



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 13, 2020

OFFICE OF THE
ADMINISTRATOR

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Mandy M. Gunasekara
Chief of Staff

A handwritten signature in black ink, appearing to be "M. Gunasekara", is written over the "FROM:" line.

TO: Andrew R. Wheeler
Administrator

I have consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own attorney bar obligations.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I understand that I am recused from participating personally and substantially in any particular matter that would have a direct and predictable effect on Blue Earth Fund, LP or its assets. I have no knowledge of the interests held in this fund nor any ability to exercise control over them.

OBLIGATIONS UNDER EXECUTIVE ORDER 13770

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, or any former client to whom I provided services during the past two years prior to my joining federal service, is a party or represents a party. Under the terms of the Ethics Pledge, this recusal lasts for two years from the date that I joined federal service.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means that the meeting should include a multiplicity of parties. If, for example, there is “a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.”¹ Should a question arise as to whether a specific forum qualifies as “open to all interested parties,” then I will consult with OGC/Ethics.

RECUSAL LIST PURSUANT TO EXECUTIVE ORDER 13770 In effect until March 15, 2022	
FORMER EMPLOYER: Mandy Gunasekara (self-employment) Texas Public Policy Foundation	
FORMER CLIENTS: Adfero Clout Public Affairs (part of Axiom Corporation) CO2 Coalition DCI Group, LLC	 Energy 45 Fund Height Capital Markets Independent Women’s Forum Southern Utility Resources

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Pursuant to federal ethics rules, I understand that I have a one-year cooling off period with any organization in which I was an active participant. Thus, I am prohibited from participating personally and substantially in any particular matter involving specific parties in which Maggie’s List is a party or represents a party, unless I am first authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d). My recusal lasts for one year after my resignation from these organizations.

¹ See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13770 pursuant to OGE Legal Advisory LA-17-03 (3/20/17).

ATTORNEY BAR OBLIGATIONS

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

SCREENING ARRANGEMENT

In order to ensure that I do not participate in matters relating to any of the entities listed above, I will instruct Aaron Dickerson, Senior Advisor, and/or Sharnett Willis, Staff Assistant, to assist in screening EPA matters directed to my attention that involve those entities. All inquiries and comments involving the entities on my recusal list should be directed to Aaron or Sharnett without my knowledge or involvement.

If Aaron or Sharnett determines that a particular matter will directly involve any of the entities listed on my recusal list, then they will refer it for action or assignment to another, without my knowledge or involvement. In the event that they are unsure whether an issue is a particular matter from which I am recused, then they will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to Justina Fugh, Director, Ethics Office.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Doug Benevento, Associate Deputy Administrator
Henry Darwin, Assistant Deputy Administrator
Michael Molina, Deputy Chief of Staff
Wesley J. Carpenter, Acting Deputy Chief of Staff
James Payne, Designated Agency Ethics Official
Justina Fugh, Director, Ethics Office
Aaron Dickerson, Senior Advisor
Sharnett Willis, Staff Assistant

Executive Branch Personnel Public Financial Disclosure Report (OGE Form 278e)

Filer's Information

Gunasekara, Amanda

Chief of Staff, Office of the Administrator, Environmental Protection Agency

Date of Appointment: 03/15/2020

Other Federal Government Positions Held During the Preceding 12 Months:

None

Electronic Signature - I certify that the statements I have made in this form are true, complete and correct to the best of my knowledge.

/s/ Gunasekara, Amanda [electronically signed on 05/28/2020 by Gunasekara, Amanda in Integrity.gov] - Filer received a 45 day filing extension.

Agency Ethics Official's Opinion - On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments below).

