

November 9, 2020

Hon. Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535-0001

Re: Second Supplement to Request for Investigation of Marc Short

Dear Director Wray:

Citizens for Responsibility and Ethics in Washington (“CREW”) submits this letter to supplement our June 3 and July 2, 2020 letters requesting that the Federal Bureau of Investigation (“FBI”) investigate whether Chief of Staff to the Vice President Marc Short violated the conflict of interest law applicable to executive branch employees, 18 U.S.C. § 208.¹

As we previously explained, Mr. Short may have violated the conflict of interest law by participating in meetings with up to 17 companies in which he holds financial interests as part of the government’s response to the COVID-19 pandemic.² Reporting from NPR confirmed that Mr. Short did not divest his conflicting financial interests.³ CREW’s analysis was based in part on the financial disclosure report Mr. Short filed in April 2019. CREW has now obtained Mr. Short’s most recent financial disclosure report which is current as of December 31, 2019.⁴ This report confirms that he maintained financial interests in each of the companies CREW discussed in our previous letters.⁵ Moreover, the new disclosure reveals that he had financial interests worth up to \$360,000 in four more companies that participated in these meetings.⁶

As explained in our June 3 letter, Mr. Short was expected to attend a March 11, 2020 meeting with financial service industry members that directly and predictably affected the companies’ financial interests.⁷ A photograph shows Mr. Short’s name tent at the meeting.⁸ As we noted, representatives from three companies in which Mr. Short reported financial interests

¹ Letter to Christopher Wray, Director, Federal Bureau of Investigation, from Noah Bookbinder, *et al.*, Executive Director, Citizens for Responsibility and Ethics in Washington, June 3, 2020, <https://go.aws/2Z4TIDM> (“June 3 Letter”); Letter to Christopher Wray, Director, Federal Bureau of Investigation, from Noah Bookbinder, *et al.*, Executive Director, Citizens for Responsibility and Ethics in Washington, July 2, 2020, <https://bit.ly/2DQdz2X> (“July 2 Letter”).

² *Id.*

³ Tim Mak, Pence Chief Of Staff Owns Stocks That Could Conflict With Coronavirus Response, *NPR*, May 28, 2020, <https://n.pr/2TNKYA3>.

⁴ Marc Short, 2020 Annual Financial Disclosure Report, June 19, 2020, <https://bit.ly/3kwShaC> (“Short 2020 Annual Report”). The Office of Government Ethics has not yet certified this financial disclosure report, so it may still be revised.

⁵ While the amount of Mr. Short’s interests in some of the companies are different than what he disclosed in his new entrant report, the aggregate value of his investments in the companies at each meeting still exceeds \$15,000.

⁶ While Mr. Short’s latest financial disclosure report covered calendar year 2019, it includes some transactions made in 2020, which suggests that the report may reflect his financial interests into 2020 when he attended these meetings.

⁷ June 3 Letter at 4.

⁸ Getty Images, President Trump Meets With Bankers On Coronavirus Response, Mar. 11. 2020, <https://bit.ly/2U5Xds5>.

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also attended the meeting.⁹ In his latest disclosure, Mr. Short disclosed that he also held stock worth \$1,001 - \$15,000 and \$116,003 - \$315,000, respectively, in two additional companies that were represented at that meeting: Bank of America and Truist Financial Corporation.¹⁰

Similarly, our July 2 letter explained that Mr. Short participated in a March 17, 2020 call “with the executives of industrial supply retailers and wholesalers about the national response to COVID-19” that directly and predictably affected the financial interests of those companies.¹¹ We explained that a representative of Home Depot, a company in which Mr. Short reported a financial interest, also participated in the call.¹² Mr. Short’s latest financial disclosure shows that he also had a \$1,001 - \$15,000 interest in Amazon, a representative of which also participated in the call.¹³ Vice President Mike Pence spoke about the call to reporters, and the only two participating companies he mentioned were the Home Depot and Amazon.¹⁴

Mr. Short also was expected to participate in a meeting with energy company executives on April 3 that directly and predictably affected their financial interests.¹⁵ The July 2 letter detailed Mr. Short’s financial interests in four companies that participated in the meeting.¹⁶ Mr. Short’s latest financial disclosure further disclosed a \$1,001 - \$15,000 financial interest in Occidental Petroleum, another company that participated in this meeting.¹⁷

Given the troubling evidence of multiple possible violations of law by a top administration appointee, it is imperative that the FBI investigate this matter. Therefore, we urge the FBI to review our letters, as well as the related materials they cite, and conduct an immediate and thorough investigation to determine whether Mr. Short has violated 18 U.S.C. § 208.

Sincerely,



Noah Bookbinder
Executive Director

⁹ June 3 Letter at 4.

¹⁰ Short 2020 Annual Report (Part 6, Lines 1.29, 4.6, 8.8, 9.25); Sylvan Lane, Trump huddles with bankers on coronavirus economic relief, *The Hill*, Mar. 11, 2020, <https://bit.ly/35tZeom>.

¹¹ July 2 Letter at 2; Meridith McGraw, Subject: WH Pool Report #11 - Readout of industrial suppliers call, *White House Public Pool*, Mar. 17, 2020, <https://bit.ly/2URcBcg> (“Pool Report”).

¹² *Id.*

¹³ Pool Report; Short 2020 Annual Report (Part 6, Line 8.4). Although a regulation exempts interests in publicly traded stocks worth less than \$15,000, the regulation requires aggregation of the value of an employee’s investments in the stocks of all companies affected by a particular matter, which in this case, exceeds \$15,000. 5 C.F.R. § 2640.202(a)(2).

¹⁴ Mike Pence (@Mike_Pence), Twitter, Mar. 17, 2020, <https://bit.ly/2YaLeMb>.

¹⁵ July 2 Letter at 2-3.

¹⁶ *Id.*

¹⁷ Short 2020 Annual Report (Part 5, Line 4.12); Christian Datoc, Subject: In-town pool report #7 — attendees at energy meeting, *White House Public Pool*, Apr. 3, 2020, <https://bit.ly/2V033M9>.