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"Rummaging in the government's attic"

Description of document:	Office of Government Ethics (OGE) Emails containing the word Goya, 2020
Requested date:	15-17-July-2020
Release date:	29-December-2020
Posted date:	11-January-2021
Source of document:	FOIA request OGE FOIA Officer Office of Government Ethics Suite 500 1201 New York Avenue, NW Washington, DC 20005-3917 Email: usoge@oge.gov

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December 29, 2020

VIA ELECTRONIC MAIL ONLY

Tracking No: OGE FOIA FY 20/061 & OGE FOIA FY 20/062

This is in response to your Freedom of Information Act (FOIA) requests, which were received by the OGE FOIA Office on July 15, 2020 and July 17, 2020. In your requests, you asked for “a copy of each email containing the word GOYA found in email accounts of individuals within 1) Office of the Director and/or 2) Ethics Law and Policy Branch, from an electronic search of emails, dating between July 12 and the present. And a copy of all communications between OGE and the White House regarding the endorsement of Goya products by White House employees, during the time period July 10, 2020 to the present.” On July 17, 2020, you clarified that the request is limited to the following email accounts: Emory Rounds, Seth Jaffe, and David Apol.

In response we are enclosing 21 pages of responsive documents subject to deletions made in accordance with FOIA Exemption 5, 5 U.S.C. § 552(b)(5), as inter- and intra-agency pre-decisional deliberative process material; and FOIA Exemption 6, 5 U.S.C. § 552(b)(6), as information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. As indicated in the released records, we are withholding 13 pages of attachments in their entirety pursuant to FOIA Exemption 5, 5 U.S.C. § 552(b)(5) as inter- & intra-agency pre-decisional deliberative process material. They are draft versions of a letter; the final version of this letter is provided in the responsive records.

If you have any questions or wish to discuss any aspect of your request, you may contact me by telephone at 202-482-9216. I am available for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes. 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, 8601



Adelphi Road-OGIS, College Park, Maryland 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.

The OGE official responsible for this FOIA determination is the undersigned. In accordance with the FOIA, as codified at 5 U.S.C. § 552(a)(6)(A), and OGE's updated FOIA regulations, at 5 C.F.R. § 2604.304, you may administratively appeal to the Program Counsel, U.S. Office of Government Ethics, 1201 New York Avenue, N.W., Suite 500, Washington, DC 20005-3917. Any such appeal must be in writing and must be sent within 90 days of the date you receive this response letter. If you do appeal, you should include copies of your request and this response, together with a statement of why you believe this initial determination is in error. Also, if you appeal, you should clearly indicate on the envelope and in the letter that it is a "Freedom of Information Act Appeal."

Sincerely,

JENNIFER
R MATIS

Digitally signed by
JENNIFER MATIS
Date: 2020.12.29
12:38:16 -05'00'

Jennifer Matis

Alternate OGE FOIA Officer

Enclosure

From: [Elizabeth D. Horton](#)
To: [Agency Wide: News Clippings](#)
Subject: Legislative Update for Wednesday, July 15, 2020
Date: Wednesday, July 15, 2020 12:39:54 PM

The Senate and House are not in session.

Legislative and Related News

Government Executive reports that a group of House lawmakers urged appropriators to increase the pay raise proposed for federal civilian employees next year to match that planned for members of the military. [House Lawmakers Call for Pay Parity Between Military and Civilian Federal Workers](#)

Executive Branch Ethics and Related News

Multiple outlets report on Ivanka Trump's alleged ethics violation resulting from her tweet promoting a food company. [Ivanka Trump pitches Goya Foods products on Twitter \(The Hill\)](#); [Ivanka Trump posted a photo posing with Goya beans as people call for boycott — but it may have violated government ethics rules \(Business Insider\)](#); [Ivanka Trump Wades Into Goya Foods Row, Faces Accusation Of Ethics Breach \(Forbes\)](#); [Ivanka Trump potentially violates ethics laws \(MSNBC\) \(video\)](#); [Ivanka Trump tweet featuring can of Goya beans sparks backlash \(WTOP\)](#); [Ivanka Trump Promotes Can of Goya Beans, Violates Ethics Standards \(New York Magazine\)](#); [Ivanka Trump accused of violating federal ethics law with bean brand endorsement \(Independent\)](#); [Trump's tweet support for Goya Foods amid boycott campaign \(Reuters\)](#)

