

EXHIBIT B



July 21, 2020

VIA ELECTRONIC MAIL ONLY

Anne L. Weismann

aweismann@citizensforethics.org

Tracking No: OGE FOIA FY 20/029

Dear Ms. Weismann:

This is a revised response to your Freedom of Information Act (FOIA) request, which was received by the U.S. Office of Government Ethics (OGE) FOIA Office on March 2, 2020.

The first part of the request asked for “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.” The request included “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.” A footnote clarified that the request did not seek any OGE Form 278e or OGE Form 278T financial disclosure reports.

The second part of the request sought all “OGE policies, guidance and other materials regarding the existence of a ‘blind divestment process’ for assets held by government officials.” By email dated March 17, 2020, you clarified that by “blind divestment process” you meant “any process addressed in interactions between OGE and Mr. Kushner or his representative, including any qualified blind trust, qualified diversified trust, or any other process or procedure in connection with the divestiture of Cadre.”

The third part of the request sought “all records regarding the establishment of a qualified trust, pursuant to the Ethics in Government Act, by Jared Kushner.” This included any information about a qualified blind trust, a qualified diversified trust, or any other qualified trust.

In response to the first part of the request, we are enclosing 32 pages of responsive records, subject to deletions made in accordance with FOIA Exemption 4, 5 U.S.C. §



552(b)(4), as commercial or financial information obtained from a person and privileged or confidential; FOIA Exemption 5, 5 U.S.C. § 552(b)(5), as inter- and intra-agency pre-decisional deliberative process material; and FOIA Exemption 6, 5 U.S.C. § 552(b)(6), as information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The deletions are each marked with a reference “(b)(4),” “(b)(5),” or “(b)(6)” in the enclosed copies.

OGE has withheld in full 32 pages of records, which can be collectively described as “reviewers’ notes,” in accordance with FOIA Exemption 5. They are a part of OGE's deliberative process in reviewing and making a decision on requests for certificates of divestiture (CDs). These notes are an expression of the individual reviewer’s views and not an expression of the agency’s official position. Release of this information would have a chilling effect on the agency's ability to analyze and deliberate on these matters, as well as have open and frank discussions among its staff. Furthermore, release could reasonably cause public confusion by disclosure of reasons, rationales, and conclusions that were not in fact ultimately the position of OGE. To the extent there are facts in these records, the selection of those facts is integral to the internal deliberations concerning the review of the CD request. The factual information is inextricably intertwined with the agency’s internal deliberative process being protected. Moreover, much of the factual information is personal financial information exempt from disclosure in accordance with FOIA Exemption 6.

With regard to the second and third parts of the request, OGE has no additional responsive records. For your information, OGE has posted general guidance materials on its website regarding qualified trusts ([here](#)).

If you have any questions or wish to discuss any aspect of your request, you may contact me by telephone at 202-482-9216. As OGE’s Alternate FOIA Public Liaison, I am available for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

The OGE official responsible for this FOIA determination is the undersigned. In accordance with the FOIA, as codified at 5 U.S.C. § 552(a)(6)(A), and OGE’s updated FOIA regulations, at 5 C.F.R. § 2604.304, you may administratively appeal this determination to the Program Counsel, U.S. Office of Government Ethics, 1201 New York Avenue, N.W., Suite

500, Washington, DC 20005-3917. Any such appeal must be in writing and must be sent within 90 days of the date you receive this response letter. If you do appeal, you should include copies of your request and this response, together with a statement of why you believe this initial determination is in error. Also, if you appeal, you should clearly indicate on the envelope and in the letter that it is a "Freedom of Information Act Appeal."

Sincerely,

Jennifer Matis
Alternate OGE FOIA Officer

Attachment