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**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, DC 20036-4505  
(202) 804-7000  
May 6, 2021

Re: Freedom of Information Act Request (#FOIA-2020-155)

Please be advised that this is a final response to your request dated September 3, 2020, in which you asked the U.S. Office of Special Counsel (OSC) to provide you with “a copy of each Hatch act Warning Letter issued by the Office of Special Counsel during CY 2018, CY2019, and CY 2020 to date.” On December 22, 2020, you clarified the scope of your request for letters from late April 2018 to present. Your request has been processed under the Freedom of Information Act (FOIA), 5 U.S.C. § 552 and the Privacy Act, 5 U.S.C. § 552a.

OSC identified 177 responsive pages. We are releasing 177 pages in part pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).

- FOIA Exemption 6 protects information if disclosure would constitute a clearly unwarranted invasion of personal privacy. See 5 U.S.C. § 552(b)(6).
- FOIA Exemption 7(C) protects law enforcement information if disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy. See 5 U.S.C. § 552(b)(7)(C).

You have the right to appeal this determination under the FOIA. An appeal must be made in writing and sent to OSC’s General Counsel at the address shown at the top of this letter or by email to [FOIAappeal@osc.gov](mailto:FOIAappeal@osc.gov). The appeal must be received by the Office of General Counsel within ninety (90) days of the date of this letter.

If you have any questions or you require dispute resolution services, please feel free to contact Mahala Dar, OSC’s Chief FOIA Officer and acting FOIA Public Liaison, at [mdar@osc.gov](mailto:mdar@osc.gov) or (202) 804-7000. Please reference the above tracking number when you call or write. 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.<sup>1</sup>

Thank you,

/s/

Mahala Dar, Esq.  
Clerk

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<sup>1</sup> Office of Governmental Information Services (OGIS), National Archives and Records Administration 8601 Adelphi Road, Room 2510, College Park, MD 20740-6001; [ogis@nara.gov](mailto:ogis@nara.gov) (Email) 202-741-5770 (Office) 1-877-684-6448 (Toll Free) 202-741-5769 (Fax)



**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

October 23, 2018

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:** (b)(6); (b)(7)(C)

Re: OSC File No. HA-19- (b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

On (b)(6); (b)(7)(C) 2018, the U.S. Office of Special Counsel (OSC) notified you that, as a U.S. Postal Service (USPS) employee, the Hatch Act prohibits you from being a candidate in the partisan election for commissioner of (b)(6); (b)(7)(C) in (b)(6); (b)(7)(C).<sup>1</sup> OSC advised you that you could come into compliance with the Hatch Act by either withdrawing your candidacy or resigning from your employment with USPS. OSC has confirmed that, effective (b)(6); (b)(7)(C) 2018, you have withdrawn your candidacy.

Because you took steps to come into compliance with the Hatch Act, we are closing this matter without further action. Please be advised that if in the future you engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action. Please contact OSC Hatch Act Unit Attorney Kelley Nobriga at (202) 804-(b)(6); (b)(7)(C) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit

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<sup>1</sup> See 5 U.S.C. § 7323(a)(3).



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

(b)(6); (b)(7)(C)

December 20, 2018

VIA EMAIL (b)(6); (b)(7)(C)

Re: OSC File No. HA-19-(b)(6);  
(b)(7)(C)

Dear (b)(6);  
(b)(7)(C)

This letter is in response to a complaint filed with the U.S. Office of Special Counsel (OSC) alleging that you, a Department of Labor (DOL) employee, violated the Hatch Act when you wore a political pin while attending an event in your official capacity. As explained below, OSC has concluded that you violated the Hatch Act.

The Hatch Act, 5 U.S.C. §§ 7321-7326, governs the political activity of federal executive branch employees, including DOL employees. The Hatch Act prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle.<sup>1</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>2</sup>

The complaint alleged that you wore three pins on (b)(6); (b)(7)(C) while representing DOL at a (b)(6); (b)(7)(C) on (b)(6); 2018. One pin had the phrase (b)(6); (b)(7)(C) the second read, (b)(6); (b)(6); and the third had (b)(6); (b)(7)(C) written on it.<sup>3</sup> It is our understanding that after learning about the (b)(6); pin your supervisor instructed you to remove it (b)(6); (b)(7)(C) and you did so.

You explained in your OSC interview that the first pin related to the issue of (b)(6); (b)(7)(C) the second commented on (b)(6); (b)(7)(C) and the third was intended to convey your (b)(6); (b)(6); (b)(7)(C) You admitted that the (b)(6); written on the third pin referred to the (b)(6); (b)(7)(C) Because the (b)(6); pin advocated against the (b)(6); (b)(7)(C) and you wore it (b)(6); while you were on duty, OSC has concluded that you violated the Hatch Act. However, because you removed the pin (b)(6); (b)(7)(C) once your supervisor made

<sup>1</sup> 5 U.S.C. § 7324. The Hatch Act also prohibits employees from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for partisan political office; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(1)-(4).

<sup>2</sup> 5 C.F.R. § 734.101.

<sup>3</sup> The Hatch Act does not prohibit you from wearing the two pins related to (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) because they are issue based and, therefore, do not fall under the definition of political activity.



**U.S. Office of Special Counsel**

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you aware that it was a problem, and you have not displayed it again while in the workplace or on duty, we are closing our file without further action. Please be advised that if in the future you engage in prohibited political activity we will consider such activity to be a knowing and willful violation of the law that could result in disciplinary action.

If you have any questions, please contact Jacqueline Yarbrow at (202) 804-

(b)(6);  
(b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

April 30, 2018

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:** (b)(6); (b)(7)(C)

Re: OSC File No. HA-17 (b)(6);  
(b)(7)(C)

Dear (b)(6);  
(b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that in (b)(6); 2016 you violated the Hatch Act by engaging in political activity while on duty. OSC understands that you are, and were at the time of the alleged activity, a (b)(6); (b)(7)(C) for the U.S. Securities Exchange Commission (SEC). Although OSC has concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal executive branch employees, including SEC employees. *See generally* 5 U.S.C. §§ 7321-7326. The Hatch Act prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle. 5 U.S.C. § 7324. Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office. 5 C.F.R. § 734.101. The Hatch Act also prohibits employees from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(1)-(4).

OSC understands that on (b)(6); 2016, (b)(6); and (b)(6); 2016, (b)(6); (b)(6); you sent to (b)(6) SEC employees an email with an attachment (b)(6); (b)(7)(C) negatively depicting (b)(6); (b)(7)(C) candidate (b)(6); (b)(7)(C). For example, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C). Your time and attendance records indicate that you were on duty when you sent these emails.

Your emails negatively depicted (b)(6); (b)(7)(C) candidate (b)(6); (b)(7)(C). As such, your emails constitute political activity for Hatch Act purposes because they were directed at the failure of a candidate for partisan political office. And because you sent the emails while at

**U.S. Office of Special Counsel**

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work, OSC has concluded that you violated the Hatch Act by engaging in political activity while on duty.

Although OSC has concluded that you violated the Hatch Act, we have decided to close our file in this case without further action. Please be advised that if you engage in Hatch Act-prohibited activity in the future while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action. Please contact OSC Hatch Act Unit Attorney Kelley Nobriga at (202) 804-

(b)(6); (b)(7)(C) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Ana Galindo-Marrone  
Chief, Hatch Act Unit  
U.S. Office of Special Counsel



**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

July 11, 2018

(b)(6); (b)(7)(C)

VIA ELECTRONIC MAIL: (b)(6); (b)(7)(C)

Re: OSC File No. HA-17- (b)(6);  
(b)(7)(C)

Dear (b)(6);  
(b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act by displaying in your office a poster that depicted (b)(6); (b)(7)(C). OSC understands that you are (b)(6); (b)(7)(C) the U.S. Office of Personnel Management (OPM). As explained below, OSC is closing this matter without further action at this time.

The Hatch Act governs the political activity of federal executive branch employees, including OPM employees. *See generally* 5 U.S.C. §§ 7321-7326. Among other things, the Hatch Act prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle. 5 U.S.C. § 7324.<sup>1</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office. 5 C.F.R. § 734.101.

On (b)(6); (b)(7)(C) 2018, OSC explained to you that displaying the poster at issue in your office constitutes political activity prohibited by the Hatch Act. Accordingly, OSC advised you that you could come into compliance with the Hatch Act by removing the poster from your office. On (b)(6); (b)(7)(C) 2018, OSC confirmed that you removed the poster from your office.

Because you took steps to come into compliance with the Hatch Act, we are closing this matter without further action at this time. Please be advised that should you again engage in prohibited political activity, OSC will consider it a knowing and willful violation of the law that

<sup>1</sup> Covered employees are also prohibited from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(1)-(4).



**U.S. Office of Special Counsel**

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could result in disciplinary action. If you have any questions, please contact OSC Hatch Act Unit Attorney Kelley Nobriga at (202) 804-(b)(6);  
(b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Ana Galindo-Marrone  
Chief, Hatch Act Unit  
U.S. Office of Special Counsel



**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

May 29, 2018

(b)(6); (b)(7)(C)

VIA ELECTRONIC MAIL:

(b)(6); (b)(7)(C)

Re: OSC File No. HA-18-

(b)(6);  
(b)(7)(C)

Dear

(b)(6);  
(b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act by using your official authority as (b)(6); of the (b)(6); Police Department (b)(6); to affect the result of an election. Specifically, it was alleged that you used pictures of yourself in uniform to promote your candidacy in the 2016 partisan election for (b)(6); (b)(7)(C) Commissioner. As explained below, although OSC has concluded that your actions violated the Hatch Act, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of certain state and local government employees in order to protect the public workforce from partisan political influence and ensure the nonpartisan administration of laws. *See generally* 5 U.S.C. §§ 1501-1508. Employees covered by the Hatch Act are those whose principal position or job is with a state, county, or municipal executive agency and whose job duties are “in connection with” programs financed in whole or in part by loans or grants made by the United States or an agency thereof. 5 U.S.C. § 1501(4). Employees are subject to the Hatch Act if, as a normal and foreseeable incident of their positions or jobs, they perform duties in connection with federally financed activities. *Special Counsel v. Gallagher*, 44 M.S.P.R. 57, 61 (1990); *In re Hutchins*, 2 P.A.R. 160, 164 (Civil Serv. Comm’n 1944).

Individuals who supervise employees who work on federally funded programs have been found to be subject to the Hatch Act due to their oversight responsibilities for those activities. *See In re Palmer*, 2 P.A.R. 590, 595-96 (1959), remanded, *Palmer v. U.S. Civil Service Commission*, 191 F. Supp. 495 (S.D. Ill. 1961), rev’d 297 F.2d 450 (7th Cir. 1962), cert. denied, 369 U.S. 849 (1962). Additionally, employees who play a vital role in securing and maintaining federally funded grants as well as who perform affirmative grant-related duties are covered by the Hatch Act. *See Special Counsel v. Greiner*, 117 M.S.P.R. 117, 121-27 (2011). However,

## U.S. Office of Special Counsel

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coverage is not dependent on the source of an employee's salary,<sup>1</sup> nor is it dependent upon whether the employee actually administers the funds or has policy duties with respect to them. *Special Counsel v. Williams*, 56 M.S.P.R. 277, 283-84 (1993), *aff'd*, 55 F.3d 917 (4th Cir. 1995), *cert. denied*, 516 U.S. 1071 (1996) (unreported decision).

OSC confirmed that (b)(6); (b)(7)(C) received a federal (b)(6); (b)(7)(C) grant in 2016. At that time, you supervised a (b)(6); (b)(7)(C) who had administrative responsibility for and job duties directly related to the (b)(6); (b)(7)(C) grant. Because you supervised an employee who worked on federally funded programs, OSC has concluded that you had oversight responsibility for such programs. Therefore, you were covered by the Hatch Act in 2016.

Among other things, the Hatch Act prohibits covered employees from using their official authority or influence to affect the results of an election.<sup>2</sup> 5 U.S.C. § 1502(a)(1). Examples of activities that violate this prohibition include using one's official position to engage in political activity and pictures of oneself in uniform in campaign advertisements, web pages, signs, or literature.

OSC confirmed that in 2016 you posted to your campaign website a picture of yourself in an official (b)(6); (b)(7)(C) uniform. Because you used a picture of yourself in uniform to promote your candidacy for partisan political office, OSC has concluded that you violated the Hatch Act.

Although we have concluded that you violated the Hatch Act, it does not appear that your violation was knowing and willful. As a result, we have decided to close this matter without further action. Please be advised that if you engage in Hatch Act-prohibited activity in the future while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action. Please contact OSC Hatch Act Unit Attorney Kelley Nobriga at (202) 804-(b)(6) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit

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<sup>1</sup> Salary is determinative with respect to the Hatch Act's candidacy prohibition, but that prohibition is not at issue.

<sup>2</sup> Covered employees who perform duties in connection with federally financed activities are also prohibited from coercing other employees into making political contributions. 5 U.S.C. § 1502(a)(2). In addition, the Hatch Act prohibits only those employees whose salary is fully federally funded from being candidates for public office in a partisan election. 5 U.S.C. § 1502(a)(3).



U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

May 4, 2018

(b)(6); (b)(7)(C)

VIA ELECTRONIC MAIL: (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C)

Re: OSC File No. HA-16- (b)(6);  
(b)(7)(C)

Dear (b)(6);  
(b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act by using your work email account to engage in political activity while on duty and/or at work and using your official authority as (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) to affect the result of an election. OSC understands that you are, and were at the time of the alleged activity, employed by the U.S. Department of Veterans Affairs (VA). Although OSC has concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal executive branch employees, including VA employees. *See generally* 5 U.S.C. §§ 7321-7326. Among other things, the Hatch Act prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle. 5 U.S.C. § 7324.<sup>1</sup> Covered employees also are prohibited from using their official authority or influence for the purpose of interfering with or affecting the result of an election. 5 U.S.C. § 7323(a)(1). Examples of activities that would violate this prohibition include using one's official title while engaging in political activity and using one's official position to promote a candidate for partisan political office. Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office. 5 C.F.R. § 734.101.

During the investigation of these allegations, OSC confirmed that on (b)(6); (b)(7)(C) 2016, you used your VA email account to send an official meeting invitation to (b)(6); (b)(7)(C). The email contained a picture entitled (b)(6); (b)(7)(C) which compared (b)(6); (b)(7)(C) candidate (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C), referred to (b)(6); (b)(7)(C) candidate (b)(6); (b)(7)(C) as (b)(6); (b)(7)(C).

<sup>1</sup> The Hatch Act also prohibits employees from: knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(2)-(4).



U.S. Office of Special Counsel

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(b)(6); (b)(7)(C) and stated that the (b)(6); (b)(7)(C) was (b)(6); (b)(7)(C). During your interview, you admitted that in (b)(6); (b)(7)(C) 2016 you could not access your VA email account outside of work. You also explained that you routinely attached to (b)(6); (b)(7)(C) meeting invitations (b)(6); (b)(7)(C). And you provided to OSC multiple witness statements and an example of another (b)(6); (b)(7)(C) meeting invitation.

After carefully considering the text of (b)(6); (b)(7)(C) we have concluded that sending such content while in a government building constituted political activity because it was directed at the failure of a political party and candidate for partisan political office. Specifically, (b)(6); (b)(7)(C) negatively depicted the state of the (b)(6); (b)(7)(C), noting that (b)(6); (b)(7)(C). Further, the image negatively portrayed (b)(6); (b)(7)(C) candidate (b)(6); (b)(7)(C) by stating that (b)(6); (b)(7)(C). Accordingly, OSC has concluded that you violated the Hatch Act by engaging in political activity while in a government building.

In addition, you attached (b)(6); (b)(7)(C) to an official email, which was sent to (b)(6); (b)(7)(C). As (b)(6); (b)(7)(C), you managed (b)(6); (b)(7)(C) and occasionally discussed their (b)(6); (b)(7)(C) participation with (b)(6); (b)(7)(C). Thus, you also violated the Hatch Act by engaging in political activity while acting in your official capacity as (b)(6); (b)(7)(C).

However, we do not believe that your violations were knowing and willful. Your contention that you routinely attached (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C) emails was corroborated by a witness, who explained that (b)(6); (b)(7)(C).

(b)(6); (b)(7)(C) You also provided an example of another meeting invitation, containing a photograph of (b)(6); (b)(7)(C).

Therefore, although OSC has concluded that you violated the Hatch Act, we have decided to close this matter without further action. Please be advised that if in the future you engage activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action. Please contact OSC Hatch Act Unit Attorney Kelley Nobriga at (202) 804-(b)(6); (b)(7)(C) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Ana Galindo-Marrone  
Chief, Hatch Act Unit  
U.S. Office of Special Counsel



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
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202-804-7000

April 1, 2019

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:** (b)(6); (b)(7)(C)

Re: OSC File No. HA-19-(b)(6);  
(b)(7)(C)

Dear (b)(6);  
(b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act by displaying two political flyers (b)(6); (b)(7)(C) at the Internal Revenue Service (IRS) in (b)(6); (b)(7)(C). As explained below, although OSC has concluded that your actions violated the Hatch Act, we are closing our file without further action.

The Hatch Act governs the political activity of federal executive branch employees, including IRS employees.<sup>1</sup> Among other things, the Hatch Act prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle.<sup>2</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup>

OSC confirmed that you had two political flyers (b)(6); (b)(7)(C). One of the flyers read (b)(6); (b)(7)(C) and a showed a picture of (b)(6); (b)(7)(C) (b)(6); (b)(7)(C). The other flyer read (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) This statement presumably was directed at (b)(6); (b)(7)(C). Because the message of these two flyers was directed against (b)(6); (b)(7)(C) who is a candidate for reelection, displaying them constituted political activity for purposes of the Hatch Act.

<sup>1</sup> See generally 5 U.S.C. §§ 7321-7326.

<sup>2</sup> 5 U.S.C. § 7324. Employees also are prohibited from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(1)-(4).

<sup>3</sup> 5 C.F.R. § 734.101.

**U.S. Office of Special Counsel**

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We understand that once you became aware that displaying these flyers constituted prohibited political activity, they were removed from the workplace. Thus, although we have concluded that you violated the Hatch Act, we are closing our file without further action. Please be advised that if you engage in Hatch-Act prohibited activity in the future while employed in a Hatch-Act covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

Please contact me at (202) 804-(b)(6);  
(b)(7)(C) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

October 3, 2019

(b)(6); (b)(7)(C)

via email: (b)(6); (b)(7)(C)

Re: OSC File No. HA-16 (b)(6); (b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter concerns a complaint the U.S. Office of Special Counsel (OSC) received alleging that, as an employee of the U.S. Department of Veterans Affairs (VA), you violated the Hatch Act by using your official influence to affect the result of an election and engaging in political activity while on duty and in a federal workplace. As explained below, OSC's investigation substantiated the allegation that you engaged in political activity while on duty or in the workplace. However, we have elected not to pursue disciplinary action and instead are issuing this warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees and prohibits them from, among other things, using their official authority or influence for the purpose of interfering with or affecting the result of an election.<sup>1</sup> This prohibition includes, for example, using one's official title while engaging in political activity or otherwise participating in political activity while in one's official capacity.<sup>2</sup> The Hatch Act also prohibits employees from engaging in political activity while on duty, in a federal room or building, wearing a uniform or official insignia identifying their federal position, or using any vehicle owned or leased by the U.S. government.<sup>3</sup> Political activity is defined as "an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group."<sup>4</sup> The following is a summary of each allegation and our analysis.

(b)(6); (b)(7)(C)

In (b)(6); (b)(7)(C) 2016, you participated in a (b)(6); (b)(7)(C) that focused in part on your experience (b)(6); (b)(7)(C). It was alleged that you violated the Hatch Act during the (b)(6); (b)(7)(C) because you endorsed (b)(6); (b)(7)(C) candidacy for reelection while in your official capacity as (b)(6); (b)(7)(C).

<sup>1</sup> 5 U.S.C. § 7323(a)(1).

<sup>2</sup> See 5 C.F.R. § 734.302(b).

<sup>3</sup> 5 U.S.C. § 7324(a)(1)-(4).

<sup>4</sup> 5 C.F.R. § 734.101 (Definitions).



**U.S. Office of Special Counsel**

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OSC learned that during the (b)(6); (b)(7)(C) you (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) In other words, you spoke positively about (b)(6); (b)(7)(C) and critically of the others, at a time when (b)(6); (b)(7)(C) was running against (b)(6); (b)(7)(C) for reelection. During the (b)(6); (b)(7)(C) referred to you as (b)(6); (b)(7)(C) but you did not clarify that you were not present in an official capacity, nor did you ask (b)(6); (b)(7)(C) to refrain from referencing your official title.

You explained to OSC that you participated in the (b)(6); (b)(7)(C) after discussing with (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) which ultimately led you to this specific (b)(6); (b)(7)(C) You confirmed, and your time and attendance records corroborated, that you did not participate in the (b)(6); (b)(7)(C) while on duty or in a federal workplace.

After considering the facts surrounding this (b)(6); (b)(7)(C) OSC determined that you did not violate the Hatch Act as alleged. While your statements about (b)(6); (b)(7)(C) were positive, they were made in the context of discussing your (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) You did not discuss the upcoming election and there is no evidence that your (b)(6); (b)(7)(C) was on behalf of, or in coordination with, (b)(6); (b)(7)(C) campaign, as opposed to (b)(6); (b)(7)(C) Accordingly, OSC concluded that you did not engage in political activity during the (b)(6); (b)(7)(C) In addition, although the (b)(6); (b)(7)(C) referred to you as (b)(6); (b)(7)(C) without more, the evidence is insufficient to conclude you participated in the (b)(6); (b)(7)(C) in your official capacity. In sum, OSC concluded that you did not violate the Hatch Act's prohibition against using your official authority or influence to affect an election.

*Campaign Advertisement*

It also was alleged that you violated the Hatch Act by appearing in (b)(6); (b)(7)(C) 2016 (b)(6); (b)(7)(C) advertisement for (b)(6); (b)(7)(C) reelection campaign. The campaign advertisement alleged that (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) You then (b)(6); (b)(7)(C) in the advertisement (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) The end of the advertisement confirmed that it was approved and paid for by (b)(6); (b)(7)(C) Thus, it seemed that you were endorsing (b)(6); (b)(7)(C) reelection campaign in your official capacity as (b)(6); (b)(7)(C)

OSC's investigation found evidence, however, that you had taken steps to ensure that your participation in this campaign advertisement complied with the Hatch Act. When (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) first reached out to you to ask about the possibility of (b)(6); (b)(7)(C) a campaign advertisement, you requested an advisory opinion from OSC as to whether your participation

## U.S. Office of Special Counsel

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would be permissible under the Hatch Act. OSC advised you that you could speak as a (b)(6); (b)(7)(C) but the campaign could not reference your official title.<sup>5</sup> You forwarded this advice to (b)(6); (b)(7)(C) to notify her that the campaign could not reference your official title in the advertisement but it appears that the campaign did not follow that advice.<sup>6</sup> You told OSC that you were not aware that the campaign would use your official title and that the campaign did not provide you an opportunity to preview the advertisement and request any corrections. In light of these facts, OSC cannot conclude that you used your official authority or influence to affect an election, in violation of the Hatch Act.

### *Social Media Activity*

Lastly, it was alleged that you violated the Hatch Act by making partisan political social media posts while on duty or in the federal workplace. During OSC's investigation we reviewed multiple Facebook posts you made in 2016 that related to (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) Each post occurred at a time when, according to your time and attendance records, you would have been on duty. Furthermore, when questioned about each post, you acknowledged that based on your time and attendance records, it was reasonable to assume or infer that you would have been on duty and/or in the VA facility at the time you made those posts.

OSC concluded, however, that only three of the posts constituted political activity for purposes of the Hatch Act. One, which you posted on (b)(6); (b)(7)(C) 2016, was a photograph from (b)(6); (b)(7)(C) campaign Facebook page that showed the (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) The second, which you posted on (b)(6); (b)(7)(C) 2016, was a video from (b)(6); (b)(7)(C) campaign Facebook page, and the caption read, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) The third post, also made on (b)(6); (b)(7)(C) was another video from (b)(6); (b)(7)(C) campaign Facebook page and the caption read, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

<sup>5</sup> Specifically, OSC's Hatch Act Unit advised you that "the use of your official title or position to support or oppose a candidate for partisan office is prohibited. Therefore, you should not identify yourself as [a] Department of Veterans Affairs employee when endorsing or campaigning for [or] against any candidate for partisan office. But you may identify yourself as (b)(6); (b)(7)(C) The unit also noted that you could not engage in political activity while on duty or in the federal workplace, and in light of the fact you served as (b)(6); (b)(7)(C) OSC also advised that (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) are 'on duty' for purposes of the Hatch Act." Email from HatchAct@osc.gov to (b)(6); (b)(7)(C) "Question," (b)(6); (b)(7)(C) 2016.

<sup>6</sup> Additionally, during 2015 when discussing the potential of (b)(6); (b)(7)(C) an advertisement, you similarly advised that same (b)(6); (b)(7)(C) of your obligations under the Hatch Act.

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Reposting a (b)(6); (b)(7)(C) campaign's political messages constitutes political activity for purposes of the Hatch Act, i.e., activity directed at the success of a candidate for partisan political office. Because you posted these three campaign messages while you were on duty and/or in the federal workplace, OSC has concluded that you violated the Hatch Act.

Although we concluded you violated the Hatch Act, we do not believe that your violation warrants disciplinary action. Instead, we have decided to issue you this warning letter. Please be advised that should you again engage in prohibited political activity, OSC would consider it a knowing and willful violation of the law that could result in disciplinary action. The possible penalties for violating the Hatch Act include a letter of reprimand, suspension, reduction in grade, removal, debarment, or a civil fine. 5 U.S.C. § 7326. If you have any questions, please contact OSC attorney Christopher Leo at (202) 804-(b)(6); (b)(7)(C) or (b)(6); (b)(7)(C)@osc.gov.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

April 8, 2019

(b)(6); (b)(7)(C)

Re: OSC File No. HA-19-  
(b)(6);  
(b)(7)(C)

Dear (b)(6);  
(b)(7)(C)

On (b)(6);  
(b)(7)(C) 2019, the U.S. Office of Special Counsel (OSC) notified you that, as a United States Postal Service (USPS) employee, the Hatch Act prohibited you from being a candidate in the partisan election for (b)(6);  
(b)(7)(C) of (b)(6);  
(b)(7)(C) in (b)(6); (b)(7)(C).<sup>1</sup> OSC advised you that you could come into compliance with the Hatch Act by either withdrawing your candidacy or resigning from your employment with USPS. OSC has confirmed that, effective (b)(6);  
(b)(7)(C) 2019, you have retired from USPS.

Because you took steps to come into compliance with the Hatch Act, we are closing this matter. Please be advised that if in the future you engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action. If you have any questions, please contact Hatch Act Unit Attorney Jacqueline Yarbrow at (202) 804-  
(b)(6);  
(b)(7)(C).

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit

<sup>1</sup> See 5 U.S.C. § 7323(a)(3); 39 U.S.C. § 410.





**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

March 25, 2019

(b)(6); (b)(7)(C)

VIA EMAIL (b)(6); (b)(7)(C)

Re: OSC File No. HA-18- (b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint filed with the U.S. Office of Special Counsel (OSC) alleging that you, a U.S. Department of State employee, violated the Hatch Act by engaging in partisan political activity on Facebook while on duty or in the workplace. As explained below, OSC has concluded that you violated the Hatch Act.

The Hatch Act governs the political activity of federal civilian executive branch employees, including U.S. Department of State employees.<sup>1</sup> The Hatch Act prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle.<sup>2</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup>

The complaint alleged that your Facebook profile picture read (b)(6); (b)(7)(C) and that you were posting on your account while at work. OSC conducted an investigation, to include interviewing witnesses. You spoke with OSC on (b)(6); (b)(7)(C) 2018, and admitted that your Facebook profile picture matched the one described in the complaint. In addition, you told OSC that during the relevant time frame you worked (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) You stated that you would post on Facebook during lunch using your personal phone but that you may have posted at other times during the workday.

OSC's investigation confirmed that your Facebook profile picture read (b)(6); (b)(7)(C) beginning on (b)(6); (b)(7)(C) 2017, and that you posted numerous times from (b)(6); (b)(7)(C) 2018 on days that your time and attendance records indicated you were on duty. OSC discovered over 30 Facebook posts in that time period that were made outside of your lunch hour but during your regularly scheduled workdays.

<sup>1</sup> See 5 U.S.C. §§ 7321-7326.

<sup>2</sup> 5 U.S.C. § 7324. The Hatch Act also prohibits employees from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for partisan political office; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(1)-(4).

<sup>3</sup> 5 C.F.R. § 734.101.

**U.S. Office of Special Counsel**

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The message (b)(6); (b)(7)(C) is directed at the failure of (b)(6); (b)(7)(C) who is a candidate for reelection, and therefore it constitutes political activity for purposes of the Hatch Act.<sup>4</sup> Due to the nature of the Facebook platform, this message accompanied all your posts, and thus was redistributed every time you posted on Facebook. Accordingly, because you posted while on duty or at work, OSC has concluded that you violated the Hatch Act.