/s/ Fugh, Justina, Certifying Official [electronically signed on 06/16/2020 by Fugh, Justina in Integrity.gov]

Other review conducted by

U.S. Office of Government Ethics Certification

Data Revised 06/16/2020

Data Revised 06/11/2020

Data Revised 06/10/2020

Data Revised 06/08/2020

Data Revised 06/07/2020

1. Filer's Positions Held Outside United States Government

#	ORGANIZATION NAME	CITY, STATE	ORGANIZATION TYPE	POSITION HELD	FROM	TO
1	Mandy Gunasekara (sole proprietorship)	Decatur, Mississippi	self-employment	consultant	6/2019	3/2020
2	Texas Public Policy Foundation	Austin, Texas	Non-Profit	Senior Fellow	6/2019	2/2020

2. Filer's Employment Assets & Income and Retirement Accounts

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
1	Mandy Gunasekara (sole proprietorship)	N/A		Salary	\$53,500
2	Texas Public Policy Foundation	N/A		Salary	\$45,000

3. Filer's Employment Agreements and Arrangements

None

4. Filer's Sources of Compensation Exceeding \$5,000 in a Year

#	SOURCE NAME	CITY, STATE	BRIEF DESCRIPTION OF DUTIES
1	Mandy Gunasekara	Decatur, Mississippi	general consultant, communications strategist, self employed.
2	Texas Public Policy Foundation	Austin, Texas	Drafted communications materials including blog posts, opinion pieces, and press responses. Represented the organization on radio, podcasts and TV.

#	SOURCE NAME	CITY, STATE	BRIEF DESCRIPTION OF DUTIES
3	Energy 45	Jackson, Mississippi	consulting services
4	Clout Public Affairs	Washington, District of Columbia	consulting services
5	Southern Utility Resources	Meridian, Mississippi	consulting services

5. Spouse's Employment Assets & Income and Retirement Accounts

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
1	Section VII Strategies LLC (Tax Consulting Services)	N/A		consulting fees, LLC distribution	

6. Other Assets and Income

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
1	Blue Earth Fund, LP	No	\$15,001 - \$50,000	Capital Gains	\$1,001 - \$2,500
2	US domestic banking institution (cash account)	N/A	\$1,001 - \$15,000		None (or less than \$201)
3	Residential Real Property, Washington, DC	N/A	\$500,001 - \$1,000,000	Rent or Royalties	\$5,001 - \$15,000

7. Transactions

(N/A) - Not required for this type of report

8. Liabilities

#	CREDITOR NAME		TYPE	AMOUNT	YEAR INCURRED	RATE	TERM
1	JP Morgan Chase		Credit Card	\$15,001 - \$50,000	2019	15.99	revolving
2	JP Morgan Chase		Credit Card	\$15,001 - \$50,000	2018	15.99	revolving
3	JP Morgan Chase		Credit Card	\$15,001 - \$50,000	2018	15.99	revolving
4	Barclay		Credit Card	\$10,001 - \$15,000	2018	20	revolving
5	Granite State Management		Student Loan	\$100,001 - \$250,000	2010	6.25	30 years
6	Wells Fargo	See Endnote	Mortgage on Personal Residence	\$500,001 - \$1,000,000	2015	4	30 years

9. Gifts and Travel Reimbursements

(N/A) - Not required for this type of report

Endnotes

PART	#	ENDNOTE
6.	1	equity position only. Filer does not exercise control over nor have the ability to exercise control over the financial interests held by the fund.
8.	6	filer's home is also rented out on occasion

Summary of Contents

1. Filer's Positions Held Outside United States Government

Part 1 discloses positions that the filer held at any time during the reporting period (excluding positions with the United States Government). Positions are reportable even if the filer did not receive compensation.

This section does not include the following: (1) positions with religious, social, fraternal, or political organizations; (2) positions solely of an honorary nature; (3) positions held as part of the filer's official duties with the United States Government; (4) mere membership in an organization; and (5) passive investment interests as a limited partner or non-managing member of a limited liability company.

2. Filer's Employment Assets & Income and Retirement Accounts

Part 2 discloses the following:

- Sources of earned and other non-investment income of the filer totaling more than \$200 during the reporting period (e.g., salary, fees, partnership share, honoraria, scholarships, and prizes)
- Assets related to the filer's business, employment, or other income-generating activities (1) that ended the reporting period with a value greater than \$1,000 or (2) from which more than \$200 in income was received during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents)

This section does not include assets or income from United States Government employment or assets that were acquired separately from the filer's business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF).

3. Filer's Employment Agreements and Arrangements

Part 3 discloses agreements or arrangements that the filer had during the reporting period with an employer or former employer (except the United States Government), such as the following:

- Future employment
- Leave of absence
- Continuing payments from an employer, including severance and payments not yet received for previous work (excluding ordinary salary from a current employer)
- Continuing participation in an employee welfare, retirement, or other benefit plan, such as pensions or a deferred compensation plan
- Retention or disposition of employer-awarded equity, sharing in profits or carried interests (e.g., vested and unvested stock options, restricted stock, future share of a company's profits, etc.)

