June 8, 2018

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

The Honorable John P. Cronan
Acting Assistant Attorney General
U.S. Department of Justice, Criminal Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Director Wray and Acting Assistant Attorney General Cronan:

We write you with grave concerns that Environmental Protection Agency (EPA) Administrator Pruitt has used his public office and official, taxpayer-funded resources for the personal gain of himself and his family, in violation of federal law.

This week's revelation that Administrator Pruitt used his public office – including both his position and EPA staff – to attempt to get his wife a Chick-fil-A franchise is the latest in a string of unethical spending and management decisions that have given rise to twelve federal investigations. Administrator Pruitt directly, and admittedly, used EPA resources to attempt to secure a job for his wife.

E-mails released to the Sierra Club under Freedom of Information Act requests showed that Sydney Hupp, then a scheduler for Administrator Pruitt, contacted Chick-fil-A's Chief Executive Officer Dan Cathy in May 2017 per Pruitt's request to set up a meeting regarding a "potential business opportunity." When Pruitt spoke with Chick-fil-A, he revealed then that the "business opportunity" was a request that his wife become a Chick-fil-A franchisee.[1]

[1] Eilperin, Dennis, and Dawsey, "Scott Pruitt Enlisted an EPA Aide to Help His Wife Find a Job – with Chick-fil-A," *Washington Post*, June 5, 2018, accessed here: https://www.washingtonpost.com/national/health-science/scott-pruitt-enlisted-an-epa-aide-to-help-his-wife-find-a-job--at-chick-fil-a/2018/06/05/b798e4e4-5eac-11e8-9ee3-49d6d4814c4c_story.html?utm_term=.b110ece5cc23

Following these reports, Administrator Pruitt seemingly confirmed to a reporter that he had in fact used his office to help his wife become a Chick-fil-A franchisee. When asked to explain the reports, Pruitt responded:

> *"…look, my wife is an entrepreneur herself, I love, she loves, we love Chick-Fil-A as a, as a franchise of faith, and it's one of the best in the country, and so, that's something we were very excited about… So, and we need more of them in Tulsa and we need more of them across the country… So anyway it's an exciting time."*[2]

Pruitt later made another attempt to secure his wife a job using his position at the EPA. Pruitt reportedly approached Matthew Swift, the chief executive of Concordia, a New York nonprofit. Swift later paid Marlyn Pruitt $2,000, plus travel expenses, to help with logistics for the group's annual conference in September – a conference at which Administrator Pruitt spoke.

Further, Administrator Pruitt agreed to a meeting with Swift the week after the event in September, met with Swift again in February, and planned a number of other meetings—some disclosed, but a number of undisclosed meetings as well—stemming from the conference his wife organized for Concordia.[3] It remains unclear whether the EPA under Administrator Pruitt has taken actions that might benefit these organizations and companies since those meetings.

April reports revealed that Administrator Pruitt had worked out a special deal on condominium rent with the wife of an industry lobbyist who represents companies regulated by the EPA and who was an active contributor to his political career. Pruitt had been paying just $50/night for a Capitol Hill condominium, and only for the nights he used a bedroom in the townhouse, a sum well below the market value.[4] Pruitt's daughter also stayed in the townhouse in a separate room, at no added cost.

Despite Pruitt's testimony to the contrary before Congress, documents from the firm of Pruitt's lobbyist-landlord showed that he lobbied the EPA several times on behalf of clients.[5] Companies represented by the firm of Pruitt's landlord also benefitted from EPA decisions during Pruitt's stay in the townhouse—the extent of which we still do not fully know.[6] The townhouse is also a known GOP fundraiser site, and several fundraisers were held during the timeframe that Administrator Pruitt was staying there. Pruitt did not report the details of this concerning arrangement to ethics counsel at the EPA, nor to the public, beforehand.

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[2] Jessica Smith on Twitter: https://twitter.com/JessicaASmith8/status/1004421219888848897

[3] According to the Sierra Club e-mails, Pruitt met with Nate Morris, CEO of Rubicon Global, a Georgia-based waste and recycling company, financier T. Boone Pickens and Andrew Littlefair, co-founders of natural gas transportation company Clean Energy, and Concordia leadership council members George Logothetis, a Greek shipping magnate, among others. https://www.politico.com/newsletters/morning-energy/2018/06/06/rfs-changes-on-hold-243068

[4] Lipton, Eric, "Pruitt Had a $50-a-Day Condo Linked to Lobbyists. Their Client's Project Got Approved," *The New York Times,* April 2, 2018, accessed here: https://www.nytimes.com/2018/04/02/climate/epa-pruitt-pipeline-apartment.html

[5] Biesecker, Michael, "Lobbyist Tied To EPA Chief's Condo Tried To Influence Agency," *Associated Press*, June 2, 2018, https://www.apnews.com/374e522f4a5b47e58db436f7c43832cd

[6] Visser, Nick, "EPA Reportedly Approved Pipeline Project Linked to Lobbyist Renting Room to Pruitt," *The Huffington Post*, April 3, 2018, accessed here: https://www.huffingtonpost.com/entry/scott-pruitt-pipeline-project-apartment_us_5ac307bbe4b04646b64577c3

At the very least, we know that federal ethics laws bar public officials from using their position or staff for private gain.[7] Administrator Pruitt has certainly done just that. Further, his actions related to his wife's employment and the quid-pro-quo condo situation with industry lobbyists may have crossed a line into criminal conduct punishable by fines or even by time in prison.

We formally request that the FBI open an investigation into Administrator Scott Pruitt's conduct to assess whether he broke the law, including criminal statutes prohibiting public corruption.

Sincerely,

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Donald S. Beyer Jr.

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Cc: The Honorable AnnaLou Tirol, Acting Chief, Public Integrity Section, U.S. Department of Justice, Public Integrity Section, 950 Pennsylvania Avenue, NW, Washington, DC 20530

[7] 5 C.F.R. § 2635.702 provides that "An employee shall not use his public office for his own private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity, including nonprofit organizations of which the employee is an officer or member, and persons with whom the employee has or seeks employment or business relations". Accessed here: https://www.law.cornell.edu/cfr/text/5/2635.702