

January 27, 2012

Don W. Fox
Acting Director
Office of Government Ethics
1201 New York Avenue, NW
Suite 500
Washington, DC 20005

VIA FACSIMILE 202-482-9237

Dear Mr. Fox:

Citizens for Responsibility and Ethics in Washington (“CREW”) respectfully requests that you refer Mitt Romney to the Department of Justice for investigation for filing an inaccurate personal financial disclosure form (“PFD”) with the Office of Government Ethics (“OGE”).

The 2010 tax return Mr. Romney released earlier this week includes numerous assets not included on the personal financial disclosure form Mr. Romney filed in August 2011. As reported yesterday, the tax returns include at least 23 funds and partnerships that were not included on the PFD. Matea Gold and Tom Hamburger, Romney Tax Returns Detail Funds Not Identified in Ethics Forms, *Los Angeles Times*, January 26, 2012.¹ The tax returns show the Ann D. Romney Blind Trust had reported \$1,783 in interest income from a UBS bank account in Switzerland that was not included on the PFD. Michael Isikoff, Romney Revising Disclosures for Overseas Accounts, *MSNBC*, January 26, 2012.² Similarly, the trust also reported income from shares in offshore companies including Barracuda Investments Ltd. in Ireland, which appears to be owned by San Francisco private equity firm Golden Gate Capital, Castle Garden Funding in the Cayman Islands, and Sankaty High Yield Assets Investors Ltd. in Bermuda that appear on the return. None of these investments, however, is included on the PFD. Gold and Hamburger, *L.A. Times*.

In addition, while the return includes an “Ann and Mitt Romney 1995 Family Trust,” neither the trust nor the assets in this trust appear on the PFD. Further, the PFD also omits assets

¹<http://www.latimes.com/news/politics/la-pn-romney-tax-returns-detail-funds-not-identified-in-et-hics-forms-20120126,0,1504762.story>.

²http://firstread.msnbc.msn.com/_news/2012/01/26/10244809-romney-revising-disclosures-for-overseas-accounts.

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in the "Goldman Sachs US\$ Liquid Reserves Fund," which according to the return, are held both in the Ann and Mitt Romney 1995 Family Trust and the Ann D. Romney Blind Trust. In all likelihood, there are other misstatements as well.

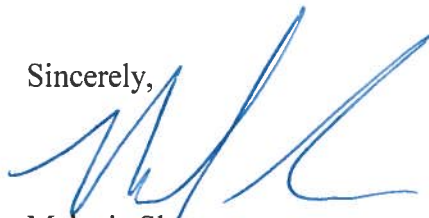
According to OGE's website, "when ethics officials find evidence that an employee has violated an ethics criminal statute or regulation, they must refer that evidence to the appropriate authority for action." <http://oge.gov/Topics/Enforcement/Enforcement/>.

As you know, in any matter within the jurisdiction of the executive, legislative or judicial branch, 18 U.S.C. § 1001 prohibits anyone from knowingly and willfully falsifying, concealing or covering up by any trick, scheme, or device a material fact; from making "any materially false, fictitious, or fraudulent statement or representation;" or from making or using "any false writing or document knowing it contains any materially false, fictitious or fraudulent statement or entry."

Although Mr. Romney's campaign has said the candidate will be amending his PFD, simply revising the form after having been caught filing an inaccurate one is not sufficient. The numerous inconsistencies between the PFD and the tax return -- combined with Mr. Romney's previous refusals to make the tax return public -- suggest Mr. Romney may have deliberately failed to include some of these assets on the PFD. Because intentionally filing an inaccurate disclosure form is a federal crime, in accord with OGE policy, you should refer this matter to the Department of Justice for further investigation.

All candidates for office are required by law to file accurate PFDs. Indeed some filers have been prosecuted for willfully filing inaccurate reports. Americans need to have confidence that everyone is held to the same standard. Therefore, it is imperative that OGE refer this matter to DOJ so that a full and thorough investigation can be conducted to determine whether the numerous misstatements in Mr. Romney's PFD were deliberate.

Sincerely,



Melanie Sloan
Executive Director

cc: Jack Smith, Chief
Public Integrity Section
Department of Justice