4. Filer's Sources of Compensation Exceeding \$5,000 in a Year

Part 4 discloses sources (except the United States Government) that paid more than \$5,000 in a calendar year for the filer's services during any year of the reporting period.

The filer discloses payments both from employers and from any clients to whom the filer personally provided services. The filer discloses a source even if the source made its payment to the filer's employer and not to the filer. The filer does not disclose a client's payment to the filer's employer if the filer did not provide the services for which the client is paying.

5. Spouse's Employment Assets & Income and Retirement Accounts

Part 5 discloses the following:

- Sources of earned income (excluding honoraria) for the filer's spouse totaling more than \$1,000 during the reporting period (e.g., salary, consulting fees, and partnership share)
- Sources of honoraria for the filer's spouse greater than \$200 during the reporting period
- Assets related to the filer's spouse's employment, business activities, other income-generating activities (1) that ended the reporting period with a value greater than \$1,000 or (2) from which more than \$200 in income was received during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents)

This section does not include assets or income from United States Government employment or assets that were acquired separately from the filer's spouse's business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF). Amounts of income are not required for a spouse's earned income (excluding honoraria).

6. Other Assets and Income

Part 6 discloses each asset, not already reported, (1) that ended the reporting period with a value greater than \$1,000 or (2) from which more than \$200 in investment income was received during the reporting period. For purposes of the value and income thresholds, the filer aggregates the filer's interests with those of the filer's spouse and dependent children.

This section does not include the following types of assets: (1) a personal residence (unless it was rented out during the reporting period); (2) income or retirement benefits associated with United States Government employment (e.g., Thrift Savings Plan); and (3) cash accounts (e.g., checking, savings, money market accounts) at a single financial institution with a value of \$5,000 or less (unless more than \$200 in income was received). Additional exceptions apply. Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF).

7. Transactions

Part 7 discloses purchases, sales, or exchanges of real property or securities in excess of \$1,000 made on behalf of the filer, the filer's spouse or dependent child during reporting period.

This section does not include transactions that concern the following: (1) a personal residence, unless rented out; (2) cash accounts (e.g., checking, savings, CDs, money market accounts) and money market mutual funds; (3) Treasury bills, bonds, and notes; and (4) holdings within a federal Thrift Savings Plan account. Additional exceptions apply.

8. Liabilities

Part 8 discloses liabilities over \$10,000 that the filer, the filer's spouse or dependent child owed at any time during the reporting period.

This section does not include the following types of liabilities: (1) mortgages on a personal residence, unless rented out (limitations apply for PAS filers); (2) loans secured by a personal motor vehicle, household furniture, or appliances, unless the loan exceeds the item's purchase price; and (3) revolving charge accounts, such as credit card balances, if the outstanding liability did not exceed \$10,000 at the end of the reporting period. Additional exceptions apply.

9. Gifts and Travel Reimbursements

This section discloses:

- Gifts totaling more than \$390 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period.
- Travel reimbursements totaling more than \$390 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period.

For purposes of this section, the filer need not aggregate any gift or travel reimbursement with a value of \$156 or less. Regardless of the value, this section does not include the following items: (1) anything received from relatives; (2) anything received from the United States Government or from the District of Columbia, state, or local governments; (3) bequests and other forms of inheritance; (4) gifts and travel reimbursements given to the filer's agency in connection with the filer's official travel; (5) gifts of hospitality (food, lodging, entertainment) at the donor's residence or personal premises; and (6) anything received by the filer's spouse or dependent children totally independent of their relationship to the filer. Additional exceptions apply.

