

American Democracy Legal Fund
455 Massachusetts Avenue, NW
Washington, DC 20001

June 11, 2018

Mr. David J. Apol, Acting Director
U.S. Office of Government Ethics
1201 New York Avenue NW, Suite 500
Washington, DC 20005

Re: Request for Investigation into Mr. Scott Pruitt

Dear Mr. Apol:

I write to bring to your attention serious ethical breaches by a senior federal official, U.S. Environmental Protection Agency (“EPA”) Administrator Scott Pruitt. As detailed below, it recently came to light that just months after Mr. Pruitt was sworn in as head of the EPA, he used public resources and his public office for his personal benefit by attempting to negotiate employment opportunities for his wife with multiple companies. Mr. Pruitt’s actions are clearly illegal and demand investigation to determine the extent of his actions and whether any additional violations have occurred.

I ask that you use the authority of your office to investigate Mr. Pruitt’s actions and to recommend that appropriate disciplinary action -- such as reprimand, suspension, demotion, or dismissal -- be brought against Mr. Pruitt for this apparently illegal use of public resources and his public office.¹

I. Facts

Emails released under the Freedom of Information Act show that just three months after Mr. Pruitt was sworn into office, Mr. Pruitt’s scheduler contacted Mr. Dan Cathy, the chief executive of Chick-fil-A, at Mr. Pruitt’s behest, to discuss “a potential business opportunity.”² Mr. Pruitt’s scheduler told Chick-fil-A’s Director of Regulatory Affairs that the “request was of a personal nature.”³ The call was arranged, then cancelled, but Mr. Pruitt eventually spoke with the Chick-fil-A legal department about Mr. Pruitt’s wife, Ms. Marlyn Pruitt, becoming a Chick-fil-A franchisee.⁴ According to Chick-fil-A’s representative, Ms. Pruitt “started, but did not complete, the Chick-fil-A franchisee application.”⁵

This instance with Chick-fil-A was not the only occasion where Mr. Pruitt apparently used his office for personal benefit. He also approached Mr. Matthew A. Swift, the chief executive of Concordia, a

¹ See 5 U.S.C. app. 4 § 402(f)(2)(A)(ii).

² Juliet Eilperin, Brady Dennis, & Josh Dawsey, *Scott Pruitt Enlisted an EPA Aide to Help His Wife Find a Job - with Chick-fil-A*, Wash. Post (June 5, 2018), 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=.62e2427857d9.

³ Lisa Friedman, *Scott Pruitt Sought ‘Business Opportunity’ with Chick-fil-A While Leading E.P.A.*, N.Y. TIMES (June 5, 2018), <https://www.nytimes.com/2018/06/05/climate/pruitt-epa-chick-fil-a.html>.

⁴ Eilperin, Dennis, & Dawsey, *supra* note 2.

⁵ *Id.*

New York nonprofit.⁶ Concordia ultimately paid Ms. Pruitt \$2,000 plus travel expenses -- for *just* three days' work -- to assist with logistics for Concordia's annual conference.⁷ It is unclear how this arrangement was negotiated, but it appears evident that Mr. Pruitt helped to grease the wheels since he also agreed to speak at the conference.⁸

II. Analysis

By using his official office and staff to help secure employment opportunities for his wife, Mr. Pruitt engaged in serious ethical violations that demand investigation. Federal ethics regulations prohibit a government employee from using "his public office for his own private gain . . . or for the private gain of friends [or] relatives."⁹ More precisely, a federal employee "shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity."¹⁰

By asking his scheduler to plan a meeting with Chick-fil-A, Mr. Pruitt coerced a subordinate to provide a benefit for himself and his wife in direct contravention of federal law.¹¹ It was a clear misuse of a federal aide's time to ask that aide to facilitate a meeting that was obviously for Mr. Pruitt's personal benefit. Moreover, Mr. Pruitt similarly violated federal law when using his public office to contact the leaders of Chick-fil-A and Concordia to inquire about employment opportunities for his wife. In doing so, Mr. Pruitt used his official position and authority to induce these business leaders to provide financial benefit for himself and his wife, in flagrant violation of the law.

III. Request for Action

In light of Mr. Pruitt's apparent violations of federal law, I ask that you use the authority of your office to investigate Mr. Pruitt's actions, determine whether any additional violations have occurred, and recommend the appropriate disciplinary action be brought against Mr. Pruitt.¹²

Sincerely,



Brad Woodhouse,
American Democracy Legal Fund

⁶ *Id.*

⁷ *Id.*; Bess Levin, *Low-Rent Grifter Scott Pruitt Proves No Con is Too Small*, VANITY FAIR (June 5, 2018), <https://www.vanityfair.com/news/2018/06/scott-pruitt-chick-fil-a>.

⁸ Levin, *supra* note 7.

⁹ 5 C.F.R. § 2635.702.

¹⁰ *Id.* § 2635.702(a).

¹¹ *Id.*

¹² *See* 5 U.S.C. app. 4 § 402(f)(2)(A)(ii).