

May 22, 2018

Inspector General Scott Dahl, Chairman
Inspector General Deborah Jeffrey, Vice-Chair
Council of the Inspectors General on Integrity and Efficiency
Integrity Committee
1717 H Street, N.W.
Suite 825
Washington, DC 20006

Re: Supplement to April 13, 2018 Request for Investigation

Dear Inspectors General Dahl and Jeffrey:

We write in reference to the letter Citizens for Responsibility and Ethics in Washington (“CREW”) sent on April 13, 2018 requesting that the Council of the Inspectors General on Integrity and Efficiency Integrity Committee conduct an investigation into EPA Assistant Inspector General for Investigations Patrick Sullivan. Based on new information, we hereby withdraw that request.

That letter relied significantly on information in a *New York Times* report that the *Times* corrected last week. The correction read as follows:

An earlier version of this article erroneously included Pasquale Perrotta among those who gathered for beers at an event at the Elephant and Castle in Washington that was attended by Patrick Sullivan, the assistant inspector general who oversees investigations at the E.P.A. Mr. Sullivan said that Mr. Perrotta had been invited but did not attend that gathering and that he has never met for drinks with Mr. Perrotta, though he acknowledged that the two men met for lunch several months later at another restaurant near the E.P.A. headquarters. A picture caption with the story repeated the error. The caption also erroneously stated that Mr. Perrotta and Mr. Sullivan served together in the Secret Service. They both worked for the Secret Service, but did not serve together.¹

The *Times* also amended the text of the story to reflect this information, stating that with respect to the lunch Mr. Sullivan and Mr. Perrotta shared, “Mr. Sullivan said that he only

¹ Kenneth P. Vogel, Eric Lipton, and Lisa Friedman, [At E.P.A., Pruitt’s ‘Sheriff’ Clashed With Critics of Spending](https://www.nytimes.com/2018/04/12/climate/epa-scott-pruitt-pasquale-perrotta.html), *New York Times*, Apr. 12, 2018, Correction, May 16, 2018, available at <https://www.nytimes.com/2018/04/12/climate/epa-scott-pruitt-pasquale-perrotta.html>.

‘became aware of both administrative and criminal allegations’ against Mr. Perrotta after the lunch.”²

We have also learned that, in a letter submitted by EPA Inspector General Arthur A. Elkins, Jr. to Senator Tom Carper subsequent to our letter, the Inspector General provided new information about Mr. Sullivan’s recusal from matters involving Mr. Perrotta, which is relevant to the issues raised in our letter. Specifically, the letter states:

On February 23, 2018, upon receipt of an anonymous complaint from the EPA Office of Criminal Enforcement, Forensics and Training alleging misconduct on the part of Mr. Perrotta, Mr. Sullivan determined that certain of the other allegations were administrative in nature and not criminal. He returned the alleged administrative violations to the EPA Office of Criminal Enforcement, Forensics and Training for a management inquiry, which is the OIG's standard practice. Mr. Sullivan assigned the remaining portion of the complaint to the Washington Field Office within the OIG Office of Investigations, and informed the head of that unit that he was recusing himself from any involvement with the subsequent investigation. Mr. Sullivan has had no involvement with any subsequent OIG investigation of Mr. Perrotta.

Although he does not believe any conflict of interest exists, or that his impartiality is impaired, Mr. Sullivan recused himself from involvement with any investigation of Mr. Perrotta out of the abundance of caution because of his professional relationship with Mr. Perrotta. Mr. Sullivan considers Mr. Perrotta a professional friend and colleague, not a personal friend. The recusal is in place to preclude even a potential appearance of a conflict of interest or impairment to impartiality allowing anyone to question the results of the OIG Office of Investigations investigation. This recusal extended to any case in which Mr. Perrotta is, or may become, the subject.

On May 3, Mr. Sullivan decided to recuse himself from any future OIG Office of Investigations cases in which Mr. Perrotta is even interviewed as a witness. Again, this extension of the scope of the recusal is not because Mr. Sullivan believes that he has a real conflict of interest or impairment to impartiality, but rather out of an abundance of caution to preclude questioning the results of any OIG investigation.³

² *Id.*

³ Letter from Inspector General Arthur A. Elkins, Jr. to Senator Tom Carper, May 14, 2018, at 8, *available at* https://www.epa.gov/sites/production/files/2018-05/documents/epaig_ig_response_to_carper_05-14-18.pdf.

Inspectors General Scott Dahl and Deborah Jeffrey
May 22, 2018
Page 3

In light of this new information, we withdraw our previous request for investigation.
Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Noah Bookbinder".

Noah Bookbinder
Executive Director

A handwritten signature in blue ink, appearing to read "Norman L. Eisen".

Ambassador (Ret.) Norman L. Eisen
Chair