FEDweek reports on OGE's Annual Questionnaire and that federal employees most commonly seek help with policies governing the acceptance of gifts. [Among Ethics Policies, Gift Rules Raise the Most Questions](#)

The Washington Post reports that the co-director of President Trump's Operation Warp Speed can maintain extensive investments in the drug industry and avoid ethics disclosures while he continues to make decisions about government contracts for promising coronavirus vaccines under a decision by the Health and Human Services inspector general. [Chief of White House's 'Operation Warp Speed' vaccine effort can keep investing in pharma firms, under IG ruling](#)

Government Executive reports that Americans' trust in the federal government is at rock-bottom levels and suggests that "[c]onfidence that government will deliver services fairly can foster a deeper trust in government to govern fairly." [Building Trust in Government One Problem at a Time](#)

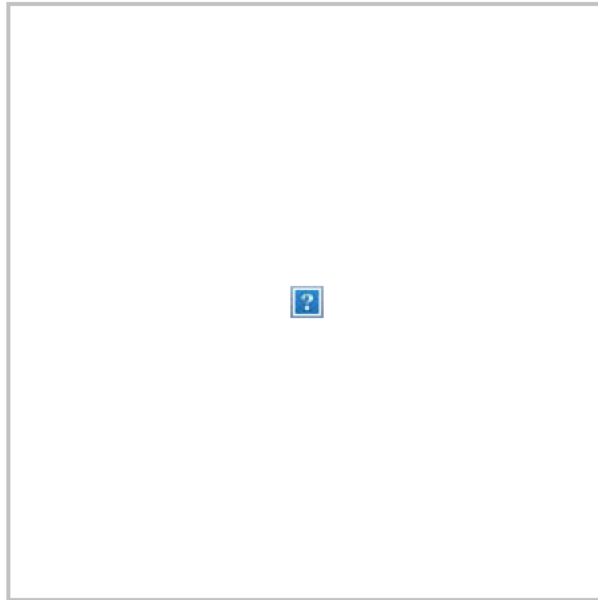
Next Scheduled Recess:

House: Aug. 3-Sept. 8

Senate: July 3-17

From: [The New York Times](#)
To: [Seth Jaffe](#)
Subject: Thursday Morning: The crime rise is real, but not inevitable
Date: Thursday, July 16, 2020 6:43:12 AM

[View in browser](#) | [nytimes.com](#)



July 16, 2020



By [David Leonhardt](#)

Good morning. A heat wave is pounding the South. Fauci responds to his White House critics. And crime is rising in several major cities.

What's behind the shootings?

In the world of amateur dance, the annual recital is much more than a performance: It's a celebration of a year's work for students. And so across parks and parking lots, with makeshift stages and backdrops of gas stations or highways, [some dance studios found a way to throw their grandest show of the year](#) — safely.

Diversions

- Scientists have uncovered the answer to one of humanity's most burning questions: [How many hot dogs can a person consume in 10 minutes?](#)
 - Ivanka Trump posed with a can of Goya beans after the company's president praised her father. [The late-night hosts were watching.](#)
-

Games

Here's [today's Mini Crossword](#), and a clue: About 1 in 8 Americans eat this food on any given day, per a Department of Agriculture study (five letters).