During our (b)(6); (b)(7)(C) conversation, OSC advised that if, while on duty and at work, you continued to post on Facebook when your profile picture read (b)(6); (b)(7)(C) you would be in violation of the Hatch Act. OSC explained that you could come into compliance with the law by either changing your Facebook profile picture or ceasing to post while on duty or at work. On (b)(6); (b)(7)(C) 2018, you changed your Facebook profile picture.

Thus, although we concluded you violated the Hatch Act, because you came into compliance with the law, we have decided to close our file without further action. Please be advised that if in the future you engage in prohibited political activity we will consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

If you have any questions, please contact Hatch Act Unit Attorney Jacqueline Yarbrow at (202) 804- (b)(6); (b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit

(b)(6); (b)(7)(C)



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

February 28, 2019

(b)(6); (b)(7)(C)

VIA ELECTRONIC MAIL: (b)(6); (b)(7)(C)

Re: OSC File No. HA-18-(b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act by engaging in political activity while at work and while acting in your official capacity as a (b)(6); (b)(7)(C) with the National Security Agency (NSA). Although OSC has concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees, including NSA employees.<sup>1</sup> Among other things, the Hatch Act prohibits employees from using their official authority or influence to affect the results of an election and engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle.<sup>2</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup>

It was alleged that on (b)(6); 2018, you displayed (b)(6); (b)(7)(C) a sticker that said (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). A supervisor removed the sticker and then emailed you information on the Hatch Act. (b)(6); (b)(7)(C) is, and was in (b)(6) 2018, a candidate for reelection.<sup>4</sup> Thus, displaying a sticker with (b)(6); (b)(7)(C) constitutes political activity, and because you displayed this sticker at work, OSC has concluded that you violated the Hatch Act.

The complaint also alleged that days later on (b)(6); 2018, you wore a t-shirt to work that depicted (b)(6); (b)(7)(C) (b)(6); (b)(7)(C). Wearing a t-shirt

<sup>1</sup> See generally 5 U.S.C. §§ 7321-7326.

<sup>2</sup> 5 U.S.C. § 7324 and § 7324(a)(1). Covered employees are also prohibited from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(2)-(4).

<sup>3</sup> 5 C.F.R. § 734.101.

(b)(6); (b)(7)(C)

**U.S. Office of Special Counsel**

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to work that displays this image of (b)(6); (b)(7)(C) constitutes political activity and, as a result, we have concluded that you violated the Hatch Act when you wore the t-shirt to work.

In addition, OSC understands that you used the same image of (b)(6); (b)(7)(C) as your (b)(6); (b)(7)(C). The Hatch Act's prohibition against using official authority to affect the results of an election includes using your official position while engaging in political activity. Because displaying the image at issue constituted political activity, using it as (b)(6); (b)(7)(C) violated the Hatch Act.

OSC, however, does not believe that your violations were willful. We understand that you had first displayed the (b)(6); (b)(7)(C) sticker at work on (b)(6); (b)(7)(C). At that time, displaying the sticker was not political activity because (b)(6); (b)(7)(C) was not a candidate. And although you continued to display the sticker after (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) you did not redisplay the sticker after it was removed by a supervisor. Also, with respect to the image of (b)(6); (b)(7)(C) you explained that you (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) OSC has confirmed that the image was (b)(6); (b)(7)(C) (b)(6); (b)(7)(C).

In light of the above factors, OSC has decided not to seek disciplinary action and will instead close this matter without further action. Please be advised that if in the future you engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action. Should you have any questions, please contact OSC Hatch Act Unit Attorney Kelley Resendes at (202) 804-(b)(6); (b)(7)(C).

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit

<sup>5</sup> OSC understands that (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

<sup>6</sup> OSC also confirmed that you (b)(6); (b)(7)(C)



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

December 20, 2018

(b)(6); (b)(7)(C)

Re: OSC File No. HA-19- (b)(6); (b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that, while wearing official U.S. Postal Service (USPS) insignia, you violated the Hatch Act in (b)(6); 2018 by taking a picture with (b)(6); (b)(7)(C) then-candidate in the partisan election for sheriff of (b)(6); County, (b)(6); OSC understands that you are a (b)(6); with the USPS. Although OSC has concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees, including USPS employees.<sup>1</sup> Among other things, the Hatch Act prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle.<sup>2</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup>

During OSC's investigation, you admitted to taking a picture with (b)(6); while wearing an official USPS t-shirt. In the picture you and (b)(6); (b)(7)(C) and (b)(6); is wearing a (b)(6); (b)(7)(C) t-shirt. Because you posed for a picture with an actively campaigning candidate holding a campaign sign, you engaged in political activity. And because you wore official USPS insignia in the picture, you violated the Hatch Act.

Although OSC has concluded that you violated the Hatch Act, we do not believe that your violation was knowing and willful and therefore are closing our file without further action. Please be advised that if in the future you engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation

<sup>1</sup> See generally 5 U.S.C. §§ 7321-7326; 39 U.S.C. § 410.

<sup>2</sup> 5 U.S.C. § 7324. Covered employees are also prohibited from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office.

5 U.S.C. § 7323(a)(1)-(4).

<sup>3</sup> 5 C.F.R. § 734.101.

**U.S. Office of Special Counsel**

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of the law that could result in disciplinary action. Should you have any questions, you may contact OSC Hatch Act Unit Attorney Kelley Nobriga at (202) 804-(b)(6);  
(b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit



U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

August 7, 2018

(b)(6); (b)(7)(C)

Re: OSC File No. HA-18- (b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

The U.S. Office of Special Counsel (OSC) has completed its investigation into allegations that you violated the Hatch Act by engaging in political activity while you were on duty and in a federal building. At the time of the alleged activity, you were employed by the National Security Agency (NSA) as a (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) As explained below, OSC has concluded that you violated the Hatch Act. However, we have decided not to pursue disciplinary action and instead issue you this warning letter.

The Hatch Act, 5 U.S.C. §§ 7321-7326, governs the political activity of federal civilian executive branch employees and prohibits them from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(1)-(4). The Hatch Act also prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle. 5 U.S.C. § 7324. Political activity is defined as activity directed toward the success or failure of a political party, candidate for a partisan political office, or partisan political group. 5 C.F.R. § 734.101.

In addition, employees in certain agencies and positions, such as NSA employees, are “further restricted” and prohibited from actively participating in partisan political management and campaigning. See 5 U.S.C. § 7323(b)(2); 5 C.F.R. § 734.401(a). Such employees are prohibited from engaging in any political activity that is “in concert” with a political party, partisan group, or candidate for partisan political office. See, e.g., *Blaylock v. U.S. Merit Sys. Prot. Bd.*, 851 F.2d 1348, 1354 (11th Cir. 1988) (concluding that “the statutory prohibition against taking an ‘active part in political management or in political campaigns’ encompasses active participation in, on behalf of, or in connection with, the organized efforts of political parties or partisan committees, clubs, and candidates”); 5 C.F.R. § 734.402.

At issue is a message you posted to a chat room for the (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) while you were on duty on (b)(6); (b)(7)(C) 2017. Your message discussed (b)(6); (b)(7)(C) who is a candidate for the (b)(6); (b)(7)(C). You explained (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) stance and said (b)(6); (b)(7)(C)



**U.S. Office of Special Counsel**

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(b)(6); (b)(7)(C) After detailing (b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C) you wrote, (b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C)

During your interview with OSC, you explained that (b)(6); (b)(7)(C) is a (b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C) You explained  
that the purpose of your (b)(6); (b)(7)(C) 2017 message was to share information about an individual  
who was working to protect the (b)(6); (b)(7)(C) which you view as a top priority for (b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C) You expressed that your message was centered on the issue of the (b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C) which is frequently discussed in the (b)(6); (b)(7)(C) chatroom and at (b)(6); (b)(7)(C) meetings.

However, your message went beyond a discussion of the (b)(6); (b)(7)(C) You  
promoted a (b)(6); (b)(7)(C) candidate to a group for which that issue is important.  
Accordingly, OSC has concluded that posting this message constituted political activity, as  
defined above. Because you posted it while you were on duty and/or in the federal workplace,  
you engaged in prohibited political activity in violation of the Hatch Act.

Although OSC has concluded you violated the Hatch Act, we have decided not to pursue  
disciplinary action against you and are closing the above-referenced file. Please be advised,  
however, that if in the future you engage in Hatch Act prohibited activity while employed in a  
federal executive agency, we would consider such activity to be a willful and knowing violation  
of the law that could result in disciplinary action.

Please contact me at (202) 804-(b)(6); (b)(7)(C) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

November 30, 2018

(b)(6); (b)(7)(C)

VIA EMAIL: (b)(6); (b)(7)(C)@who.eop.gov

Re: Hatch Act Warning Letter (OSC File No. HA- (b)(6);

Dear (b)(6); (b)(7)(C):

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act. Specifically, it was alleged that you violated the Hatch Act when you used your official (b)(6); (b)(7)(C) Twitter account to retweet a message that linked to the website for the Republican National Committee (RNC). For the reasons explained below, OSC has concluded that your tweet violated the Hatch Act. In response, we are issuing you this warning letter.

The Hatch Act restricts certain political activities of federal executive branch employees, except for the President and the Vice President. Accordingly, as the White House Deputy Director of Communications, you are covered by the Hatch Act and prohibited from, among other things, using your official authority or influence for the purpose of interfering with or affecting the result of an election.<sup>1</sup> For example, under this provision, you may not use your official title while engaging in political activity or your official position to advance or oppose candidates for partisan office. Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>2</sup>

(b)(6); (b)(7)(C)

<sup>1</sup> 5 U.S.C. § 7323(a)(1).

<sup>2</sup> 5 C.F.R. § 734.101.

(b)(6); (b)(7)(C)

We understand that once you became aware that your retweet violated the Hatch Act, you deleted it. And OSC has found no evidence that you engaged in any additional prohibited political activity on Twitter. Therefore, although we have concluded that you violated the Hatch Act, we have decided not to pursue disciplinary action and are closing this file without further action. Please be advised that if in the future you engage in prohibited political activity while employed in a position covered by the Hatch Act, we will consider such activity to be a willful and knowing violation of the law, which could result in further action.

If you have any questions, you may contact me at 202-804-

(b)(6);  
(b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit

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<sup>3</sup> See OSC's February 2018 "Hatch Act Guidance on Social Media," pg. 9, *available at*: <https://osc.gov/Resources/HA%20Social%20Media%20FINAL%20r.pdf>.



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

(b)(6); (b)(7)(C)

December 17, 2019

**VIA ELECTRONIC MAIL:**

(b)(6); (b)(7)(C)

Re: OSC File No. HA-19-  
(b)(6);  
(b)(7)(C)

Dear (b)(6);  
(b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act in (b)(6); 2019 by displaying (b)(6); (b)(7)(C) that read (b)(6); (b)(7)(C) on the back of a vehicle you parked in a National Security Agency (NSA) parking lot. Although OSC has concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees, including NSA employees.<sup>1</sup> Among other things, employees may not engage in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle.<sup>2</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup> Under this prohibition, employees may place a partisan political bumper sticker on a personal vehicle, even if they park the vehicle in a federally-owned parking lot,<sup>4</sup> but OSC has advised employees against displaying items, bumper stickers or otherwise, that would turn a personal vehicle into a “campaign mobile.”

During OSC’s investigation, you admitted to displaying (b)(6); (b)(7)(C) at issue on a personal vehicle you parked in an NSA parking lot. You explained that you forgot to (b)(6); (b)(7)(C) before driving into work but that, in any event, you did not think displaying (b)(6); (b)(7)(C) violated the Hatch Act because the Act allows employees to display a partisan political bumper sticker on their vehicle.

<sup>1</sup> See generally 5 U.S.C. §§ 7321-7326.

<sup>2</sup> 5 U.S.C. § 7324. Employees are also prohibited from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(1)-(4).

<sup>3</sup> 5 C.F.R. § 734.101.

<sup>4</sup> See 5 C.F.R. § 734.306 (Example 7).

**U.S. Office of Special Counsel**

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Displaying (b)(6); (b)(7)(C) that reads (b)(6); (b)(7)(C) constitutes political activity under the Hatch Act because it promotes the candidacy of (b)(6); (b)(7)(C) in the 2020 (b)(6); (b)(7)(C) election. In addition, OSC confirmed that (b)(6); (b)(7)(C) was approximately (b)(6); (b)(7)(C) (b)(6); (b)(7)(C). Accordingly, OSC has concluded that its display gave the appearance that your vehicle was being used as a campaign mobile. Because you displayed (b)(6); (b)(7)(C) on a vehicle you parked in an NSA parking lot, OSC has concluded that you violated the Hatch Act.

Although OSC has concluded that you violated the Hatch Act, we have decided to close this matter without further action. Please be advised that if in the future you engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action. Should you have any questions, you may contact OSC Attorney Kelley Resendes at (202) 804-(b)(6); (b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

November 30, 2018

(b)(6); (b)(7)(C)

VIA EMAIL: (b)(6); (b)(7)(C)@who.eop.gov

Re: Hatch Act Warning Letter (OSC File No. HA-18-(b)(6))

Dear (b)(6); (b)(7)(C):

This letter is in response to complaints the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act. Specifically, it was alleged that you violated the Hatch Act when you used your official (b)(6); (b)(7)(C) Twitter account to post two messages that included #MAGA. For the reasons explained below, OSC has concluded that your tweets violated the Hatch Act. In response, we are issuing you this warning letter.

The Hatch Act restricts certain political activities of federal executive branch employees, except for the President and the Vice President. Accordingly, as Press Secretary for the Vice President, you are covered by the Hatch Act and prohibited from, among other things, using your official authority or influence for the purpose of interfering with or affecting the result of an election.<sup>1</sup> For example, under this provision, you may not use your official title while engaging in political activity or your official position to advance or oppose candidates for partisan office. Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>2</sup>

(b)(6); (b)(7)(C)

<sup>1</sup> 5 U.S.C. § 7323(a)(1).

<sup>2</sup> 5 C.F.R. § 734.101.

(b)(6); (b)(7)(C)

We understand that once you became aware that your tweets violated the Hatch Act, you deleted them.<sup>5</sup> Thus, although we have concluded that you violated the Hatch Act, we have decided not to pursue disciplinary action and are closing this file without further action. Please be advised that if in the future you engage in prohibited political activity while employed in a position covered by the Hatch Act, we will consider such activity to be a willful and knowing violation of the law, which could result in further action.

If you have any questions, you may contact me at 202-804-

(b)(6); (b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit

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<sup>3</sup> See OSC's February 2018 "Hatch Act Guidance on Social Media," pg. 9, *available at*: <https://osc.gov/Resources/HA%20Social%20Media%20FINAL%20r.pdf>.

<sup>4</sup> See OSC's March 5, 2018 "Updated Guidance Regarding the Hatch Act and President Trump Now That He Is Officially a Candidate for Reelection," *available at*: <https://osc.gov/Resources/Candidate%20Trump%20Hatch%20Act%20Guidance%203-5-2018.pdf>.

<sup>5</sup> During its investigation, OSC also found that you retweeted two May 4, 2018 messages from Vice President Pence that included #MAGA. You also have deleted those retweets.





**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

February 27, 2019

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:** (b)(6); (b)(7)(C)

Re: OSC File No. HA-18 (b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that, as an employee of the U.S. Postal Service (USPS), you violated the Hatch Act by being a candidate in the 2014 and 2018 elections for county commissioner for (b)(6); of (b)(6); County, (b)(6); (b)(7)(C). Although OSC has concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees, including USPS employees.<sup>1</sup> Among other things, the Hatch Act prohibits employees from being candidates for public office in partisan elections.<sup>2</sup> An election is partisan if any candidate is to be nominated or elected as representing, for example, the Republican or Democratic Party. The Hatch Act does not prohibit candidacy in nonpartisan elections.

OSC understands that you were an independent candidate in the 2014 and 2018 elections for county commissioner. According to the (b)(6); County Elections Office, the election for county commissioner was nonpartisan until 2018. Therefore, your candidacy in the 2014 election did not violate the Hatch Act. However, in the 2018 election you ran against a candidate who represented the (b)(6); (b)(7)(C), making the election partisan, as defined above.

<sup>1</sup> See generally 5 U.S.C. §§ 7321-7326; 39 U.S.C. § 410.

<sup>2</sup> 5 U.S.C. § 7323(a)(3). The Hatch Act also employees from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office; and engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle. 5 U.S.C. § 7323(a) and § 7324. Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office. 5 C.F.R. § 734.101.

**U.S. Office of Special Counsel**

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Because you are covered by the Hatch Act, your candidacy in the 2018 partisan election for county commissioner violated the Hatch Act. However, in light of the election's change that occurred between your two candidacies, we do not believe your violation was willful. So, we have decided to close our file in this case without further action. Please be advised that if in the future you engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, we would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

Please contact OSC Hatch Act Unit Attorney Kelley Resendes at (202) 804-(b)(6) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

(b)(6); (b)(7)(C)

August 8, 2019

VIA EMAIL (b)(6); (b)(7)(C)

Re: OSC File No. HA-19-(b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint filed with the U.S. Office of Special Counsel (OSC) alleging that you, a U.S. Customs and Border Protection (CBP) employee, violated the Hatch Act by making a partisan political post on your personal Facebook account while on duty and in the workplace. As explained below, OSC has concluded that you violated the Hatch Act, and we are issuing you this warning letter.

The Hatch Act governs the political activity of federal executive branch employees, including CBP employees.<sup>1</sup> The Hatch Act prohibits employees from using their official authority or influence for the purpose of affecting the result of an election and engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle.<sup>2</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup>

The complaint alleged that you posted on Facebook a message that read, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) where you were working. You spoke with OSC attorney Jacqueline Yarbrow and admitted that you posted this message while you were on duty and in the workplace. You stated that you posted the message because you (b)(6); (b)(7)(C) you feel pride in your work with CBP, and you love the country. You also explained that you removed the post the same day you made it, and you have been disciplined by CBP for your conduct.

Your Facebook post constituted political activity because it included phrases, like (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) that showed support for (b)(6); (b)(7)(C) who is a candidate for reelection. Because your message included these phrases, you posted it while on duty and at work, and you

<sup>1</sup> See 5 U.S.C. §§ 7321-7326.

<sup>2</sup> 5 U.S.C. §§ 7323(a)(1) and 7324. The Hatch Act also prohibits employees from: knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for partisan political office; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(2)-(4).

<sup>3</sup> 5 C.F.R. § 734.101.

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invoked your official authority by (b)(6); (b)(7)(C) and commenting, (b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C) OSC has concluded that you violated the Hatch Act. However, because you removed the post and CBP has already disciplined you for this conduct, we are closing our file without further action. Please be advised that if in the future you engage in prohibited political activity we will consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

If you have any questions, please contact Hatch Act Unit attorney Jacqueline Yarbrow at (202) 804- (b)(6); (b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit



U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

November 30, 2018

(b)(6); (b)(7)(C)

VIA EMAIL: (b)(6); (b)(7)(C)@arts.gov

Re: Hatch Act Warning Letter (OSC File No. HA- (b)(6); )

Dear (b)(6); :

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act. Specifically, it was alleged that you violated the Hatch Act when you served as (b)(6); (b)(7)(C) at the White House. Specifically, it was alleged that you used, as the header photograph on your official (b)(6); (b)(7)(C) Twitter account, an image with the text “Make America Great Again.” For the reasons explained below, OSC has concluded that your activity violated the Hatch Act. In response, we are issuing you this warning letter.

The Hatch Act restricts certain political activities of federal executive branch employees, except for the President and the Vice President. Accordingly, as White House Director of Media Affairs you were covered by the Hatch Act and prohibited from, among other things, using your official authority or influence for the purpose of interfering with or affecting the result of an election.<sup>1</sup> For example, under this provision, you may not use your official title while engaging in political activity or your official position to advance or oppose candidates for partisan office. Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>2</sup>

(b)(6); (b)(7)(C)

<sup>1</sup> 5 U.S.C. § 7323(a)(1).

<sup>2</sup> 5 C.F.R. § 734.101.

<sup>3</sup> See OSC’s February 2018 “Hatch Act Guidance on Social Media,” pg. 9, *available at*: <https://osc.gov/Resources/HA%20Social%20Media%20FINAL%20r.pdf>.

<sup>4</sup> See OSC’s March 5, 2018 “Updated Guidance Regarding the Hatch Act and President Trump Now That He Is Officially a Candidate for Reelection,” *available at*: <https://osc.gov/Resources/Candidate%20Trump%20Hatch%20Act%20Guidance%203-5-2018.pdf>.

(b)(6); (b)(7)(C)

We understand that you are no longer serving as the White House (b)(6); (b)(7)(C) (b)(6); and the (b)(6); (b)(7)(C) Twitter account is no longer active. Therefore, although we have concluded that you violated the Hatch Act, we have decided not to pursue disciplinary action and are closing this file without further action. Please be advised that if in the future you engage in prohibited political activity while employed in a position covered by the Hatch Act, such as your current position with the National Endowment of the Arts, we will consider such activity to be a willful and knowing violation of the law, which could result in further action.

If you have any questions, you may contact me at 202-804-(b)(6); (b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit

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<sup>5</sup> It also was alleged that you violated the Hatch Act when you retweeted a March 18, 2018 message about recovery efforts in Puerto Rico, which included the text, “Adm McMahon @SBAGov & Sec Carson @HUDgov are making PR [Puerto Rico] great again.” However, OSC cannot conclude that using the words “making Puerto Rico great again” in this context, without more, constituted political activity for purposes of the Hatch Act. Accordingly, OSC has determined that retweeting this message from your “@haferre45” account did not violate the Hatch Act.



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

November 5, 2018

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:** (b)(6); (b)(7)(C)

Re: OSC File No. HA-18- (b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that, as an employee of the U.S. Postal Service (USPS), you violated the Hatch Act by being a candidate in the 2018 partisan election for county commissioner of (b)(6); County, (b)(6); (b)(7)(C). Although OSC has concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees, including USPS employees.<sup>1</sup> Among other things, the Hatch Act prohibits employees from being candidates for public office in partisan elections.<sup>2</sup> An election is partisan if any candidate is to be nominated or elected as representing, for example, the Republican or Democratic Party.

OSC understands that you were the (b)(6); (b)(7)(C) candidate in the 2018 partisan election for county commissioner of (b)(6); County. Because you are covered by the Hatch Act as a USPS employee, your candidacy in such an election violated the Hatch Act. However, we do not believe your violations were knowing and willful because you were not aware of the Hatch Act's candidacy prohibition at the time of your candidacy. So, we have decided to close our file in this case without further action.

Please be advised that if in the future you engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, we would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

<sup>1</sup> See generally 5 U.S.C. §§ 7321-7326; 39 U.S.C. § 410.

<sup>2</sup> 5 U.S.C. § 7323(a)(3). Covered employees are also prohibited from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a). The Hatch Act also prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle. 5 U.S.C. § 7324. Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office. 5 C.F.R. § 734.101.

**U.S. Office of Special Counsel**

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Please contact OSC Hatch Act Unit Attorney Kelley Nobriga at (202) 804-(b)(6) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit





U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

September 27, 2018

(b)(6); (b)(7)(C)

VIA EMAIL (b)(6); (b)(7)(C)

Re: OSC File No. HA-16-(b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a Hatch Act complaint filed with the U.S. Office of Special Counsel (OSC). The complaint alleged that you violated the Hatch Act when you made repeated statements in support of (b)(6); (b)(7)(C) candidate (b)(6); (b)(7)(C) at work. As explained below, although we have concluded that you violated the Hatch Act, we have decided not to pursue disciplinary action and are instead issuing you this warning letter.

The Hatch Act, 5 U.S.C. §§ 7321-7326, governs the political activity of federal executive branch employees, including SSA employees. The Hatch Act prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle.<sup>1</sup> 5 U.S.C. § 7324. Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office. 5 C.F.R. § 734.101.

The complaint alleged that you made statements supportive of candidate (b)(6); (b)(7)(C) to employees in the workplace throughout (b)(6); (b)(7)(C) 2016. The complaint alleged that you chanted, (b)(6); (b)(7)(C) as you entered federal property and that you said, (b)(6); (b)(7)(C). OSC also learned through its investigation that you made statements like (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C).

While you denied making these statements in your OSC interview, we corroborated the allegations in the complaint through several witness interviews. Because you made these statements supportive of (b)(6); (b)(7)(C) candidate (b)(6); (b)(7)(C) at work, OSC has concluded that you violated the Hatch Act's prohibition against engaging in political activity while on duty and in the workplace. Although we have concluded that you violated the Hatch Act, we have decided to close this matter without further action. Please be advised that if you engage in any future

<sup>1</sup> The Hatch Act also prohibits employees from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(1)-(4).

**U.S. Office of Special Counsel**

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activity prohibited by the Hatch Act, we would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

If you have any questions, please contact me at (202) 804-(b)(6);  
(b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Ana Galindo-Marrone  
Chief, Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

August 16, 2019

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:** (b)(6); (b)(7)(C)

Re: OSC File No. HA-19- (b)(6);  
(b)(7)(C)

Dear (b)(6);  
(b)(7)(C)

This letter is in response to a request that you submitted to the U.S. Office of Special Counsel (OSC) for an advisory opinion on a potential Hatch Act violation that you may have committed. As further explained below, although we have concluded that you violated the Hatch Act, we are not pursuing disciplinary action and are instead issuing you this warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees, including employees of the Department of Defense.<sup>1</sup> Among other restrictions, covered employees are prohibited from engaging in political activity while on duty or in the federal workplace and from knowingly soliciting, accepting, or receiving political contributions.<sup>2</sup> “Political activity” is activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup>

Your request related to an email that you composed and sent from a personal email account while on your lunch break in the federal workplace. The subject line of the email was

(b)(6); (b)(7)(C) and the body of the email said (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(6); was the sole recipient of the email. You explained that you intended the email to persuade (b)(6); to make a donation of any amount to (b)(6); (b)(7)(C) candidate (b)(6); (b)(7)(C) campaign—to which you already had donated—because one of the criteria for appearing in upcoming (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Based upon the content of the email and your purpose in sending it, OSC has concluded that you engaged in political activity and solicited political contributions. Your intent was to provide information to (b)(6); that might encourage (b)(6); to donate to (b)(6); (b)(7)(C)

(b)(6); campaign. If (b)(6); did so, that would increase the likelihood that (b)(6);

(b)(6); would appear in (b)(6); (b)(7)(C) If (b)(6); (b)(7)(C)

<sup>1</sup> See generally 5 U.S.C. §§ 7321-7326.

<sup>2</sup> See 5 U.S.C. §§ 7323(a)(2), 7324(a)(1)-(2).

<sup>3</sup> 5 C.F.R. § 734.101.

**U.S. Office of Special Counsel**

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(b)(6); (b)(7)(C)

Accordingly, your email was “political activity” because it was directed toward the success of (b)(6); (b)(7)(C) campaign. Because you sent the email while in the federal workplace, you engaged in prohibited political activity in violation of the Hatch Act. Furthermore, because the email encouraged (b)(6); to make a donation to (b)(6); (b)(7)(C) campaign, you also solicited political contributions in violation of the Hatch Act.

Although we have concluded that you violated the Hatch Act, we have decided to close this matter without further action in light of the fact that you self-disclosed the violation and seem sincere in wanting to comply with the Hatch Act going forward. Please be advised that if you engage in any future activity prohibited by the Hatch Act, we would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

Please contact OSC Hatch Act Unit attorney Eric Johnson at (202) 804-(b)(6); (b)(7) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

September 20, 2018

(b)(6); (b)(7)(C)

VIA EMAIL:

(b)(6); (b)(7)(C)

Re: Hatch Act Warning Letter (OSC File No. HA-18 (b)(6); (b)(7)(C)

Dear

(b)(6); (b)(7)(C)

This letter is in response to complaints the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act. Specifically, it was alleged that you violated the Hatch Act when you used your official (b)(6); (b)(7)(C) Twitter account to post a message that included (b)(6); (b)(7)(C). For the reasons explained below, OSC has concluded that your tweet violated the Hatch Act. In response, we are issuing you this warning letter.

The Hatch Act restricts certain political activities of federal executive branch employees, except for the President and the Vice President. 5 U.S.C. §§ 7321-7326. Accordingly, as

(b)(6); (b)(7)(C)

you are covered by the Hatch Act and prohibited from, among other things, using your official authority or influence for the purpose of interfering with or affecting the result of an election. *Id.* § 7323(a)(1). For example, under this provision, you may not use your official title while engaging in political activity or your official position to advance or oppose candidates for partisan office. Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office. 5 C.F.R. § 734.101.

