of her boss, and one source said Administrator Pruitt "pressured" her to do it.²⁰

In addition, if Dravis and Chmielewski used their official time to secure positions for Marlyn and McKenna Pruitt, as appears to be the case,²¹ Administrator Pruitt violated the prohibition against using a subordinate's official time for activities other than those required in the performance of official duties.²² Dravis' official duties as associate administrator for the EPA's Office of Policy – the primary policy arm of the EPA, billed as

¹⁵ 5 C.F.R. § 2635.702.

¹⁶ 5 C.F.R. §§ 2635.702(a), 2635.705(b).

¹⁷ 5 C.F.R. § 2635.702.

¹⁸ Eilperin et al., *supra* n. 2.

¹⁹ 5 C.F.R. § 2635.702(a).

²⁰ Eilperin et al., *supra* n. 2.

²¹ Emails show that Administrator Pruitt's former scheduler, Sydney Hupp, coordinated a meeting with the Chick-fil-A CEO during the conventional workday. *See Emails Between Top Aides to Scott Pruitt and Chick-fil-A CEO Dan Cathy*. WASH. POST (June 5, 2018), <http://apps.washingtonpost.com/g/documents/national/emails-between-top-aides-to-scott-pruitt-and-chick-fil-a-ceo-dan-cathy/3007/>. Additionally, even though his EPA staff set up certain meetings with his political donors meetings, Administrator Pruitt reportedly kept them off of his public schedule because they were not about EPA business. Lipton et al., *supra* n. 3.

²² 5 C.F.R. § 2635.705(b).

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providing multidisciplinary analytic skills and expertise in areas like environmental economics and environmental justice²³ – almost certainly did not include tapping her own contacts to find a stream of income for the agency head’s family. Chmielewski said he and other aides were “constantly fielding requests” that had “nothing to do with running the EPA.”²⁴ Indeed, Administrator Pruitt has asked his EPA subordinates to perform a plethora of personal tasks aside from his family’s job search.²⁵

Administrator Pruitt’s conduct constitutes additional violations of the Standards of Conduct. Even if you should find that his conduct does not technically violate the regulatory requirements, he has fallen short of the ethical mandate to avoid even the appearance of a violation.²⁶ CLC therefore asks again that you investigate this matter and issue a public report of your findings.

Sincerely,



Brendan M. Fischer
Director, Federal and FEC Reform



Delaney N. Marsco
Ethics Counsel

Cc: David J. Apol
Acting Director
U.S. Office of Government Ethics

²³ U.S. EPA, “About the Office of Policy,” <https://www.epa.gov/aboutepa/about-office-policy-op>.

²⁴ Lipton et al., *supra* n. 3.

²⁵ Administrator Pruitt allegedly expected staff members’ assistance with a variety of matters outside the purview of their official government duties. These matters included: calling on an executive with energy industry ties to help secure tickets to a sold out Rose Bowl game for him and his family; arranging off-the-books meetings with influential political donors, so Administrator Pruitt could prime the donors for a potential run for office after his tenure as EPA administrator; and coordinating the attendance to Washington Nationals baseball games, and in one instance negotiating access for Administrator Pruitt to the team’s batting practice. *Id.*

²⁶ 5 C.F.R. § 2635.101(b)(14).