[You can find all of our puzzles here.](#)

Thanks for spending part of your morning with The Times. See you tomorrow. — David

P.S. This was supposed to be the week of the Democratic National Convention in Milwaukee. But there's still plenty of politics to talk about. Join several Times reporters — plus Julián Castro — [for a conversation today at 5 p.m. Eastern.](#)

You can see [today's print front page here.](#)

Today's episode of "[The Daily](#)" revisits a restaurant owner in Baton Rouge, La., who struggled to decide whether to reopen. On "[The Argument](#)," Times Opinion columnists interview Senator Tammy Duckworth, a potential running mate for

From: [Grant Anderson](#)
To: [Agency Wide: News Clippings](#)
Subject: Legislative Update for Thursday, July 16, 2020
Date: Thursday, July 16, 2020 12:08:56 PM

The Senate and House meet in pro forma sessions.

Legislative and Related News

The Hill reports that the House Appropriations Committee has finished marking up the last of 12 spending bills for fiscal 2021, as each of the dozen bills have been approved in their respective subcommittee and the full committee. [House panel wraps up lightning-fast appropriations for 2021](#)

Executive Branch Ethics and Related News

CNBC and *The Hill* report on Jared Kushner's continuing investment in real estate tech start-up Cadre. The articles note that in late June, an OGE [report](#) detailing Kushner's plans to sell the stock was withdrawn. [Jared Kushner decides not to divest from real estate tech start-up he co-founded — for now \(CNBC\)](#); [Kushner won't divest from real estate tech startup: report \(The Hill\)](#)

POGO reports on revolving door concerns related to a former White House employee who subsequently lobbied Congress, noting the employee's absence on an April 2020 White House [list](#) of current and former staffers who have received waivers from aspects of the ethics restrictions. [White House Official-Turned-Lobbyist Cashed in on CARES Act](#)

Additional outlets report and opine on ethical issues related to Ivanka Trump's tweet promoting a food company. [Ivanka Trump defends Goya post that watchdogs call unethical \(AP\)](#); [The Trumps think rules don't apply to them. Their Goya endorsements prove it. \(Washington Post\)](#); [After backlash over Ivanka Trump's posts about Goya beans, her father posts, too \(ABC News\)](#); [Ivanka Trump backs Goya: By endorsing black beans she possibly violates ethics rule \(CNN\)](#)

Politico reports on an IG [report](#) finding that CMS did not manage certain communications contracts in accordance with federal requirements. [Inspector general: Medicare chief broke rules on her publicity contracts](#)

Next Scheduled Recess:

House: Aug. 3-Sept. 8

Senate: July 3-17

From: [Kimberly L. Sikora Panza](#)
To: [Seth Jaffe](#); [David J. Apol](#)
Subject: Draft letter FYR
Date: Friday, July 17, 2020 5:17:53 PM
Attachments: [July 17th 530pm draft.docx](#)

3 pp draft letter withheld in full (b)(5).
Final version released below.

Hi Dave and Seth,

Attached please find a draft letter FYR. This letter can also be found in the J drive here -

(b)(5) - internal agency network address

Thanks,
Kim

Kimberly L. Sikora Panza
Associate Counsel
U.S. Office of Government Ethics
1201 New York Avenue NW, Suite 500
Washington, DC 20005
202.482.9214

From: [Grant Anderson](#)
To: [Agency Wide; News Clippings](#)
Subject: Legislative Update for Friday, July 17, 2020
Date: Friday, July 17, 2020 5:21:14 PM

The Senate and House are not in session.

Executive Branch Ethics and Related News

Law & Crime reports on a letter from Rep. Krishnamoorthi to OGE related to conflict of interest concerns. [Mike Pence's Chief of Staff Is Being Investigated for 'Conflicts of Interest' Surrounding Coronavirus Task Force](#)

Additional outlets report on the response from ethics experts and outside groups to Ivanka Trump's tweet promoting a food company. [CREW files ethics complaint against Ivanka Trump over Goya photo \(The Hill\)](#); [As Election Nears, Trump's White House Grows Bolder in Flouting Ethical Norms \(NYT\)](#); ['Rules Don't Apply To Us': Ex-Ethics Chief Blasts Real Message Of Ivanka's Goya Stunt \(Huffington Post\)](#)