Privacy Act Statement

Title I of the Ethics in Government Act of 1978, as amended (the Act), 5 U.S.C. app. § 101 et seq., as amended by the Stop Trading on Congressional Knowledge Act of 2012 (Pub. L. 112-105) (STOCK Act), and 5 C.F.R. Part 2634 of the U. S. Office of Government Ethics regulations require the reporting of this information. Failure to provide the requested information may result in separation, disciplinary action, or civil action. The primary use of the information on this report is for review by Government officials to determine compliance with applicable Federal laws and regulations. This report may also be disclosed upon request to any requesting person in accordance with sections 105 and 402(b)(1) of the Act or as otherwise authorized by law. You may inspect applications for public access of your own form upon request. Additional disclosures of the information on this report may be made: (1) to any requesting person, subject to the limitation contained in section 208(d)(1) of title 18, any determination granting an exemption pursuant to sections 208(b)(1) and 208(b)(3) of title 18; (2) to a Federal, State, or local law enforcement agency if the disclosing agency becomes aware of violations or potential violations of law or regulation; (3) to a source when necessary to obtain information relevant to a conflict of interest investigation or determination; (4) to the National Archives and Records Administration or the General Services Administration in records management inspections; (5) to the Office of Management and Budget during legislative coordination on private relief legislation; (6) when the disclosing agency determines that the records are arguably relevant to a proceeding before a court, grand jury, or administrative or adjudicative body, or in a proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding; (7) to reviewing officials in a new office, department or agency when an employee transfers or is detailed from one covered position to another, a public financial disclosure report and any accompanying documents, including statements notifying an employee's supervising ethics office of the commencement of negotiations for future employment or compensation or of an agreement for future employment or compensation; (8) to a Member of Congress or a congressional office in response to an inquiry made on behalf of and at the request of an individual who is the subject of the record; (9) to contractors and other non-Government employees working on a contract, service or assignment for the Federal Government when necessary to accomplish a function related to this system of records; (10) on the OGE Website and to any person, department or agency, any written ethics agreement, including certifications of ethics agreement compliance, filed with OGE by an individual nominated by the President to a position requiring Senate confirmation; (11) on the OGE Website and to any person, department or agency, any certificate of divestiture issued by OGE; (12) on the OGE Website and to any person, department or agency, any waiver of the restrictions contained in Executive Order 13770 or any superseding executive order; (13) to appropriate agencies, entities and persons when there has been a suspected or confirmed breach of the system of records, the agency maintaining the records has determined that there is a risk of harm to individuals, the agency, the Federal Government, or national security, and the disclosure is reasonably necessary to assist in connection with the agency's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm; and (14) to another Federal agency or Federal entity, when the agency maintaining the record determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in responding to a suspected or confirmed breach or in preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity, the Federal Government, or national security. See also the OGE/GOVT-1 executive branch-wide Privacy Act system of records.

Public Burden Information

This collection of information is estimated to take an average of ten hours per response, including time for reviewing the instructions, gathering the data needed, and completing the form. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Program Counsel, U.S. Office of Government Ethics (OGE), Suite 500, 1201 New York Avenue, N.W., Washington, DC 20005-3917.

Pursuant to the Paperwork Reduction Act, as amended, an agency may not conduct or sponsor, and no person is required to respond to, a collection of information unless it displays a currently valid OMB control number (that number, 3209-0001, is displayed here and at the top of the first page of this OGE Form 278e).

From: [Griffo, Shannon](#)
To: [Fugh, Justina](#)
Cc: [Clarke, Victoria](#); [Mosley, Ferne](#)
Subject: RE: Mandy Gunasekara -- follow up
Date: Wednesday, March 18, 2020 8:39:00 AM
Attachments: [image001.jpg](#)

Yes, I can craft a footnote to reflect that. I'll get started drafting her recusal.

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Tuesday, March 17, 2020 3:52 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Clarke, Victoria <clarke.victoria@epa.gov>; Mosley, Ferne <mosley.ferne@epa.gov>
Subject: Mandy Gunasekara -- follow up

Hi there,

This note confirms that I provided new employee ethics training to Mandy Gunasekara yesterday (March 16, 2020) using the updated ethics briefing template (see attached) and the usual attachments. Although she had previously signed the ethics pledge with EPA, she then left federal service.

(b) (5), I got her to sign the pledge anew.

In discussing her obligations under paragraph 6 (former clients and former employer), I explained the rules and (b) (5). She chuckled and agreed. In addition to the Hatch Act chart that is usually included with our briefing template, I also provided her with the attached updated documents to really underscore the Hatch lessons. (b) (5)

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(b) (5)

(b) (5) Thoughts about that?