We understand that you use the (b)(6); (b)(7)(C) Twitter account in your official capacity (b)(6); (b)(7)(C). At issue is a message you tweeted from that account on (b)(6); (b)(7)(C) 2018, which read: (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Included with this message

was a photograph from (b)(6); (b)(7)(C)

Because you use the (b)(6); (b)(7)(C) Twitter account for official purposes, the Hatch Act prohibits you from using that account to engage in political activity.<sup>1</sup> Tweeting a campaign slogan of a current candidate for partisan political office constitutes political activity for purposes of the Hatch Act. Thus, because (b)(6); (b)(7)(C) is a candidate for reelection,<sup>2</sup> you engaged in political activity when you tweeted (b)(6); (b)(7)(C) on (b)(6); (b)(7)(C) 2018. Accordingly, OSC has concluded that you violated the Hatch Act when you tweeted this message from your official Twitter account.

We understand that once you became aware that your tweet may have violated the Hatch Act, you deleted the post. And OSC has found no evidence that you engaged in any additional prohibited political activity via Twitter. Thus, although we have concluded that you violated the Hatch Act, we have decided not to pursue disciplinary action and are closing this file without further action. Please be advised that if in the future you engage in prohibited political activity while employed in a position covered by the Hatch Act, we will consider such activity to be a willful and knowing violation of the law, which could result in further action.

If you have any questions, you may contact me at 202-804- (b)(6); (b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit

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<sup>1</sup> See OSC's February 2018 "Hatch Act Guidance on Social Media," pg. 9, *available at*: <https://osc.gov/Resources/HA%20Social%20Media%20FINAL%20r.pdf>.

<sup>2</sup> (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)



**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

(b)(6); (b)(7)(C)

September 12, 2018

VIA EMAIL (b)(6); (b)(7)(C)

Re: OSC File No. HA-16- (b)(6);  
(b)(7)(C)

Dear (b)(6);  
(b)(7)(C)

This letter is in response to a complaint filed with the U.S. Office of Special Counsel (OSC) alleging that you violated the Hatch Act. Specifically, the complaint alleged that, while employed by the Social Security Administration (SSA), you forwarded to another employee an email about purchasing tickets to political fundraising events. As explained below, OSC is closing its file in this matter without further action.

The Hatch Act, 5 U.S.C. §§ 7321-7326, governs the political activity of federal civilian executive branch employees in order to protect the federal workforce from partisan political influence. The Hatch Act prohibits employees from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(1)-(4). The Hatch Act also prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle. 5 U.S.C. § 7324. Political activity is defined as activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group. 5 C.F.R. § 734.101.

According to the complaint, while at work on (b)(6); (b)(7)(C) 2015, at (b)(6); (b)(7)(C), you sent an email titled (b)(6); (b)(7)(C) and invited another employee to the 2015 (b)(6); (b)(7)(C). In addition, the email included information about a few other party events.

During the investigation, you informed OSC that your (b)(6); (b)(7)(C) forwarded you this email. You stated that you sent the email after a break during which you had a conversation with the recipient, who expressed interest in learning about the events. It is also our understanding that soon after sending the email you called a supervisor and expressed concerns about your email activity. You also communicated to OSC that at the time you understood the Hatch Act to only prohibit donating and sending money during work. Therefore, although sending this email constituted prohibited political activity in violation of the Hatch Act, based on your misunderstanding of the law and your willingness to inform your supervisor of your activity, OSC has concluded your violation was not knowing and willful. Accordingly, we are closing our file in this matter without further action. Please be advised that if in the future

**U.S. Office of Special Counsel**

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you engage in prohibited political activity, we will consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

If you have any questions, please contact me at (202) 804-(b)(6);  
(b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Ana Galindo-Marrone  
Chief, Hatch Act Unit





**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

September 12, 2018

(b)(6); (b)(7)(C)

Re: OSC File No. HA-16 (b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint filed with the U.S. Office of Special Counsel (OSC) alleging that you violated the Hatch Act. Specifically, the complaint alleged that, while employed by the Social Security Administration (SSA), you brought a nominating petition for a candidate to the workplace and (b)(6); (b)(7)(C). As explained below, OSC has concluded that you violated the Hatch Act.

The Hatch Act, 5 U.S.C. §§ 7321-7326, governs the political activity of federal civilian executive branch employees in order to protect the federal workforce from partisan political influence. The Hatch Act prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle.<sup>1</sup> 5 U.S.C. § 7324. Political activity is defined as activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group. 5 C.F.R. § 734.101.

The complaint alleged that in (b)(6); (b)(7)(C) 2016 you brought a nominating petition for (b)(6); (b)(7)(C) a candidate for partisan political office, to work and (b)(6); (b)(7)(C) for (b)(6); (b)(7)(C). The complaint also alleged that you were approached by a supervisor about the petition and that you stated that you thought it was permissible to bring the petition to work because it was related to a local election.

After speaking to you and several witnesses as part of our investigation, we have concluded that you brought a candidate nominating petition to work, which is a violation of the Hatch Act's political activity on duty restriction referenced above. However, because evidence indicates that you were unaware that the Hatch Act prohibitions apply to local elections and you removed the petition from the workplace after speaking with your supervisor, we will be closing our file in this matter without further action. Please be advised, however, that if in the future you engage in prohibited political activity while employed in a position covered by the Hatch Act, we

<sup>1</sup> The Hatch Act also prohibits employees from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(1)-(4).

**U.S. Office of Special Counsel**

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will consider such activity to be a willful and knowing violation of the law, which could result in further action pursuant to 5 U.S.C. § 1215.

If you have any questions, please contact me at (202) 804-(b)(6);  
(b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Ana Galindo-Marrone  
Chief, Hatch Act Unit



U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

September 5, 2018

(b)(6); (b)(7)(C)

via email: (b)(6); (b)(7)(C)

Re: OSC File No. HA-17-(b)(6);  
(b)(7)(C)

Dear (b)(6);  
(b)(7)(C)

This letter concerns a complaint the U.S. Office of Special Counsel (OSC) received alleging that as a United States Postal Service (USPS) employee, you violated the Hatch Act by running for partisan political office in 2016. As explained below, we have concluded that you violated the Hatch Act, but we have elected not to pursue disciplinary action and instead are issuing this warning letter.

You ran in the 2016 partisan election for the (b)(6); Town Council in (b)(6); County, (b)(6);. During the relevant period, you served as a Part-Time Flexible (PTF) employee for the (b)(6); Post Office. As you described to us, this meant that you could work any of the seven days each week but generally received work assignments on short notice, often only a day in advance. You said that your start time and end times would vary, so you were never certain how long you would be on duty on a given day, and your weekly hours could range anywhere from 20 to 45 hours.

The Hatch Act, 5 U.S.C. §§ 7321-7326, governs the political activity of federal civilian executive branch employees, including USPS employees. *See* 39 U.S.C. § 410. While the Hatch Act permits most employees to actively participate in partisan political management and partisan political campaigns, it prohibits employees from, among other things, being candidates for public office in partisan elections. 5 U.S.C. § 7323(a)(3).<sup>1</sup> An individual who works on an irregular or occasional basis, however, is subject to the Hatch Act's prohibitions only when (b)(6) is on duty. 5 C.F.R. § 734.601. The Hatch Act regulations define occasional as "occurring infrequently, at irregular intervals, and according to no fixed or certain scheme; acting or serving for the occasion or only on particular occasions." 5 C.F.R. § 734.101.

We understand that during 2016, you did not consider yourself to have a regular schedule because you did not have a fixed tour of duty. But it appears that you had a general expectation that you would work most days each week, and the only variables were your start and end times. Though you did have somewhat varying start and end times throughout 2016, you worked frequently and regularly. For example, between June 2016 and Election Day, you worked no fewer than 25 hours in a week, and you worked more than 30 hours per week for most weeks during that time span. We do not

<sup>1</sup> The Hatch Act also prohibits employees from using their official authority or influence to affect an election; knowingly soliciting, accepting, or receiving political contributions; knowingly soliciting or discouraging the political activity of anyone with business before their employing office; and engaging in political activity while on duty, in a federal room or building, wearing an official uniform, or using a government vehicle. 5 U.S.C. §§ 7323-7324.

**U.S. Office of Special Counsel**

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believe that you worked on an “irregular or occasional” basis during this time. Accordingly, your candidacy for partisan political office violated the Hatch Act.

We have determined, however, that we will not pursue disciplinary action. Though it is apparent from the record that you were aware of the Hatch Act and its restrictions, we believe you had a genuine uncertainty about your status as a PTF and thought you met the “irregular or occasional” exception given your lack of a fixed tour of duty and the fact you did not work full time. Furthermore, you reached out for guidance and made the decision to pursue your candidacy based, in part, on incorrect guidance from a county official. Based on these circumstances, we do not believe that you knowingly and willfully violated the law, and we will close our file in this matter.

While we have decided not to pursue disciplinary action, this document serves as a warning letter. Please be advised that should you again engage in prohibited political activity, OSC would consider it a *knowing and willful violation* of the law that could result in disciplinary action. The possible penalties for violating the Hatch Act include a letter of reprimand, suspension, reduction in grade, removal, debarment, or a civil fine. 5 U.S.C. § 7326. If you have any questions, please contact OSC attorney Christopher Leo at (202) 804-(b)(6) or (b)(6)@osc.gov. Please also be aware that OSC does have the authority to issue advisory opinions, so if you intend to run for office or engage in some form of political activity in the future, you are welcome to contact us for an advisory opinion regarding whether you may engage in such activity.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

September 16, 2019

(b)(6); (b)(7)(C)

Re: OSC File No. HA-19-(b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint filed with the U.S. Office of Special Counsel (OSC) alleging that you, a former Social Security Administration (SSA) employee, violated the Hatch Act by frequently making negative comments about (b)(6); (b)(7)(C) in the workplace. As explained below, OSC concluded that you violated the Hatch Act, but we are closing our file without further action.

The Hatch Act governs the political activity of federal executive branch employees, including SSA employees.<sup>1</sup> The Hatch Act prohibits employees from using their official authority or influence for the purpose of affecting the result of an election and engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle.<sup>2</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup>

The complaint alleged you were the (b)(6); (b)(7)(C) at the (b)(6); (b)(7)(C) SSA office in (b)(6); (b)(7)(C) 2018, and several individuals reported that you frequently disparaged (b)(6); (b)(7)(C) while at work. Testimony suggested that you referred to the (b)(6); (b)(7)(C) OSC conducted an investigation, to include interviewing witnesses. OSC corroborated the allegations and learned that throughout (b)(6); (b)(6); 2018 you had conversations with subordinates during which you remarked, for example, that you thought (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)<sup>4</sup>

Because your remarks were critical of (b)(6); (b)(7)(C) who is a candidate for partisan political office, and made to subordinates while on duty and in the workplace, OSC has

<sup>1</sup> See 5 U.S.C. §§ 7321-7326.

<sup>2</sup> 5 U.S.C. §§ 7323(a)(1) and 7324. The Hatch Act also prohibits employees from: knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for partisan political office; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(2)-(4).

<sup>3</sup> 5 C.F.R. § 734.101.

<sup>4</sup> (b)(6); (b)(7)(C) was a candidate for Hatch Act purposes at the time you made the aforementioned statements.

**U.S. Office of Special Counsel**

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determined that you violated the Hatch Act. Given the serious and pervasive nature of your prohibited activity, OSC intended to seek disciplinary action against you. However, given your (b)(6); 2019 retirement from SSA, we are closing our file without further action. OSC reserves the right to re-open this investigation should you return to federal service.

If you have any questions, please contact Hatch Act Unit attorney Jacqueline Yarbrow at (202) 804-(b)(6); (b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

May 15, 2018

(b)(6); (b)(7)(C)

Sent via E-mail to: (b)(6); (b)(7)(C)

Re: OSC File No. HA-18- (b)(6);  
(b)(7)(C)

Dear (b)(6);  
(b)(7)(C)

On (b)(6); (b)(7)(C) 2018, the U.S. Office of Special Counsel (OSC) notified you that as an employee of the U.S. Postal Service, the Hatch Act prohibits you from being a candidate in the partisan election for county commissioner in (b)(6); (b)(7)(C) County, (b)(6); (b)(7)(C). See 5 U.S.C. § 7323(a)(3); 39 U.S.C. § 410(b)(1). OSC advised you that you could come into compliance with the Hatch Act by either resigning your USPS employment or withdrawing your candidacy. We have confirmed that you withdrew your candidacy for county commissioner by closing your campaign headquarters, removing your campaign website and Facebook page, and publicly announcing your withdrawal in (b)(6); (b)(7)(C). You also sent a letter to the (b)(6); (b)(7)(C) Board of Elections expressing your intent to withdraw, even though the deadline for having your name removed from the ballot had passed.<sup>1</sup>

Because you took steps to come into compliance with the Hatch Act, we are closing our file without further action at this time. Please be advised that should you again engage in prohibited political activity, OSC will consider it a knowing and willful violation of the law that could result in disciplinary action up to and including removal from employment.

Please contact OSC attorney Carolyn Martorana at (202) 804- (b)(6) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Ana Galindo-Marrone  
Chief, Hatch Act Unit

<sup>1</sup> As explained in our (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) 2018 correspondence to you, accepting the nomination and continuing your candidacy through the general election could constitute another Hatch Act violation.





U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

August 30, 2018

(b)(6); (b)(7)(C)

VIA ELECTRONIC MAIL: (b)(6); (b)(7)(C)

Re: OSC File No. HA-17-(b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that, while at work in 2016, you violated the Hatch Act by inviting a coworker to attend then-candidate (b)(6); (b)(7)(C) campaign rally and distributing (b)(6); (b)(7)(C) campaign bumper stickers. It was also alleged that you made negative statements about then-candidate (b)(6); (b)(7)(C). We understand that you are, and were at the time of the alleged activity, a (b)(6); (b)(7)(C) with the U.S. Department of Veterans Affairs (VA). Although we have concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal executive branch employees, including VA employees. *See generally* 5 U.S.C. §§ 7321-7326. Among other things, the Hatch Act prohibits employees from engaging in political activity while on duty, in a government building, wearing an official uniform or insignia, or using an official vehicle. 5 U.S.C. § 7324.<sup>1</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office. 5 C.F.R. § 734.101.

As part of our investigation, we received testimony from several witnesses detailing conversations you had with coworkers while at work about the 2016 (b)(6); (b)(7)(C) election.<sup>2</sup> Only a few witnesses were able to corroborate some of the allegations, and none of the witnesses were

<sup>1</sup> Covered employees are also prohibited from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(1)-(4).

<sup>2</sup> The majority of witnesses reported that you violated the Hatch Act by placing campaign bumper stickers on your (b)(6); (b)(7)(C). However, such activity is not prohibited by the Hatch Act. *See* 5 C.F.R. § 734.306, Example 7.



**U.S. Office of Special Counsel**

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present for all the alleged incidents. For example, one witness reported that you invited a coworker to attend a campaign rally for then-candidate (b)(6); (b)(7)(C) and attempted to distribute (b)(6); (b)(7)(C) campaign bumper stickers. Another witness testified that you referred to then-candidate (b)(6); (b)(7)(C) as (b)(6); (b)(7)(C). You denied that these incidents occurred.

However, we found these witnesses to be credible and, as a result, we have concluded that you engaged in political activity while at work. Inviting a coworker to then-candidate (b)(6); (b)(7)(C) campaign rally and distributing (b)(6); (b)(7)(C) campaign bumper stickers constitutes political activity because such activity promoted (b)(6); (b)(7)(C) candidacy. Likewise, making negative statements about then-candidate (b)(6); (b)(7)(C) constitutes political activity because the statements advocated for the failure of (b)(6); (b)(7)(C) candidacy. Therefore, because you engaged in political activity while at work, we have concluded that you violated the Hatch Act.

Although we have concluded that you violated the Hatch Act, we have decided to close this matter without further action. Please be advised that if in the future you engage activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

Please contact OSC Hatch Act Unit Attorney Kelley Nobriga at (202) 804-(b)(6) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

July 10, 2018

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:** (b)(6); (b)(7)(C)

Re: OSC File No. HA-18- (b)(6);  
(b)(7)(C)

Dear (b)(6);  
(b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act in (b)(6); 2016 by wearing a (b)(6); (b)(7)(C) campaign t-shirt while at work. OSC understands that you are, and were at the time of the alleged activity, a (b)(6); (b)(7)(C) at the Social Security Administration (SSA) (b)(6); (b)(7)(C). Although OSC has concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal executive branch employees, including SSA employees. *See generally* 5 U.S.C. §§ 7321-7326. Among other things, the Hatch Act prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using a government vehicle. 5 U.S.C. § 7324.<sup>1</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office. 5 C.F.R. § 734.101.

OSC investigated the allegation that you wore a t-shirt emblazoned with the words (b)(6); (b)(7)(C) to work on (b)(6); 2016. Although you denied wearing the t-shirt, multiple witnesses confirmed that you wore the campaign t-shirt at work. One witness specifically noted

<sup>1</sup> Covered employees are also prohibited from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(1)-(4).

**U.S. Office of Special Counsel**

Page 2

that you wore the t-shirt (b)(6); (b)(7)(C) with the logo fully exposed, and that you showed the logo to colleagues at one point during the day. Several witnesses said they asked you to cover the t-shirt, but you did not do so.

Your conduct constituted political activity because wearing a t-shirt expressing support for (b)(6); (b)(7)(C) candidate (b)(6); (b)(7)(C) in (b)(6) 2016, was directed at the success of a candidate for partisan political office. Because you engaged in this political activity while on duty as an SSA (b)(6); (b)(7)(C) OSC has concluded that you violated the Hatch Act.

Although we have concluded that you violated the Hatch Act, we have decided to close this matter without further action. Please be advised that if in the future you engage activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

If you have any questions, you may contact me at (202) 804- (b)(6); (b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

May 2, 2018

(b)(6); (b)(7)(C)

Re: OSC File No. HA-18-(b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act by being a candidate in the partisan election for (b)(6);  
(b)(7)(C) County school board member. OSC understands that you are employed by the U.S. Postal Service (USPS). Although OSC concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal executive branch employees, including USPS employees. *See generally* 5 U.S.C. §§ 7321-7326; 39 U.S.C. § 410. Among other things, the Hatch Act prohibits employees from being candidates for public office in partisan elections. 5 U.S.C. § 7323(a)(3).<sup>1</sup> An election is partisan if any candidate is to be nominated or elected as representing, for example, the Republican or Democratic Party.

OSC confirmed that you were a candidate in the (b)(6) 2018 (b)(6);  
(b)(7)(C) primary election for (b)(6);  
(b)(7)(C) County school board member. Thus, because you were a candidate in a partisan election while employed by USPS, OSC has concluded that you violated the Hatch Act. However, OSC understands that upon learning that your candidacy violated the Hatch Act, you submitted withdrawal paperwork to the (b)(6);  
(b)(7)(C) County (b)(6);  
(b)(7)(C) Executive Committee. And although your name may still appear on the ballot, OSC has confirmed that because of your withdrawal, any votes you receive in the primary election will not be counted.

Because you have taken steps to withdraw from the election, OSC does not believe your violation was knowing and willful. Accordingly, we have decided to close our file in this case without further action. Please be advised that if you engage in Hatch Act-prohibited activity in

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<sup>1</sup> Covered employees are also prohibited from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a). In addition, the Hatch Act prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle. 5 U.S.C. § 7324. Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office. 5 C.F.R. § 734.101.

**U.S. Office of Special Counsel**

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the future while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

Please contact OSC Hatch Act Unit Attorney Kelley Nobriga at (202) 804-(b)(6) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

June 25, 2018

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:** (b)(6); (b)(7)(C)

Re: OSC File No. HA-18-(b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act by being a candidate in the partisan election for the (b)(6); (b)(7)(C) State Legislature. OSC understands that you are employed by the Indian Health Service (IHS). Although OSC concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal executive branch employees, including IHS employees. *See generally* 5 U.S.C. §§ 7321-7326. Among other things, the Hatch Act prohibits employees from being candidates for public office in partisan elections. 5 U.S.C. § 7323(a)(3).<sup>1</sup> An election is partisan if any candidate is to be nominated or elected as representing, for example, the Republican or Democratic Party.

OSC confirmed that you were a candidate in the partisan election for the (b)(6); (b)(7)(C) State Legislature. Thus, because you were a candidate in a partisan election while employed by IHS, OSC has concluded that you violated the Hatch Act. However, OSC understands that, upon learning from your agency that your candidacy violated the Hatch Act, you withdrew your candidacy on (b)(6); (b)(7)(C) 2018.

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<sup>1</sup> Covered employees are also prohibited from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a). In addition, the Hatch Act prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle. 5 U.S.C. § 7324. Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office. 5 C.F.R. § 734.101.

**U.S. Office of Special Counsel**

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Because you withdrew from the election, OSC does not believe your violation was knowing and willful. Accordingly, we have decided to close our file in this case without further action. Please be advised that if in the future you engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

Please contact OSC Hatch Act Unit Attorney Kelley Nobriga at (202) 804-(b)(6) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

July 23, 2019

(b)(6); (b)(7)(C)

VIA ELECTRONIC MAIL: (b)(6); (b)(7)(C)

Re: OSC File No. HA-19- (b)(6);  
(b)(7)(C)

Dear (b)(6);  
(b)(7)(C)

This letter is in response to an investigation by the U.S. Office of Special Counsel (OSC) concerning your candidacy in the partisan election for board of supervisors in (b)(6); County, (b)(6); OSC understands that you are employed by the U.S. Postal Service (USPS). Although OSC has concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees, including USPS employees.<sup>1</sup> Among other things, employees may not be candidates for public office in partisan elections.<sup>2</sup> An election is partisan if any candidate is to be nominated or elected as representing, for example, the Republican or Democratic Party.

On (b)(6); (b)(7)(C) 2019, OSC issued you an advisory opinion explaining that the election for board of supervisors is partisan and, as such, the Hatch Act prohibits you from being a candidate while working for USPS. Five days later, you self-reported to OSC that you were already a candidate for board of supervisors, and OSC advised that your candidacy violated the Hatch Act. OSC further advised that you could come into compliance with the law by withdrawing from the election or resigning from USPS. On (b)(6); (b)(7)(C) 2019, OSC confirmed with the (b)(6); (b)(7)(C) County Circuit Clerk's Office that you withdrew your candidacy.

Although OSC has concluded that you violated the Hatch Act, we do not believe your violation was willful. Rather, you self-reported your candidacy after learning that it violated the law and later came into compliance with the Hatch Act by withdrawing from the election. As a result, OSC has decided not to pursue disciplinary action and will close this matter without further action.

<sup>1</sup> See generally 5 U.S.C. §§ 7321-7326; 39 U.S.C. § 410.

<sup>2</sup> 5 U.S.C. § 7323(a)(3). Covered employees are also prohibited from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; knowingly soliciting or discouraging the political activity of any individual with business before their employing office; and engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle. 5 U.S.C. § 7323(a) and § 7324. Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office. 5 C.F.R. § 734.101.



**U.S. Office of Special Counsel**

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Please be advised that if in the future you engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action. Should you have any questions, please contact OSC Attorney Kelley Resendes at (202) 804-(b)(6);  
(b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

December 20, 2018

(b)(6); (b)(7)(C)

VIA ELECTRONIC MAIL:

(b)(6); (b)(7)(C)

Re: OSC File No. HA-18-

(b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act by using your official authority as (b)(6); of the (b)(6); Police Department (b)(6); to affect the result of the 2014 election for (b)(6); State Representative and the 2018 partisan election for (b)(6); County Sheriff. Specifically, it was alleged that you used pictures of yourself in an official (b)(6) uniform to promote your candidacy in these elections. As explained below, although OSC has concluded that you violated the Hatch Act, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of certain state and local government employees in order to protect the public workforce from partisan political influence and ensure the nonpartisan administration of laws.<sup>1</sup> Employees covered by the Hatch Act are those whose principal position or job is with a state, county, or municipal executive agency and whose job duties are "in connection with" programs financed in whole or in part by loans or grants made by the United States or an agency thereof.<sup>2</sup> Employees are subject to the Hatch Act if, as a normal and foreseeable incident of their positions or jobs, they perform duties in connection with federally financed activities.<sup>3</sup>

Individuals who supervise employees who work on federally funded programs have been found to be subject to the Hatch Act due to their oversight responsibilities for those activities.<sup>4</sup> Additionally, employees who play a vital role in securing and maintaining federally funded grants as well as who perform affirmative grant-related duties are covered by the Hatch Act.<sup>5</sup> However, coverage is not dependent on the source of an

<sup>1</sup> See generally 5 U.S.C. §§ 1501-1508.

<sup>2</sup> 5 U.S.C. § 1501(4).

<sup>3</sup> *Special Counsel v. Gallagher*, 44 M.S.P.R. 57, 61 (1990); *In re Hutchins*, 2 P.A.R. 160, 164 (Civil Serv. Comm'n 1944).

<sup>4</sup> See *In re Palmer*, 2 P.A.R. 590, 595-96 (1959), remanded, *Palmer v. U.S. Civil Service Commission*, 191 F. Supp. 495 (S.D. Ill. 1961), rev'd 297 F.2d 450 (7th Cir. 1962), cert. denied, 369 U.S. 849 (1962).

<sup>5</sup> See *Special Counsel v. Greiner*, 117 M.S.P.R. 117, 121-27 (2011).

**U.S. Office of Special Counsel**

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employee's salary,<sup>6</sup> nor is it dependent upon whether the employee actually administers the funds or has policy duties with respect to them.<sup>7</sup>

The alleged activity occurred in 2014 and 2017. OSC confirmed that in those years (b)(6) received a federal grant from the (b)(6); (b)(7)(C). In 2014 and 2017, you and your subordinate employees provided over 250 and 200 hours, respectively, of (b)(6); (b)(7)(C) grant. Therefore, OSC has concluded that you had duties in connection to a federally funded program in 2014 and 2017 and, as a result, you were covered by the Hatch Act during that time.

The Hatch Act prohibits covered employees from, among other things, using their official authority or influence to affect the results of an election.<sup>8</sup> Examples of activities that violate this prohibition include using one's official position while engaging in political activity or pictures of oneself in an official uniform in campaign advertisements, web pages, signs, or literature.

While you were a candidate for (b)(6); (b)(7)(C) State Representative, on (b)(6); (b)(7)(C) 2014, you posted a picture of yourself in an official (b)(6) uniform to (b)(6); (b)(7)(C) your campaign Facebook account. Because you used this picture to promote your candidacy for (b)(6); (b)(7)(C) State Representative, OSC has concluded that you violated the Hatch Act's use of official authority prohibition in 2014.

In addition, while you were a candidate for sheriff, on (b)(6); (b)(7)(C) 2017, you posted a picture of yourself in an official (b)(6) uniform to (b)(6); (b)(7)(C) your campaign Facebook account. Because you used this picture to promote your candidacy for sheriff, OSC has concluded that you violated the Hatch Act's use of official authority prohibition in 2017.

Although we have concluded that you violated the Hatch Act, we have decided to close this matter without further action. Please be advised that if you engage in any activity prohibited by the Hatch Act in the future while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action. Please contact OSC Hatch Act Unit Attorney Kelley Nobriga at (202) 804-(b)(6) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit

<sup>6</sup> Salary is determinative with respect to the Hatch Act's candidacy prohibition, which prohibits only those employees whose salary is fully federally funded from being candidates for public office in a partisan election. 5 U.S.C. § 1502(a)(3).

<sup>7</sup> *Special Counsel v. Williams*, 56 M.S.P.R. 277, 283-84 (1993), *aff'd*, 55 F.3d 917 (4th Cir. 1995), *cert. denied*, 516 U.S. 1071 (1996) (unreported decision).

<sup>8</sup> 5 U.S.C. § 1502(a)(1). Covered employees who perform duties in connection with federally financed activities are also prohibited from coercing other employees into making political contributions. 5 U.S.C. § 1502(a)(2).



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

October 23, 2018

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:** (b)(6); (b)(7)(C)

Re: OSC File No. HA-19 (b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act by displaying in your office a sticker that endorsed (b)(6); (b)(7)(C) a candidate for U.S. Senate. OSC understands that you are a (b)(6); (b)(6); with the U.S. Social Security Administration (SSA). Although OSC has concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees, including SSA employees.<sup>1</sup> Among other things, the Hatch Act prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle.<sup>2</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup>

We understand that for one week in (b)(6); 2018, you displayed (b)(6); at work a small sticker that said (b)(6); (b)(7)(C). Displaying that sticker constituted political activity, as defined above, because it was in support of (b)(6); (b)(7)(C) a candidate for U.S. Senate. Because you displayed the sticker at work, we have concluded that you violated the Hatch Act's prohibition against engaging in political activity while in a government building. However, OSC also understands that, upon learning that the sticker violated the Hatch Act, you immediately removed it from your office.

<sup>1</sup> See generally 5 U.S.C. §§ 7321-7326.

<sup>2</sup> 5 U.S.C. § 7324. Covered employees are also prohibited from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(1)-(4).

<sup>3</sup> 5 C.F.R. § 734.101.