Federal Agency and Related News

Multiple outlets report that OPM has cancelled Presidential Rank Awards for 2020. [OPM Cancels Presidential Rank Awards, Citing Efforts to 'Reopen' Economy \(Government Executive\)](#); [Federal leadership awards to be canceled for 2020 \(Federal Times\)](#); [The Cancelled Presidential Rank Awards \(Government Executive\)](#)

Government Executive and *Federal News Network* report on updates in the security clearance process. [Half of Security Clearance Holders Are Under Continuous Evaluation \(Government Executive\)](#); [Security clearance processing times are down, continuous evaluation enrollment is up \(Federal News Network\)](#)

Next Scheduled Recess:

House: Aug. 3-Sept. 8

Senate: July 3-17

From: [Shelley K. Finlayson](#)
To: [David J. Apol](#); [Seth Jaffe](#)
Subject: FW: Carper-Warren Letter to OGE
Date: Monday, July 20, 2020 1:22:39 PM
Attachments: [2020-07-20 Carper and Warren Letter to OGE.pdf](#)

From: Berrios, Roberto (HSGAC) [mailto:(b) (6)]
Sent: Monday, July 20, 2020 12:34 PM
To: Shelley K. Finlayson <skfinlay@oge.gov>
Cc: Reavis, Brandon (HSGAC) <(b) (6)>; Cohen, Brian (Warren) (b) (6)>; Delaney, Joshua (Warren) (b) (6)>
Subject: Carper-Warren Letter to OGE

Hi Shelley,

Attached is a letter from Senators Carper and Warren to the Director. Please let us know if you have any questions.

Best,
Roberto

--

Roberto Berrios | Counsel
Permanent Subcommittee on Investigations
United States Senate
Ranking Member Tom Carper
(b) (6)

United States Senate

WASHINGTON, DC 20510

July 20, 2020

The Honorable Emory A. Rounds III
Director
U.S. Office of Government Ethics
1201 New York Avenue, N.W., Suite 500
Washington, D.C. 20005

Dear Director Rounds,

We write today to request your assistance with a review of a tweet by Ivanka Trump, who serves as Advisor to President Trump. On July 14, 2020, Ms. Trump sent a tweet from her personal Twitter account with an image of herself holding a can of black beans from Goya Foods, Inc.¹ The tweet also included the company's motto: "If it's Goya, it has to be good. Si es Goya, tiene que ser bueno."² At the time of this tweet, the profile for Ms. Trump's personal Twitter account stated that she was an "advisor to POTUS on job creation + economic empowerment, workforce development & entrepreneurship."³

As you know, the Office of Government Ethics ("OGE") promulgated the rule against misuse of position, which relates to the proper use of official time and authority.⁴ This rule states, in part:

An employee shall not use his public office for his own private gain, *for the endorsement of any product, service or enterprise*, or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity... and persons with whom the employee has or seeks employment or business relations.⁵

As former OGE director Walter Shaub has explained, these restrictions "serve to guard the federal service against ethical problems that could undermine public confidence in the integrity of the government's operations."⁶ This concern is particularly pronounced here, given that Ms. Trump tweeted just five days after a White House event on July 9, 2020, in which Goya

¹ @IvankaTrump, TWITTER (July 14, 2020, 10:05 PM), <https://twitter.com/IvankaTrump/status/1283221019684110337>.

² *Id.* See also Our Company History, GOYA, *available at* <https://www.goya.com/en/our-company/history>.

³ @IvankaTrump, TWITTER (July 14, 2020, 10:05 PM),

⁴ 5 C.F.R. § 2635.701 (2019).

⁵ 5 C.F.R. § 2635.702 (2019) (emphasis added). The rule also enumerates specific exemptions, including for endorsements an official makes in furtherance of statutory authority. 5 C.F.R. § 2635.702(c)(1) (2019).