I have assigned Mandy a new entrant report. I indicated to her that she will have to report on prior clients and employers, but there is no requirement that she report on the donors to her nonprofit. Just as we don't expect someone who came to us from, say, the Audubon Society to report on all of their donors, we don't ask that of Mandy either. The new entrant report will ask her to describe those clients that paid her more than \$5000, while her recusal statement will require listing all clients, even if uncompensated.

SHANNON -- (b) (5)

(b) (5)
(b) (5)
(b) (5)

That's it for now!
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Message from the Administrator <messagefromtheadministrator@epa.gov>
Sent: Monday, March 16, 2020 3:44 PM
To: Message from the Administrator <messagefromtheadministrator@epa.gov>
Subject: Introducing Mandy Gunasekara as EPA's Chief of Staff

Message from the Administrator: This email message is being sent to EPA employees.



Colleagues,

I am pleased to announce that Mandy Gunasekara has rejoined us here at the Environmental Protection Agency to serve as our Chief of Staff. After a brief respite at home in Mississippi where she continued to work environmental, energy, and economic policy, Mandy has come back to the Agency to further our mission of protecting human health and the environment. Mandy was previously our Principal Deputy Assistant Administrator for the Office of Air and Radiation and was our senior political appointee in the Air office until Bill Wehrum was confirmed as the Assistant Administrator. Previously, Mandy served as Majority Counsel on the United States Senate Environment and Public Works Committee under both Chairman Jim Inhofe and John Barrasso. She led committee actions and policy development on Clean Air Act and climate change issues. I have known Mandy for a number of years and she brings a great mix of substantive expertise, pertinent experience, and excellent management skills that will serve her well as our new Chief of Staff.

I want to take this opportunity to thank our Deputy Chief of Staff, Michael Molina, who served ably as our Acting Chief of Staff while the Agency was in transition and who will continue to aid me in his role as my operations chief.

Please join me in congratulating Mandy on her new role and welcoming her back to the Agency.

Andrew Wheeler
Administrator

From: [Fugh, Justina](#)
To: [Gunasekara, Mandy](#)
Subject: heads up for you on recent political/AD appointments
Date: Wednesday, March 18, 2020 12:15:00 PM

Hi Mandy,

As I mentioned to you on Monday, (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

When new political appointees and new Administratively Determined appointees join the Agency, my staff and I ensure that they receive initial ethics training and are assigned public financial disclosure reports (if required). While all political appointees (e.g., noncareer SES and Schedule C) must file the public disclosure report (such as yourself), only certain ADs who make more than a certain amount are required to file. Here is the list of people who started / are expected to start in March:

NAME	TYPE	278 FILER	POSITION	START DATE	COMMENTS
Joe Liebau	AD	Yes; assigned	Chief of Staff, Region 5	3/1/20	New employee training completed
Abigail Linsk	AD	No	Special Assistant, OCIR	3/1/20	New employee training completed
Mandy Gunasekara	NC SES	Yes; assigned	Chief of Staff	3/15/20	New employee training completed
Ben Walters	AD	no	Special Advisor for Digital Media, OPA	3/15/20	New employee training completed
Carrie Meadows	AD	No	Ag Advisor, IO	3/15/20	(b) (5) [REDACTED]
Diana Leo	Sched C	Yes; checking with former agency	OITA	3/15/20	(b) (5) [REDACTED] [REDACTED] [REDACTED]
(b) (5)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

From: [Gunasekara, Mandy](#)
To: [Fugh, Justina](#)
Subject: RE: reminder to do your new entrant financial disclosure report
Date: Wednesday, April 01, 2020 12:47:26 PM

Thank you very much!!!

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Wednesday, April 1, 2020 12:45 PM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Subject: reminder to do your new entrant financial disclosure report

Hi Mandy,

I hope you're doing as well as can be expected during these turbulent times. I believe that I forgot to remind you about doing your new entrant disclosure report, and I see that it's due April 14. I'm going to give you a 45 day extension given that and the obvious COVID 19 situation, so your due date is now May 29th.

THE FINANCIAL DISCLOSURE REPORT, OGE-278e

EPA uses an electronic filing system (called INTEGRITY) for the public financial disclosure reports that is operated and secured by the U.S. Office of Government Ethics (OGE). You are required by law to complete the form, and we will use it to determine whether you have any financial conflicts of interest or other ethics concerns.

