



May 26, 2026

Ana Galindo-Marrone
Chief, Hatch Act Unit
U.S. Office of Special Counsel
1730 M Street NW
Suite 218
Washington, DC 20036

Dear Ms. Galindo-Marrone:

The Project On Government Oversight (POGO) respectfully submits this complaint regarding potential Hatch Act violations by Anthony D’Esposito while serving as inspector general of the Department of Labor after being sworn into office on January 5, 2026.¹ While holding this senior federal position, D’Esposito engaged in a pattern of conduct consistent with candidacy for partisan elective office. This includes preparing to run for Congress while in office; appearing to have solicited, authorized, or permitted campaign contributions; and using his official role to engage in partisan political speech and position himself as a partisan political candidate, all of which are prohibited for covered federal employees.

The Hatch Act prohibits covered federal employees from:

- being a candidate for election to a partisan political office;²
- soliciting, accepting, or receiving political contributions;³ and
- using their official authority to influence or affect the result of an election.⁴

Although it is important to acknowledge D’Esposito was campaigning for Congress prior to his tenure as inspector general, it is only his behavior while serving as inspector general that potentially violates the Hatch Act.

Congressional Campaign Already in Progress Prior to Swearing In

It is clear that D’Esposito was campaigning for New York’s 4th Congressional District seat up until around the time his nomination was heard and confirmed by the Senate, which would be legally acceptable because he was not yet a federal employee (although still concerning, as activity continued closer to the date he was sworn in). His campaign filed a new statement of organization to the Federal Election Commission on December 23, 2025.⁵ Updated filings

¹ “The Honorable Anthony P. D’Esposito, Inspector General,” U.S. Department of Labor, accessed May 18, 2026, <https://www.oig.dol.gov/igbio.htm>.

² 5 U.S.C. § 7323(a)(3) (2026), <https://www.law.cornell.edu/uscode/text/5/7323>.

³ 5 U.S.C. § 7323(a)(2) (2026), <https://www.law.cornell.edu/uscode/text/5/7323>.

⁴ 5 U.S.C. § 7323(a)(1) (2026), <https://www.law.cornell.edu/uscode/text/5/7323>.

⁵ D’Esposito for New York, *Statement of Organization* (FEC Form 1), December 23, 2025, <https://docquery.fec.gov/cgi-bin/forms/C00809426/1929973/>.

covering the period up to December 31, 2025, show the committee continued its activity, reporting contributions and expenditures even after D’Esposito’s confirmation as inspector general on December 18.⁶ The committee made one expenditure on January 20, 2026.⁷ D’Esposito’s campaign committee may have continued soliciting campaign contributions after he became inspector general. According to Senator Richard Blumenthal (D-CT), D’Esposito’s campaign website remained active during his tenure as inspector general.⁸ As of May 20, 2026, D’Esposito’s campaign committee was still listed as “active” on the Federal Election Commission website.⁹

Despite this activity, on October 23, 2025, during his confirmation hearing, D’Esposito declined to answer whether he would run for Congress in the 2026 election cycle, stating, “Having discussions about the future are questions that I can’t answer.”¹⁰

Being a Candidate for Election to Congress While Serving as Inspector General

Once D’Esposito took office, he became a covered employee under the Hatch Act.

Historically, the Hatch Act’s prohibition against being a candidate has been interpreted to also ban certain exploratory and preparatory campaign activity prior to officially filing or declaring to run in a partisan election. Guidance from the Office of Special Counsel (OSC) cites Senator Carl Hatch (of the Hatch Act) in the congressional record and the Supreme Court to show the prohibition against candidacy “extends not merely to the formal announcement of candidacy but also to the preliminaries leading to such announcement and to canvassing or soliciting support or doing or permitting to be done any act in furtherance of candidacy.”¹¹

By this interpretation, D’Esposito appears to have been a candidate for partisan political office in New York’s 4th Congressional District while serving as an inspector general.

⁶ D’Esposito for New York (2025), *Receipts*, Federal Election Commission, https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00809426&two_year_transaction_period=2026&min_date=01%2F01%2F2025&max_date=12%2F31%2F2026; D’Esposito for New York (2025), *Disbursements*, Federal Election Commission, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00809426&two_year_transaction_period=2026&min_date=01%2F01%2F2025&max_date=12%2F31%2F2026; D’Esposito for New York (2026), *2026 April 15 Quarterly Report* (FEC Form 3), Federal Election Commission, <https://docquery.fec.gov/cgi-bin/forms/C00809426/1958298>;

Senator Gary Peters and Senator Richard Blumenthal, “Peters and Blumenthal Press Department of Labor Inspector General D’Esposito Over Potential Hatch Act Violations,” Press Release, March 11, 2026, <https://www.hsgac.senate.gov/media/dems/peters-and-blumenthal-press-department-of-labor-inspector-general-desposito-over-potential-hatch-act-violations/>.

⁷ D’Esposito for New York, “Spending,” Federal Election Commission, accessed May 20, 2026, <https://www.fec.gov/data/committee/C00809426/?tab=spending#total-disbursements>.

⁸ Letter from Richard Blumenthal, U.S. Senator, to Jamieson Greer, acting special counsel, urging an investigation into D’Esposito’s potential Hatch Act violations, February 10, 2026, https://www.blumenthal.senate.gov/imo/media/doc/2026-02-10_letter_to_greer_desposito.pdf.

⁹ D’Esposito for New York, “Financial Summary,” [see note 6].

¹⁰ Sean Michael Newhouse, “Senate Democrats Grill Inspector General Nominees Over Their Independence from Trump,” *Government Executive*, October 23, 2025, <https://www.govexec.com/oversight/2025/10/senate-democrats-grill-inspector-general-nominees-over-their-independence-trump/409019/>.

¹¹ Office of Special Counsel, “When Candidacy Begins,” June 17, 2009, <https://www.osc.gov/~assets/docs/when-candidacy-begins.pdf>.

It was reported on January 8, 2026, that D’Esposito was “all but certain” to be running for Congress in New York’s 4th District, citing Republican political sources.¹²

On January 9, D’Esposito publicly acknowledged during a live radio interview that he was considering running for this seat, stating, “There’s no question that we’re exploring” this congressional campaign.¹³ According to OSC’s guidance, this public statement may violate the Hatch Act if D’Esposito’s purpose was to gain support for his candidacy. The act states that, depending on circumstances, “publicly acknowledging that you are considering running for the office ... could be considered an act in furtherance of candidacy.”¹⁴

D’Esposito also elaborated that he was engaging in polling and discussions with political operatives about his potential candidacy and to assess the viability of a campaign. He said, “We’re doing the polling, we’re talking to people on the ground and we want to make sure the resources are going to be there.”¹⁵

Examples of prohibited preliminary activity that OSC cites in its guidance include “conducting polls for name recognition; meeting with individuals to plan the logistics and strategy of a campaign;” or “giving consent to or acquiescing in such activities by others on the employee’s behalf.”¹⁶ OSC distinguishes that polling constituents on issues is permitted nonpartisan activity, but by “polling constituents specifically on such things as recognition of, or feelings toward, you as a candidate, you would be taking steps toward candidacy in violation of the Act.”¹⁷

D’Esposito’s statement about “want[ing] to make sure the resources are going to be there,” citing the expense of a campaign, may also violate the prohibition on soliciting, accepting, or receiving political contributions.

Under 5 CFR § 734.101, “An individual is deemed to be a candidate if the individual has received political contributions or made expenditures or has consented to another person receiving contributions or making expenditures with a view to bringing about the individual’s nomination or election.” A political contribution includes any “promise, or agreement, express or implied ... to make a contribution for any political purpose.”¹⁸ Working to ensure that campaign

¹² Carl Campanile, “Anthony D’Esposito to Take on Rep. Laura Gillen in Round 3 Match, GOP Sources Say,” *New York Post*, January 8, 2026, <https://nypost.com/2026/01/08/us-news/anthony-desposito-to-take-on-rep-laura-gillen-in-round-3-match-gop-sources-say/>.

¹³ Sean Michael Newhouse, “Inspector General’s Reported Plan to Run for Congress is a Hatch Act Violation, Lawmakers and Ethics Orgs Say,” *Government Executive*, March 18, 2026, <https://www.govexec.com/oversight/2026/03/inspector-generals-reported-plan-run-congress-hatch-act-violation-lawmakers-and-ethics-orgs-say/412222/>; Sid Rosenberg, “Like a Hurricane!” *Sid & Friends in the Morning*, podcast, January 9, 2026, 1:16:30, <https://podscan.fm/podcasts/sid-amp-friends-in-the-morning/episodes/like-a-hurricane-01-09-26>.

¹⁴ Office of Special Counsel, “When Candidacy Begins,” 2, [see note 11].

¹⁵ Newhouse, “Inspector General’s Reported Plan to Run for Congress is a Hatch Act Violation, Lawmakers and Ethics Orgs Say,” [see note 13]; Sid Rosenberg, “Like a Hurricane!” 1:19:10 [see note 13].

¹⁶ Office of Special Counsel, “When Candidacy Begins,” 2, [see note 11].

¹⁷ Office of Special Counsel, “Testing the Waters to Begin a Candidacy,” March 19, 1999, <https://www.osc.gov/~assets/docs/testing-the-waters-to-begin-a-candidacy.pdf>.

¹⁸ 5 C.F.R. § 734.101 (2026), <https://www.ecfr.gov/current/title-5/chapter-I/subchapter-B/part-734>.

contributions “would be there” (or permitting others to do so on his behalf) likely includes the types of expressed or implied promises or agreements of political contributions that would determine one’s candidacy triggering the Hatch Act.

In the same interview, D’Esposito also discussed Republican party campaign strategy and criticized Representative Laura Gillen (D-NY), currently serving in the seat for which D’Esposito intended to run, saying “What a disastrous member of Congress [she] is.”¹⁹ This appears to violate the Hatch Act’s prohibition on using one’s official capacity to advocate against a particular candidate for partisan political office.²⁰

On March 5, 2026, during a hearing before the House Ways and Means Subcommittee on Work and Welfare, D’Esposito denied knowing about petitions displaying his name as a candidate for a New York congressional race. He declined to answer questions about whether he had engaged in campaigning while serving as inspector general and whether he planned to quit prior to running. And when pressed to answer, he said, “I am well aware of the Hatch Act.”²¹

These preliminary steps are foundational campaign activities to evaluate and advance a candidacy for a partisan political office. OSC guides, “Once an individual places himself in a position to be nominated or endorsed by a political party, he has become a candidate for purposes of the Hatch Act. The fact that you have not filed a nominating petition or publicly declared your candidacy is not determinative.”²²

Under OSC’s interpretation, we believe these activities may be covered under the Hatch Act’s prohibition on federal employees being candidates in partisan elections and thus warrant an OSC investigation.

Partisan Political Activity While Serving as Inspector General

Third, D’Esposito has used his position as inspector general to engage in ongoing partisan political activity and position himself for future elected office. According to Senator Richard Blumenthal (D-CT), D’Esposito’s campaign website remained active during his tenure as inspector general.²³ During his tenure, D’Esposito has also focused on issues tied to political

¹⁹ Sid Rosenberg, “Like a Hurricane!” 1:19:10 [see note 13].

²⁰ 5 U.S.C. § 7323(a)(1) [see note 4].

²¹ *Reclaiming ‘Forgotten’ Fraudulent Pandemic Unemployment Funds Frozen by Banks: Hearing before the House Ways and Means Subcommittee on Work and Welfare*, 119th Cong. (March 5, 2026) (statement of Anthony D’Esposito, Inspector General, U.S. Department of Labor), <https://waysandmeans.house.gov/event/work-welfare-subcommittee-hearing-on-reclaiming-forgotten-fraudulent-pandemic-unemployment-funds-frozen-by-banks/>; Mary McCue Bell, “Inspector General D’Esposito Grilled Over Conflict of Possibly Running for Congress,” *Washington Times*, March 5, 2026, <https://www.washingtontimes.com/news/2026/mar/5/inspector-general-anthony-desposito-grilled-conflict-possibly-running/>.

²² Office of Special Counsel, “Taking Preliminary Steps to Begin Candidacy,” January 10, 2001, <https://www.osc.gov/~assets/docs/taking-preliminary-steps-to-begin-candidacy.pdf>.

²³ Letter from Richard Blumenthal, U.S. Senator, to Jamieson Greer, acting special counsel, urging an investigation into D’Esposito’s potential Hatch Act violations, February 10, 2026, https://www.blumenthal.senate.gov/imo/media/doc/2026-02-10_letter_to_greer_desposito.pdf.

constituency, outside the inspector general's role to address waste, fraud, and abuse.²⁴ While the Hatch Act requires independence from partisan politics, in his official capacity D'Esposito has publicly aligned himself with the president's agenda and made several political statements and social media posts, including while he was on duty, on issues such as policing, immigration, and foreign policy, which are not policy positions tied to his oversight role.²⁵ During the March 5th hearing, D'Esposito opined on policing in New York City, stating, "So if we want to talk about defunding police and defunding criminal investigators, we should look no further than Democrats like in New York."²⁶ Although not dispositive on their own, these statements indicate a pattern of his ongoing engagement in partisan political activity that may rise to the level of violating the Hatch Act, especially to the extent to which his campaign website may have still been active during his tenure.

The Hatch Act exists to safeguard the public's trust in a nonpartisan federal civil service. D'Esposito's eventual decision last month declining to be on the ballot does not absolve him of accountability for any potential past violations. D'Esposito's conduct is particularly concerning due to his position as inspector general — a role which requires independence and nonpartisanship — and his presumed familiarity with federal ethics laws. We therefore ask the Office of Special Counsel to initiate a full investigation into D'Esposito's conduct, determine whether he has violated the Hatch Act, and pursue appropriate disciplinary action based on the findings, including removal if warranted.

If you have questions or if POGO can be of further assistance, please contact joe.spielberger@pogo.org.

Sincerely,



Joe Spielberger
Senior Policy Counsel

²⁴ Robert Schmad, "Trump's Labor Department Takes Another Hit as Inspector General Accused of Abusing Role," *Washington Examiner*, April 10, 2026, <https://www.washingtonexaminer.com/news/investigations/4524364/labor-department-inspector-general-anthony-desposito-accused-abusing-role/>.

²⁵ Anthony D'Esposito (@USLaborIG), "#MakeAmericaSafeAgain," X post, May 20, 2026, reposting White House Rapid Response (@RapidResponse47), "FBI announces US violent crime plummeted by fastest rate in nearly 90 years," <https://x.com/USLaborIG/status/2057087494613602768>;

Letter from Donald Sherman, President and Chief Executive Officer at Citizens for Responsibility & Ethics in Washington, to the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency, urging an investigation into D'Esposito, April 8, 2026, <https://www.citizensforethics.org/wp-content/uploads/2026/04/Letter-to-CIGIE-Integrity-Committee-re-DDesposito.pdf>; Parker Purifoy and Rebecca Klar, "Punching In: Labor Department Watchdog Pressed On His Future," *Bloomberg Law*, March 9, 2026, <https://news.bloomberglaw.com/daily-labor-report/punching-in-labor-department-watchdog-pressed-on-his-future-31>.

²⁶ *Reclaiming 'Forgotten' Fraudulent Pandemic Unemployment Funds Frozen by Banks: Hearing before the House Ways and Means Subcommittee on Work and Welfare* [see note 21].