**U.S. Office of Special Counsel**

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Because you took steps to remove the sticker, OSC does not believe that your violation was knowing and willful. Accordingly, we have decided to close our file in this case without further action. Please be advised that if in the future you engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

Please contact OSC Hatch Act Unit Attorney Kelley Nobriga at (202) 804-(b)(6) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

September 27, 2018

(b)(6); (b)(7)(C)

VIA EMAIL (b)(6); (b)(7)(C)

Re: OSC File No. HA-17-(b)(6);  
(b)(7)(C)

Dear (b)(6);  
(b)(7)(C)

This letter is in response to a complaint filed with the U.S. Office of Special Counsel (OSC) alleging that individuals in the National Geospatial-Intelligence Agency's (NGA) (b)(6); (b)(7)(C) violated the Hatch Act. Specifically, it was alleged that on (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) 2016, the (b)(6); (b)(7)(C) used (b)(6); (b)(7)(C) to distribute partisan political material to the NGA workforce. As explained below, OSC has concluded that you, (b)(6); (b)(7)(C) violated the Hatch Act, but we have decided not to pursue disciplinary action and are instead issuing you this warning letter.

The Hatch Act, 5 U.S.C. §§ 7321-7326, governs the political activity of federal civilian executive branch employees in order to protect the federal workforce from partisan political influence. The Hatch Act prohibits employees from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(1)-(4). The Hatch Act also prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle. 5 U.S.C. § 7324. Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office. 5 C.F.R. § 734.101.

In addition, employees in certain agencies and positions, such as NGA employees, are "further restricted" and prohibited from actively participating in partisan political management and campaigning. See 5 U.S.C. § 7323(b)(2); 5 C.F.R. § 734.401(a). Such employees are prohibited from engaging in any political activity that is "in concert" with a political party, partisan group, or candidate for partisan political office. See, e.g., *Blaylock v. U.S. Merit Sys. Prot. Bd.*, 851 F.2d 1348, 1354 (11th Cir. 1988) (concluding that the statutory prohibition against taking an "active part in political management or in political campaigns" encompasses only active participation in, on behalf of, or in connection with, the organized efforts of political parties or partisan committees, clubs, and candidates); 5 C.F.R. § 734.402.

U.S. Office of Special Counsel

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During our investigation, we learned that (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) The articles appearing in (b)(6); (b)(7)(C) are selected by several (b)(6); (b)(7)(C) employees. (b)(6); (b)(7)(C) (b)(6); We confirmed that on (b)(6); (b)(7)(C) and (b)(6); 2016, (b)(6); (b)(7)(C) contained articles regarding an upcoming special election. More specifically, the (b)(6); (b)(7)(C) (b)(6); included an article entitled (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) The article discussed the newspaper's endorsement of one of the candidates in an upcoming special election and mentioned that (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) And the (b)(6); (b)(7)(C) (b)(6); contained an article entitled (b)(6); (b)(7)(C) which outlined the benefits and drawbacks of candidates seeking election (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

You explained the reasons (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) But our review of the articles found that these were op-ed pieces explaining various reasons to vote for or against a candidate in the special election, and they (b)(6); (b)(7)(C) OSC has consistently advised employees and agencies that they should not use agency resources to circulate political commentary or op-ed pieces and news articles about candidates close to an election. Despite any disclaimers (b)(6); (b)(6); may contain, circulating this type of information (b)(6); (b)(7)(C) gives the appearance that NGA is taking a particular position on a political party or candidate.

OSC has determined that you violated the Hatch Act because these articles were directed toward the success or failure of a partisan political candidate, were distributed in the federal workplace, and (b)(6); (b)(7)(C) the articles included in (b)(6); (b)(7)(C) But we do not believe your violation was knowing or willful. Therefore, we are closing our file in this matter without further action. Please be advised that if in the future you engage in prohibited political activity we will consider such activity to be a willful and knowing violation of the law that could result in disciplinary action. Going forward, you should not (b)(6); (b)(7)(C) circulate articles about political parties or candidates for partisan political office. In addition, we recommend that the NGA (b)(6); (b)(7)(C) establish written guidelines for (b)(6); (b)(7)(C) articles to prevent future Hatch Act violations.

If you have any questions, please contact me at (202) 804- (b)(6); (b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Ana Galindo-Marrone  
Chief, Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

August 19, 2019

(b)(6); (b)(7)(C)

VIA ELECTRONIC MAIL: (b)(6); (b)(7)(C)

Re: OSC File No. HA-19 (b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

On (b)(6); 2019, the U.S. Office of Special Counsel (OSC) notified you that, as a Defense Logistics Agency (DLA) employee, the Hatch Act prohibits you from being a candidate in the 2019 partisan election for sheriff of (b)(6); County (b)(6); and soliciting political contributions for your candidacy.<sup>1</sup> OSC advised you that you could come into compliance with the Hatch Act by either withdrawing your candidacy or resigning from your employment with DLA. OSC has confirmed that, effective (b)(6); (b)(7)(C) you have resigned from your employment with DLA.

Because you took steps to come into compliance with the Hatch Act, we are closing this matter without further action. Please be advised that if in the future you engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action. Please contact OSC Attorney Kelley Resendes at (202) 804-(b)(6); if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit

<sup>1</sup> Among other things, the Hatch Act prohibits employees from soliciting, accepting, or receiving political contributions from any person or be a candidate for election to a partisan political office. 5 U.S.C. § 7323(a)(2), (3).





**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

September 4, 2019

(b)(6); (b)(7)(C)

VIA ELECTRONIC MAIL:

(b)(6); (b)(7)(C)

Re: OSC File No. HA-18- (b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act in (b)(6); (b)(7)(C) 2018 by telling other U.S. Postal Service (USPS) employees while at work to support (b)(6); (b)(7)(C) a candidate in the November 2018 (b)(6); gubernatorial election. Although OSC has concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees, including USPS employees.<sup>1</sup> Among other things, the Hatch Act prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle.<sup>2</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup>

OSC understands that supervisors at your postal facility regularly hold morning staff meetings. At such a meeting on (b)(6); (b)(7)(C) 2018, a coworker was wearing (b)(6); (b)(7)(C) hat. At the end of the meeting, a supervisor asked if employees had any concerns or questions. In response, you noted that since employees were wearing (b)(6); hats at work, you (b)(6); (b)(7)(C) You denied that, by making this statement, you were asking employees to vote or otherwise support (b)(6); candidacy. Instead, you explained that you were questioning management's decision to allow employees to wear (b)(6); hats at work, despite your understanding that such activity violated the Hatch Act. (b)(7)(C)

<sup>1</sup> See generally 5 U.S.C. §§ 7321-7326; 39 U.S.C. § 410.

<sup>2</sup> 5 U.S.C. § 7324 and § 7324(a)(1). The Hatch Act also prohibits employees from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(2)-(4).

<sup>3</sup> 5 C.F.R. § 734.101.

**U.S. Office of Special Counsel**

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Your statement, however, constituted political activity for purposes of the Hatch Act because (b)(6); (b)(7)(C) was, at the time, a gubernatorial candidate. By stating that you should be able to ask employees to (b)(6); (b)(7)(C) you were in essence advocating for (b)(6); (b)(7)(C) electoral success in the November 2018 election. Moreover, you should have known that promoting a candidate while at work violated the Hatch Act because, by your own admission, you understood that wearing (b)(6); (b)(7)(C) hat at work violated the Hatch Act. Therefore, you violated the Hatch Act when you advocated for the election of (b)(6); (b)(7)(C) at work.

Although OSC has concluded that you violated the Hatch Act, we have decided not to seek disciplinary action and will close this matter without further action. It is clear from our investigation that management at your postal facility failed to hold employees accountable for what appeared to be blatant violations of the Hatch Act. And in light of the serious issues you presented, OSC has requested that USPS provide additional Hatch Act guidance to your postal facility to avoid future violations.

Please be advised that if in the future you engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action. Please contact OSC Hatch Act Unit Attorney Kelley Resendes at (202) 804-(b)(6); (b)(7)(C) with any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

July 12, 2019

(b)(6); (b)(7)(C)

VIA EMAIL (b)(6); (b)(7)(C)

Re: OSC File No. HA-19-(b)(6);  
(b)(7)(C)

Dear (b)(6);  
(b)(7)(C)

This letter concerns a complaint filed with the U.S. Office of Special Counsel (OSC) alleging that you, a U.S. Department of Agriculture (USDA) employee, violated the Hatch Act by displaying a campaign hat in the federal workplace. As explained below, OSC has concluded that you violated the Hatch Act, and in response, we are issuing you this warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees, including USDA employees.<sup>1</sup> Among other things, the Hatch Act prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle.<sup>2</sup> Political activity is defined as activity directed toward the success or failure of a political party, candidate for a partisan political office, or partisan political group.<sup>3</sup>

The complaint alleged that you displayed a hat that read (b)(6); (b)(7)(C) in the federal workplace. You spoke with OSC attorney Jacqueline Yarbrow on (b)(6); (b)(7)(C) 2019, and confirmed that the hat, which showed support for (b)(6); (b)(7)(C) candidacy. (b)(6); (b)(7)(C) During the (b)(6); (b)(7)(C) conversation, OSC advised that because (b)(6); (b)(7)(C) is a candidate for reelection items that show support or opposition to (b)(6); (b)(7)(C) candidacy, like the hat, may not be displayed in the workplace. You explained that you had forgotten the hat (b)(6); (b)(7)(C) and you agreed to remove it to comply with the Hatch Act. On (b)(6); (b)(7)(C) 2019, you emailed OSC to confirm you had taken the hat home.

Thus, although OSC has concluded that you violated the Hatch Act, because you came into compliance with the law, we have decided to close our file without further action. Please be advised that if in the future you engage in prohibited political activity we will consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

<sup>1</sup> 5 U.S.C. §§ 7321-7326.

<sup>2</sup> 5 U.S.C. § 7324. The Hatch Act also prohibits employees from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for partisan political office; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(1)-(4).

<sup>3</sup> 5 C.F.R. § 734.101.

**U.S. Office of Special Counsel**

Page 2

If you have any questions, please contact Hatch Act Unit attorney Jacqueline Yarbrow at  
(202) 804-(b)(6);  
(b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Ana Galindo-Marrone  
Chief, Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

May 29, 2018

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:** (b)(6); (b)(7)(C)

Re: OSC File No. HA-18- (b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

On (b)(6); (b)(7)(C) 2018, the U.S. Office of Special Counsel (OSC) notified you that, as a (b)(6); (b)(7)(C) Police Department (b)(6); (b)(7)(C) who has duties in connection to federally financed programs, the Hatch Act prohibits you from using your official position to promote your candidacy for (b)(6); (b)(7)(C) County Sheriff. OSC advised you that you could come into compliance with the Hatch Act by: (1) removing from your campaign Facebook page all photographs of you in uniform or with agency insignia, such as an official badge; (2) ceasing distribution of any campaign materials that feature a photograph of you in uniform or with agency insignia; (3) ceasing the use of an agency vehicle to distribute campaign materials; and (4) ceasing the use of your uniform or other agency insignia while engaging in any campaign activities for the duration of your candidacy for sheriff.

OSC has confirmed that you removed from your campaign Facebook page all photographs of you in uniform or with agency insignia. You also agreed to stop campaigning in uniform and distributing campaign materials that feature photographs of you in uniform or with agency insignia. Lastly, you agreed to stop distributing campaign materials from your agency vehicle.

Because you took steps to come into compliance with the Hatch Act, we are closing this matter without further action at this time. Please be advised that should you again engage in prohibited political activity, OSC will consider it a knowing and willful violation of the law that could result in disciplinary action. Please contact OSC Hatch Act Unit Attorney Kelley Nobriga at (202) 804-(b)(6) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

(b)(6); (b)(7)(C)

December 20, 2018

VIA EMAIL

(b)(6); (b)(7)(C)

Re: OSC File No. HA-18-

(b)(6);

(b)(7)(C)

Dear Ms.

(b)(6);

(b)(7)(C)

This letter is in response to a complaint filed with the U.S. Office of Special Counsel (OSC) alleging that you, a Social Security Administration (SSA) employee, violated the Hatch Act by being a candidate for partisan political office. As explained below, OSC has concluded that you violated the Hatch Act.

The Hatch Act, 5 U.S.C. §§ 7321-7326, governs the political activity of federal executive branch employees, including SSA employees. The Hatch Act prohibits employees from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for partisan political office; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office.<sup>1</sup>

The complaint alleged that you were a (b)(6); (b)(7)(C) candidate for (b)(6); (b)(7)(C) County Commissioner and that you submitted your candidacy paperwork on (b)(6); (b)(7)(C), 2018, but withdrew from the race on (b)(6); (b)(7)(C), 2018. OSC confirmed that you were a candidate and that the election for (b)(6); (b)(7)(C) County Commissioner was partisan. Through our investigation, OSC also learned that you solicited and accepted donations and that you promoted your candidacy by, for example, giving interviews.

Because you were a candidate for partisan political office and solicited political contributions, OSC has concluded that you violated the Hatch Act. However, because you withdrew your candidacy and your name never appeared on a ballot, we are closing our file without further action. Please be advised that if in the future you engage in prohibited political activity we will consider such activity to be a knowing and willful violation of the law that could result in disciplinary action. If you have any questions, please contact Jacqueline Yarbro at (202) 804-(b)(6); (b)(7)(C).

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit

<sup>1</sup> 5 U.S.C. § 7323(a)(1)-(4). The Hatch Act also prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle. 5 U.S.C. § 7324.





**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

May 4, 2018

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:** (b)(6); (b)(7)(C)

Re: OSC File No. HA-17- (b)(6); (b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter concerns a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act by using your official position to endorse a candidate for partisan elective office. Specifically, (b)(6); (b)(7)(C) you wrote a letter to the editor of a local newspaper endorsing a candidate for partisan political office. OSC understands that you have since retired from the U.S. Postal Service (USPS). Although we have concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal executive branch employees, including USPS employees. *See generally* 5 U.S.C. §§ 7321-7326; 39 U.S.C. § 410. As such, covered employees are prohibited from, among other things, using their official authority or influence for the purpose of interfering with or affecting the result of an election. 5 U.S.C. § 7323(a)(1). For example, under this provision, employees may not use their official titles or positions while engaging in political activity. Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office. 5 C.F.R. § 734.101.

During OSC's investigation, you admitted to writing a letter to the editor of the (b)(6); (b)(7)(C) in (b)(6); 2017 entitled (b)(6); (b)(7)(C). The first paragraph of the letter identified (b)(6); (b)(7)(C) as a candidate in the Town of (b)(6); a community in which the (b)(6); is published. Among other things, your letter positively discussed (b)(6); (b)(7)(C) and connection to those (b)(6); served in that capacity. You signed the letter as (b)(6); (b)(7)(C).

Your letter constituted a clear endorsement of (b)(6); candidacy for (b)(6); (b)(7)(C). And although you used endorsement disclaimer language, the only reasonable

**U.S. Office of Special Counsel**

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explanation for your activity and its timing, *i.e.*, during (b)(6); (b)(7)(C) candidacy, was to make voters aware of (b)(6); (b)(7)(C) positive attributes before the election. Therefore, because you endorsed (b)(6); (b)(7)(C) in your official capacity, OSC has concluded that you violated the Hatch Act.

Although OSC has concluded that you violated the Hatch Act, we have decided close our file in this case without further action. You should know that OSC planned to seek disciplinary action for your violation prior to learning of your retirement. Therefore, please be advised that if in the future you engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

Please contact OSC Hatch Act Unit Attorney Kelley Nobriga at (202) 804-(b)(6) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Ana Galindo-Marrone  
Chief, Hatch Act Unit  
U.S. Office of Special Counsel





U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

March 11, 2020

(b)(6); (b)(7)(C)

VIA EMAIL (b)(6); (b)(7)(C)

Re: OSC File No. HA-19-(b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint filed with the U.S. Office of Special Counsel (OSC) alleging that you violated the Hatch Act. Specifically, the complaint alleged that you forwarded a partisan political email to U.S. Department of Veterans Affairs (VA) employees using your official VA email account, distributed a political article to veterans, and discussed voting for (b)(6); (b)(7)(C) candidates with veterans. As explained below, OSC has concluded that you violated the Hatch Act, and we are issuing you this warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees, including VA employees.<sup>1</sup> The law prohibits employees from using their official authority or influence for the purpose of affecting the result of an election and engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle.<sup>2</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup>

The complaint alleged that on (b)(6); (b)(7)(C) 2018, at (b)(6); (b)(7)(C) you forwarded to your (b)(6); (b)(7)(C) an email titled (b)(6); (b)(7)(C). You wrote (b)(6); (b)(7)(C) and attached a message from a (b)(6); (b)(7)(C) employee, which read in part:

(b)(6); (b)(7)(C)

<sup>1</sup> See 5 U.S.C. §§ 7321-7326.

<sup>2</sup> 5 U.S.C. §§ 7323(a)(1) and 7324. The Hatch Act also prohibits employees from: knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for partisan political office; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(2)-(4).

<sup>3</sup> 5 C.F.R. § 734.101.

**U.S. Office of Special Counsel**

Page 2

(b)(6); (b)(7)(C)

This email also included a link to a (b)(6); (b)(7)(C) 2018 (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) Moreover, the complaint alleged that you printed the aforementioned (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) The complaint also suggested that you spoke with veterans and other VA employees about voting for (b)(6); (b)(7)(C) candidates and against (b)(6); (b)(7)(C)

OSC conducted an investigation into this matter, to include interviewing witnesses. OSC was unable to corroborate the allegations that you (b)(6); (b)(7)(C) to veterans and discussed voting for (b)(6); (b)(7)(C) candidates with various individuals. But during an interview with an OSC attorney, you admitted that you sent the above-described email to approximately (b)(6) individuals (b)(6); (b)(7)(C) while at work. You explained that you sent it because (b)(6); (b)(7)(C) You stated that you assumed these emails were reviewed for prohibited material before being sent to you and that, therefore, they were permissible for you to send out to (b)(6); (b)(7)(C)

Despite your explanation, the email constituted political activity because it expressed opposition to (b)(6); (b)(7)(C) candidacy by suggesting that individuals take into account (b)(6); (b)(7)(C) Therefore, OSC has concluded that you violated the Hatch Act when you forwarded this message to other VA employees while on duty and in the workplace. Although OSC has concluded that you violated the law, we are closing our file without further action. Please be advised that if in the future you engage in prohibited political activity we will consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

If you have any questions, please contact Hatch Act Unit attorney Jacqueline Yarbro at (202) 804-(b)(6); (b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit

**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

May 30, 2019

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:**

(b)(6); (b)(7)(C)

Re: OSC File No. HA-19-(b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act in (b)(6); 2019 by engaging in political activity on Twitter while you were on duty as (b)(6); with the U.S. Secret Service (USSS). Although OSC has concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees, including USSS employees.<sup>1</sup> Among other things, employees may not engage in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle.<sup>2</sup> The Hatch Act regulations define political activity as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup>

OSC understands that, on (b)(6); 2019, you posted the following message to

(b)(6); (b)(7)(C) your Twitter account, in response to a tweet by (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)	(b)(6); (b)(7)(C)
-------------------	-------------------

(b)(6); (b)(7)(C) During an interview with OSC, you admitted to posting this message while you were on duty. You explained that the tweet was a joke and that you posted it because you (b)(6); (b)(7)(C),<sup>5</sup>

<sup>1</sup> See generally 5 U.S.C. §§ 7321-7326.

<sup>2</sup> 5 U.S.C. § 7324 and § 7324(a)(1). The Hatch Act also prohibits employees from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(2)-(4).

<sup>3</sup> 5 C.F.R. § 734.101.

<sup>4</sup> You could not recall the content of (b)(6); (b)(7)(C) initial tweet.

5 You understand that you deleted your Twitter account in (b)(6); 2019 after a supervisor warned you that  
 your Twitter activity was an issue. (b)(7)(C)

**U.S. Office of Special Counsel**

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(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) <sup>6</sup> Accordingly, engaging in any activity directed at the success or failure of (b)(6); (b)(7)(C) reelection meets the Hatch Act's definition of political activity. Your tweet, which included the hashtag (b)(6); (b)(7)(C) promoted (b)(6); (b)(7)(C) candidacy in the 2020 (b)(6); (b)(7)(C) election and, as a result, it constituted political activity. Thus, you violated the Hatch Act when you posted this tweet while you were on duty.

Although OSC has concluded that you violated the Hatch Act, we have decided not to seek disciplinary action and will close this matter without further action. Please be advised that if in the future you engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action. Please contact OSC Hatch Act Unit Attorney Kelley Resendes at (202) 804-(b)(6); (b)(7)(C) with any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit

(b)(6); (b)(7)(C)



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

March 25, 2020

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:** (b)(6); (b)(7)(C)

Re: OSC File No. HA-19-(b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you, an employee of the U.S. Department of Agriculture's (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) violated the Hatch Act by stating during a staff meeting that you hoped (b)(6); (b)(7)(C) Although OSC has concluded that you violated the Hatch Act, for the reasons explained below we have decided not to pursue disciplinary action and are instead issuing you this warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees, including (b)(6); (b)(7)(C) employees.<sup>1</sup> Among other things, the Hatch Act prohibits employees from engaging in political activity while on duty or in the federal workplace.<sup>2</sup> "Political activity" is activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup>

The complaint alleged that during a staff meeting on (b)(6); (b)(7)(C) 2019, you were asked about (b)(6); (b)(7)(C)

The complaint alleged that, as part of your response, you said (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) OSC interviewed you and 10 other meeting attendees. Although you could not recall having made the statement, four attendees did recall you expressing your hope that (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) and two of those took contemporaneous written notes documenting your comment about (b)(6); (b)(7)(C) Five attendees could not recall either way whether you made the statement, while one said that you did not make such a statement. Given the number of witnesses who corroborated the complaint—and, in particular, the contemporaneous written

<sup>1</sup> See generally 5 U.S.C. §§ 7321-7326.

<sup>2</sup> See 5 U.S.C. § 7324(a)(1)-(2).

<sup>3</sup> 5 C.F.R. § 734.101.

**U.S. Office of Special Counsel**

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notes that two of the witnesses took—the preponderance of the evidence<sup>4</sup> from OSC’s investigation shows that you made a comment to the effect of (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) during the (b)(6); (b)(7)(C) meeting.

Expressing support for (b)(6); (b)(7)(C) is activity directed toward the success of (b)(6); (b)(7)(C) campaign and, therefore, political activity under the Hatch Act. And in this case, it was not necessary that you give your personal opinion about (b)(6); (b)(7)(C) in order to answer the question that you were asked, (b)(6); (b)(7)(C). Therefore, we have concluded that you engaged in political activity by telling meeting attendees that you hoped (b)(6); (b)(7)(C). Because you made the comment while on duty and in a federal room or building, you violated the Hatch Act’s prohibition against engaging in political activity while on duty or in the workplace.

While we have concluded that you violated the Hatch Act during the (b)(6); (b)(7)(C) meeting, we do not believe that your violation was knowing and willful. In particular, OSC’s investigation found no evidence that you prepared in advance to share your political opinions with those at the meeting. Rather, you made the comment while responding to a question from a meeting attendee. Additionally, there is no evidence suggesting that you have otherwise expressed your support for (b)(6); (b)(7)(C), or opposition to (b)(6); (b)(7)(C) in the 2020 election, while on duty or in the workplace. In light of the apparently isolated nature of this incident, we have decided to close our file in this case without further action. Please be advised that if in the future you engage in activity prohibited by the Hatch Act then we would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

Please contact OSC Hatch Act Unit attorney Eric Johnson at (202) 804-(b)(6) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Ana Galindo-Marrone  
Chief, Hatch Act Unit

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<sup>4</sup> The preponderance of the evidence standard is used in Hatch Act cases. See *Special Counsel v. Lee*, 58 M.S.P.R. 81, 87 (1993).



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

June 25, 2018

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:**

(b)(6); (b)(7)(C)

Re: OSC File No. HA-18 (b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

On (b)(6); (b)(7)(C) 2018, the U.S. Office of Special Counsel (OSC) notified you that, as a U.S. Department of Agriculture (USDA) employee, the Hatch Act prohibited you from being a candidate in the partisan election for Representative of the (b)(6); (b)(7)(C) District in the (b)(6); (b)(7)(C) House of Representatives. See 5 U.S.C. § 7323(a)(3). OSC advised you to either withdraw your candidacy or resign from your USDA employment in order to come into compliance with the Hatch Act. OSC has confirmed that, effective (b)(6); (b)(7)(C) 2018, you resigned from your employment with USDA.

Because you took steps to come into compliance with the Hatch Act, we are closing this matter without any further action at this time. Please be advised that if you obtain employment in a position covered by the Hatch Act and again engage in prohibited political activity, OSC will consider that to be a knowing and willful violation of the law. Such a violation could result in disciplinary action. Please contact OSC attorney Eric Johnson at (202) 804- (b)(6); (b)(7)(C) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Ana Galindo-Marrone  
Chief, Hatch Act Unit



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

August 22, 2019

(b)(6); (b)(7)(C)

VIA ELECTRONIC MAIL:

(b)(6); (b)(7)(C)

Re: OSC File No. HA-19-

(b)(6);  
(b)(7)(C)

Dear

(b)(6); (b)(7)(C)

On (b)(6); (b)(7)(C) 2019, the U.S. Office of Special Counsel (OSC) notified you that, as (b)(6); of the (b)(6); County Sheriff's Office (b)(6); (b)(7)(C) who has duties in connection to federally financed programs, the Hatch Act prohibits you from using your official position to promote your current candidacy for (b)(6); County Sheriff.<sup>1</sup> OSC advised that you could come into compliance with the Hatch Act by: (1) removing all pictures or videos of yourself in an official (b)(6); (b)(7)(C) uniform from your campaign Facebook, Twitter, and Instagram pages; (2) ceasing distribution of any campaign materials that feature a picture of you in your official uniform; (3) removing any campaign materials from the community, including any campaign billboards, that show you wearing an official uniform; and (4) ceasing wearing your uniform or other insignia while engaging in any campaign activities for the duration of your candidacy for sheriff. (b)(6); (b)(7)(C)

OSC has confirmed that you have complied with its instructions. Because you took steps to come into compliance with the Hatch Act, OSC is closing this matter without further action at this time. Please be advised that should you again engage in prohibited political activity, OSC will consider it a knowing and willful violation of the law that could result in disciplinary action. Please contact OSC Attorney Kelley Resendes at (202) 804-(b)(6) if you have any questions.

Sincerely

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit

<sup>1</sup> Among other things, the Hatch Act prohibits state and local government employees who perform job duties in connection with a program or activity financed with federal grants or loans from using their official authority or influence to affect the results of an election. See 5 U.S.C. § 1502(a)(1).





**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

November 8, 2018

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:**

(b)(6); (b)(7)(C)

Re: OSC File No. HA-18- (b)(6);  
(b)(7)(C)

Dear (b)(6);  
(b)(7)(C)

This letter is in response to complaints that the U.S. Office of Special Counsel (OSC) received alleging that, as (b)(6); (b)(7)(C) Police Department (b)(6); (b)(7)(C) you violated the Hatch Act by (1) using your official title and/or uniform in connection with your campaign for (b)(6); (b)(7)(C) County Sheriff, and (2) assigning (b)(6); (b)(7)(C) officers to attend events for the purpose of promoting your candidacy. Because you took steps to resolve the first issue and OSC uncovered no evidence regarding the second issue, we are not pursuing disciplinary action and instead issuing you this warning letter.

On (b)(6); (b)(7)(C) 2018, OSC notified you that, because you are (b)(6); (b)(7)(C) and have duties in connection with federally-financed programs, the Hatch Act prohibits you from using your official title and uniform to promote your candidacy for (b)(6); (b)(7)(C) County Sheriff. OSC advised you that you could come into compliance with the Hatch Act by: (1) removing from your campaign Facebook page, website, and YouTube page all photographs and videos that feature you in uniform or wearing any (b)(6) insignia, such as an official badge; (2) removing from your campaign Facebook page, website, and YouTube page all references to you as (b)(6); (b)(7)(C) and (3) ceasing to refer to your official title, wear your uniform, or wear any (b)(6); (b)(7)(C) insignia while engaging in campaign activities for the duration of your candidacy for sheriff.

OSC has confirmed that you complied with each of the above requirements. Additionally, OSC found no evidence supporting the allegation that you assigned (b)(6) officers to attend events for the purpose of promoting your candidacy. Because you took steps to come into compliance with the one Hatch Act violation of which OSC was aware, we are closing this matter without further action at this time. Please be advised that should you again engage in prohibited political activity, OSC will consider it a knowing and willful violation of the law that could result in disciplinary action.