We resurrected your earlier EPA account for you in INTEGRITY and assigned you a "new entrant" report. Your filer category is non-career SES and your filer status is "full time." For help in INTEGRITY, check out the OGE [Public Financial Disclosure Guide](#). You will be able to access your prior filings from "My Past Reports" in the "My Tasks" page. Please note, however, that any designee access you may have set up no longer work. If you previously registered a designee, then you will need to register the designee again. Any previously completed and/or assigned reports have carried over. If you have yet to set a password for your MAX account, then go to select Forgot, Set, or Change Your Password on the Integrity login page. To get to INTEGRITY, just go to www.integrity.gov. If you have any problems, send me a note.

There are several important things to know about the OGE-278e: (1) it is a public form (which means that anyone can ask for a copy of your form, but Congress repealed the requirement for public posting to the internet); (2) you have to fill it out every year you are in this position; (3) when you leave the position, you have to file a termination report (so remember to notify us); (4) you will be subject to a late filing fee of \$200 for not filing your report timely. There are also civil and criminal penalties for failure to file at all or for inaccurate reporting.

REQUIREMENT TO ANSWER ANY FOLLOW UP QUESTIONS WITHIN 14 DAYS

We will review your report as quickly as possible. If we have any questions, then we will notify you. At that point, you will have 14 calendar days to respond and resubmit your report back to us with any necessary changes.

REPORTING TRANSACTIONS

While you are in this position, you are a public financial disclosure filer who is subject to the STOCK Act. You are required to report any purchase, sale or exchange of stocks, bonds, commodities futures or other forms of securities when the amount of the transaction exceeds \$1000. Use INTEGRITY to disclose reportable transactions within 30 days of receiving notification of the transaction, but not later than 45 days after the transaction occurs. You will have to report transactions that occur within brokerage accounts, managed accounts, or other investment vehicles that you own or jointly own with your spouse or another person, as well as transactions of your spouse or dependent children. For a comprehensive review of reportable transactions, see [EPA Ethics Advisory 2012-03](#) and our revised attached chart. Remember, you are responsible for reporting transactions, even if you have a managed account, and you will be fined for a tardy periodic transaction report.

YES, YOU CAN BE FINED FOR NOT FILING PROMPTLY

It's worth repeating that you can be fined \$200 for not meeting the submission deadline (and you still have to file that report). PLEASE pay attention to your filing requirements! If you need an extension, then you must ask before your deadline expires. There is a limit to how much additional time you may receive.

HELPFUL HINTS FOR FILLING OUT THE FORM

- This is a wretched and exacting form, so just know that you will have to provide a lot of information.
- You will get three different places to report assets: filer's employment-related assets and income, spouse's employment related assets and income, and other assets and income. You must report assets for yourself, your spouse and any dependent children. We don't really care where you report your assets, just that you do report them all someplace.
- You must include any investment asset that is worth more than \$1000. Include any income from any source that exceeded \$200 during the reporting period (including outside jobs or hobbies, rental income). Include any cash/savings accounts that have more than \$5000.
- Enter each asset separately. Don't lump items together on one line. Be sure to

provide the valuation of the asset AND the amount of the income. For assets that aren't mutual funds, you also have to report the type of income (e.g., dividends, cap gains).

- For 401(k) or IRA plans, provide the name of each of the underlying assets. Don't just write "Vanguard IRA" or "mutual fund." You must specify each asset separately and give the valuation but, for these assets in tax deferred instruments, you do not need to provide the amount of income accrued.
- Do not report your federal salary, your spouse's federal salary, or Thrift Savings Plan information
- If you (not your spouse) have any earned income (e.g., outside job, paid pension), you have to report the actual amount of that income.
- If your spouse works outside of federal service, then include your spouse's employer but not the amount of your spouse's salary. If you are not legally married, do not report your significant other's employer.
- Don't forget to include any life insurance policies (whole life or variable life) as well as the underlying investments. Do not report term life insurance.
- If you have nothing to report in a section, be sure to click the "nothing to report" button
- Remember to check out the Office of Government Ethics' [Public Financial Disclosure Guide](#) or to contact OGC/Ethics for help.

If you have any questions regarding this message or your obligations, then please contact me directly or anyone in the OGC Ethics Office at ethics@epa.gov. We'll be happy to assist you.

Cheers,
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: [Griffo, Shannon](#)
To: [Fugh, Justina](#)
Subject: RE: Two Items
Date: Tuesday, April 21, 2020 10:21:00 AM
Attachments: [Mandy Gunasekara draft recusal statement 4 21 20.docx](#)

I have not, but here is a first draft. I checked again this morning and she still hadn't started her new entrant report. (b) (5)

See my comments because I had a few questions for you. And I included placeholder language for certain things.

(b) (5)

Thanks,
Shannon

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Monday, April 20, 2020 9:53 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: FW: Two Items

[Did you send me Mandy's recusal already?](#)

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Monday, April 20, 2020 11:52 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Payne, James <payne.james@epa.gov>
Cc: Molina, Michael <molina.michael@epa.gov>
Subject: Two Items

Good Morning,
I'm following up on two items:

- My recusal statement
- Your offer for a Hatch Act briefing with the political team

On my recusal statement, (b) (5)

(b) (5) Do you need additional information in that regard for my
recusal statement? Also, (b) (5)

Do you need anything else in that regard?

I love the idea of a hatch act briefing, especially as things start to ramp up. James sent around the
memo not too long ago, which was very informative and helpful (thank you James). I just spoke with
Michael (cc'd) and we would (b) (5)

This is a moving timeline, but I want to go ahead and put this on your radar as
something we would like to do once the logistics work out.

Thank you,
Mandy

Mandy M. Gunasekara
Chief of Staff, US EPA
(202) 564-6999

From: [Gunasekara, Mandy](#)
To: [Fugh, Justina](#)
Cc: [Payne, James](#); [Griffo, Shannon](#)
Subject: RE: YOO HOO! You have some outstanding ethics items on your to do list!
Date: Thursday, May 14, 2020 11:19:03 PM

Hi Justina,

Thank you for the reminder!

I started working on my financial disclosure and am awaiting info from my (b) (6)

I'm taking a look at my recusal statement. Here are a few points for clarity. (b) (6), (b) (5)

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

- [REDACTED]

On the Hatch Act briefing, I had talked to Michael about setting it up, (b) (5)

[REDACTED] I will follow-up.

Thank you again and I hope you are well/safe.

Best,
Mandy

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Thursday, May 14, 2020 12:00 PM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Cc: Payne, James <payne.james@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>

Subject: YOO HOO! You have some outstanding ethics items on your to do list!

Hi Mandy,

We haven't heard from you about your recusal statement, your financial disclosure report, or our request to have the Office of Special Counsel provide a Hatch Act briefing to the political staff. We know you're busy, but please help us out! Here's your executive summary:

- FINANCIAL DISCLOSURE REPORT – we gave you a 45-day extension already, so your report is due MAY 29, 2020. That's only *fifteen days away!*
- RECUSAL STATEMENT – please review the draft recusal statement we sent you last month. It's attached again here.
- OSC MEETING – (b) (5)
Since we're all still teleworking, it'll be a virtual meeting, and we're all getting better at that.

Finally, (b) (5)

Thanks,
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Fugh, Justina

Sent: Tuesday, April 21, 2020 3:37 PM

To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>

Cc: Payne, James <payne.james@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>

Subject: RE: Your two Items and one more from me

Hi Mandy,

Typically, we want the recusal statement to finalize an appointee's full picture, so please get started on your public financial disclosure report soon. You'll recall that I already gave you a 45 day extension, so your deadline is May 29, 2020. In the meantime, attached is the draft recusal that we've drafted thus far.

With regard to the OSC briefing, (b) (5)

(b) (5) [REDACTED]
[REDACTED]

Lastly, I note that we have been onboarding political appointees. (b) (5) [REDACTED]
[REDACTED]

- (b) (5), (b) (6) [REDACTED]
- [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]

- [REDACTED]
- [REDACTED]
[REDACTED]

Hope you're still doing okay!
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Monday, April 20, 2020 11:52 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Payne, James <payne.james@epa.gov>
Cc: Molina, Michael <molina.michael@epa.gov>
Subject: Two Items

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Thank you,
Mandy

Mandy M. Gunasekara
Chief of Staff, US EPA
(202) 564-6999