



Public Employees for Environmental Responsibility

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February 11, 2019

Hatch Act Unit
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, DC 20036-4505

hatchact@osc.gov

RE: Complaint of Hatch Act Violation
VIA U.S. MAIL, EMAIL & FAX

On February 7, 2019, Ms. Mandy Gunasekara resigned from her principal deputy administrator in the U.S. Environmental Protection Agency Office of Air and Radiation. In so doing, she submitted a letter of resignation on official EPA stationery to President Trump declaring that “Ensuring eight years of your leadership is of utmost importance” and decrying “resistance from Democrats” as well as “dangerous rhetoric from the far-left supportive of Venezuelan-style socialism, government take-overs, and crony ‘green new deals.’”

The letter also announced her intention to launch “a new organization built to defend you [President Trump] and the many energy, regulatory and economic successes of your bold and pragmatic agenda.”

A news account of the letter indicated that the letter “was released by EPA’s press office” (see attached).

The letter’s use of EPA letterhead was itself a violation of the Hatch Act, as it advocated the reelection of a candidate while she was still a federal employee. The Act’s application to Ms. Gunasekara, however, is moot because she has already left government service.

The employees within the EPA Office of Public Affairs who distributed or provided the letter to reporters also violated the Hatch Act because they are using official time and resources to engage in political activity. They remain on the federal payroll and are subject to penalties for Hatch Act violations.

In addition, acting EPA Administrator Andrew Wheeler issued a statement about her departure, praising her work. This suggests that he had advance knowledge of the resignation and may have played a role in distributing the letter.

On behalf of Public Employees for Environmental Responsibility (PEER), I am writing to request that the Hatch Act Unit of the U.S. Office of Special Counsel undertake an investigation to determine —

- Which specific employees of the EPA Office of Public Affairs relayed or took any other actions regarding Ms. Gunasekara's letter of resignation;
- Which specific employees of the EPA Office of Public Affairs had involvement with her new organization to promote the reelection of President Trump; and
- Whether individuals in the Office of Public Affairs were acting with the knowledge or at the direction of superior EPA officials.

Besides the members of that Office of Public Affairs, media representatives who reported on her resignation and post-EPA plans may also have information relevant to this matter.

Please contact me if you need any additional information to proceed.

Cordially,

A handwritten signature in black ink, appearing to read "Jeff Ruch". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Jeff Ruch
Executive Director

Attachments