



**U.S. OFFICE OF SPECIAL COUNSEL**  
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May 31, 2018

Mr. Walter M. Shaub, Jr.  
Senior Director, Ethics  
Campaign Legal Center  
1411 K Street, N.W. Suite 1400  
Washington, DC 20005

VIA EMAIL: [wshaub@campaignlegalcenter.org](mailto:wshaub@campaignlegalcenter.org)

Re: OSC File No. HA-18-0012

Dear Mr. Shaub:

This letter is in response to information you provided the U.S. Office of Special Counsel (OSC) alleging that U.S. Department of the Interior (DOI) Secretary Ryan Zinke violated the Hatch Act when he appeared as the special guest at a political fundraiser and participated in photograph opportunities with donors who contributed a certain amount of money. OSC investigated and, as explained below, determined that Secretary Zinke did not violate the Hatch Act as alleged above. Therefore, we are closing this file without further action.

Secretary Zinke is subject to the provisions of the Hatch Act, 5 U.S.C. §§ 7321-7326, which governs the political activity of federal civilian executive branch employees. The Hatch Act prohibits him from soliciting, accepting, or receiving political contributions from any person. *Id.* § 7323(a)(2). But the Hatch Act does not prohibit him from appearing as the guest speaker of a political fundraiser, as long as he does not personally solicit at the event and the invitation does not use his official title<sup>1</sup> or in any way suggest he is soliciting or encouraging contributions. *See* 5 C.F.R. § 734.208, example 3.

Secretary Zinke appeared as the special guest at a fundraiser for the Republican Party of the U.S. Virgin Islands (USVI GOP) on March 30, 2017. His official title was not used on the invitation—it referred to him as “The Honorable Ryan K. Zinke.” It was alleged, though, that he violated the Hatch Act by participating in photograph opportunities with donors who contributed a certain amount of money to the fundraiser. At issue is whether special access to Secretary Zinke was an inducement for donors to make a higher contribution, thus suggesting he was soliciting or encouraging that higher contribution. OSC has advised that a federal employee should not participate in such “tiered” fundraising events where higher levels of contributions are solicited for special access to the employee.

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<sup>1</sup> A general term of address, such as “The Honorable,” may be used. *See* 5 C.F.R. § 734.208, example 3.

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The USVI GOP fundraiser invitation advertised that tickets were available at different levels—\$ 5,000 per couple for patrons, \$ 1,500 per couple for the host committee, \$ 500 per person for honored guests, and \$ 75 per person for attendees. But the invitation did not indicate that higher contribution levels gave guests additional access to Secretary Zinke, the special guest. Thus, even if he granted photograph opportunities to the higher-paying guests at the event, his activity did not violate the Hatch Act because he was not the impetus for those higher contributions.

Because OSC's investigation found no evidence that Secretary Zinke violated the Hatch Act as alleged in OSC case file number HA-18-0012, we are closing this file without further action. You may contact me at (202) 804-7054 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Erica S. Hamrick". The signature is written in a cursive style with a large initial "E".

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit