

C A M P A I G N F O R

ACCOUNTABILITY

September 29, 2017

VIA Email

Mary L. Kendall
Deputy Inspector General
U.S. Department of Interior
1849 C Street, NW
Mail Stop 4428
Washington, DC 20240

Tristan Leavitt
Acting Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505

Re: Request for Investigation of Secretary Ryan Zinke

Dear Ms. Kendall and Mr. Leavitt:

Campaign for Accountability (CfA), a nonprofit watchdog group focused on public accountability, respectfully requests your office investigate whether Secretary Ryan Zinke violated conflict of interest laws and the Hatch Act by speaking before the National Hockey League team the Vegas Golden Knights as part of his official duties.

Background

Yesterday, the *Washington Post* reported Interior Secretary Ryan Zinke took a private charter flight last June after giving a “motivational speech” to the Vegas Golden Knights, a National Hockey League team based in Las Vegas, Nevada.¹ The event at which Zinke spoke has been described as “closed door dinner event.”² After the dinner, Sec. Zinke then took a private chartered flight to Kalispell, Montana.³ According to a document from the Interior solicitor’s office requesting approval for the use of a private chartered flight, “In Las Vegas, the Secretary’s official events do not end until 7:30 pm, after the final commercial flight to Kalispell.”⁴

¹ Drew Harwell and Lisa Rein, *Zinke Took \$12,000 Charter Flight Home in Oil Executive’s Plane, Documents Show*, *The Washington Post*, September 28, 2017, available at https://www.washingtonpost.com/investigations/2017/09/28/59533ed8-a4b8-11e7-ade1-76d061d56efa_story.html.

² Zack Coleman, *Zinke Flight Costs \$12K After Event with Pro Hockey Team*, *E&E News*, September 29, 2017, available at <https://www.eenews.net/stories/1060062089>.

³ *Id.*

⁴ *Id.*

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When questioned about the ethics of the trip, Interior Department spokesperson Heather Swift said:

As a former military officer and current government leader, the Secretary was asked to give a speech about leadership and the importance of teamwork. The Department's career ethics officials determined this was well within the Department's mission and it also was a key audience of people we are trying to target to use our public lands.⁵

In addition, Interior's designated agency ethics official, Melinda Loftin, and the department's deputy solicitor for general law, Edward Keable, issued a joint statement explaining

The trip was reviewed and approved in advance by both the Departmental Ethics Office and the Division of General Law. In short, the trip — including the Secretary's address to the hockey developmental squad — was completely compliant with all applicable laws, rules, and regulations.⁶

Based on the documentation and the statements by Interior officials, it is clear that Interior considers Sec. Zinke's speech to the hockey team as official government business.

Notably, the Vegas Golden Knights is a team owned by Bill Foley, the chairman of Fidelity National Financial.⁷ Campaign finance records indicate employees and PACs associated with Fidelity donated \$199,523 to Secretary Zinke's two congressional campaigns.⁸ In addition, Fidelity National Financial and affiliates donated one million dollars to President Trump's inaugural committee.⁹

Violations

Contrary to the conclusion drawn by Interior officials, a trip to offer a motivational speech to a hockey team does not appear to fall within the mission of the Department of Interior — “protecting America's Great Outdoors and Powering Our Future.”¹⁰

Further, the rationale for the speech offered by spokesperson Heather Swift is, frankly, utterly nonsensical. Since when are professional hockey players “a key audience of people we

⁵ Zack Coleman, *Zinke Flight Costs \$12K After Event with Pro Hockey Team*, *E&E News*, September 29, 2017, available at <https://www.eenews.net/stories/1060062089>.

⁶ *Id.*

⁷ Harwell and Rein, *Washington Post*, Sept. 28, 2017.

⁸ *Id.*

⁹ Fidelity National Financial, Inc., *Lobbying Contribution Report, 2016 Year-End Report, Amended*, August 15, 2017, available at <http://disclosures.house.gov/lc/lcxmlrelease/2016/YA/700826186.xml>.

¹⁰ Mission Statement, U.S. Department of Interior, <https://www.doi.gov>.

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are trying to target to use our public lands”? It appears that the Golden Knights include under 50 hockey players, the vast majority of whom are not even American.¹¹

A far more credible explanation than that offered by Ms. Swift is that Sec. Zinke was doing a favor for a top political donor. Notably, Sec. Zinke has a longstanding relationship with Mr. Foley, previously referring to him as a friend, a “very, very bright guy” who believes in American exceptionalism, and “a major donor that steps in when he thinks he’s right. He just doesn’t support Republicans. He’s very careful about who he supports. His advice to me is you have to do what you say. Don’t yield to pressure. He’s got a Rolodex.”¹²

As you know, government employees are instructed not use their government position, title or authority associated with their public office “in a manner that could reasonably be construed to imply that his agency or the Government sanctions or endorses his personal activities or those of another.”¹³

In addition, the Code of Ethics for Government Service provides:

Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.¹⁴

Sec. Zinke’s traveling to Las Vegas for the purpose of speaking to an NHL team, whose owner has been a major benefactor to both Mr. Zinke and President Trump seems to be a special favor provided to a major political supporter of both Sec. Zinke and the president at taxpayer expense.

Hatch Act

Sec. Zinke’s motivational speech may constitute prohibited political activity under the Hatch Act, which bars executive branch employees from engaging in political activity while on duty.¹⁵ Executive branch employees may not engage in political activities when using a privately owned vehicle in the discharge of official duties.¹⁶ Under this prohibition, an official may not “us[e] his or her official title while participating in political activity,”¹⁷ which is defined as

¹¹ See Vegas Golden Knights Roster, http://www.espn.com/nhl/team/roster/_name/vgs/vegas-golden-knights.

¹² Charles Johnson, U.S. House Candidate Ryan Zinke Has Received \$116,000 from Fla. Insurance Company Employees, Execs, Missoulian, March 22, 2014, available at http://missoulian.com/news/state-and-regional/u-s-house-candidate-ryan-zinke-has-received-from-fla/article_b8878b6e-b21f-11e3-80a7-001a4bcf887a.html.

¹³ 5 C.F.R. § 2635.702(b); <https://www.doi.gov/ethics/use-of-your-public-office>.

¹⁴ 34 C.F.R. App. To Part 73.

¹⁵ 5 U.S.C. § 7323(a); 5 C.F.R. § 734.306(a)(1).

¹⁶ 5 C.F.R. § 734.306(4).

¹⁷ 5 C.F.R. § 734.302(b)(1).

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“activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group.”¹⁸

By traveling to Las Vegas as part of his official duties on the taxpayer’s dime to give a speech to the NHL team owned by a top political donor, Sec. Zinke may have violated the Hatch Act.

Conclusion

Americans have the right to expect top government officials to use official resources for official purposes and not for the benefit of wealthy campaign donors. CfA requests that you promptly investigate this matter and determine whether Sec. Zinke violated the law.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan E Stevens", with a long horizontal flourish extending to the right.

Daniel E. Stevens
Executive Director

¹⁸ 5 C.F.R. § 734.101.