



September 28, 2020

Chairman James Lankford
Senate Select Committee on Ethics
220 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Lankford:

The American Democracy Legal Fund is requesting an immediate investigation by the Senate Ethics Committee into allegations that United States Senator Cory Gardner is using his position to financially benefit his family. According to a recent report by the Congressional Integrity Project, Senator Gardner and his wife are profiting off the very same fossil fuel industry who Senator Gardner has taken legislative action on behalf of as a member of Congress.

Shortly after then Representative Gardner was elected to the House of Representatives, his wife, Jaime Gardner, founded an energy consulting firm called High Plains Communications. While running her private firm, Jaime Gardner continued to be employed by the Bureau of Land Management until 2008.

According to the Congressional Integrity Project's report:

While some federal employees can hold outside employment, they are not permitted to hold positions that pose a conflict of interest. According to the Congressional Research Service, this includes any job where a federal employee would have to recuse or disqualify themselves from "participating in governmental matters to such an extent as to 'materially impair' the employee's ability to do his or her duty." **It is unclear whether Gardner cleared this standard, and until she releases her client list, we cannot know for sure.**

Upon leaving the federal government, Jaime Gardner also served as the executive director of the Colorado Resource Alliance (CRA), "a membership-based regulatory monitoring service serving counties, trade associations, individuals and companies interested in natural resource policy" from October 2008 until December 2014. This coincided with then-Representative Gardner's position on the House of Representatives Energy and Commerce Committee, on which he served from 2010 until 2014.

Jaime Gardner's business interests continued to overlap with her husband's upon his election to the United States Senate in 2014. Since he was elected to the Senate, Senator Gardner has served on the Senate Energy and Natural Resources Committee.

According to the Congressional Integrity Project's report:

A review of the House and Senate Lobbying database indicated that neither Jamie Gardner nor her firm were registered to lobby the federal government. However, a review of High Plains' cached website indicates that Jaime represented clients with substantial interests before her husband's committee, the Senate Committee on Energy & Natural Resources. They include the Wyoming Conservation Alliance, the Consumer Energy Alliance, and the Uncompahgre Valley Water Users Association.

The Wyoming Conservation Alliance, which is closely associated with the Colorado Resource Alliance, was founded by Wyoming attorneys who argue that government regulations "undermine our republic and our entire structure of government." Cory Gardner's committee has jurisdiction over exactly these kinds of regulatory issues.

The Consumer Energy Alliance, meanwhile, has been described by the Energy and Policy Institute as "an advocacy group for some of the country's largest fossil fuel corporations" — virtually all of which have a huge interest in Cory Gardner's committee decisions.

Members include BP, Chevron, Shell Oil, and ExxonMobil. In 2016, the Alliance made a presentation titled, "Winning the War on Pipelines," about how to "win" legislative fights over the Dakota Access Pipeline and Keystone XL Pipeline, which Cory Gardner forcefully supported.

Senator Gardner has also refused to disclose his conflicts of interest as required by Senate rules.

According to the Congressional Integrity Project's report:

From September 2013 through March 2014 Jamie Gardner was the President and Executive Director of the Consumer Energy Education Foundation (CEEF). Cory Gardner did not disclose his wife's position as the President and Executive Director in his annual personal financial disclosures for either 2013 or 2014—a possible violation of Senate ethics rules.

While the Gardners were failing to disclose these numerous conflicts of interest, Cory Gardner was pursuing a legislative agenda in Congress that actively advanced Jaime Gardner's clients' interests, and subsequently the Gardner family's own personal finances.

According to the Congressional Integrity Project's report:

In 2011, for instance, he championed what CEA called a "game-changing" issue: drilling in Alaska's Outer Continental Shelf. In 2011, Gardner sponsored HR 2021, the Jobs and Permitting Act of 2011, a bill to streamline air permits for deep-water drilling which would "make it easier for oil companies to drill off the coast of Alaska." That same year, the Consumer Energy Alliance praised Gardner's role in shepherding the legislation.

In his most recent personal financial disclosure, Senator Gardner lists income Jaime Gardner received from High Plains Communications in 2019. However, the Gardners failed to disclose a specific amount, raising more questions about what the Gardners are hiding from Colorado voters.

The Gardners have also failed to disclose High Plains Communications' full client list, meaning Colorado does not know the full extent to which Jaime Gardner's business interests have come before the committees on which her husband serves.

Considering Cory Gardner serves on a committee that oversees agencies that regulate his wife's clients, his repeated failure to disclose obvious conflicts of interests, and the fact that his legislative agenda conveniently benefits his wife's business clients, we believe a full and immediate investigation into Senator Gardner is warranted. We also believe that beyond whatever criminal or civil penalties that could result from this investigation, any end result must include the disclosure of Jaime Gardner's full client list. The people of Colorado deserve no less.

Sincerely,

DocuSigned by:

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Brad Woodhouse
President