Please contact OSC attorney Eric Johnson at (202) 804- (b)(6); (b)(7) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Ana Galindo-Marrone  
Chief, Hatch Act Unit



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

February 6, 2019

(b)(6); (b)(7)(C)

VIA EMAIL: (b)(6); (b)(7)(C)

Re: OSC File No. HA-18- (b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

As you know, the U.S. Office of Special Counsel (OSC) concluded that you violated the Hatch Act when you ran for the (b)(6); House of Representatives, (b)(6); while employed by (b)(6); (b)(7)(C). At the end of 2018, we were in the process of negotiating a settlement agreement in which you would pay a penalty for violating the Hatch Act, pursuant to 5 U.S.C. § 7326, prior to your scheduled resignation from (b)(6); on (b)(6); (b)(7)(C) 2019. If we had been unable to reach an agreement, OSC would have filed a complaint with the Merit Systems Protection Board (Board) and pursued action against you.

As a result of the government shutdown,<sup>1</sup> however, we were unable to complete the agreement before you resigned. And because you are no longer a federal employee, the Board has no jurisdiction to order action against you. Accordingly, OSC is closing its file without further action. Please note that should you again be employed in the executive branch of the federal government, OSC may reopen the matter and pursue disciplinary action against you.

Please contact me at (202) 804- (b)(6); (b)(7)(C) if you have any questions regarding this matter.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit

<sup>1</sup> OSC employees were furloughed during the government shutdown.



U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

May 1, 2018

(b)(6); (b)(7)(C)

VIA EMAIL: (b)(6); (b)(7)(C)

Re: OSC File No. HA-18-(b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

The U.S. Office of Special Counsel (OSC) completed its investigation into allegations that you violated the Hatch Act during an appearance at the (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) on (b)(6); (b)(7)(C), 2018. As explained below, OSC concluded that you violated the Hatch Act, but we are declining to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act restricts certain political activities of federal executive branch employees, except for the President and the Vice President. 5 U.S.C. §§ 7321-7326. Accordingly, as an (b)(6); (b)(7)(C) you are covered by the Hatch Act and prohibited from using your official authority or influence for the purpose of interfering with or affecting the result of an election. *Id.* § 7323(a)(1). Under this provision, you may not use your official title while engaging in political activity or your official position to advance or oppose candidates for partisan political office. Political activity is defined as activity directed toward the success or failure of a political party, candidate for a partisan political office, or partisan political group. 5 C.F.R. § 734.101.

At issue here are comments you made during an official appearance at (b)(6); (b)(7)(C) on (b)(6); (b)(7)(C) 2018, when you participated (b)(6); (b)(7)(C) entitled, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) also participated (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C). You explained to OSC that your appearance at (b)(6); (b)(7)(C) provided an opportunity to explain (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

At one point during (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) noted that (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) and then asked the (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) You chose to respond first and said:

**U.S. Office of Special Counsel**

May 1, 2018

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(b)(6); (b)(7)(C)

Despite your words, you explained to OSC that you were not advocating (b)(6); (b)(7)(C) reelection but were attempting to answer the question asked, which you understood to be about

(b)(6); (b)(7)(C)

Regardless of your explanation, you advocated for the reelection of (b)(6); (b)(7)(C) in your official capacity as (b)(6); (b)(7)(C). Therefore, you violated the Hatch Act's prohibition against using your official authority or influence to affect an election. Although OSC has decided to issue you a warning letter in this instance, please be advised that if in the future you engage in prohibited political activity while employed in a position covered by the Hatch Act, we will consider such activity to be a willful and knowing violation of the law, which could result in further action pursuant to 5 U.S.C. § 1215.

Please contact me at (202) 804- (b)(6); (b)(7)(C) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

April 24, 2019

(b)(6); (b)(7)(C)

VIA ELECTRONIC MAIL: (b)(6); (b)(7)(C)

Re: OSC File No. HA-19- (b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act by being a candidate in the November 2018 election for (b)(6); Council in (b)(6); (b)(7)(C). OSC understands that you are employed by the U.S. Army. Although OSC has concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal executive branch employees, including U.S. Army employees.<sup>1</sup> Among other things, the Hatch Act prohibits employees from being candidates for public office in partisan elections.<sup>2</sup> An election is partisan if any candidate is to be nominated or elected as representing, for example, the Republican or Democratic Party.

OSC confirmed that you were the (b)(6); candidate in the 2018 election for (b)(6); (b)(6); Council. Thus, because you were a candidate in a partisan election while employed by the U.S. Army, OSC has concluded that you violated the Hatch Act. However, OSC understands that upon learning that your candidacy violated the Hatch Act, you attempted to withdraw from the election but were unable to remove your name from the ballot. You then told the local (b)(6); (b)(7)(C) Party that, even if you won the election, you would not assume the elective office.

Because you attempted to withdraw from the election, OSC does not believe your violation was knowing and willful. Accordingly, we have decided to close our file in this case without further action. Please be advised that if in the future you engage in activity prohibited by the Hatch Act

<sup>1</sup> See generally 5 U.S.C. §§ 7321-7326.

<sup>2</sup> 5 U.S.C. § 7323(a)(3). Covered employees are also prohibited from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting or discouraging the political activity of any individual with business before their employing office; knowingly soliciting, accepting, or receiving political contributions from any person; and engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle. 5 U.S.C. § 7323(a) and § 7324. Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office. 5 C.F.R. § 734.101.

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while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

Should you have any questions, please contact OSC Hatch Act Unit Attorney Kelley Resendes at (202) 804-(b)(6);  
(b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

September 17, 2018

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:** (b)(6); (b)(7)(C)

Re: OSC File No. HA-18- (b)(6);  
(b)(7)(C)

Dear (b)(6);  
(b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act by being a candidate for the (b)(6); (b)(7)(C) nomination for City Council, (b)(6); (b)(7)(C) in (b)(6); (b)(7)(C). Although your candidacy violated the Hatch Act, we are not pursuing disciplinary action and are instead issuing you this warning letter because you withdrew from the race after receiving guidance from OSC.

The Hatch Act governs the political activity of federal executive branch employees, including employees of the Federal Aviation Administration. *See generally* 5 U.S.C. §§ 7321-7326. Among other restrictions, covered employees are prohibited from running for the nomination or as a candidate for election to partisan political office.<sup>1</sup> 5 U.S.C. § 7323(a)(3).

You were a candidate for the (b)(6); (b)(7)(C) nomination for the partisan political office of (b)(6); (b)(7)(C) City Council, (b)(6); (b)(7)(C) in the primary election that was held on June 5, 2018. On (b)(6); (b)(7)(C) 2018, you contacted OSC for guidance as to whether your candidacy was prohibited by the Hatch Act. We advised you that the Hatch Act did prohibit your candidacy and that to come into compliance with the Hatch Act you would have to either withdraw from the race or resign your federal employment. Despite your best efforts, you were not able to have your name removed from the primary election ballot and you won the nomination. You have since taken the necessary steps to have your name removed from the general election ballot. OSC has confirmed with the (b)(6); (b)(7)(C) County Clerk that your name will not appear on the general election ballot for (b)(6); (b)(7)(C) City Council, (b)(6); (b)(7)(C).

<sup>1</sup> Covered employees are also prohibited from: using their official authority or influence for the purpose of interfering with or affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; knowingly soliciting or discouraging the political activity of any individual with business before their employing office; and engaging in political activity while on duty, in the federal workplace, wearing a uniform or official insignia, or using a vehicle owned or leased by the United States government. 5 U.S.C. §§ 7323(a)(1), (2), (4), 7324(a).

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Although we have concluded that you violated the Hatch Act by being a candidate for partisan political office, we have decided to close this matter without further action in light of the steps you have taken to come into compliance with the Act. Please be advised that if you engage in any future activity prohibited by the Hatch Act, we would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

Please contact OSC Hatch Act Unit Attorney Eric Johnson at (202) 804-(b)(6) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit





U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

September 18, 2019

(b)(6); (b)(7)(C)

VIA EMAIL: (b)(6); (b)(7)(C)

Re: OSC File Nos. (b)(6); (b)(7)(C)

Dear (b)(6);  
(b)(7)(C)

This letter is in response to multiple complaints the U.S. Office of Special Counsel (OSC) received alleging that, as (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) you violated the Hatch Act. OSC investigated these complaints and, as explained below, we concluded that some, but not all, of the alleged activities were Hatch Act violations. Although OSC concluded that some of these activities were violations, we decided they do not warrant disciplinary action and are closing our files without further action.

The Hatch Act restricts certain political activities of federal executive branch employees and prohibits them from, among other things, using their official authority or influence for the purpose of interfering with or affecting the result of an election.<sup>1</sup> This prohibition includes, for example, using one's official title while engaging in political activity or otherwise participating in political activity while in one's official capacity.<sup>2</sup> The Hatch Act also prohibits employees from engaging in political activity while on duty or in a federal room or building.<sup>3</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>4</sup>

Allegations that You Violated the Hatch Act Using Your Official Twitter Account

It first was alleged that you used your official Twitter account, (b)(6); (b)(7)(C) to engage in political activity. Because you use this Twitter account for official purposes, the Hatch Act prohibits you from using it to engage in political activity.<sup>5</sup> At issue are four tweets that you "liked" through your official account. On (b)(6); (b)(7)(C) 2017, you liked a tweet from

(b)(6); (b)(7)(C) account, which endorsed (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) On (b)(6); (b)(7)(C) 2018, you liked a tweet from

(b)(6); (b)(7)(C) and read in part (b)(6);

(b)(6); (b)(7)(C)

<sup>1</sup> 5 U.S.C. § 7323(a)(1).

<sup>2</sup> See 5 C.F.R. § 734.302(b).

<sup>3</sup> 5 U.S.C. § 7324(a).

<sup>4</sup> 5 C.F.R. § 734.101.

<sup>5</sup> See OSC's February 2018 "Hatch Act Guidance on Social Media," pg. 9, available at: <https://osc.gov/Resources/HA%20Social%20Media%20FINAL%20r.pdf>.

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(b)(6); (b)(7)(C) On (b)(6); (b)(7)(C) 2018, you liked a post from (b)(6); (b)(7)(C) which advocated in favor of (b)(6); (b)(7)(C) And on (b)(6); (b)(7)(C) 2018, you liked a tweet from (b)(6); (b)(7)(C) which read (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

Liking tweets that advocate for or against partisan political candidates, originate from a political party, or include pictures of campaign material constitutes political activity for purposes of the Hatch Act. Thus, OSC concluded that by “liking” these tweets you violated the Hatch Act because you used your official Twitter account to do so.

It also was alleged that you violated the Hatch Act when you retweeted a message from (b)(6); (b)(7)(C) on your official (b)(6); (b)(7)(C) Twitter account. The message read, (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) Accompanying the retweet, you wrote:

(b)(6); (b)(7)(C)

The message you retweeted did not constitute political activity for purposes of the Hatch Act because (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) And your own message, (b)(6); (b)(7)(C) was not directed at the success or failure of a candidate or political party. Therefore, even though you used your official Twitter account to disseminate these messages, your activity did not violate the Hatch Act.

Allegation that You Violated the Hatch Act by (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

It was alleged that you violated the Hatch Act when you (b)(6); (b)(7)(C) 2019 (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

**U.S. Office of Special Counsel**

Page 3

And on your personal Twitter account you tweeted:

(b)(6); (b)(7)(C)

Although you acknowledged you were there to support (b)(6); (b)(7)(C) OSC cannot conclude that your (b)(6); (b)(7)(C) without more, was directed at (b)(6); (b)(7)(C) i.e., political activity for purposes of the Hatch Act. And in any event, we understand that you were either on leave or in a non-pay status and (b)(6); (b)(7)(C) Accordingly, OSC concluded that you did not violate the Hatch Act when you (b)(6); (b)(7)(C) 2019 (b)(6); (b)(7)(C)

Allegation that You Violated the Hatch Act by (b)(6); (b)(7)(C)

Finally, it was alleged that you violated the Hatch Act by (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) On (b)(6); 2019, you were (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) in the federal workplace violates the Hatch Act's prohibition against engaging in political activity while on duty or in a federal room or building. But OSC's investigation found that neither you nor (b)(6); ethics counsel realized the campaign was (b)(6); (b)(6); (b)(7)(C) Once you became aware that the campaign was (b)(6); (b)(7)(C) you immediately removed it (b)(6); (b)(7)(C)

Although OSC concluded that you violated the Hatch Act by unwittingly (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) and "liking" partisan political tweets on your official Twitter account, we have decided not to pursue disciplinary action and are closing our files without further action. Please be advised that if in the future you engage in prohibited political activity while employed in a position covered by the Hatch Act, we will consider such activity to be a willful and knowing violation of the law, which could result in further action. If you have any questions, you may contact me at 202-804-(b)(6); (b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit



U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

May 29, 2019

(b)(6); (b)(7)(C)

VIA ELECTRONIC MAIL: (b)(6); (b)(7)(C)

Re: OSC File No. HA-17- (b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that during the 2016 (b)(6); election, while on-duty and/or in the federal workplace, you posted comments on your personal Facebook page supportive of candidate (b)(6); (b)(7)(C). You admitted to making five such posts in (b)(6) and (b)(6) of 2016. As further explained below, although we have concluded that you violated the Hatch Act, we have decided not to pursue disciplinary action and are instead issuing you this warning letter.

The Hatch Act governs the political activity of federal executive branch employees, including employees of the U.S. Department of Transportation (DOT).<sup>1</sup> Among other restrictions, covered employees are prohibited from engaging in political activity while on duty or in any room or building occupied in the discharge of official duties.<sup>2</sup> "Political activity" is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup>

You said in your interview that you supported (b)(6); (b)(7)(C) in the 2016 (b)(6); (b)(7)(C) election. Related to your support for (b)(6); (b)(7)(C) campaign, you made multiple Facebook posts that were either supportive of (b)(6) candidacy or directed against the candidacy of (b)(6) opponent, (b)(6); (b)(7)(C). Our investigation looked specifically at the following posts:

• (b)(6); (b)(7)(C)

<sup>1</sup> See generally 5 U.S.C. §§ 7321-7326.

<sup>2</sup> 5 U.S.C. § 7324(a)(1)-(2). Covered employees are also prohibited from: using their official authority or influence for the purpose of interfering with or affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; knowingly soliciting or discouraging the political activity of any individual with business before their employing office; and engaging in political activity while wearing a uniform or official insignia or using a vehicle owned or leased by the United States government. 5 U.S.C. §§ 7323(a)(1)-(4), 7324(a)(3)-(4).

<sup>3</sup> 5 C.F.R. § 734.101.

<sup>4</sup> This was posted on (b)(6); 2016, at (b)(6); (b)(7)(C).

- (b)(6); (b)(7)(C)
- 
- 
- 

You were employed by DOT, and therefore subject to the Hatch Act, for all of 2016. Each of the posts described above was directed at the success of candidate (b)(6); (b)(7)(C) campaign and/or the failure of candidate (b)(6); (b)(7)(C) campaign by, for example, making disparaging comments about candidate (b)(6); (b)(7)(C) or including (b)(6); (b)(7)(C) campaign slogans. Furthermore, you admitted to making each post while on duty and, in some cases, in the federal workplace. Accordingly, these posts constitute political activity prohibited by the Hatch Act.

Although we have concluded that you violated the Hatch Act by making these posts, our investigation also shows that your violation was not willful and knowing. Therefore, we have decided to close this matter without further action. Please be advised that if you engage in any future activity prohibited by the Hatch Act, we would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

Please contact OSC Hatch Act Unit Attorney Eric Johnson at (202) 804-(b)(6); (b)(7)(C) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Ana Galindo-Marrone  
Chief, Hatch Act Unit

<sup>5</sup> This was posted on (b)(6); (b)(7)(C) 2016, at (b)(6); (b)(7)(C)

<sup>6</sup> This was posted on (b)(6); (b)(7)(C) 2016, at (b)(6); (b)(7)(C) This post shared content that linked to (b)(6); (b)(7)(C) campaign website, (b)(6); (b)(7)(C)

<sup>7</sup> This was posted on (b)(6); (b)(7)(C) 2016, at (b)(6); (b)(7)(C) This post shared content originally posted by Facebook user (b)(6); (b)(7)(C)

<sup>8</sup> This was posted on (b)(6); (b)(7)(C) 2016, at (b)(6); (b)(7)(C) This post shared content originally posted by the group (b)(6); (b)(7)(C)



**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

January 27, 2020

(b)(6); (b)(7)(C)

VIA EMAIL:

(b)(6); (b)(7)(C)

Re: OSC File No. HA-20-

(b)(6); (b)(7)(C)

Dear (b)(6); (b)(7)(C)

On (b)(6); (b)(7)(C) 2019, the U.S. Office of Special Counsel (OSC) warned you that your candidacy in the partisan election for (b)(6); (b)(7)(C) Council had violated the Hatch Act. In response, although you won the election, you declined to accept the elective office. Thus, although we concluded that you violated the Hatch Act, because we have no evidence that your violation was willful, we are closing our file without further action. Please be advised, though, that if you engage in Hatch-Act prohibited activity in the future while employed in a Hatch Act covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

Please contact me at (202) 804- (b)(6); (b)(7)(C) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

July 23, 2019

(b)(6); (b)(7)(C)

VIA ELECTRONIC MAIL: (b)(6); (b)(7)(C)

Re: OSC File No. HA-18, (b)(6);  
(b)(7)(C)

Dear (b)(6);  
(b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act in (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) 2018 by engaging in political activity on Twitter while you were on duty at the General Services Administration (GSA). Although OSC has concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees, including GSA employees.<sup>1</sup> Among other things, the Hatch Act prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle.<sup>2</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup>

It was alleged that, while at work, you posted messages about the (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C) your Twitter account. Below is a description of each tweet at issue.

1. On (b)(6); (b)(7)(C) 2018, you posted a message in response to the following tweet by another user: (b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C)
2. On (b)(6); (b)(7)(C) 2018, you posted a message in response to the following tweet by another user: (b)(6); (b)(7)(C)

<sup>1</sup> See generally 5 U.S.C. §§ 7321-7326.

<sup>2</sup> 5 U.S.C. § 7324 and § 7324(a)(1). The Hatch Act also prohibits employees from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(2)-(4).

<sup>3</sup> 5 C.F.R. § 734.101.

**U.S. Office of Special Counsel**

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(b)(6); (b)(7)(C)

3. On (b)(6); (b)(7)(C) 2018, you posted a message in response to the following tweet by another user: (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

During an interview with OSC, you could not recall whether (b)(6); (b)(7)(C) was your Twitter account. You also could not recall if you posted the above tweets but that, if you did, you did not know whether you did so while you were on duty. Further, when asked about your knowledge of the Hatch Act, you said that you “know it exists” and that it “probably” prohibits employees from engaging in political activity while on duty—you “[did] not know” if this prohibition applied to social media.

However, after your interview we learned that (b)(6); (b)(7)(C) on (b)(6); (b)(7)(C) 2018, for posting dozens of messages on Twitter during work hours, including the above (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) tweets. (b)(6); (b)(7)(C) identified (b)(6); (b)(7)(C) as your Twitter account. In addition, OSC understands that all attorneys in GSA’s (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) including you, are (b)(6); (b)(7)(C) And OSC learned that although you do not (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) Thus, OSC finds that (b)(6); (b)(7)(C) was your Twitter account and that you posted the above (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) tweets while on duty. OSC also finds that, based on your position, you knew or should have known that engaging in political activity on social media while on duty violates the Hatch Act.

With respect to your tweets, they were critical of the (b)(6); (b)(7)(C) or (b)(6); (b)(7)(C) who is a candidate for reelection. Because you posted these tweets while on duty and they show your opposition to a political party or candidate for partisan political office, you engaged in prohibited political activity in violation of the Hatch Act.

Although OSC has concluded that you violated the Hatch Act, we have decided not to seek disciplinary action because you (b)(6); (b)(7)(C) for this activity. OSC will therefore close this matter without further action. Please be advised that if in the future you engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that will result in disciplinary action. Please contact OSC Hatch Act Unit Attorney Kelley Resendes at (202) 804-(b)(6); (b)(7)(C) with any questions.

Sincerely,

(b)(6); (b)(7)(C)

Ana Galindo-Marrone  
Chief, Hatch Act Unit  
The U.S. Office of Special Counsel





**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

May 17, 2018

(b)(6); (b)(7)(C)

VIA EMAIL: (b)(6); (b)(7)(C)

Re: OSC File No. HA-18-(b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that your candidacy in the 2018 partisan election for (b)(6); (b)(7)(C) Township Committee violated the Hatch Act. We understand you are (b)(6); (b)(7)(C) with the U.S. Air Force, wherein you are employed during the week as a federal civilian employee and fulfill reserve duty on the weekends. As explained below, OSC concluded that your candidacy violated the Hatch Act, but we are closing our file without further action.

The Hatch Act (5 U.S.C. §§ 7321-7326) governs the political activity of federal civilian executive branch employees and prohibits them from, among other things, running for the nomination or as a candidate for election to a partisan political office.<sup>1</sup> 5 U.S.C. § 7323(a)(3). Accordingly, because you are a federal civilian employee, the Hatch Act prohibited you from being a candidate in the partisan election for (b)(6); (b)(7)(C) Township Committee. Once you became aware of this fact, however, you took steps to come into compliance with the law by withdrawing your candidacy. And OSC has confirmed that your name will not appear on the June 5, 2018 primary election ballot.

Because you came into compliance with the Hatch Act and we have no evidence that your violation was willful, we have decided not to pursue disciplinary action in this matter and are closing the above-referenced file. Please be aware that should you again become a candidate for partisan political office in violation of the Hatch Act, we would consider such candidacy to be a willful and knowing violation of the law that could result in disciplinary action.

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<sup>1</sup> The Hatch Act also prohibits employees from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; knowingly soliciting or discouraging the political activity of any individual with business before their employing office; and engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle. 5 U.S.C. §§ 7323 and 7324.

**U.S. Office of Special Counsel**

Page 2

Please contact me at (202) 804-[REDACTED] if you have any questions.

Sincerely,

[REDACTED]  
(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

August 28, 2018

(b)(6); (b)(7)(C)

VIA EMAIL: (b)(6); (b)(7)(C)

Re: **OSC File No. HA-16-** (b)(6); (b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel received alleging that you violated the Hatch Act. Specifically, it was alleged that you forwarded an email from your U.S. Small Business Administration (SBA) email address to your coworkers, inviting them to (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) candidate (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) For the reasons discussed below, OSC has concluded that you violated the Hatch Act, but instead of pursuing disciplinary action, we are issuing this warning letter.

The Hatch Act, 5 U.S.C. §§ 7321-7326, governs the political activity of federal civilian employees, including SBA employees. The Hatch Act prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using a government vehicle. 5 U.S.C. § 7324. Political activity is defined as "an activity directed towards the success or failure of a political party, candidate for partisan political office, or partisan political group." 5 C.F.R. § 734.101

At issue is an email you sent on (b)(6); (b)(7)(C), 2016, to the (b)(6); (b)(7)(C) District Office email list serve, which included every SBA employee who works for the (b)(6); (b)(7)(C) office. The email included the subject line (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) The body of the email included a (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) It said, (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

The email also included a (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Sending this email constituted political activity because it invited recipients to (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) a campaign event in support of (b)(6); (b)(7)(C) candidate (b)(6); (b)(7)(C) The

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) the 2016 (b)(6); (b)(7)(C)

election. Because you admitted that you were on duty and in a federal room when you sent this email OSC has determined that you engaged in prohibited political activity in violation of the Hatch Act.

You explained to OSC that you began receiving emails from (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) You also explained that, as a long-time SBA employee, you try to keep abreast of all news and updates in the SBA community and inform your coworkers of such information. We understand that in the past you have sent coworkers, using the (b)(6); (b)(7)(C) District Office email list serve, other emails from (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

You told OSC that you sent the email at issue because you were interested in providing your coworkers with more information to facilitate their duty to accommodate the needs and demands of the small business community and that you did not focus on the political aspect of the invitation.

Although OSC has concluded you violated the Hatch Act, after considering this additional information we have decided not to pursue disciplinary action and instead issue you this warning letter. Please be advised that in the future should you engage in prohibited political activity while employed in a position that is covered by the Hatch Act, OSC will consider such activity to be a willful and knowing violation of the law. This could result in further action pursuant to 5 U.S.C. § 1215. Please contact OSC attorney Dayo Oshilaja at (b)(6); (b)(7)(C) @osc.gov or (202) 804-

(b)(6); (b)(7)(C) if you have any questions.

(b)(6); (b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

February 14, 2019

(b)(6); (b)(7)(C)

VIA ELECTRONIC MAIL: (b)(6); (b)(7)(C)

Re: OSC File No. HA-18- (b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act. Specifically, the complaint alleged that you forwarded two emails that asked recipients if they were interested in attending fundraising events for (b)(6); (b)(7)(C) both of whom were candidates for partisan political office at the time you sent the emails. As explained below, although OSC has concluded that you violated the Hatch Act, we have decided not to pursue disciplinary action and are instead issuing you this warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees, including employees of the Department of the Navy.<sup>1</sup> Among other things, the Hatch Act prohibits covered employees from engaging in political activity while on duty or in the federal workplace, and knowingly soliciting, accepting, or receiving political contributions.<sup>2</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup>

On (b)(6); (b)(7)(C) 2018, you forwarded two emails to the (b)(6); (b)(7)(C) (b)(6); (b)(7)(C). At that time, you were (b)(6); (b)(7)(C) emails were entitled (b)(6); (b)(7)(C) and included information sent to you from (b)(6); (b)(7)(C) (b)(6); (b)(7)(C). The first email, which you sent at approximately (b)(6); (b)(7)(C) local time while in the federal workplace, asked whether any members of the (b)(6); (b)(7)(C) were interested in (b)(6); (b)(7)(C) at either of two fundraisers for (b)(6); (b)(7)(C). The second email, sent at (b)(6); (b)(7)(C) local time, forwarded (b)(6); (b)(7)(C) indicate that the events were hosted and paid for by each (b)(6); (b)(7)(C) campaign committee. Similarly, both include suggested contribution amounts for attendees.

<sup>1</sup> See generally 5 U.S.C. §§ 7321-7326.

<sup>2</sup> See 5 U.S.C. §§ 7323(a)(2), 7324(a)(1)-(2). Covered employees are also prohibited from: (1) using their official authority or influence for the purpose of interfering with or affecting the result of an election; running for the nomination or as a candidate for election to a partisan political office; knowingly soliciting or discouraging participation in any political activity of any person who has business before the employee's office; engaging in political activity while wearing a uniform or insignia identifying the office or position of the employee; and engaging in political activity while using a federally-owned or leased vehicle. 5 U.S.C. §§ 7323(a)(1), (3)-(4), 7324(a)(3)-(4).

<sup>3</sup> See 5 C.F.R. § 734.101.

It is unclear from the emails whether a (b)(6); (b)(7)(C) member attending on behalf of (b)(6); (b)(7)(C) would have been required to make a contribution, and evidence that we collected suggests that no such contribution would have been required. You testified that your standard practice as (b)(6); (b)(7)(C) was to forward to the (b)(6); (b)(7)(C) all emails that you received from (b)(6); and that, with regard to the (b)(6); emails, you did not open or read the attachments prior to sending them. You further testified that you understood the emails to relate to (b)(6); (b)(7)(C) (b)(6); fundraising events, rather than political campaign fundraising events, because the (b)(6); (b)(7)(C)

The emails raise two separate Hatch Act issues. The first is whether you *knowingly* solicited, accepted, or received a political contribution. We have insufficient evidence to conclude that you did so. We found credible your testimony that you believed the events related solely to (b)(6); fundraising, and evidence suggests that a (b)(6); (b)(7)(C) attendee would not have been required to make a contribution to attend the events. Given these facts, we have insufficient evidence to conclude that you *knowingly* solicited a political contribution when you asked whether a member of the (b)(6); (b)(7)(C) was interested in attending one of the events on behalf of (b)(6); (b)(7)(C)

The second issue is whether you engaged in political activity while on duty or in the federal workplace in violation of the Hatch Act.<sup>4</sup> OSC has concluded that you did so. The evidence we received shows that you were in the federal workplace at the time that you sent the first email. That email promoted campaign events held by candidates for partisan political office and asked whether recipients were interested in attending the events. Campaign events, particularly fundraising events, are clearly directed toward the success or failure of a candidate. Thus, promoting or advertising such events while on duty or in the federal workplace is prohibited by the Hatch Act. Therefore, OSC has concluded that, by forwarding the emails while in the federal workplace, you violated the Hatch Act's prohibition against engaging in political activity.

However, based on the evidence outlined above, OSC does not believe that your violation was willful. Accordingly, we have decided to close this case without further action. Please be advised that if in the future you engage in prohibited political activity we will consider such activity to be a willful and knowing violation of the law that could result in disciplinary action. Please contact me at (202) 804-(b)(6); if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Ana Galindo-Marrone  
Chief, Hatch Act Unit

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<sup>4</sup> Unlike the solicitation prohibition discussed above, the Hatch Act does not require an individual to *knowingly* engage in political activity to violate this restriction. See 5 U.S.C. § 7324.



