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**From:** Schwab, Justin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EED0F609C0944CC2BBDB05DF3A10AADB-SCHWAB, JUS]  
**Sent:** 4/3/2017 6:04:11 PM  
**To:** gpyne@bakerlaw.com  
**Subject:** need more info for EPA ethics filings

Good afternoon Gary,

I hope you are doing well.

EPA/the federal government has further disclosure requirements. They are described below.

In essence, we will need to provide them with a **list of all clients that paid the firm more than \$5,000 in any calendar year for my legal services, for a look-back period going back to the beginning of calendar year 2015.**

The message from the ethics office below includes a hyperlink to the government guidance related to this requirement, as well as an excerpted provision regarding confidential clients.

**Before you begin assembling this information, please call me Ex. 6 there is one client where the entire purpose of our representation was to preserve their anonymity, and so we will not be reporting on that client. I will orally identify that client.**

Please let me know if you have any questions.

Best,

Justin

From: Fort, Daniel  
Sent: Monday, April 3, 2017 12:43 PM  
To: Schwab, Justin <schwab.justin@epa.gov>  
Cc: Fugh, Justina <Fugh.Justina@epa.gov>  
Subject: An amendment needs to be filed to your financial disclosure report

Justin:

An amendment needs to be filed with your financial disclosure report. As per the [guidance from the Office of Government Ethics](#) concerning this particular section of the report, you must report any source that paid more than \$5,000 for your personal services in any calendar year during the reporting period, which covers the preceding two calendar years and the current calendar year up to the date of filing. You have to report such payments both from employers and from any clients to whom you personally provided services. You must report a source even if the source made its payment to your employer and not to you.

Our apologies for missing this. If you give us the list of your clients for the reporting period (preceding calendar year and the two previous calendar year) with the necessary information (source name, city/state, brief description of duties) we'll create a document that will amend your form. See the example below.

Widgets Unlimited      Grand Rapids, MI      Legal services (client of Farady, Maxwell & Franklin)

## Confidential Clients

In rare cases, a filer may rely on an exception to the reporting requirements for information related to certain clients if the filer is in a privileged relationship, established by law, with the client and is able to demonstrate persuasively that the client is a “confidential client.” It is rare for a filer to rely on this exception, and it is extremely rare for a filer to rely on this exception for more than a few clients.

In those uncommon circumstances in which the exception applies, you do not need to report the identity of a client if:

- the client’s identity is protected by a statute or court order or the client’s identity is under seal;
  - disclosure is prohibited by a rule of professional conduct that can be enforced by a professional licensing body;
- or
- a written confidentiality agreement, entered into at the time that your services were retained, expressly prohibits disclosure of the client’s identity.
  - A client will not be deemed confidential merely based on the filer’s belief that the client would prefer not to be disclosed or based on the fame or social standing of the client. Similarly, the mere existence of a privileged relationship is not enough to preclude disclosure, absent one or more additional conditions explained above.

Additional information concerning the treatment of confidential clients is available in OGE DAEOgram DO-06-011 (April 7, 2006).

Dan