⁶ A Refresher on Misuse of Position, U.S. OFF. OF GOV'T ETHICS, *available at* <https://www.oge.gov/web/oge/nsf/Resources/+A+Refresher+on+Misuse+of+Position>

CEO Robert Unanue praised the leadership of President Trump.⁷ The timing of her remarks creates the appearance, at least, that praise for Trump Administration officials may elicit later endorsements from these same officials. In fact, on July 15, 2020, President Trump shared an image on Instagram of himself with several Goya products at the Resolute Desk.⁸

To better understand the application of federal ethics rules to these circumstances, we request that you provide us with answers to the following questions by August 10, 2020:

1. Did Ms. Trump's tweet represent an "endorsement of any product, service, or enterprise"?
2. If so, did this tweet violate the rule against misuse of position?
3. What disciplinary actions could OGE or the Designated Agency Ethics Official in the White House take in response to a violation of the rule against misuse of position by an official in the Executive Office of the President?
4. Under what circumstances, if any, has OGE disciplined a White House official for a violation of the rule against misuse of position?
5. Has OGE provided training to White House officials regarding the rule against misuse of position? If so, please provide the dates on which OGE provided this training and copies of any related written materials provided to attendees.
6. Has OGE conducted a review of the White House ethics program to ensure its compliance with program requirements and its effectiveness in advancing the mission of the executive branch-wide ethics program?⁹ If so, please provide the results of that review. If not, we request that OGE conduct a review.

If you or members of your staff have any questions about this request, please contact Roberto Berrios with Senator Carper's staff at (202) 224-2441 or Brian Cohen with Senator Warren's staff at (202) 224-4543.

Sincerely,



Tom Carper
U.S. Senator



Elizabeth Warren
U.S. Senator

⁷ David Goldman, *Goya Foods Boycott Takes Off after its CEO Praises Trump*, CNN (July 10, 2020), available at <https://www.cnn.com/2020/07/10/business/goya-foods-boycott-trump/index.html>.

⁸ @realdonaldtrump, Instagram (July 15, 2020), <https://www.instagram.com/p/CCrAzKiBFUQ>.

⁹ 5 C.F.R. §2638.108(a)(9) (2019).

From: [Elizabeth D. Horton](#)
To: [Agency Wide: News Clippings](#)
Subject: Legislative Update for Wednesday, July 22, 2020
Date: Wednesday, July 22, 2020 11:44:27 AM

The Senate convened at 10 a.m.

According to *CQ*, the Senate convened at 10 a.m. Following leader remarks, the Senate will resume consideration of the fiscal 2021 defense authorization bill (S 4049). At 12:10 p.m., the Senate will vote on adoption of the Sanders, I-Vt., amendment no. 1788; adoption of the Tester, D-Mont., amendment no. 1972, as modified; and agreeing to the McConnell, R-Ky., motion to invoke cloture on the Inhofe, R-Okla., substitute amendment no. 2301, as amended, to S 4049.

The House reconvened at 10 a.m.

According to *CQ*, the House reconvened at 10 a.m. for legislative business and is expected to consider a measure under suspension of the rules. The chamber is also expected to consider a bill (House amendment to Senate amendment to HR 2486) that would revoke President Trump's "travel ban" that prevents individuals from certain nations from entering the United States and a bill (Senate amendment to HR 1957) that would convert the Land and Water Conservation Fund (LWCF) from a discretionary into a mandatory spending program and establish a five-year program to address the maintenance backlog on federal lands.

