



U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

September 18, 2019

Noah Bookbinder  
Executive Director  
Citizens for Responsibility and Ethics in Washington  
1101 K Street, N.W. Suite 201  
Washington, DC 20005

VIA EMAIL: [dsherman@citizensforethics.org](mailto:dsherman@citizensforethics.org); [etadesse@citizensforethics.org](mailto:etadesse@citizensforethics.org)

Re: OSC File Nos. HA-18-004088, -19-003158

Dear Mr. Bookbinder:

This letter is in response to two complaints you filed with the U.S. Office of Special Counsel (OSC) alleging that Lynne Patton, Regional Administrator for the U.S. Department of Housing and Urban Development (HUD), violated the Hatch Act. As explained below, OSC concluded that the alleged activities were Hatch Act violations and issued her a warning letter. Although OSC concluded that Ms. Patton violated the Hatch Act, we decided her violations do not warrant disciplinary action and are closing our files without further action.

The Hatch Act restricts certain political activities of federal executive branch employees and prohibits them from, among other things, using their official authority or influence for the purpose of interfering with or affecting the result of an election.<sup>1</sup> This prohibition includes, for example, using one's official title while engaging in political activity or otherwise participating in political activity while in one's official capacity.<sup>2</sup> The Hatch Act also prohibits employees from engaging in political activity while on duty or in a federal room or building.<sup>3</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>4</sup>

Your first complaint alleged that Ms. Patton used her official Twitter account, "@LynnePattonHUD," to engage in political activity. Because Ms. Patton uses this Twitter account for official purposes, the Hatch Act prohibits her from using it to engage in political activity.<sup>5</sup> At issue are four tweets that Ms. Patton "liked" through her official account. On December 22, 2017, she liked a tweet from President Donald J. Trump's "@realDonaldTrump" account, which endorsed then-Congressman Ron DeSantis's Florida gubernatorial candidacy.

---

<sup>1</sup> 5 U.S.C. § 7323(a)(1).

<sup>2</sup> See 5 C.F.R. § 734.302(b).

<sup>3</sup> 5 U.S.C. § 7324(a).

<sup>4</sup> 5 C.F.R. § 734.101.

<sup>5</sup> See OSC's February 2018 "Hatch Act Guidance on Social Media," pg. 9, available at: <https://osc.gov/Resources/HA%20Social%20Media%20FINAL%20r.pdf>.

## U.S. Office of Special Counsel

Page 2

On February 7, 2018, she liked a tweet from RNC Chairwoman Ronna McDaniel that opposed Senator Joe Manchin and read in part, “If Joe Manchin can’t be honest about where he stands, he doesn’t deserve to stand for West Virginians.” On April 19, 2018, she liked a post from “@GOP,” which advocated in favor of confirming Mike Pompeo as Secretary of State. And on April 25, 2018, she liked a tweet from Kanye West, which read, “my MAGA hat is signed,” and included a picture of his signed campaign hat.

Liking tweets that advocate for or against partisan political candidates, originate from a political party, or include pictures of campaign material constitutes political activity for purposes of the Hatch Act. Thus, OSC concluded that Ms. Patton violated the Hatch Act by “liking” these tweets because she used her official Twitter account to engage in the activity.

Your second complaint alleged that Ms. Patton violated the Hatch Act by displaying a campaign hat in her HUD office. On March 30, 2019, Ms. Patton was profiled in a *New York* magazine article about her role at HUD. Accompanying the story was a photograph of Ms. Patton sitting at her desk in her HUD office, with a red “USA” hat displayed on a shelf behind her. After the article was published, it was discovered that the hat was an “official USA 45<sup>th</sup> presidential hat” sold on the Trump/Pence campaign website.

Displaying a campaign hat in the federal workplace violates the Hatch Act’s prohibition against engaging in political activity while on duty or in a federal room or building. But OSC’s investigation found that neither Ms. Patton nor HUD ethics counsel realized the campaign was selling the “USA” hat until after these allegations were made public. Once Ms. Patton became aware the campaign was selling the hat, she immediately removed it from display in her office.

Although OSC concluded that Ms. Patton violated the Hatch Act by unwittingly displaying a campaign hat in her office and “liking” partisan political tweets on her official Twitter account, we have decided not to pursue disciplinary action and are closing our files without further action. Ms. Patton has been advised that if in the future she engages in prohibited political activity while employed in a position covered by the Hatch Act, we will consider such activity to be a willful and knowing violation of the law, which could result in further action.

You may contact me at (202) 804-7054 if you have any questions.

Sincerely,



Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit