

# EXHIBIT A



March 2, 2020

**Sent via email:** [usoge@oge.gov](mailto:usoge@oge.gov)

OGE FOIA Officer  
Office of Government Ethics  
Suite 500  
1201 New York Avenue, NW  
Washington, DC 20005-3917

Re: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and OGE regulations at 5 C.F.R. part 2604.

First, CREW requests copies of all communications and other records that (a) were created or modified at any time from December 1, 2019 through February 28, 2020 and (b) mention, identify or discuss any interest in Cadre held or divested by either Jared Kushner or Ivanka Trump. This request includes any records that reference Cadre or a parent entity that holds Cadre, whether identified by any of the following names or by any other name, including but not limited to: Cadre; JCK CADRE, LLC; Quadro Partners, Inc.; or Quadro.<sup>1</sup>

Second, CREW request all OGE policies, guidance and other materials regarding the existence of a “blind divestment process” for assets held by government officials.<sup>2</sup>

Third, CREW request all records regarding the establishment of a qualified trust, pursuant to the Ethics in Government Act, by Jared Kushner. This request includes but is not limited to records containing information about a qualified blind trust, a qualified diversified trust, or any other qualified trust.

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<sup>1</sup> This request does not include OGE Form 278e or OGE Form 278-t financial disclosure reports. It does not include any Certificate of Divestiture, but it does include all records, including notes, associated with any Certificate of Divestiture for Cadre or a parent entity that holds Cadre issued during the specified time period.

<sup>2</sup> In a recent article, Mr. Kushner’s attorney revealed that OGE had specifically provide Mr. Kushner with “guidance” that he needed to divest Cadre to avoid future conflicts of interest through an unusual “blind divestment process.” Jennifer Jacobs and Caleb Melby, Jared Kushner Divests From Startup Cadre Over Future Conflict Concerns, *Bloomberg*, Feb. 28, 2020, <https://bloom.bg/39alwKS>

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material.

If it is your position that any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

### **Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. See 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. See, e.g., *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

A media outlet recently reported that Mr. Kushner has divested his interest in Cadre.<sup>3</sup> The public has a strong interest in receiving information about this asset, which has been noted as one of the most significant holdings of Jared Kushner and Ivanka Trump and has been a source of controversy due to concerns over the potential for this asset to pose a conflict of interest.<sup>4</sup> In fact, CREW previously filed a complaint regarding a possible violation of the conflict of interest law by Ivanka Trump as to this asset.<sup>5</sup> In a recent article, Mr. Kushner's attorney revealed that OGE had specifically provide Mr. Kushner with "guidance" that he needed to avoid future conflicts of interest by divesting Cadre through an unusual "blind divestment" process:

"When Cadre, with which Mr. Kushner has not been involved for over 3 years, decided to pursue opportunities that could unknowingly to Mr. Kushner become future conflicts, he took the guidance of White House Counsel and the Office of

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<sup>3</sup> Jennifer Jacobs and Caleb Melby, *Bloomberg*, Feb. 28, 2020.

<sup>4</sup> See, e.g., Anne Applebaum, *Want to secretly, legally send money to Jared Kushner? Here's how to do it.*, *Washington Post*, June 13, 2019, <https://wapo.st/2vhHcWS>; Jon Swaine, *Company part-owned by Jared Kushner got \$90m from unknown offshore investors since 2017*, *Guardian*, June 10, 2019, <https://bit.ly/2VrPW7o>; Stephen Braun, Jeff Horwitz and Bernard Condon, *Ivanka Trump, Jared Kushner could profit from Opportunity Zone tax break they pushed*, *Baltimore Sun*, June 11, 2018, <https://bit.ly/3cjEMYc>.

<sup>5</sup> *Citizens for Responsibility and Ethics in Washington*, *CREW Files Conflict of Interest Complaint Against Ivanka Trump*, Jan. 4, 2019, <https://bit.ly/2wRCPC1>.

Government Ethics and put in place a blind divestment process,” Lowell said. “This is the latest example of how seriously he takes this responsibility.”<sup>6</sup>

The reporting further explains that Mr. Kushner “transferred his interest in Cadre to a trust that sold his shares back to the company.”<sup>7</sup> This unusual arrangement, which may or may not have involved a qualified blind trust raises questions regarding compliance with OGE’s regulations.<sup>8</sup>

Depending on what Mr. Kushner told OGE, there may also be a question whether the transfer of this asset back to a company that he reportedly co-founded with his brother constitutes a bona fide divestiture for purposes of the conflict of interest law.<sup>9</sup> The reporting, therefore, raises questions about compliance with ethics requirements by a current senior administration appointee because it identifies the potential for conflicts of interest as the reason for divestiture.<sup>10</sup> The government’s compliance with anticorruption mechanisms is of significant interest to the public. As the U.S. Department of Justice has explained, “One purpose that the FOIA was designed for is to “check against corruption and to hold the governors accountable to the governed.” Indeed, information that would inform the public of violations of the public trust has a strong public interest and is accorded great weight in the balancing process.”<sup>11</sup>

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public’s right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, [www.citizensforethics.org](http://www.citizensforethics.org). The release of information obtained through this request is not in CREW’s financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat’l Sec. Archive v. U.S. Dep’t of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a “representative of the news media” and broadly interpreting the term to include “any person or organization which regularly publishes or disseminates information to the public”).

CREW routinely and systematically disseminates information to the public in several ways. CREW’s website receives tens of thousands of page views every month. The website

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<sup>6</sup> Jennifer Jacobs and Caleb Melby, *Bloomberg*, Feb. 28, 2020.

<sup>7</sup> *Id.*

<sup>8</sup> *See* 5 C.F.R. pt. 2634, subpt. D.

<sup>9</sup> TRD staff, Kushner-backed Cadre raised \$90M through anonymous offshore vehicle since 2017, *The Real Deal*, June 10, 2019 (“Kushner, his brother Joshua and Goldman Sachs alum Ryan Williams co-founded Cadre as a platform for “democratizing” real investment.”), <https://bit.ly/2T95UBD>.

<sup>10</sup> Jennifer Jacobs and Caleb Melby, *Bloomberg*, Feb. 28, 2020.

<sup>11</sup> U.S. Department of Justice, Freedom of Information Act Guide, May 2004 (internal citations omitted), <https://bit.ly/2JxXc8H>.

includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts documents it receives under the FOIA its website, which has been visited hundreds of thousands of times.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

### **Conclusion**

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at (202) 408-5565 or [aweismann@citizensforethics.org](mailto:aweismann@citizensforethics.org). Also, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to me either at [aweismann@citizensforethics.org](mailto:aweismann@citizensforethics.org) or Anne L. Weismann, Citizens for Responsibility and Ethics in Washington, 1101 K St., N.W., Suite 201, Washington, D.C. 20005. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anne L. Weismann', with a stylized, cursive script.

Anne L. Weismann  
Chief FOIA Counsel