Executive Branch Ethics and Related News

Multiple outlets report that Senators Elizabeth Warren and Tom Carper sent a letter to the Office of Government Ethics calling for a probe into Ivanka Trump's tweet promoting Goya. [Elizabeth Warren Calls For Ethics Probe Into Ivanka Trump's Goya Tweet \(Forbes\)](#); [Democratic senators call for ethics review into Ivanka Trump's Goya tweet \(The Hill\)](#); [Senators request ethics probe after Ivanka Trump's Goya endorsement \(Politico\)](#); [Senators want ethics probe into Ivanka Trump's Goya Foods promotional tweet \(WUSA9\)](#)

Multiple outlets report that the U.S. Ambassador to the United Kingdom Robert "Woody" Johnson told colleagues that President Trump pressured him in 2018 to entreat the British government to move the British Open golf tournament to the Trump resort in Scotland. [Trump Reportedly Told Diplomat To Push U.K. Government To Steer Golf Tournament To His Resort \(Forbes\)](#); [Trump's Request of an Ambassador: Get the British Open for Me \(The New York Times\)](#); [Report: President wanted U.S. ambassador to help secure Open Championship for Trump Turnberry \(Golfworld\)](#); [The Reported Grift at Trump's Scottish Golf Resorts Is Still Unfurling \(New York Magazine\)](#)

Multiple outlets report that the head of the Centers for Medicare and Medicaid Services leveraged personal and political relationships to award personal contracts for work that should have been done by government employees, according to an inspector general report. [Top health official violated federal contracting rules, HHS inspector general finds \(The Washington Post\)](#); [Medicare Agency's Contracting Violations Show Need for Pandemic Oversight \(Government Executive\)](#); [Watchdog report faults Medicare agency's contract management \(Federal Times\)](#)

STAT News reports that Emily Hargan, who is married to Department of Health and Human Services Deputy Secretary Eric Hargan, has been lobbying the agency for roughly one month on behalf of health care clients. The article notes that Mr. Hargan has since recused himself from all matters on which his wife lobbied HHS. [In unusual arrangement, deputy HHS secretary's wife has been lobbying the agency on behalf of health care companies](#)

Government Executive reports that the Trump administration has redacted the meeting minutes pertaining to its presidential transition activities, which are required by law, raising concerns from former officials and experts. [White House Redacts Meeting Minutes on the Presidential Transition](#)

Federal Times and *Federal News Network* report that President Trump has announced that he will be nominating John Gibbs, currently the acting assistant secretary for community planning and development at the Department of Housing and Urban Development, to serve as the director of the Office of Personnel Management. [Trump taps HUD official to lead federal personnel office \(Federal Times\)](#); [Trump taps HUD appointee to be new OPM director \(Federal News Network\)](#)

Federal Agency and Related News

Multiple outlets report that federal employees might soon have greater protections against a loss in health benefits by designating them as “emergency services” during a government shutdown. [Proposed rule would protect feds’ health benefits during a shutdown \(Federal Times\)](#); [Federal employee health programs are ‘essential services’ during future shutdowns, OPM says \(Federal News Network\)](#); [OPM Moves to Implement Protections for Feds During Shutdowns \(Government Executive\)](#)

Next Scheduled Recess:

House: Aug. 3-Sept. 8

Senate: Aug. 8-Sept. 8

From: [David J. Apol](#)
To: [Seth Jaffe](#)
Subject: July 20th Letter to Scott Gast.docx
Date: Wednesday, July 22, 2020 12:13:33 PM
Attachments: [July 20th Letter to Scott Gast.docx](#)

2 pp draft letter withheld
in full (b)(5). Final version
released below.

From: [Grant Anderson](#)
To: [Agency Wide: News Clippings](#)
Subject: Legislative Update for Thursday, July 23, 2020
Date: Thursday, July 23, 2020 12:28:11 PM

The Senate reconvened at 9:30 a.m.

According to *CQ*, the Senate reconvened at 9:30 a.m. Following leader remarks, the Senate resumed consideration of the fiscal 2021 defense authorization bill (S 4049).

The House reconvened at 10:00 a.m.

According to *CQ*, the House reconvened at 10 a.m. for legislative business to consider a bill (HR 7608) that would authorize FY 2021 appropriations for Agriculture, Interior-Environment, Military Construction-Veterans Affairs, and State-Foreign Operations.

