

Message

From: Payne, James (Jim) [payne.james@epa.gov]
Sent: 8/20/2021 8:51:00 PM
To: Hoffer, Melissa [Hoffer.Melissa@epa.gov]
Subject: Re: PPT Goffman Complaint

Or again tonight.

Sent from my iPhone

On Aug 20, 2021, at 4:49 PM, Payne, James (Jim) <payne.james@epa.gov> wrote:

I've missed. If haven't otherwise connected, I can call tomorrow am.

Sent from my iPhone

On Aug 20, 2021, at 4:37 PM, Payne, James (Jim) <payne.james@epa.gov> wrote:

Calling in a moment

Sent from my iPhone

On Aug 20, 2021, at 4:12 PM, Hoffer, Melissa <Hoffer.Melissa@epa.gov> wrote:

Thanks, Jim. Can you please give me a call.

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Friday, August 20, 2021 3:45 PM
To: Hoffer, Melissa <Hoffer.Melissa@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: Re: PPT Goffman Complaint

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Aug 18, 2021, at 6:36 PM, Payne, James (Jim) <payne.james@epa.gov> wrote:

More information, FYI.

From: O'Donnell, Sean <ODonnell.Sean@epa.gov>
Sent: Wednesday, August 18, 2021 9:00 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: May, Benjamin <May.Benjamin@epa.gov>
Subject: Re: PPT Goffman Complaint

Thanks, Justina, this is helpful. I sent this to our Hotline for processing.

On Aug 17, 2021, at 11:54 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi there,

Ex. 5 Deliberative Process (DP)

- On 8/4/21, OGC Ethics provided an interim FOIA response to Ms. Morgan Yardis of Protect the Public's Trust (EPA-2021-004097). She had requested various ethics-related records produced by or received by the Office of General Counsel, Ethics Office (OGC/Ethics) and EPA's Designated Agency Ethics Official pertaining or relating to twelve identified political appointees, including Mr. Goffman. That's how she received the referenced documents.
- Please note that we do not assert attorney-client privilege. As set forth at 5 C.F.R. § 2635.107, "[d]isclosures made by an employee to an agency ethics official are not protected by an attorney-client privilege." We may, though, assert deliberative process privilege and privacy rights.
- With respect to Mr. Goffman, I communicated with the White House Counsel's Office, and they concurred in my approach to redress the apparent oops. That email was not included in our interim response on 8/4/21 because we had not yet received clearance from them. We have since received clearance, however, and will include that email exchange in our next interim release.
- Just so you know, Executive Order 13989 does allow for pledge waivers, and those determinations have been delegated by the Office of Management and Budget to the Agency DAEs.

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Let me know if you want to confer about this at all, and whether you think either or both of us need to respond.

Cheers,
Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Morgan Yardis <morgan@protectpublictrust.org>

Sent: Tuesday, August 17, 2021 9:38 AM

To: Fugh, Justina <Fugh.Justina@epa.gov>; O'Donnell, Sean <ODonnell.Sean@epa.gov>

Subject: PPT Goffman Complaint

Good morning,

Please find the attached request regarding "Request for Investigation into Ethics Violation by Acting Associate Administrator Joseph Goffman."

Thank you,

Morgan Yardis

<Goffman IG complaint 1.pdf>

From: Hoffer, Melissa [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B497C7C804FB41E3BC952E3007F27870-HOFFER, MEL]
Sent: 8/18/2021 11:46:33 PM
To: Payne, James (Jim) [payne.james@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]
Subject: RE: PPT Goffman Complaint

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