



U.S. OFFICE OF SPECIAL COUNSEL
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November 21, 2019

Ms. Danielle Brian
Executive Director
Project on Government Oversight
1100 G Street, NW, Suite 500
Washington, DC 20005

VIA ELECTRONIC MAIL: (dbrian@pogo.org)

Re: OSC File Nos. HA-20-000045 and HA-20-000046

Dear Ms. Brian:

This letter is in response to the complaint you filed with the U.S. Office of Special Counsel (OSC) alleging that the Office of Management and Budget Director and acting White House Chief of Staff John Michael “Mick” Mulvaney and Ambassador Gordon Sondland violated the Hatch Act by using their official authority to influence the outcome of the 2020 presidential election.¹ More specifically, the complaint alleges that Messrs. Mulvaney and Sondland were involved in a White House directed plan to withhold military aid to Ukraine in exchange for a public announcement that Ukraine would investigate the business dealings of Hunter and Joe Biden, the latter being a political rival of President Donald J. Trump. Your complaint notes that these allegations are the focus of the U.S. House of Representatives’s ongoing impeachment inquiry, parallel investigations by executive branch agencies, and a White House internal review. These ongoing investigations are looking into matters directly related to the allegations present in your complaint. These investigations are also likely to yield a more fulsome fact-finding record than an OSC investigation could develop. Thus, OSC will defer to and monitor these investigations to determine if the developing evidentiary record raises Hatch Act concerns.

Additionally, your complaint asserts that the activities of Messrs. Mulvaney and Sondland may implicate President Trump in a violation of 18 U.S.C. § 610 and necessitate a referral to the U.S. Department of Justice (DOJ).² Before OSC makes a referral to DOJ, OSC must have reasonable cause to believe that a criminal violation has occurred.³ Based on the evidence cited in your complaint, the allegations concerning President Trump do not reach the threshold for a criminal referral at this time.

¹ See 5 U.S.C. § 7323(a)(1).

² See 18 U.S.C. § 610.

³ 5 U.S.C. § 1214(d)(1).

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If you have any questions, please contact me at (202) 804-7084.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Galindo-Marrone". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ana Galindo-Marrone
Chief, Hatch Act Unit