Legislative and Related News

E&E News reports on the status of the nominee to lead the Bureau of Land Management, noting that “a source with knowledge of the process said OGE has transmitted a letter stating that he is in compliance with the ethics agreement, but added that this does not relieve Interior of its obligation to submit to the committee the financial disclosure report, ethics agreement and designated ethics officer’s letter.” [Pressure grows on Senate Republicans to oppose Pendley](#)

Federal News Network reports on provisions related to civilian federal employees in the defense authorization act that passed the House yesterday. [Annual leave carryover, new anti-discrimination safeguards for feds in House NDAA](#)

Executive Branch Ethics and Related News

CNN and *The Hill* report on the Trump campaign’s new [ad](#) related to Goya, following controversy about the administration’s relationship with the company. [Trump campaign launches new Spanish-language ad campaign defending Goya amid boycotts \(CNN\)](#); [Trump campaign leans into Goya controversy in new Spanish ads \(The Hill\)](#)

Judiciary and Related News

Above the Law reports on a new Supreme Court [recusal report](#) released by Fix the Court. [Recusal Report Unveils Supreme Court Conflicts Of Interest](#)

Next Scheduled Recess:

House: Aug. 3-Sept. 8

Senate: Aug. 8-Sept. 8

From: [David J. Apol](#)
To: [Seth Jaffe](#)
Subject: Revised letter
Date: Friday, July 24, 2020 5:50:42 PM
Attachments: [July 22th Letter to Scott Gast\(DJASHJ\)\(SKF\).docx](#)

2 pp draft letter withheld in full (b)(5). Final version released below.

I took a whack at it. (b) (5) . Feel free to massage or fillet it.

David J. Apol
General Counsel
U.S. Office of Government Ethics
(202) 482 - 9300

From: David J. Apol
To: [Seth Jaffe](#)
Subject: July 22th Letter to Scott Gast(DJASHJ)(SKF).docx
Date: Monday, July 27, 2020 2:42:10 PM
Attachments: [July 22th Letter to Scott Gast\(DJASHJ\)\(SKF\).docx](#)

2 pp draft letter withheld in full (b)(5). Final version released below.

From: [Seth Jaffe](#)
To: [David J. Apol](#)
Subject: RE: July 27th draft Letter to Scott Gast(DJA).docx
Date: Monday, July 27, 2020 3:53:09 PM
Attachments: [July 27th draft Letter to Scott Gast\(DJASHJ\).docx](#)

2 pp draft letter withheld in full (b)(5).
Final version released below.

From: David J. Apol
Sent: Monday, July 27, 2020 2:50 PM
To: Seth Jaffe <sjaaffe@oge.gov>; David J. Apol <djapol@oge.gov>
Subject: July 27th draft Letter to Scott Gast(DJA).docx

I've cleaned this up and made a few other edits. See what you think.

From: [David J. Apol](#)
To: [Seth Jaffe](#)
Subject: July 27th draft Letter to Scott Gast(DJASHJ).docx
Date: Monday, July 27, 2020 4:01:36 PM
Attachments: [July 27th draft Letter to Scott Gast\(DJASHJ\).docx](#)

2 pp draft letter withheld in full
(b)(5). Final version released
below.

From: [Shelley K. Finlayson](#)
To: [Christie Chung](#)
Cc: [Seth Jaffe](#); [David J. Apol](#)
Subject: RE: FOR REVIEW -- Scott Gast Goya Letter
Date: Tuesday, August 4, 2020 2:26:03 PM

Thank you, Christie.

From: Christie Chung
Sent: Tuesday, August 4, 2020 2:25 PM
To: Shelley K. Finlayson <skfinlay@oge.gov>
Cc: Seth Jaffe <sjaffe@oge.gov>; David J. Apol <djapol@oge.gov>
Subject: FOR REVIEW -- Scott Gast Goya Letter

Hi Shelley,

The letter to Scott Gast that you are expecting is available here in .pdf format for your review:

(b)(5) - internal agency network address

There was one minor grammatical related edit that I made in Footnote 3. In the previous draft, the "see also" in Footnote 3 was not capitalized or italicized, so I went ahead and capitalized the "S" and italicized the phrase. Please let me know if you want me to change this back or make any other edits.