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

November 30, 2018

(b)(6); (b)(7)(C)

VIA EMAIL: (b)(6); (b)(7)(C) @who.eop.gov

Re: Hatch Act Warning Letter (OSC File No. HA-18- (b)(6);

Dear (b)(6);

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act. Specifically, the complaint alleged that you violated the Hatch Act when you used your official (b)(6); (b)(7)(C) Twitter account to post a message that linked to the website for the Republican National Committee (RNC). For the reasons explained below, OSC has concluded that your tweet violated the Hatch Act. In response, we are issuing you this warning letter.

The Hatch Act restricts certain political activities of federal executive branch employees, except for the President and the Vice President. Accordingly, as the White House Principal Deputy Press Secretary, you are covered by the Hatch Act and prohibited from, among other things, using your official authority or influence for the purpose of interfering with or affecting the result of an election.<sup>1</sup> For example, under this provision, you may not use your official title while engaging in political activity or your official position to advance or oppose candidates for partisan office. Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>2</sup>

(b)(6); (b)(7)(C)

<sup>1</sup> 5 U.S.C. § 7323(a)(1).

<sup>2</sup> 5 C.F.R. § 734.101.

Because you use the (b)(6); (b)(7)(C) Twitter account for official purposes, the Hatch Act prohibits you from using that account to engage in political activity.<sup>3</sup> Your (b)(6); tweet highlighted research done by a political party and provided a link to the party's website and its research. Thus, OSC has concluded that posting this tweet constituted political activity for purposes of the Hatch Act. And because you tweeted the message from your official Twitter account, you engaged in prohibited political activity in violation of the Act.

We understand that once you became aware that your tweet violated the Hatch Act, you deleted the post. And OSC has found no evidence that you engaged in any additional prohibited political activity via Twitter. Therefore, although we have concluded that you violated the Hatch Act, we have decided not to pursue disciplinary action and are closing this file without further action. Please be advised that if in the future you engage in prohibited political activity while employed in a position covered by the Hatch Act, we will consider such activity to be a willful and knowing violation of the law, which could result in further action.

If you have any questions, you may contact me at 202-804-(b)(6); (b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit

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<sup>3</sup> See OSC's February 2018 "Hatch Act Guidance on Social Media," pg. 9, *available at*: <https://osc.gov/Resources/HA%20Social%20Media%20FINAL%20r.pdf>.





**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

June 25, 2018

(b)(6); (b)(7)(C)

Re: OSC File No. HA-18-(b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

On (b)(6);  
(b)(7)(C), 2018, the U.S. Office of Special Counsel (OSC) notified you that, as a U.S. Postal Service (USPS) employee, the Hatch Act prohibits you from being a candidate in the partisan election for (b)(6); Township (b)(6); board member. *See* 5 U.S.C. § 7323(a)(3). OSC advised you that you could come into compliance with the Hatch Act by either withdrawing your candidacy or resigning from your employment with USPS. OSC has confirmed that, effective (b)(6);  
(b)(7)(C) 2018, you withdrew your candidacy.

Because you took steps to come into compliance with the Hatch Act, we are closing this matter without further action at this time. Please be advised that should you again engage in prohibited political activity, OSC will consider it a knowing and willful violation of the law that could result in disciplinary action. Please contact OSC Hatch Act Unit Attorney Kelley Nobriga at (202) 804-(b)(6) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Ana Galindo-Marrone  
Chief, Hatch Act Unit  
U.S. Office of Special Counsel



**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

June 19, 2018

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:** (b)(6); (b)(7)(C)

Re: OSC File No. HA-18- (b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

On (b)(6); (b)(7)(C) 2018, the U.S. Office of Special Counsel (OSC) notified you that, as a U.S. Department of the Army (Army) employee, the Hatch Act prohibits you from being a candidate in the partisan election for (b)(6); County, (b)(6); county commissioner (b)(6); See 5 U.S.C. § 7323(a)(3). OSC advised you that you could come into compliance with the Hatch Act by either withdrawing your candidacy or resigning from your employment with the Army. OSC has confirmed that, effective (b)(6); (b)(7)(C) 2018, you resigned from your employment with the Army.

Because you took steps to come into compliance with the Hatch Act, we are closing this matter without further action at this time. Please be advised that should you again engage in prohibited political activity, OSC will consider it a knowing and willful violation of the law that could result in disciplinary action. Please contact OSC Hatch Act Unit Attorney Kelley Nobriga at (202) 804- (b)(6); if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

May 4, 2018

(b)(6); (b)(7)(C)

VIA ELECTRONIC MAIL: (b)(6); (b)(7)(C)

Re: OSC File No. HA-18 (b)(6); (b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter concerns a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act by being a candidate in the 2011 and 2015 elections for (b)(6); (b)(7)(C) County Supervisor. OSC understands that you are, and were at the time of the alleged activity, employed by the U.S. Army Corps of Engineers (USACE). Although OSC has concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees, including USACE employees. *See generally* 5 U.S.C. §§ 7321-7326. Among other things, the Hatch Act prohibits employees from being candidates for public office in partisan elections. 5 U.S.C. § 7323(a)(3).<sup>1</sup> An election is partisan if any candidate is to be nominated or elected as representing, for example, the Republican or Democratic Party.

OSC understands that you were a candidate in the 2011 and 2015 elections for (b)(6); (b)(7)(C) County Supervisor. As stated above, an election is partisan if any candidate is registered as a representing a political party. These elections were partisan because you registered with a party affiliation and your party affiliation appeared on the ballot. Because you were a candidate in a partisan election while employed in a Hatch Act-covered position, we have concluded that you violated the Hatch Act.

However, during our investigation we found no evidence that you received Hatch Act training prior to 2016 and, as a result, you had no knowledge of the Act in 2011 and 2015.

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<sup>1</sup> Covered employees are also prohibited from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a). The Hatch Act also prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle. 5 U.S.C. § 7324. Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office. 5 C.F.R. § 734.101.

**U.S. Office of Special Counsel**

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Therefore, we do not believe your violations were knowing and willful, and so we have decided to close our file in this case without further action.

Please be advised that if in the future you engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, we would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action. Please contact OSC Hatch Act Unit Attorney Kelley Nobriga at (202) 804-(b)(6) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Ana Galindo-Marrone  
Chief, Hatch Act Unit  
U.S. Office of Special Counsel



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

May 3, 2018

(b)(6); (b)(7)(C)

VIA EMAIL: (b)(6); (b)(7)(C)

Re: OSC File No. HA-17- (b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

The U.S. Office of Special Counsel (OSC) has completed its investigation into allegations that you violated the Hatch Act by engaging in political activity while you were on duty and in a federal room or building. While OSC has concluded that you violated the Hatch Act, we have decided not to pursue disciplinary action and instead issue you this warning letter.

The Hatch Act (5 U.S.C. §§ 7321-7326) governs the political activity of federal civilian executive branch employees. Employees are prohibited from, among other things, engaging in political activity while on duty, in a federal room or building, while wearing an official uniform or insignia, or using a government vehicle.<sup>1</sup> 5 U.S.C. § 7324. Political activity has been defined as activity directed toward the success or failure of a political party, candidate for a partisan political office, or partisan political group. 5 C.F.R. § 734.101.

OSC's investigation corroborated allegations that you engaged in activity directed at the success of (b)(6); (b)(7)(C) candidate (b)(6); (b)(7)(C) while you were at work at the (b)(6); (b)(7)(C) (b)(6); (b)(7)(C). Specifically, on (b)(6); 2016, while in the (b)(6); workplace, you sent an email with the subject, (b)(6); (b)(7)(C) to (b)(6); employees. Your email included photographs of (b)(6); (b)(7)(C) with various individuals at one of (b)(6); campaign rallies. In addition, on (b)(6); (b)(7)(C), 2016, while in the (b)(6); workplace, you sent an email to (b)(6); employees informing them about (b)(6); (b)(7)(C) campaign materials. You included in your email a (b)(6); (b)(7)(C) (b)(6); OSC also received witness testimony that, while at work, you discussed (b)(6); (b)(7)(C) encouraged other employees to buy the campaign merchandise.

Distributing photographs from a (b)(6); (b)(7)(C) rally and encouraging others to purchase (b)(6); (b)(7)(C) constituted political activity, i.e., activity directed at the success or

<sup>1</sup> The Hatch Act also prohibits federal employees from: using their official authority or influence to affect the result of an election; soliciting, accepting, or receiving political contributions; soliciting or discouraging the political activity of any person who has business before their employing office; and being a candidate for partisan political office. 5 U.S.C. § 7323.

**U.S. Office of Special Counsel**

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failure of a candidate for partisan political office. Because you engaged in these activities while you were on duty and/or in the federal workplace, OSC has concluded that you violated the Hatch Act.

In addition, on (b)(6); (b)(7)(C) 2018, you posted a message on your Facebook page that read, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) That following (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) you wore (b)(6); (b)(7)(C) to the (b)(6); (b)(7)(C) workplace. It is clear from your own words on Facebook that your intent in wearing (b)(6); (b)(7)(C) to work that day was to express your support for (b)(6); (b)(7)(C) candidate (b)(6); (b)(7)(C) Expressing support for a (b)(6); (b)(7)(C) candidate constitutes political activity. Thus, again, OSC has concluded that you violated the Hatch Act when you engaged in this activity while you were on duty and in the workplace.

Although you violated the Hatch Act, OSC has decided not to pursue disciplinary action against you and is closing the above-referenced file. Please be advised, however, that if in the future you engage in Hatch Act prohibited activity while employed in a federal executive agency, we would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

Please contact me at (202) 804-(b)(6) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

January 14, 2020

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:** (b)(6); (b)(7)(C)

Re: OSC File No. HA-20-(b)(6);  
(b)(7)(C)

Dear (b)(6);  
(b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that, as an employee of the U.S. Postal Service (USPS), you violated the Hatch Act by being a candidate in the 2006, 2010, 2014, and 2018 elections for (b)(6); (b)(7)(C) of (b)(6); County, (b)(6); (b)(7)(C). Although OSC has concluded that you violated the Hatch Act, for the reasons explained below we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees, including USPS employees.<sup>1</sup> Among other things, the Hatch Act prohibits employees from being candidates for public office in partisan elections.<sup>2</sup> An election is partisan if any candidate is nominated or elected as representing, for example, the Republican or Democratic Party. The Hatch Act does not prohibit candidacy in nonpartisan elections.

OSC understands that you have been a USPS employee working a regular Saturday route since at least (b)(6) and first ran for (b)(6); (b)(7)(C) in 2006.<sup>3</sup> You won the 2006 (b)(6); (b)(7)(C)

<sup>1</sup> See generally 5 U.S.C. §§ 7321-7326; 39 U.S.C. § 410(b)(1).

<sup>2</sup> 5 U.S.C. § 7323(a)(3). The Hatch Act also prohibits employees from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; knowingly soliciting or discouraging the political activity of any individual with business before their employing office; and engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle. 5 U.S.C. §§ 7323(a), 7324. "Political activity" is activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office. 5 C.F.R. § 734.101.

<sup>3</sup> Employees who work on an irregular or occasional basis are only subject to the Hatch Act while on duty and are not prohibited from being candidates for partisan political office. See 5 C.F.R. § 734.601. However, because you regularly work on Saturdays, you are not considered to work on an "irregular or occasional basis." Therefore, you are subject to the candidacy prohibition. See *Kane v. Merit Sys. Protection Bd.*, 210 F.3d 1379, 1382 (Fed. Cir. 2000) (affirming the removal of a USPS employee who worked every Saturday, and therefore was not an "occasional or irregular" employee, for violating the Hatch Act prohibition on running for partisan political office).

**U.S. Office of Special Counsel**

Page 2

primary and were unopposed in the general election. You were the (b)(6); (b)(7)(C) nominee in the 2010, 2014, and 2018 elections and ran unopposed in each of those years.

Because you are and were covered by the Hatch Act, your candidacy as the (b)(6); (b)(7)(C) (b)(6); nominee in the 2006, 2010, 2014, and 2018 elections for (b)(6); (b)(7)(C) of (b)(6); County violated the Hatch Act. However, OSC's investigation found no evidence to suggest that you were aware of the Hatch Act prior to any of these elections. Accordingly, we do not believe that your violations were willful and have decided to close our file in this case without further action. Please be advised that if in the future you engage in activity prohibited by the Hatch Act—such as running for reelection as the (b)(6); (b)(7)(C) nominee for (b)(6); (b)(7)(C)—while employed in a Hatch Act-covered position, we would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

Please contact OSC Hatch Act Unit attorney Eric Johnson at (202) 804-(b)(6) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit





**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

December 21, 2018

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:** (b)(6); (b)(7)(C)

Re: OSC File No. HA-18 (b)(6); (b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that, while acting in your official capacity as (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) you violated the Hatch Act by (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) Although OSC has concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal executive branch employees, including DOI employees.<sup>1</sup> Among other things, covered employees are prohibited from using their official authority or influence to affect an election.<sup>2</sup> Examples of activities that would violate this prohibition include using one's official title or position while engaging in political activity or to promote a candidate for partisan political office. Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup>

(b)(6); (b)(7)(C)

<sup>1</sup> See generally 5 U.S.C. §§ 7321-7326.

<sup>2</sup> 5 U.S.C. § 7323(a)(1). Covered employees are also prohibited from: knowingly soliciting or discouraging the political activity of any individual with business before their employing office; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; and engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle. 5 U.S.C. § 7323(a) and § 7324.

<sup>3</sup> 5 C.F.R. § 734.101.

**U.S. Office of Special Counsel**

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(b)(6); (b)(7)(C) You have admitted that, (b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) constitutes political activity for purposes of the Hatch Act because (b)(6); (b)(7)(C) is currently a candidate for reelection. So, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) is considered activity directed at the success of (b)(6); (b)(7)(C) candidacy. Because you (b)(6); (b)(7)(C) you violated the Hatch Act's prohibition against using your official position to influence an election.

However, OSC understands that you took steps to (b)(6); (b)(7)(C) (b)(6); could violate the Hatch Act. You also (b)(6); (b)(7)(C) OSC, therefore, does not find your violation to be willful, and we have decided to close this matter without further action. Please be advised that if in the future you engage activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

Please contact OSC Hatch Act Unit Attorney Kelley Nobriga at (202) 804- (b)(6) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Ana Galindo-Marrone  
Chief, Hatch Act Unit  
U.S. Office of Special Counsel



**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

January 27, 2020

(b)(6); (b)(7)(C)

VIA EMAIL: (b)(6); (b)(7)(C)

Re: OSC File No. HA-20-(b)(6);  
(b)(7)(C)

Dear (b)(6);  
(b)(7)(C)

On (b)(6); (b)(7)(C) 2019, the U.S. Office of Special Counsel (OSC) warned you that your candidacy in the partisan election for (b)(6); (b)(7)(C) Council had violated the Hatch Act. In response, although you won the election, you declined to accept the elective office. Thus, although we concluded that you violated the Hatch Act, because we have no evidence that your violation was willful, we are closing our file without further action. Please be advised, though, that if you engage in Hatch-Act prohibited activity in the future while employed in a Hatch Act covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

Please contact me at (202) 804-(b)(6);  
(b)(7)(C) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

August 1, 2019

(b)(6); (b)(7)(C)

VIA EMAIL (b)(6); (b)(7)(C)

Re: OSC File No. HA-19- (b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint filed with the U.S. Office of Special Counsel (OSC) alleging that you, a U.S. Department of Agriculture (b)(6); (b)(7)(C) employee, violated the Hatch Act. Specifically, the complaint alleged that you posted a tweet critical of (b)(6); (b)(6); (b)(7)(C) from (b)(6); (b)(7)(C) official Twitter account. As explained below, OSC has concluded that you violated the Hatch Act, and we are issuing you this warning letter.

The Hatch Act governs the political activity of federal executive branch employees, including Forest Service employees.<sup>1</sup> The Hatch Act prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle.<sup>2</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup>

The complaint alleged that on (b)(6); (b)(7)(C) 2019, at (b)(6); (b)(7)(C) you posted from the (b)(6); (b)(7)(C) Twitter account a tweet that read, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) in response to a message from (b)(6); (b)(7)(C) Twitter account. The tweet was deleted a short time after it was posted.

You spoke with OSC attorney Jacqueline Yarbro and admitted that you posted this tweet while you were on duty and in the workplace. You explained that immediately after posting it, you realized you had mistakenly sent it from the (b)(6); (b)(7)(C) account, and you tried to remove it.<sup>4</sup> Because this tweet was critical of (b)(6); (b)(7)(C) who is a candidate for

<sup>1</sup> See 5 U.S.C. §§ 7321-7326.

<sup>2</sup> 5 U.S.C. § 7324. The Hatch Act also prohibits employees from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for partisan political office; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(1)-(4).

<sup>3</sup> 5 C.F.R. § 734.101.

<sup>4</sup> If you had posted this tweet using your personal Twitter account, you also would have violated the Hatch Act because you were on duty and in the workplace.

**U.S. Office of Special Counsel**

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reelection, and you posted it while on duty and at work, OSC has determined that you violated the Hatch Act. However, because the tweet was removed, we are closing our file without further action. Please be advised that if in the future you engage in prohibited political activity we will consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

If you have any questions, please contact Hatch Act Unit attorney Jacqueline Yarbrow at (202) 804-(b)(6);  
(b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

February 13, 2019

(b)(6); (b)(7)(C)

VIA EMAIL: (b)(6); (b)(7)(C)

Re: OSC File No. HA-16- (b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

As you know, the U.S. Office of Special Counsel (OSC) investigated allegations and concluded that you violated the Hatch Act's prohibition against engaging in political activity while on duty or in the federal workplace when you (b)(6); (b)(7)(C) 2016, which were directed at the success of candidates for partisan political office, while you were at work at the U.S. Department of Veterans Affairs (VA). Following our investigation, we engaged in negotiations to reach a settlement agreement in which you would receive disciplinary action for violating the Hatch Act. If we had been unable to reach an agreement, OSC would have filed a complaint with the Merit Systems Protection Board (Board) and pursued disciplinary action against you.

During settlement negotiations, however, you retired from your employment with the VA, effective (b)(6); (b)(7)(C) 2018. Because you are no longer a federal employee, the Board has no jurisdiction to order action against you. Accordingly, OSC is closing its file without further action. Please note that should you again be employed in the executive branch of the federal government, OSC may reopen this matter and pursue disciplinary action against you.

Please contact me at (202) 804- (b)(6) if you have any questions regarding this matter.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

November 19, 2018

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:** (b)(6); (b)(7)(C)

Re: OSC File No. HA-18- (b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint that the U.S. Office of Special Counsel (OSC) received alleging that, as sheriff of (b)(6); County, (b)(6); you violated the Hatch Act by campaigning door-to-door while wearing your official uniform. While we have concluded that your conduct violated the Hatch Act, for the reasons described below we are issuing you this warning letter rather than pursuing disciplinary action.

The Hatch Act governs the political activity of certain state and local government employees in order to protect the public workforce from partisan political influence and ensure the nonpartisan administration of laws.<sup>1</sup> Only those state and local government employees whose principal employment is in the executive branch, or an agency or department thereof, and who have duties in connection with an activity financed in whole or in part by loans or grants made by the United States or a federal agency are subject to the Hatch Act.<sup>2</sup> Such employees may not: (1) use their official authority or influence for the purpose of interfering with or affecting the result of an election; (2) coerce, attempt to coerce, command, or advise another state or local government employee to engage in political activity; or (3) be a candidate for elective office, if the employee's salary is paid completely by loans or grants made by the United States or a federal agency.<sup>3</sup>

The complaint that we received alleged that you went door-to-door soliciting support for your reelection campaign while wearing your official uniform. In a phone conversation, you admitted to the conduct but said that you believed that the conduct was permissible based upon a public OSC advisory wherein we said that "the use of official authority prohibition would not

<sup>1</sup> See generally 5 U.S.C. §§ 1501-1508.

<sup>2</sup> 5 U.S.C. § 1501(4).

<sup>3</sup> 5 U.S.C. § 1502(a)(1)-(3).

**U.S. Office of Special Counsel**

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preclude a sheriff from wearing (b)(6) uniform and using (b)(6) official title while campaigning.”<sup>4</sup> In a subsequent advisory that we issued to you after the conduct at issue in this case, we clarified that our earlier opinion was intended to address large-scale campaign events, such as a sheriff participating in a political rally or giving a campaign speech. It was not intended to allow for sheriffs to campaign door-to-door while in uniform. Specifically, we said that:

[A] sheriff may not go door-to-door canvassing for voter support while in uniform. This is so because a private citizen, not knowing whether the sheriff was there to discuss a law enforcement matter, might feel compelled to open the door when that citizen would not feel similarly compelled to open the door for campaign volunteers or a candidate not in uniform. To avoid creating any such feelings of compulsion, which would be a prohibited use of official authority, a sheriff should not engage in door-to-door canvassing while in uniform.<sup>5</sup>

Given the ambiguity in our earlier opinion and the fact that the conduct at issue in this case occurred before we issued you the later opinion, we are issuing you this warning letter, rather than pursuing disciplinary action against you, and closing this matter without further action. Please be advised that should you again engage in prohibited political activity, OSC will consider it a knowing and willful violation of the law that could result in disciplinary action.

Please contact OSC attorney Eric Johnson at (202) 804-(b)(6); (b)(7)(C) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Ana Galindo-Marrone  
Chief, Hatch Act Unit

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<sup>4</sup> U.S. Office of Special Counsel Advisory Opinion dated February 29, 2012, at 2, *available at* <https://osc.gov/Resources/redacted%20AO%20re%20sheriff%20political%20activities.pdf>.

<sup>5</sup> U.S. Office of Special Counsel Advisory Opinion AD-18-(b)(6) at 2 (Aug. 14, 2018).





**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

November 20, 2019

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:** (b)(6); (b)(7)(C)

Re: OSC File No. HA-19-(b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act by using your official authority as (b)(6); of the (b)(6); (b)(7)(C) Sheriff's Office (b)(6); to promote your candidacy in the November 2019 election for sheriff of (b)(6); County (b)(6);<sup>1</sup> Specifically, it was alleged that you used pictures of yourself in an official (b)(6); uniform for campaign purposes and that you sent a letter to (b)(6); employees in your official capacity for the purpose of influencing their vote in the election.<sup>2</sup> Although OSC has concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of certain state and local government employees in order to protect the public workforce from partisan political influence and ensure the nonpartisan administration of laws.<sup>3</sup> Employees covered by the Hatch Act are those whose principal position or job is with a state, county, or municipal executive agency and whose job duties are "in connection with" programs financed in whole or in part by loans or grants made by the United States or an agency thereof.<sup>4</sup> Employees are subject to the Hatch Act if, as a normal

<sup>1</sup> It was also alleged that you violated the Hatch Act's prohibition against being a candidate for partisan political office, which only applies to employees whose salaries are entirely federally funded. 5 U.S.C. § 1502(a)(3). However, OSC confirmed that your salary is not federally funded and, as a result, your candidacy did not violate the Hatch Act.

<sup>2</sup> OSC understands that all candidates for sheriff were listed on the ballot as independents. However, OSC learned that you sought and received an endorsement from the (b)(6); County (b)(6); and that you advertised your candidacy as a (b)(6); candidate. Accordingly, the 2019 election for (b)(6); County Sheriff was partisan for purposes of the Hatch Act.

<sup>3</sup> See generally 5 U.S.C. §§ 1501-1508.

<sup>4</sup> 5 U.S.C. § 1501(4).

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and foreseeable incident of their positions or jobs, they perform duties in connection with federally financed activities.<sup>5</sup>

Individuals who supervise employees who work on federally funded programs have been found to be subject to the Hatch Act due to their oversight responsibilities for those activities.<sup>6</sup> Additionally, employees who play a vital role in securing and maintaining federal grants as well as who perform affirmative grant-related duties are covered by the Hatch Act.<sup>7</sup> However, coverage is not dependent on the source of an employee's salary,<sup>8</sup> nor is it dependent upon whether the employee actually administers the funds or has policy duties with respect to them.<sup>9</sup>

OSC confirmed that (b)(6); (b)(7)(C) receives several federal grants from (b)(6); (b)(7)(C) grant, which is called the (b)(6); (b)(7)(C). OSC confirmed that you are listed as (b)(6); (b)(7)(C) program director on the grant application and that, until (b)(6); (b)(7)(C) 2019, you had supervised the sole employee who works pursuant to this grant. In addition, OSC understands that, as of (b)(6); (b)(7)(C) 2019, you supervise an employee who has administrative responsibility for several of (b)(6); (b)(7)(C) grants. Because you supervised employees who had job duties related to these federal grants, we have concluded that you were covered by the Hatch Act during your 2019 candidacy for sheriff.

The Hatch Act prohibits covered employees from, among other things, using their official authority or influence to affect the results of an election.<sup>10</sup> Examples of activities that violate this prohibition include using one's official position or title while engaging in political activity or using pictures of oneself wearing an official uniform in campaign advertisements, web pages, signs, or literature.

You admitted to sending a letter to (b)(6); (b)(7)(C) employees about your candidacy that you signed using your official title. The letter promised employees that you would avoid (b)(6); (b)(7)(C) and explained that you (b)(6); (b)(7)(C). Neither the content of the letter nor evidence OSC gathered during its investigation leads OSC to conclude that you sent the letter for the purpose of interfering with or affecting the result of the election for sheriff. Accordingly, OSC has concluded that you did not violate the Hatch Act when you sent this letter.

<sup>5</sup> Special Counsel v. Gallagher, 44 M.S.P.R. 57, 61 (1990); In re Hutchins, 2 P.A.R. 160, 164 (Civil Serv. Comm'n 1944).

<sup>6</sup> See In re Palmer, 2 P.A.R. 590, 595-96 (1959), remanded, Palmer v. U.S. Civil Service Commission, 191 F. Supp. 495 (S.D. Ill. 1961), rev'd 297 F.2d 450 (7th Cir. 1962), cert. denied, 369 U.S. 849 (1962).

<sup>7</sup> See Special Counsel v. Greiner, 117 M.S.P.R. 117, 121-27 (2011).

<sup>8</sup> Salary is determinative with respect to the Hatch Act's candidacy prohibition. 5 U.S.C. § 1502(a)(3).

<sup>9</sup> Special Counsel v. Williams, 56 M.S.P.R. 277, 283-84 (1993), *aff'd*, 55 F.3d 917 (4th Cir. 1995), *cert. denied*, 516 U.S. 1071 (1996) (unreported decision).

<sup>10</sup> 5 U.S.C. § 1502(a)(1). Employees who perform duties in connection with federally financed activities are also prohibited from coercing other employees into making political contributions. 5 U.S.C. § 1502(a)(2).

**U.S. Office of Special Counsel**

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You also admitted to using pictures of yourself in an official (b)(6); uniform to promote your candidacy on your campaign Facebook page. Because you used these pictures to promote your candidacy for sheriff, OSC has concluded that you violated the Hatch Act's use of official authority prohibition.

Although we have concluded that you violated the Hatch Act, we have decided to close this matter without further action. Please be advised that if you engage in any future prohibited political activity while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action. Please contact OSC Attorney Kelley Resendes at (202) 804-(b)(6); (b)(7)(C) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

March 5, 2020

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:** (b)(6); (b)(7)(C)

Re: OSC File No. HA-20-(b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

On (b)(6); (b)(7)(C) 2020, the U.S. Office of Special Counsel (OSC) sent you a letter concerning your current candidacy for (b)(6); (b)(7)(C) County School Board. We recognized that as a resident of (b)(6); (b)(7)(C) County, (b)(6); (b)(7)(C) the Hatch Act does not prohibit you, a (b)(6); (b)(7)(C) employee, from being an independent candidate for school board.<sup>1</sup> However, we explained that your involvement with the (b)(6); (b)(7)(C) County (b)(6); (b)(7)(C) Committee (b)(6); (b)(7)(C) introduced partisan politics into your campaign, in violation of the Hatch Act. OSC thus advised that you could come into compliance with the Hatch Act by: (1) contacting (b)(6); (b)(7)(C) to revoke any efforts you had made to participate in its caucus; (2) requesting that (b)(6); (b)(7)(C) remove information about your candidacy from its website; and (3) making a public statement on your campaign website and social media accounts explaining that you are an independent candidate and may not seek (b)(6); (b)(7)(C) endorsement or participate in its caucus. On (b)(6); (b)(7)(C) 2020, OSC confirmed that you took these actions.

Although OSC has concluded that you violated the Hatch Act, we have decided to close this matter without further action because we understand that you received incorrect advice about the Hatch Act. Please be advised, however, that if in the future you reintroduce partisan politics into your campaign or engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

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<sup>1</sup> 5 C.F.R. § 733.103(b)(1).

**U.S. Office of Special Counsel**

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Please contact OSC attorney Kelley Resendes at (202) 804-(b)(6);  
(b)(7)(C) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Ana Galindo Marrone  
Chief, Hatch Act Unit  
U.S. Office of Special Counsel



U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

September 6, 2018

(b)(6); (b)(7)(C)

VIA ELECTRONIC MAIL: (b)(6); (b)(7)(C)

Re: OSC File No. HA-16 (b)(6); (b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that on (b)(6); 2016, a (b)(6); for the (b)(6); (b)(7)(C) (b)(6); U.S. Department of State (State Department), sent an email critical of (b)(6); (b)(7)(C) campaign for (b)(6); You admitted to sending the (b)(6); email. As further explained below, although we have concluded that you violated the Hatch Act, we have decided not to pursue disciplinary action and are instead issuing you this warning letter.