Thank you,
Christie

Christie Chung
Assistant Counsel
U.S. Office of Government Ethics
1201 New York Avenue, N.W., Suite 500
Washington, DC 20005
Office: (202) 482-9221

From: [Christie Chung](#)
To: [Emory A. Rounds III](#)
Cc: [Shelley K. Finlayson](#); [David J. Apol](#); [Seth Jaffe](#)
Subject: Scott Gast Goya Letter
Date: Wednesday, August 5, 2020 10:04:10 AM

Good morning, Emory,

The revisions to the draft letter to Scott Gast have been made and the letter is again ready for your review here: [\(b\)\(5\) - internal agency network address](#).

“The Honorable” was added to the address line as this is technically part of Mr. Gast’s title, and Mr. Gast’s middle initial was also added to the address line. Please let me know if you have any other questions or edits.

Thank you,
Christie

Christie Chung
Assistant Counsel
U.S. Office of Government Ethics
1201 New York Avenue, N.W., Suite 500
Washington, DC 20005
Office: (202) 482-9221

From: [David J. Apol](#)
To: [Gast, Scott F. EOP/WHO](#)
Cc: [Shelley K. Finlayson](#)
Subject: Letter
Date: Wednesday, August 5, 2020 11:43:34 AM
Attachments: [Aug. 5 Letter to Scott Gast signed.pdf](#)

Scott,

Here is the letter we are sending you.

David J. Apol
General Counsel
U.S. Office of Government Ethics
(202) 482 - 9300

UNITED STATES OFFICE OF GOVERNMENT ETHICS



August 5, 2020

The Honorable Scott F. Gast
Deputy Counsel to the President
and Designated Agency Ethics Official
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. Gast:

I am writing to express concern and ask you to take action regarding recent social media posts promoting Goya products following an official White House event.¹ OGE considers this to be a serious matter because the public may lose confidence in the integrity of its government if it perceives that employees are using their public office to serve private interests.

As you know, the Standards of Ethical Conduct for Employees of the Executive Branch ("Standards") prohibit employees from using public office for their own private gain, for the endorsement of any product, service or enterprise, or for the private gain of others.² It is likewise necessary that each and every employee avoid any appearance that they are violating the Standards, including appearing to use their public office for private gain.³ This is especially true for employees who hold highly visible positions, such as senior White House officials.

The success of our government depends on maintaining the trust of the people we serve. Therefore, I encourage you, as the senior White House Office ethics official, to use this matter as an opportunity to remind White House Office officials and employees of their responsibility to use their public office exclusively for the benefit of the public they serve and of your availability to provide them timely guidance. It is vital that you impress upon all White House Office employees the importance of avoiding even the perception that they may be violating an ethical standard. By fulfilling this obligation, officials and employees are best positioned to provide the public confidence that they are serving, faithfully and exclusively, in the public's interest.

Thank you for your time and for your attention to this matter. As always, OGE stands ready to assist you at any time.

Sincerely,

EMORY ROUNDS Digitally signed by EMORY ROUNDS
Date: 2020.08.05 11:14:20 -04'00'

Emory A. Rounds, III
Director

¹ See <https://twitter.com/IvankaTrump/status/1283221019684110337> and <https://www.instagram.com/p/CCpS4ewBpaV/>. See also <https://www.nytimes.com/2020/07/10/business/goya-boycott.html>, <https://www.cbsnews.com/news/ivanka-trump-goya-beans-tweet-backlash/>.

² 5 C.F.R. § 2635.702.

³ 5 C.F.R. § 2635.101(b)(14); Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. See also Exec. Order No. 12,674 sec. 101(n).