The Hatch Act governs the political activity of federal executive branch employees, including State Department employees. *See generally* 5 U.S.C. §§ 7321-7326. Among other restrictions, covered employees are prohibited from engaging in political activity while on duty or in any room or building occupied in the discharge of official duties.<sup>1</sup> 5 U.S.C. § 7324(a)(1)-(2). "Political activity" is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office. 5 C.F.R. § 734.101.

The subject line of the (b)(6); email effectively read (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) The subject line was directed at the failure of (b)(6); candidate (b)(6); (b)(7)(C) campaign because it expressed the hope that (b)(6); announce that (b)(6); candidacy was a (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) You sent the email while you were on duty and in the

<sup>1</sup> Covered employees are also prohibited from: using their official authority or influence for the purpose of interfering with or affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; knowingly soliciting or discouraging the political activity of any individual with business before their employing office; and engaging in political activity while wearing a uniform or official insignia or using a vehicle owned or leased by the United States government. 5 U.S.C. §§ 7323(a)(1)-(4), 7324(a)(3)-(4).

<sup>2</sup> The actual subject line did not feature any spaces and read as follows:

(b)(6); (b)(7)(C)

**U.S. Office of Special Counsel**

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federal workplace. Accordingly, although you may have intended for the subject line (b)(6); (b)(7)(C) it nevertheless constituted prohibited political activity under the Hatch Act.

In your interview you said that the (b)(6); (b)(7)(C) email was sent to solicit submissions for the (b)(6); (b)(7)(C) that you typically sent (b)(6); solicitation emails each workday, and that you would occasionally alter the stock language in the subject line in order to make the (b)(6); solicitation emails more interesting for recipients. You also said that other (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) employees would email you suggestions for (b)(6); solicitation email subject lines. You believe that the (b)(6); subject line was submitted to you by another employee but cannot recall who that employee was, nor can you find any email record of that submission. That another employee may have originally suggested the subject line does not change the fact that, by choosing to use the subject line in an email sent to approximately (b)(6); State Department employees, you violated the Hatch Act.

Although we have concluded that you violated the Hatch Act by sending the email, we have decided to close this matter without further action. Please be advised that if you engage in any future activity prohibited by the Hatch Act, we would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

Please contact OSC Hatch Act Unit Attorney Eric Johnson at (202) 804- (b)(6); (b)(7)(C) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Ana Galindo-Marrone  
Chief, Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

August 20, 2019

(b)(6); (b)(7)(C)

VIA ELECTRONIC MAIL: (b)(6); (b)(7)(C)

Re: OSC File No. HA-19- (b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act in (b)(6); 2018 when you displayed a partisan political bumper sticker on your personal vehicle while using it for official U.S. Postal Service (USPS) business. Although OSC has concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees, including USPS employees.<sup>1</sup> Among other things, employees may not engage in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle.<sup>2</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup> Under this prohibition, for example, employees who display a partisan political bumper sticker on their private vehicles used for official business must cover the bumper sticker while they are on duty.<sup>4</sup>

OSC understands that you use a personal vehicle to deliver mail for USPS and, when doing so, you attach a USPS car magnet to your driver's side door. Prior to the November 2018 election, you displayed on your personal vehicle a bumper sticker that said (b)(6); which you purchased from the campaign of (b)(6); (b)(7)(C) candidate for U.S. Senate. You admitted to displaying the (b)(6); bumper sticker on your personal vehicle while using it to deliver mail for USPS. (b)(7)(C)

Displaying (b)(6); bumper sticker on your private vehicle prior to the November 2018 election constituted political activity for purposes of the Hatch Act because (b)(6); (b)(7)(C) was a

<sup>1</sup> See generally 5 U.S.C. §§ 7321-7326; 39 U.S.C. § 410.

<sup>2</sup> 5 U.S.C. § 7324. Covered employees are also prohibited from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(1)-(4).

<sup>3</sup> 5 C.F.R. § 734.101.

<sup>4</sup> See 5 C.F.R. § 734.306 (Example 2).



**U.S. Office of Special Counsel**

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candidate for partisan political office.<sup>5</sup> Therefore, you violated the Hatch Act when you displayed a (b)(6); (b)(7)(C) sticker on your personal vehicle while using it for official USPS business.

Although OSC has concluded that you violated the Hatch Act, we do not believe that your violation was willful. Rather, OSC understands that you covered the bumper sticker upon learning that it violated the Hatch Act. Accordingly, we are closing this matter without further action. Please be advised that if in the future you engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

Should you have any questions, you may contact OSC Hatch Act Unit Attorney Kelley Resendes at (202) 804-(b)(6); (b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Ana Galindo Marrone  
Chief, Hatch Act Unit  
U.S. Office of Special Counsel

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<sup>5</sup> Furthermore, continued display of a (b)(6); bumper sticker constitutes political activity because (b)(6); (b)(6); (b)(7)(C)



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

November 30, 2018

(b)(6); (b)(7)(C)

VIA EMAIL: (b)(6); (b)(7)(C) @who.eop.gov

Re: Hatch Act Warning Letter (OSC File No. HA-18- (b)(6);

Dear (b)(6); (b)(7)(C) :

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act. Specifically, the complaint alleged that you violated the Hatch Act when you used your official (b)(6); (b)(7)(C) Twitter account to post and retweet a message and that included #MAGA. For the reasons explained below, OSC has concluded that your activity violated the Hatch Act. In response, we are issuing you this warning letter.

The Hatch Act restricts certain political activities of federal executive branch employees, except for the President and the Vice President. Accordingly, as Executive Assistant to the President, you are covered by the Hatch Act and prohibited from, among other things, using your official authority or influence for the purpose of interfering with or affecting the result of an election.<sup>1</sup> For example, under this provision, you may not use your official title while engaging in political activity or your official position to advance or oppose candidates for partisan office. Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>2</sup>

(b)(6); (b)(7)(C)

<sup>1</sup> 5 U.S.C. § 7323(a)(1).

<sup>2</sup> 5 C.F.R. § 734.101.

U.S. Office of Special Counsel

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Because you use the (b)(6); (b)(7)(C) Twitter account for official purposes, the Hatch Act prohibits you from using that account to engage in political activity.<sup>3</sup> Under the Hatch Act, tweeting a campaign slogan of a current candidate for partisan political office constitutes political activity. Thus, because (b)(6); (b)(7)(C) you engaged in political activity when you tweeted #MAGA (i.e., Make America Great Again) on (b)(6); 2018, and retweeted a message with #MAGA on (b)(6); 2018. Accordingly, OSC has concluded that you violated the Hatch Act when you engaged in this activity with your official Twitter account.

We understand that once you became aware that these posts violated the Hatch Act, you deleted them.<sup>5</sup> Thus, although we have concluded that you violated the Hatch Act, we have decided not to pursue disciplinary action and are closing this file without further action. Please be advised that if in the future you engage in prohibited political activity while employed in a position covered by the Hatch Act, we will consider such activity to be a willful and knowing violation of the law, which could result in further action.

If you have any questions, you may contact me at 202-804-(b)(6); (b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit

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<sup>3</sup> See OSC's February 2018 "Hatch Act Guidance on Social Media," pg. 9, *available at*: <https://osc.gov/Resources/HA%20Social%20Media%20FINAL%20r.pdf>.

<sup>4</sup> See OSC's March 5, 2018 "Updated Guidance Regarding the Hatch Act and President Trump Now That He Is Officially a Candidate for Reelection," *available at*: <https://osc.gov/Resources/Candidate%20Trump%20Hatch%20Act%20Guidance%203-5-2018.pdf>.

(b)(6); (b)(7)(C)



U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

April 25, 2019

(b)(6); (b)(7)(C)

VIA EMAIL: (b)(6); (b)(7)(C)

Re: OSC File No. HA-19-(b)(6);  
(b)(7)(C)

Dear (b)(6);  
(b)(7)(C)

This letter is in response to information the U.S. Office of Special Counsel (OSC) received alleging that (b)(6); (b)(7)(C) posted on the official White House website in (b)(6); 2018 violated the Hatch Act. As explained below, OSC has concluded that posting this material on the White House website violated the Hatch Act.

The Hatch Act restricts certain political activities of federal executive branch employees, except for the President and the Vice President.<sup>1</sup> The Hatch Act prohibits employees from, among other things, using their official authority or influence for the purpose of interfering with or affecting the result of an election.<sup>2</sup> For example, employees may not use their official title while engaging in political activity or their official position to advance or oppose candidates for partisan political office. In addition, employees may not engage in political activity using official resources, such as an official government website or social media account. Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup>

At issue here are (b)(6); (b)(7)(C) posted on the White House website. The first is from (b)(6); 2018, and titled, (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) includes the following three headings in bold type: (b)(6); (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) After each heading are (b)(6); purporting to support the statements made. And the (b)(6); ends by warning that (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

<sup>1</sup> 5 U.S.C. §§ 7321-7326.

<sup>2</sup> *Id.* § 7323(a)(1).

<sup>3</sup> 5 C.F.R. § 734.101.

**U.S. Office of Special Counsel**

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The second (b)(6); (b)(7)(C) dated (b)(6); (b)(7)(C), 2018, is titled, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) warns of (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) And similar to the earlier (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

While the Hatch Act does not prohibit employees from using official resources, such as the White House website, to defend the Administration's policy positions or criticize pending legislation, (b)(6); (b)(7)(C) go beyond that. In addition to expressing strong opposition to (b)(6); (b)(7)(C) which were posted (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) Thus, OSC concluded that the messaging of (b)(6); (b)(7)(C) was directed at (b)(6); (b)(7)(C) i.e., political activity for purposes of the Hatch Act.

As you know, OSC informed you of this conclusion (b)(6); (b)(7)(C) 2018. And since then, the tone and messaging of the White House (b)(6); (b)(7)(C) has changed. Our review of more recent (b)(6); (b)(7)(C) does not find the same partisan rhetoric that was present prior to the 2018 elections. Accordingly, although OSC has concluded that posting (b)(6); (b)(7)(C) on the official White House website violated the Hatch Act, we are closing our file without further action.

You may contact me at (202) 804-(b)(6); (b)(7)(C) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

May 31, 2018

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:** (b)(6); (b)(7)(C)

Re: OSC File No. HA-17- (b)(6);  
(b)(7)(C)

Dear (b)(6);  
(b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act in 2016 by discussing candidates prior to the (b)(6); (b)(7)(C) election while at work. OSC understands that you are, and were at the time of the alleged activity, a (b)(6); (b)(7)(C) with the U.S. Forest Service (FS). Although OSC has concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal executive branch employees, including FS employees. *See generally* 5 U.S.C. §§ 7321-7326. Among other things, the Hatch Act prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle. 5 U.S.C. § 7324.<sup>1</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office. 5 C.F.R. § 734.101.

As part of OSC's investigation, we reviewed witness statements detailing conversations you had with coworkers while at work about the 2016 (b)(6); (b)(7)(C) election. Specifically, you discussed your support of (b)(6); (b)(7)(C) candidate (b)(6); (b)(7)(C) and advocated for (b)(6); (b)(7)(C) position on topics like (b)(6); (b)(7)(C). One witness specifically noted that you discussed (b)(6); (b)(7)(C)

<sup>1</sup> Covered employees are also prohibited from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(1)-(4).

**U.S. Office of Special Counsel**

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Your discussions constituted political activity because they were directed at the success of (b)(6); (b)(7)(C) who at the time was a candidate for partisan political office. Because you engaged in political activity while at work, OSC has concluded that you violated the Hatch Act.

Although we have concluded that you violated the Hatch Act, we have decided to close this matter without further action. Please be advised that if in the future you engage activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

If you have any questions, you may contact OSC Hatch Act Unit Attorney Kelley Nobriga at (202) 804-(b)(6); (b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Ana Galindo-Marrone  
Chief, Hatch Act Unit  
U.S. Office of Special Counsel



**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

November 30, 2018

(b)(6); (b)(7)(C)

VIA EMAIL: (b)(6); (b)(7)(C)@omb.eop.gov

Re: Hatch Act Warning Letter (OSC File No. HA-18- (b)(6); (b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act. Specifically, the complaint alleged that you violated the Hatch Act when you used your official (b)(6); (b)(7)(C) Twitter account to retweet a message from the chairwoman of the Republican National Committee (RNC), which included #MAGA. For the reasons explained below, OSC has concluded that your tweet violated the Hatch Act. In response, we are issuing you this warning letter.

The Hatch Act restricts certain political activities of federal executive branch employees, except for the President and the Vice President. Accordingly, as Deputy Communications Director for the Office of Management and Budget (OMB) you are covered by the Hatch Act and prohibited from, among other things, using your official authority or influence for the purpose of interfering with or affecting the result of an election.<sup>1</sup> For example, under this provision, you may not use your official title while engaging in political activity or your official position to advance or oppose candidates for partisan office. Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>2</sup>

(b)(6); (b)(7)(C)

<sup>1</sup> 5 U.S.C. § 7323(a)(1).

<sup>2</sup> 5 C.F.R. § 734.101.



Because you use the “[ (b)(6); (b)(7)(C) ]” Twitter account for official purposes, the Hatch Act prohibits you from using that account to engage in political activity.<sup>3</sup> Under the Hatch Act, retweeting a message from a political party chairperson with the campaign slogan of “[ (b)(6); (b)(7)(C) ]” #MAGA (i.e., Make America Great Again)—constitutes political activity. Thus, OSC has concluded that you violated the Hatch Act when you retweeted this message from your official Twitter account.<sup>5</sup>

We understand that once you became aware that your retweet violated the Hatch Act, you deleted it. And OSC has found no evidence that you engaged in any additional prohibited political activity via Twitter. Therefore, although we have concluded that you violated the Hatch Act, we have decided not to pursue disciplinary action and are closing this file without further action. Please be advised that if in the future you engage in prohibited political activity while employed in a position covered by the Hatch Act, we will consider such activity to be a willful and knowing violation of the law, which could result in further action.

If you have any questions, you may contact me at 202-804-

[(b)(6);  
(b)(7)(C)]

Sincerely,

[(b)(6); (b)(7)(C)]

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit

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<sup>3</sup> See OSC’s February 2018 “Hatch Act Guidance on Social Media,” pg. 9, *available at*: <https://osc.gov/Resources/HA%20Social%20Media%20FINAL%20r.pdf>.

<sup>4</sup> See OSC’s March 5, 2018 “Updated Guidance Regarding the Hatch Act and President Trump Now That He Is Officially a Candidate for Reelection,” *available at*: <https://osc.gov/Resources/Candidate%20Trump%20Hatch%20Act%20Guidance%203-5-2018.pdf>.

[(b)(6); (b)(7)(C)]



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

April 17, 2019

(b)(6); (b)(7)(C)

VIA ELECTRONIC MAIL: (b)(6); (b)(7)(C)

Re: OSC File No. HA-19 (b)(6);  
(b)(7)(C)

Dear (b)(6);  
(b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act by displaying (b)(6); (b)(7)(C) several photographs of

(b)(6); (b)(7)(C) We understand that you are (b)(6); (b)(7)(C) (b)(6); with the U.S. Geological Survey (USGS). Although OSC has concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees, including USGS employees.<sup>1</sup> Among other things, the Hatch Act prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle.<sup>2</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup> Under this prohibition, covered employees may not, among other things, display items at work that show support or opposition to a candidate or political party, to include candidate photographs.

OSC confirmed that you displayed the following images (b)(6); (b)(7)(C) one official photograph of (b)(6); (b)(7)(C); two official photographs of (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) on each image; and four photographs of (b)(6); (b)(7)(C) Given that (b)(6); (b)(7)(C) is

<sup>1</sup> See generally 5 U.S.C. §§ 7321-7326.

<sup>2</sup> 5 U.S.C. § 7324 and § 7324(a)(1). Covered employees are also prohibited from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(2)-(4).

<sup>3</sup> 5 C.F.R. § 734.101.

**U.S. Office of Special Counsel**

Page 2

a candidate for reelection, displaying certain photographs in support of (b)(6); (b)(7)(C) candidacy constitutes political activity for purposes of the Hatch Act.<sup>4</sup>

OSC has previously advised that photographs of candidates may not be displayed at work,

(b)(6); (b)(7)(C)

Because you displayed multiple photographs of (b)(6); (b)(7)(C) two of which were altered by the addition of (b)(6); (b)(7)(C) OSC notified you on (b)(6); (b)(7)(C) 2019, that you were in violation of the Hatch Act. OSC then advised that you could come into compliance with the law by removing all images except for one official photograph of (b)(6); (b)(7)(C) provided the (b)(6); (b)(7)(C) was removed. OSC confirmed on (b)(6); (b)(7)(C) 2019, that you removed (b)(6); (b)(7)(C) and photographs at issue.

Because you came into compliance with the Hatch Act, OSC has decided not to seek disciplinary action and will instead close this matter without further action. Please be advised that if in the future you engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action. Please contact OSC Hatch Act Unit Attorney Kelley Resendes at (202) 804-(b)(6); (b)(7)(C) with any questions.

Sincerely,

(b)(6); (b)(7)(C)

Ana Galindo-Marrone  
Chief, Hatch Act Unit  
U.S. Office of Special Counsel

(b)(6); (b)(7)(C)



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

December 20, 2018

The Honorable Ryan Zinke  
Secretary of the Interior  
c/o Mr. Scott A. de la Vega  
Director, Departmental Ethics Office  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240

VIA ELECTRONIC MAIL: (b)(6); (b)(7)(C)@sol.doi.gov

Re: OSC File No. HA-18-4075

Dear Secretary Zinke:

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that, while acting in your official capacity as Secretary of the U.S. Department of the Interior, you violated the Hatch Act by wearing socks depicting President Donald Trump and his campaign slogan "Make America Great Again!" and later posting a picture of your socks to your official Twitter account. Although OSC has concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

As a Senate-confirmed Presidential appointee, you are subject to the restrictions of the Hatch Act.<sup>1</sup> Among other things, the Hatch Act prohibits you from using your official authority or influence for the purpose of affecting the result of an election.<sup>2</sup> For example, you may not use your official title while engaging in political activity, use government resources or your official influence to advance or oppose candidates for partisan office, or ask subordinates to engage in political activity.<sup>3</sup>

On June 26, 2018, you attended an official event at Mount Rushmore while wearing socks depicting a cartoon image of President Trump and his campaign slogan "Make America Great Again!" Later that day, a picture of your socks was posted to "@SecretaryZinke," your official Twitter account, with the following message: "Breaking in new socks on a hike with the governors today." OSC has confirmed that you did not post this message but authorized its posting.

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<sup>1</sup> 5 U.S.C. §§ 7321-7326.

<sup>2</sup> 5 U.S.C. § 7323(a)(1).

<sup>3</sup> Political activity is defined as activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group. 5 C.F.R. § 734.101.

**U.S. Office of Special Counsel**

Page 2

Wearing or displaying items with campaign slogans or images of candidates constitutes political activity for purposes of the Hatch Act. Accordingly, you engaged in political activity when you wore the above-referenced socks. Because you wore these socks to an official event and also authorized their display on your official Twitter account, you violated the Hatch Act's prohibition against using your official position to influence an election.

Although OSC has concluded that you violated the Hatch Act, we do not believe that your violation was willful. Rather, OSC understands that you took steps to remove the picture from your official Twitter account upon hearing that the post could violate the Hatch Act. You also directed your staff to issue an apology. Therefore, we have decided to close this matter without further action. Please be advised that if in the future you engage activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

If you have any questions, please contact me at (202) 804-(b)(6);  
(b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Ana Galindo-Marrone  
Chief, Hatch Act Unit  
U.S. Office of Special Counsel



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
(202) 804-7000

April 24, 2018

(b)(6); (b)(7)(C)

Sent via E-mail to: (b)(6); (b)(7)(C)

Re: OSC File No. HA-18-(b)(6); (b)(7)(C)

Dear (b)(6); (b)(7)(C)

On (b)(6); (b)(7)(C) 2018, the U.S. Office of Special Counsel (OSC) notified you that as an employee of the U.S. Department of Veterans Affairs, the Hatch Act prohibits you from being a candidate in the partisan election for U.S. Representative from (b)(6); (b)(7)(C) Congressional district. See 5 U.S.C. § 7323(a)(3). OSC advised you that you could come into compliance with the Hatch Act by either resigning your employment or withdrawing your candidacy. We have confirmed that you withdrew your candidacy for U.S. Representative by making public announcements in both (b)(6); (b)(7)(C) and on the (b)(6); (b)(7)(C). You also removed all references to your candidacy from your Facebook page.

Because you took steps to come into compliance with the Hatch Act, we are closing our file without further action at this time. Please be advised that should you again engage in prohibited political activity, OSC will consider it a knowing and willful violation of the law that could result in disciplinary action up to and including removal from employment.<sup>1</sup>

Please contact OSC attorney Carolyn Martorana at (202) 804-(b)(6); (b)(7)(C) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit

<sup>1</sup> The Hatch Act also prohibits federal employees from: (1) using their official authority or influence to affect the result of an election; (2) knowingly soliciting, accepting, or receiving political contributions from any person; (3) knowingly soliciting or discouraging the political activity of someone with business pending before their employing office; and (4) engaging in political activity while on duty or in the workplace. 5 U.S.C. §§ 7323(a)(1)-(2), (4); 7324(a).



**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

June 5, 2018

(b)(6); (b)(7)(C)

VIA EMAIL: (b)(6); (b)(7)(C)

Re: **OSC File No. HA-17-** (b)(6); (b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to information the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act. You are employed by the U.S. Environmental Protection Agency (EPA), and it was alleged that you liked Facebook posts soliciting donations on behalf of (b)(6); (b)(7)(C) candidate (b)(6); (b)(7)(C). OSC also learned that you may have liked other partisan political Facebook posts while you were on duty or in a federal building. For the reasons discussed below, OSC has concluded that you violated the Hatch Act, but instead of pursuing disciplinary action, we are issuing you this warning letter.

The Hatch Act, 5 U.S.C. §§ 7321-7326, governs the political activity of federal executive branch employees, including EPA employees. Among other things, the Hatch Act prohibits employees from knowingly soliciting, accepting, or receiving political contributions from any person. 5 U.S.C. § 7323(a)(2). This prohibition includes "liking" Facebook posts that solicit partisan political contributions. The Hatch Act also prohibits federal employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using a government vehicle. 5 U.S.C. § 7324. Political activity is defined as an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group. 5 C.F.R. § 734.101.

OSC investigated this matter and found insufficient evidence to establish that you liked partisan Facebook posts while you were on duty or at work. However, OSC did find evidence that you liked several Facebook posts soliciting donations on behalf of (b)(6); (b)(7)(C) (b)(6); campaign. These solicitations were posted by (b)(6); (b)(7)(C) Facebook campaign page. Several of the posts included a link to the website (b)(6); (b)(7)(C) and requested that people "Donate Now." Because you liked posts soliciting contributions for a (b)(6); (b)(7)(C) campaign, you violated the Hatch Act's prohibition against soliciting political contributions.

Although OSC concluded that you violated the Hatch Act, we have decided not to pursue disciplinary action and instead are issuing you this warning letter. However, please be advised that in the future should you engage in prohibited political activity while employed in a position that is covered by the Hatch Act, OSC will consider such activity to be a willful and knowing violation of the law, which could result in disciplinary action.

If you have any concerns or questions, please contact Dayo Oshilaja at (b)(6); (b)(7)(C) @osc.gov or (202) 804-(b)(6)

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit





U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

April 1, 2020

(b)(6); (b)(7)(C)

VIA ELECTRONIC MAIL: (b)(6); (b)(7)(C)

Re: OSC File No. HA-20-(b)(6);  
(b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter serves as a follow up to our conversation on (b)(6); (b)(7)(C) 2020 concerning allegations that your candidacy for city council in (b)(6); (b)(7)(C) violated the Hatch Act. OSC has completed its investigation and, as set forth below, this letter serves as a notice that your candidacy was in violation of the Hatch Act.

As a U.S. Postal Service employee, you are subject to the Hatch Act, which governs the political activity of federal executive branch employees.<sup>1</sup> While the Hatch Act permits most federal employees to actively participate in partisan political management and political campaigns, it prohibits employees from, among other things, being candidates for public office in partisan elections, i.e. such as elections in which any candidate represents, for example, the Republican or Democratic Party.<sup>2</sup>

The Hatch Act, however, does not prohibit federal employees from being candidates in nonpartisan elections.<sup>3</sup> A nonpartisan election is one in which none of the candidates is to be nominated or elected as representing a political party.<sup>4</sup> Typically, state or local law designates a nonpartisan election as such, but this only creates a rebuttable presumption that an election is nonpartisan.<sup>5</sup> Evidence showing that partisan politics actually entered a candidate's campaign may rebut this presumption.<sup>6</sup> Yet, no bright-line rule exists that identifies the type or amount of conduct, either by the candidate or party, needed to prove that a statutorily designated nonpartisan election, in fact, became a partisan one.<sup>7</sup> Accordingly, a nonpartisan election could become partisan if, for instance, one of the candidates was to: seek and receive the political party's endorsement; advertise the political party's support in (b)(6); speeches, flyers or mailings; or receive

<sup>1</sup> See 5 U.S.C. §§ 7321-7326.

<sup>2</sup> 5 U.S.C. § 7323(a)(3).

<sup>3</sup> 5 C.F.R. § 734.207(b).

<sup>4</sup> 5 C.F.R. § 734.101.

<sup>5</sup> See *Special Counsel v. Yoho*, 15 M.S.P.R. 409, 413 (1983).

<sup>6</sup> See *McEntee v. Merit Sys. Prot. Bd.*, 404 F.3d 1320, 1326, 1332-34 (Fed. Cir. 2005).

<sup>7</sup> *McEntee*, 404 F.3d at 1334.

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party support in the form of, for example, campaign publications like flyers, mailers, slate cards, etc. Note that the foregoing list is illustrative only and is not an exhaustive list of the unique combination of facts that could rebut the presumption an election is nonpartisan.

We understand that the (b)(6); (b)(7)(C) Council election is designated a nonpartisan election. However, we learned that you sought and received the endorsement of the (b)(6); County (b)(6); (b)(7)(C) for your city council campaign. The party created and distributed campaign mailings that included your name and picture as a “(b)(6); County (b)(6); Endorsed” city council candidate, and your name was listed on a (b)(6); (b)(7)(C) slate card. Thus, based on this information, we have concluded that these actions have rebutted the presumption that the (b)(6); (b)(7)(C) Council election was nonpartisan.

Accordingly, OSC has determined that your candidacy was in violation of the Hatch Act. However, we have no evidence that your violation was willful. Therefore, we are closing our file without further action at this time. However, please be advised that if in the future you engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

Please contact OSC Hatch Act attorney Sherri Borman at (202) 804-(b)(6) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit



U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

February 4, 2021

(b)(6); (b)(7)(C)

VIA EMAIL:

(b)(6); (b)(7)(C)

Re: OSC File No. HA-20-

(b)(6); (b)(7)(C)

Dear

(b)(6); (b)(7)(C)

This letter is in response to a complaint filed with the U.S. Office of Special Counsel (OSC) alleging that you violated the Hatch Act by wearing a (b)(6); (b)(7)(C) hat into the workplace and displaying the hat in your office at the U.S. Department of Veterans Affairs (VA). Although OSC has concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees, including VA employees.<sup>1</sup> Employees are prohibited from, among other things, engaging in political activity while on duty or in a federal room or building.<sup>2</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup> This prohibition includes, for example, wearing partisan political buttons, shirts, or hats or displaying partisan political pictures, signs, or stickers while on duty or in the workplace.<sup>4</sup>

OSC investigated whether this prohibition was violated when around (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) 2020, you allegedly wore a (b)(6); (b)(7)(C) hat into the workplace and (b)(6); (b)(7)(C) your office. During the investigation, OSC confirmed that you engaged in the alleged activity but after your supervisor explained that the Hatch Act prohibited you from wearing or displaying the hat in a federal building, you removed the hat from the workplace.

As discussed above, wearing or displaying hats for partisan political candidates in a federal building constitutes political activity for purposes of the Hatch Act. Accordingly, we have concluded that you violated the Hatch Act when you wore a campaign hat for (b)(6); (b)(6); (b)(7)(C) candidate (b)(6); (b)(7)(C) into the workplace and displayed it in your office. We

<sup>1</sup> See 5 U.S.C. §§ 7321-7326.

<sup>2</sup> 5 U.S.C. § 7324. The Hatch Act also prohibits federal employees from: using their official authority or influence to affect the result of an election; soliciting, accepting, or receiving political contributions; soliciting or discouraging the political activity of any person who has business before their employing office; and being a candidate for partisan political office. 5 U.S.C. § 7323.

<sup>3</sup> 5 C.F.R. § 734.101.

<sup>4</sup> See 5 C.F.R. § 734.306, Example 16.

**U.S. Office of Special Counsel**

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recognize, however, that you agreed to not wear or display the hat in the workplace again after being counseled by your supervisor.

Although OSC has concluded that you violated the Hatch Act, we have decided to close this matter without further action. Please be advised that if in the future you engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

If you have any questions, please contact Hatch Act Unit attorney Sherri Borman at (202) 804-(b)(6); (b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

December 10, 2020

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:**

(b)(6); (b)(7)(C)

Re: OSC File No. HA-21-

(b)(6); (b)(7)(C)

Dear

(b)(6); (b)(7)(C)

This letter is in response to a complaint filed with the U.S. Office of Special Counsel (OSC) alleging that you violated the Hatch Act by posting political messages on Facebook and soliciting political contributions while on duty at the U.S. Veterans Administration (VA). Although OSC has concluded that you violated the Hatch Act, as set forth below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal executive branch employees, including VA employees.<sup>1</sup> Among other things, covered employees may not knowingly solicit, accept, or receive political contributions or engage in political activity while on duty or in a federal room or building.<sup>2</sup> “Political activity” is activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup>

It was alleged that you violated the Hatch Act by making several political Facebook posts while on duty. For instance, you posted a tweet

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

and you wrote,

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

In another Facebook post, you included a tweet about an

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

You wrote,

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Although posting these messages on Facebook constituted political activity for purposes of the Hatch Act, based on the information we gathered during our

<sup>1</sup> See generally 5 U.S.C. §§ 7321-7326.

<sup>2</sup> 5 U.S.C. § 7323(a)(2) and § 7324(a)(1)-(2). A covered employee also may not: use his official authority or influence for the purpose of interfering with or affecting the result of an election; run for partisan political office; knowingly solicit or discourage the political activity of anyone with matters pending before the employee's office; or engage in political activity while wearing an official uniform or using a government vehicle. See 5 U.S.C. §§ 7323(a)(1), (3)-(4) and 7324(a)(3)-(4).

<sup>3</sup> 5 C.F.R. § 734.101.

**U.S. Office of Special Counsel**

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investigation, we are unable to conclusively establish that you posted them while on duty or in a federal room or building. Therefore, we have insufficient evidence to conclude that you violated the Hatch Act by making these posts.

It also was alleged that you posted a campaign video from (b)(6); (b)(7)(C) and captioned the post (b)(6); (b)(7)(C). At the end of the video, there was a link to (b)(6); (b)(7)(C). You explained that you posted the video to entice discussion. However, because the campaign video solicited money for (b)(6); (b)(7)(C) campaign, you violated the Hatch Act's prohibition against soliciting political contributions when you posted the video on Facebook.

Although OSC has concluded that you violated the Hatch Act, we have decided to close this matter without further action. Please be advised, though, that violations of the Hatch Act's solicitation prohibition are serious, and if in the future you engage in activity prohibited by the Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

Please contact OSC Attorney Sherri Borman at (202) 804- (b)(6); (b)(7)(C) with any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

April 21, 2020

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:**

(b)(6); (b)(7)(C)

Re: OSC File No. HA-20

(b)(6); (b)(7)(C)

Dear

(b)(6); (b)(7)(C)

This letter is in response to the information the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act by posting partisan materials outside your workstation and sending partisan emails while you were on duty at the U.S. Social Security Administration (SSA). Although OSC has concluded that you violated the Hatch Act, as set forth below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees, including SSA employees.<sup>1</sup> Among other things, the Hatch Act prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle.<sup>2</sup> The Hatch Act regulations define political activity as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup> This prohibition includes, for example, wearing partisan political buttons or displaying partisan political pictures, signs, stickers, or badges on duty or in the workplace.<sup>4</sup>

OSC confirmed that on (b)(6); (b)(7)(C) 2019, in response to an agency email about the

(b)(6); (b)(7)(C) you wrote that (b)(6); (b)(7)(C) was (b)(6); (b)(7)(C) and that you (b)(6); (b)(7)(C) (b)(6); OSC also confirmed that on (b)(6); 2020, you sent an unsolicited email to about (b)(6); SSA colleagues after the (b)(6); (b)(7)(C) The subject of (b)(6); (b)(7)(C)

<sup>1</sup> See generally 5 U.S.C. §§ 7321-7326.

<sup>2</sup> 5 U.S.C. § 7324(a). The Hatch Act also prohibits employees from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a).

<sup>3</sup> 5 C.F.R. § 734.101.

<sup>4</sup> 5 C.F.R. § 734.306, Example 16.

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your email was (b)(6); (b)(7)(C) and you expressed your joy for the (b)(6); (b)(7)(C) claiming that the (b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C) You ended your email by saying, (b)(6); (b)(7)(C)  
During OSC's investigation, you admitted to sending these emails while you were at work.

Your emails constituted political activity for purposes of the Hatch Act because they (b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C) In particular, telling colleagues to (b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C) is activity directed at the failure of the (b)(6); (b)(7)(C) candidates and at the success of (b)(6); (b)(7)(C) Because you were on duty when you engaged in this partisan activity, you violated the Hatch Act.

Lastly, we understand that on or around (b)(6); (b)(7)(C) 2020, you hung a letter (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) on the outside of your workstation. The letter (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) as well as explained the (b)(6); (b)(7)(C) Posting these materials while on duty or in the workplace was prohibited political activity under the Hatch Act. We note, however, that once you were made aware that this activity violated the Hatch Act, you immediately took steps to come into compliance with the Act by removing the letter from outside of your workstation.

Although OSC has concluded that you violated the Hatch Act, we have decided not to seek disciplinary action and will close this matter without further action. Please be advised that if in the future you engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action. Please contact OSC Attorney Sherri Borman (202) 804- (b)(6); (b)(7)(C) with any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit





U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

January 14, 2021

(b)(6); (b)(7)(C)

VIA EMAIL

(b)(6); (b)(7)(C)

Re: OSC File No. HA-20

(b)(6); (b)(7)(C)

Dear

(b)(6); (b)(7)(C)

This letter is in response to a complaint filed with the U.S. Office of Special Counsel (OSC) alleging that you violated the Hatch Act while you were on duty at the U.S. Nuclear Regulatory Commission (NRC) by sending an email to

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) As explained below, OSC has concluded that you violated the Hatch Act, and we are issuing you this warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees, including NRC employees.<sup>1</sup> The law prohibits employees from, among other things, engaging in political activity while on duty or in a federal room or building.<sup>2</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup>

OSC analyzed whether you violated this prohibition when, on (b)(6); 2020, you sent an email to (b)(6); (b)(7)(C). You wrote that the email was sent (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) and you included links to two (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). Additionally, you wrote that the (b)(6); (b)(7)(C) was (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) and that the (b)(6); (b)(7)(C) included in the email to (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

<sup>1</sup> See 5 U.S.C. §§ 7321-7326.

<sup>2</sup> 5 U.S.C. § 7324(a). The Hatch Act also prohibits employees from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for partisan political office; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(1)-(4).

<sup>3</sup> 5 C.F.R. § 734.101.

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(b)(6); (b)(7)(C)

You signed the email.

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

You explained that the purpose of your email was to continue the discussion about voting rights (b)(6); (b)(7)(C). However, OSC determined that the (b)(6); (b)(7)(C) referenced in the email include clips, images, and discussion advocating for the defeat of (b)(6); (b)(7)(C).

(b)(6); (b)(7)(C)

Accordingly including these (b)(6); (b)(7)(C) in your email constituted political activity for purposes of the Hatch Act, and because you were on duty when you engaged in this political activity, you violated the Hatch Act.

Although OSC has concluded that you violated the Hatch Act, we are closing this matter without further action. Please be advised that if in the future you engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

If you have any questions, please contact OSC attorney Sherri Borman at (202) 804-

(b)(6); (b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

January 8, 2021

(b)(6); (b)(7)(C)

VIA EMAIL:

(b)(6); (b)(7)(C)

Re: OSC File No. HA-20

(b)(6); (b)(7)(C)

Dear

(b)(6); (b)(7)(C)

This letter is in response to complaints the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act when you used your (b)(6); (b)(7)(C) Twitter account to engage in political activity and solicit political contributions. We understand that you are employed as (b)(6); (b)(7)(C) the U.S. Environmental Protection Agency (EPA) (b)(6); (b)(7)(C). Although OSC has concluded that you violated the Hatch Act, as explained in detail below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees, including EPA employees.<sup>1</sup> The law prohibits you from, among other things, knowingly soliciting political contributions and using your official authority or influence for the purpose of interfering with or affecting the result of an election.<sup>2</sup> For example, under this provision, you may not use your official title while engaging in political activity or your official position to advance or oppose candidates for partisan office. Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup>

With respect to social media, OSC has advised that employees may not engage in political activity on a personal social media account if they are using that account for official purposes or posting in their official capacities. OSC has opined that factors indicating a personal social media account is being used in ways that suggest it is an official social media account include, for example: (1) the account contains little to no personal content; (2) the account identifies the individual as a federal employee; (3) the account extensively uses photographs of the employee's official activities; (4) the account often references, retweets, likes, comments, or otherwise shares

<sup>1</sup> See 5 U.S.C. §§ 7321-7326.

<sup>2</sup> *Id.* § 7323(a)(1), (2).

<sup>3</sup> 5 C.F.R. § 734.101.

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material related to official activities; or (5) the account is linked to an agency website or other official page. No one factor is dispositive.<sup>4</sup>

It was alleged that you engaged in political activity on your (b)(6); (b)(7)(C) Twitter account, which you use in your official capacity (b)(6); (b)(7)(C). But OSC reviewed your account and, based on the factors described above, we concluded that your Twitter account is not being used for official purposes. We first reviewed your Twitter biography and determined that you have had the account since (b)(6); (b)(7)(C) 2009, which was before you began working for the EPA. Your Twitter biography says that you are (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) along with a header picture of (b)(6); (b)(7)(C). You also have a link to the EPA's website on your Twitter biography. Although you list your federal employment on your Twitter account, you also include personal details about your family and career along with a (b)(6); (b)(7)(C) about your personal views reflected in the tweets.

We then reviewed your tweets and found that you do not extensively use photographs of your official activities or share materials related to your duties. In fact, OSC found only (b)(6); (b)(7)(C) photographs of you in your official capacity (b)(6); (b)(7)(C) between (b)(6); (b)(7)(C) 2020. In (b)(6); (b)(7)(C) and the (b)(6); (b)(7)(C) (b)(6); (b)(7)(C). In addition to the few (b)(6); (b)(7)(C) there are only a few tweets related to your official duties (b)(6); (b)(7)(C). While many of your tweets tout EPA accomplishments (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) you do not reference your specific (b)(6); (b)(7)(C) these achievements. Additionally, you tweet about current events unrelated to environmental issues, such as (b)(6); (b)(7)(C) (b)(6); (b)(7)(C). Based on the preceding, OSC concluded that the evidence does not support a finding that you use this personal Twitter account for official purposes. As a result, the Hatch Act does not prohibit you from engaging in permissible political activity on the (b)(6); (b)(7)(C)<sup>5</sup>

<sup>4</sup> See OSC's February 2018 "Hatch Act Guidance on Social Media," pg. 9, available at: <https://osc.gov/Resources/HA%20Social%20Media%20FINAL%20r.pdf>. This guidance also provides the following example:

You are a federal employee and maintain only a personal Twitter account. While you have some personal posts about family vacations and events with friends, most of your posts are retweets of your agency's initiatives and photographs of you at official events. You **may not** use this account to make posts directed at the success or failure of a political party, candidate in a partisan race, or partisan political group.

<sup>5</sup> It was alleged that you violated the Hatch Act when you tweeted two videos on your (b)(6); (b)(7)(C) Twitter account. On (b)(6); (b)(7)(C) 2020, you tweeted a video from (b)(6); (b)(7)(C) (b)(6); (b)(7)(C). On (b)(6); (b)(7)(C) 2020, you retweeted a post from (b)(6); (b)(7)(C) (b)(6); (b)(7)(C). Even if these tweets constituted political activity for purposes of the Hatch Act, as explained above, the Act did not prohibit you from engaging in political activity on this personal Twitter account.

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Permissible political activity, however, does not include soliciting political contributions. It was alleged that you solicited political contributions on your Twitter account when you retweeted a (b)(6); (b)(7)(C) 2020 post from (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) In the tweet, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) By retweeting (b)(6); (b)(7)(C) (b)(6); you solicited a political contribution, in violation of the Hatch Act. We understand, though, that once you were made aware that your retweet violated the Hatch Act, you deleted the message.

Although OSC has concluded that you violated the Hatch Act, we have decided to close this matter without further action. Please be advised that if in the future you engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

If you have any questions, please contact Hatch Act Unit attorney Sherri Borman at (202) 804- (b)(6); (b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit



U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

December 23, 2020

(b)(6); (b)(7)(C)

VIA ELECTRONIC MAIL:

(b)(6); (b)(7)(C)

Re: OSC File No. HA-20-

(b)(6); (b)(7)(C)

Dear

(b)(6); (b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act by wearing a partisan political (b)(6); (b)(7)(C) while you were on duty at the Federal Aviation Administration (FAA). Although OSC has concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees, including FAA employees.<sup>1</sup> Among other things, the Hatch Act prohibits employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using a government vehicle.<sup>2</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup>

The complaint alleged that in (b)(6); (b)(7)(C) 2020, you wore a (b)(6); (b)(7)(C) at work. During OSC's investigation, you admitted to wearing a partisan political (b)(6); (b)(7)(C) at work, although you could not remember if it said (b)(6); (b)(7)(C) or (b)(6); (b)(7)(C). You described it as a (b)(6); (b)(7)(C). You said you accidentally brought this (b)(6); (b)(7)(C) to work and, upon realizing that it was political, you wore the (b)(6); (b)(7)(C) on the reverse side, which was all black. However, you explained that you accidentally wore the political side of the (b)(6); (b)(7)(C) during your shift while walking outside (b)(6); (b)(7)(C) and other FAA employees saw you. After you realized that the political side of your (b)(6); (b)(7)(C) was showing, you reported the incident to your second-level supervisor.

<sup>1</sup> See generally 5 U.S.C. §§ 7321-7326.

<sup>2</sup> 5 U.S.C. § 7324 and § 7324(a)(1). The Hatch Act also prohibits employees from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(2)-(4).

<sup>3</sup> 5 C.F.R. § 734.101.

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Wearing a [REDACTED] that shows support for a political party or candidate for partisan political office constitutes political activity for purposes of the Hatch Act. Because you wore this [REDACTED] while you were at work, OSC has concluded that you violated the Hatch Act.

Although OSC has concluded that you violated the Hatch Act, we do not believe your violation was knowing and willful. OSC has therefore decided not to pursue disciplinary action, and we will close this matter without further action. Please be advised that if in the future you engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action. Please contact OSC Hatch Act Unit attorney Kelley Resendes at (202) 804-[REDACTED] with any questions.

(b)(6);  
(b)(7)(C)

Sincerely,

[REDACTED]  
(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

October 15, 2020

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:**

(b)(6); (b)(7)(C)

Re: OSC File No. HA-20-

(b)(6); (b)(7)(C)

Dear

(b)(6); (b)(7)(C)

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you violated the Hatch Act by using your official authority as (b)(6); (b)(7)(C) County Sheriff's Office (b)(6); (b)(7)(C) to promote your candidacy in the 2020 partisan election for sheriff of (b)(6); (b)(7)(C) County, (b)(6); (b)(7)(C). Specifically, it was alleged that you used pictures of yourself in an official (b)(6); (b)(7)(C) uniform and badge for campaign materials. Although OSC has concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of certain state and local government employees in order to protect the public workforce from partisan political influence and ensure the nonpartisan administration of laws.<sup>1</sup> The Hatch Act applies to those employees whose principal position or job is with a state, county, or municipal executive agency and whose job duties are "in connection with" programs financed in whole or in part by loans or grants made by the United States or an agency thereof.<sup>2</sup> Employees are subject to the Hatch Act if, as a normal and foreseeable incident of their positions or jobs, they perform duties in connection with federally financed activities.<sup>3</sup>

Individuals who supervise employees who work on federally funded programs have been found to be subject to the Hatch Act due to their oversight responsibilities for those activities.<sup>4</sup> However, coverage is not dependent on the source of an employee's salary,<sup>5</sup> nor is it dependent upon whether the employee actually administers the funds or has policy duties with respect to them.<sup>6</sup>

<sup>1</sup> See generally 5 U.S.C. §§ 1501-1508.

<sup>2</sup> 5 U.S.C. § 1501(4).

<sup>3</sup> See *Special Counsel v. Gallagher*, 44 M.S.P.R. 57, 61 (1990); *In re Hutchins*, 2 P.A.R. 160, 164 (Civil Serv. Comm'n 1944).

<sup>4</sup> See *In re Palmer*, 2 P.A.R. 590, 595-96 (1959), remanded, *Palmer v. U.S. Civil Service Commission*, 191 F. Supp. 495 (S.D. Ill. 1961), rev'd 297 F.2d 450 (7th Cir. 1962), cert. denied, 369 U.S. 849 (1962).

<sup>5</sup> Salary is determinative with respect to the Hatch Act's candidacy prohibition.

<sup>6</sup> See *Special Counsel v. Williams*, 56 M.S.P.R. 277, 283-84 (1993), *aff'd*, 55 F.3d 917 (4th Cir. 1995), *cert. denied*, 516 U.S. 1071 (1996) (unreported decision).



OSC confirmed that (b)(6); (b)(7)(C) receives federal grants related to, among other things, (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) OSC understands that you are (b)(6); (b)(7)(C)

You admitted that, (b)(6); (b)(7)(C) you oversee many (b)(6); (b)(7)(C) functions, including the supervision of employees who administer these federal grants. Therefore, OSC has concluded that you have duties in connection with federally funded programs and, as a result, you are covered by the Hatch Act.

The Hatch Act prohibits employees from using their official authority or influence to affect the result of an election.<sup>7</sup> Under this provision, an employee who is a candidate for partisan political office may not wear (b)(6); (b)(7)(C) official uniform and/or badge while campaigning for such office, including at campaign events, or use agency insignia or photographs of (b)(6); (b)(7)(C) in uniform in campaign advertisements, web or social media pages, signs, or literature.

While you were a candidate for sheriff, you wore your (b)(6); (b)(7)(C) uniform and badge at campaign events and used pictures of yourself in your official uniform in campaign materials, such as your campaign's website and social media pages. Notably, you also shared these campaign images on the (b)(6); (b)(7)(C) official Facebook page. Because you used these pictures to promote your candidacy for sheriff, OSC has concluded that you violated the Hatch Act's use of official authority prohibition.<sup>8</sup>

Although we have concluded that you violated the Hatch Act, we have decided to close this matter without further action. Please be advised that if you engage in any future prohibited political activity while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

Please contact OSC Hatch Act Unit Attorney Sherri Borman at (202) 804- (b)(6); (b)(7)(C) if you have any questions.

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit

<sup>7</sup> 5 U.S.C. § 1502(a)(1). The Hatch Act also prohibits employees from coercing other employees into making political contributions. 5 U.S.C. § 1502(a)(2).

<sup>8</sup> We understand that you lost the June 2020 primary election for (b)(6); (b)(7)(C) County Sheriff.



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

February 10, 2021

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:**

(b)(6); (b)(7)(C)

Re: OSC File No. HA-21

(b)(6); (b)(7)(C)

Dear

(b)(6); (b)(7)(C)

This letter is in response to a complaint filed with the U.S. Office of Special Counsel (OSC) alleging that you violated the Hatch Act by running in the partisan election for (b)(6); (b)(7)(C) County, (b)(6); (b)(7)(C) Constable Office (b)(6); (b)(7)(C) and engaging in political activity on Facebook while on duty with the U.S. Army (b)(6); (b)(7)(C). You have since resigned from federal service. However, OSC investigated the Hatch Act allegations prior to your resignation and our determination is explained below.

As a former U.S. Army (b)(6); (b)(7)(C) employee, you were subject to the Hatch Act, which governs the political activity of federal executive branch employees.<sup>1</sup> The Hatch Act prohibits employees from, among other things, being candidates for public office in partisan elections—i.e., elections in which any candidate represents the Republican or Democratic Party.<sup>2</sup> The law also prohibits employees from engaging in political activity while on duty or in a federal room or building.<sup>3</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>4</sup>

OSC investigated whether you violated these prohibitions when you ran for constable as a (b)(6); (b)(7)(C) candidate and posted partisan political messages on Facebook. We determined that your candidacy violated the Hatch Act because you ran for partisan political office while employed as a federal civilian executive branch employee. However, while your

<sup>1</sup> See 5 U.S.C. §§ 7321-7326.

<sup>2</sup> 5 U.S.C. § 7323(a)(3).

<sup>3</sup> 5 U.S.C. § 7324(a). The Hatch Act also prohibits employees from: using their official authority of influence to affect the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. §§ 7323(a)(1)-(2), (4).

<sup>4</sup> 5 C.F.R. § 734.101.

**U.S. Office of Special Counsel**

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Facebook posts constituted political activity for purposes of the Hatch Act,<sup>5</sup> we have insufficient evidence to determine that you made these Facebook posts while you were on duty.

Although OSC has determined that your candidacy was in violation of the Hatch Act, because you have resigned from federal service, we are closing our file without further action at this time. Please be advised that if in the future you engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

Please contact OSC Hatch Act attorney Sherri Borman at (202) 804-(b)(6);  
(b)(7)(C) if you have any questions.

Sincerely

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit

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<sup>5</sup> At issue are the campaign posts you made on the Facebook group (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)



U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

November 13, 2020

(b)(6); (b)(7)(C)

VIA EMAIL:

(b)(6); (b)(7)(C)

Re: OSC File No. HA-21

(b)(6); (b)(7)(C)

Dear

(b)(6); (b)(7)(C)

This letter is in response to a complaint referred to the U.S. Office of Special Counsel (OSC) alleging that you violated the Hatch Act by wearing a (b)(6); (b)(7)(C) (b)(6); shirt while on duty with the U.S. Postal Service (USPS). Although OSC has concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees, including USPS employees.<sup>1</sup> Employees are prohibited from, among other things, engaging in political activity while on duty, in a federal room or building, while wearing an official uniform or insignia, or using a government vehicle.<sup>2</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup> This prohibition includes, for example, wearing partisan political buttons, shirts, or hats or displaying partisan political pictures, signs, or stickers while on duty or in the workplace.<sup>4</sup>

OSC learned that while on duty, you wore a (b)(6); (b)(7)(C) shirt that had a (b)(6); (b)(7)(C) (b)(6); (b)(7)(C). During our investigation, you admitted that the shirt (b)(6); (b)(7)(C) (b)(6);. You also told us that your supervisor requested that you not wear the shirt while on duty, and you agreed to the request.

The slogan on the shirt,

(b)(6); (b)(7)(C)

is a reference to

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Accordingly, OSC has concluded that wearing the shirt constituted political activity, and you violated the Hatch Act

<sup>1</sup> See 5 U.S.C. §§ 7321-7326; 39 U.S.C. § 410.

<sup>2</sup> 5 U.S.C. § 7324. The Hatch Act also prohibits federal employees from: using their official authority or influence to affect the result of an election; soliciting, accepting, or receiving political contributions; soliciting or discouraging the political activity of any person who has business before their employing office; and being a candidate for partisan political office. 5 U.S.C. § 7323.

<sup>3</sup> 5 C.F.R. § 734.101.

<sup>4</sup> See 5 C.F.R. § 734.306, Example 16.

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when you wore the shirt while on duty at USPS. We recognize, however, that you agreed to not wear the shirt again after being counseled by your supervisor.

Although OSC has concluded that you violated the Hatch Act, we have decided to close this matter without further action. Please be advised that if in the future you engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.

If you have any questions, please contact Hatch Act Unit attorney Sherri Borman at (202)

804 (b)(6);  
(b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit



**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

October 16, 2020

(b)(6); (b)(7)(C)

**VIA ELECTRONIC MAIL:**

(b)(6); (b)(7)(C)

Re: OSC File No. HA-20-

(b)(6); (b)(7)(C)

Dear

(b)(6); (b)(7)(C)

This letter is in response to a complaint filed with the U.S. Office of Special Counsel (OSC) alleging that you violated the Hatch Act by sending a partisan political email while you were on duty (b)(6); (b)(7)(C) for the U.S. Department of Defense (b)(6); (b)(7)(C) (b)(6); (b)(7)(C). Although OSC has concluded that you violated the Hatch Act, as explained below, we have decided not to pursue disciplinary action and instead are issuing you this warning letter.

The Hatch Act governs the political activity of federal civilian executive branch employees, including (b)(6); (b)(7)(C) employees.<sup>1</sup> The law prohibits employees from, among other things, using their official authority or influence to affect an election and engaging in political activity while on duty or in a government room or building.<sup>2</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>3</sup>

On (b)(6); (b)(7)(C) 2020, while on duty, you forwarded to (b)(6); (b)(7)(C) staff an email from (b)(6); (b)(7)(C) (b)(6); (b)(7)(C). The subject line of your email was (b)(6); (b)(7)(C) and in your email you wrote that (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) had the subject line (b)(6); (b)(7)(C) and included a call for action to pass laws for (b)(6); (b)(7)(C) in response to the (b)(6); (b)(7)(C). At the end of the (b)(6); (b)(7)(C) email, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C). The (b)(6); (b)(7)(C) further (b)(6); (b)(7)(C)

<sup>1</sup> See 5 U.S.C. §§ 7321-7326.

<sup>2</sup> 5 U.S.C. §§ 7323(a)(1), 7324(a). The Hatch Act also prohibits employees from: knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for partisan political office; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office. 5 U.S.C. § 7323(a)(2)-(4).

<sup>3</sup> 5 C.F.R. § 734.101.

**U.S. Office of Special Counsel**

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explained that (b)(6); (b)(7)(C) and that (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Although (b)(6); (b)(7)(C) email was about (b)(6); (b)(7)(C) it ended with comparing (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) Accordingly, OSC has concluded that forwarding this email constituted political activity for purposes of the Hatch Act, i.e., activity directed at the failure of a candidate for partisan political office. Because you were on duty and sent this email to (b)(6); (b)(7)(C) staff, you violated the Hatch Act.

While OSC has concluded that you violated the Hatch Act, we have decided not to seek disciplinary action and will close this matter without further action. Please be advised that if in the future you engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action. In addition, OSC advises you to exercise caution when deciding whether to forward to (b)(6); (b)(7)(C) staff emails from elected officials, particularly if those officials are also candidates.

If you have any questions, please contact Hatch Act Unit attorney Sherri Borman at (202) 804- (b)(6); (b)(7)(C)

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief, Hatch Act Unit



U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

(b)(6); (b)(7)(C)

June 8, 2020

VIA ELECTRONIC MAIL:

(b)(6); (b)(7)(C)

Re: OSC File No. HA-20-00

(b)(6); (b)(7)(C)

Dear (b)(6); (b)(7)(C)

This letter is in response to the complaint filed with the U.S. Office of Special Counsel (OSC) alleging that your candidacy in the 2018 partisan election for (b)(6); (b)(7)(C) County, (b)(6); (b)(7)(C) County Board violated the Hatch Act. OSC has completed its investigation and, as set forth below, this letter serves as a notice that your candidacy was in violation of the Hatch Act.

The Hatch Act governs the political activity of certain state and local government employees in order to protect the public workforce from partisan political influence and ensure the nonpartisan administration of laws.<sup>1</sup> Among other things, the Hatch Act prohibits state and local government employees whose salaries are paid entirely with federal funds from being candidates for public office in partisan elections.<sup>2</sup>

OSC learned that you began your candidacy in the partisan election for county board in November 2017. During this time, you were employed by the (b)(6); (b)(7)(C) Department of Health, (b)(6); (b)(7)(C) in an entirely federally funded position. Accordingly, you violated the Hatch Act when you ran in a partisan election while employed in a position that was 100 percent federally funded.

However, OSC learned that during your candidacy you sought advice about the Hatch Act but received conflicting information as to whether you were subject to the Act. Accordingly, we do not believe that your violation was willful, and we are closing our file without further action. Nonetheless, please be advised that if, in the future, you again engage in activity prohibited by the Hatch Act while employed in a Hatch Act-covered position, OSC would consider such activity to be a willful and knowing violation of the law that could result in disciplinary action.<sup>3</sup> Please contact OSC Hatch Act attorney Sherri Borman at (202) 804- (b)(6); (b)(7) if you have any questions.

<sup>1</sup> 5 U.S.C. §§ 1501-1508.

<sup>2</sup> 5 U.S.C. § 1502(a)(3).

<sup>3</sup> We understand that (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)



**U.S. Office of Special Counsel**

Page 2

Sincerely,

(b)(6); (b)(7)(C)

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit

(b)(6); (b)(7)(C)

Please be advised that a temporary change in duties or position, for the purpose of avoiding Hatch Act coverage, is not sufficient to be in compliance with the law.