



ATTACHMENT 9



OFFICE OF
INSPECTOR GENERAL
 U.S. DEPARTMENT OF THE INTERIOR

INVESTIGATIVE ACTIVITY REPORT

Case Number OI-PI-19-0723-I	
Reporting Office Program Integrity Division	Report Date August 2, 2019
Report Subject Interview with Douglas Domenech	

On July 25, 2019, Investigator (b) (7)(C) and Special Agent (SA) (b) (7)(C), with the Office of Inspector General (OIG), U.S. Department of the Interior (DOI), interviewed political appointee (PA) Douglas Domenech, Assistant Secretary for Insular and International Affairs, DOI, about an allegation that he violated his ethics pledge and applicable ethics regulations by meeting with his former employer, Texas Public Policy Forum (TPPF), during his required recusal period. Domenech read and signed a Warnings and Assurances for Voluntary Interviews (Garrity) form and acknowledged that the interview was being recorded. The following is a summary of the interview.

Domenech said he did not seek ethics guidance from DOI’s Ethics office prior to meeting with TPPF on April 2017. Domenech said he did not think about obtaining ethics guidance before the meeting, and he said at the time of the meeting he did not understand that he could not meet with his former employer during a period of time after coming to DOI.

Domenech confirmed he attended ethics training at DOI on January 2017 and February 2017. Domenech said he “assumed” the training in those two sessions covered the rules pertaining to contact with former employers and clients, but he said he had “no particular memory” of that part of the training. Domenech said he recalled the training concerning impartiality and the gift rules, and he acknowledged that he worked at DOI as either a Senior Executive or a GS-15 from July 2001 until January 2009.

Domenech confirmed that in 2018 he self-reported his April 2017 meeting with TPPF to (b) (7)(C) (b) (7)(C), Ethics Counselor, SOL, DOI. Domenech said he saw an article in the news that someone at DOI had met with a former employer, the (b) (7)(C), and that it was inappropriate to have done so given the recusal period. Domenech said this prompted him to contact Daniel Jorjani, then Acting Solicitor, SOL, DOI, to discuss his April 2017 meeting with TPPF. Domenech said he and Jorjani contacted (b) (7)(C) to discuss it with (b) (7)(C). Domenech did not recall Jorjani discussing the ethics pledge with him. Domenech said he did not recall if (b) (7)(C) asked him what was discussed in the meeting, and he did not tell (b) (7)(C) they discussed two cases in litigation, which were particular matters. Domenech said that he had not discussed the two cases in litigation with TPPF either before or after

Reporting Official/Title (b) (7)(C) /Investigator	Signature Digitally signed.
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the April (b) (7)(C) 2017 meeting with anyone in DOI's Ethics Office. Domenech said he did not remember if he was supposed to follow up with (b) (7)(C) after the telephone call to (b) (7)(C). Domenech said he did not recall (b) (7)(C) discussing the ethics pledge with him, but he acknowledged (b) (7)(C) "might" have cautioned him about not meeting with his former employer again. Domenech said he did not recall discussing it with De la Vega, but he said De la Vega "could have" counseled him about this. Domenech said he did not mention his self-report to DOI Ethics to his supervisor at the time because he did not think to do it.

We discussed a (b) (7)(C) article about Domenech's contact with TPPF from the (b) (7)(C) entitled, (b) (7)(C) with Domenech. Domenech acknowledged he read the article prior to his DOI OIG interview. We asked Domenech to comment on a May (b) (7)(C) 2017 email referenced in the article in which Domenech replied to TPPF concerning two matters under litigation, the Bone Cave Harvestman Spider and the Red River, with the words "Keep fighting." Domenech said he did not think he was encouraging TPPF to fight the DOI on these matters. Domenech said his role had been to arrange the April (b) (7)(C) 2017 meeting and invite attendees to it, but he said he had no "inside information" concerning the two lawsuits they discussed. Domenech said he could see how someone might consider his comment "keep fighting" as showing partiality to TPPF, but he said that had not been his intent. Domenech said he had meant to encourage TPPF in their overall battle for constitutional rights, which he said was a big theme in the state of Texas.

Domenech submitted his own timeline of the events. Domenech also pointed out that there was an error on page two of De la Vega's March 26, 2019 memorandum to the Chief of Staff. Domenech said De la Vega erroneously wrote the date March (b) (7)(C) 2017 when the date of the meeting was April (b) (7)(C) 2017. We agreed to relay the information about the error to De La Vega for Domenech.



ATTACHMENT 10

CASE NUMBER: OI-PI-19-0300-I

INTERVIEWER: INVESTIGATOR (b) (7)(C)
SA (b) (7)(C)

INTERVIEWEE: DOUGLAS DOMENECH

LOCATION: (b) (7)(C)

DATE: JULY 25, 2019

TIME: 10:08 A.M. EASTERN STANDARD TIME

1 (INTERVIEW OF DOUGLAS DOMENECH, #OI-PI-19-0300-I, JULY
2 25, 2019)

3 (The following may contain unintelligible or misunderstood
4 words due to the recording quality.)

5 (INFO SHEET)

6
7 (b) (7)(C) : It is July 25th, 2019, and the time is
8 10:08 am eastern. My name is (b) (7)(C). Last name
9 is spelled (b) (7)(C). I'm an investigator with the
10 Department of the Interior Office of Inspector General
11 Program Integrity Division. With me today is Special
12 Agent, SA, (b) (7)(C), Program Integrity Division. Uh,
13 (b) (7)(C), would you please state your name and spell your
14 last name for the record?

15 (b) (7)(C): Special Agent (b) (7)(C). Last name is
16 spelled (b) (7)(C). First name is (b) (7)(C).

17 (b) (7)(C) : Thank you. We're conducting an interview
18 of Douglas Domenech, political -- excuse me, political
19 appointee, assistant secretary for Insular and
20 International affairs, Department of Interior. The
21 purpose of this interview is to discuss an allegation
22 made about Mr. Domenech in a February 20th, 2019
23 complaint from the Campaign Legal Center, CLC. Mr.
24 Domenech, please --

25 DOUGLAS DOMENECH: Do you want me to spell my name?

26 (b) (7)(C) : Yes. I was just going to say would you -

1 -

2 DOUGLAS DOMENECH: Oh. Okay.

3 (b) (7)(C) : -- please state your name and spell your
4 last name for the record.

5 DOUGLAS DOMENECH: My name is Douglas William Domenech,
6 and the last name is spelled D-O-M-E-N-E-C-H.

7 (b) (7)(C) : Okay. Great. Thank you. Prior to the
8 start of the interview we provided you with a form
9 entitled, uh, "Warnings and Assurances for Voluntary
10 Interviews." Did you read, understand, and sign the
11 form?

12 DOUGLAS DOMENECH: I did.

13 (b) (7)(C) : Okay. Uh, do you have any questions
14 about the form?

15 DOUGLAS DOMENECH: I do not.

16 (b) (7)(C) : Okay. You understand that this interview
17 is being recorded as is our practice, is that correct?

18 DOUGLAS DOMENECH: That is correct.

19 (b) (7)(C) : Okay. You also understand that your
20 statements must be truthful and that it is a crime to
21 knowingly and willfully make any materially false,
22 fictitious, or fraudulent statement or representation to
23 OIG agents in these matters? Is that correct?

24 DOUGLAS DOMENECH: I understand that.

25 (b) (7)(C) : Okay. Great. Thanks. All right. So,
26 um, the first thing on my paper: Um, let's talk about

1 the April (b) (7)(C), 2017 meeting that you had with TPPF. So I
2 had a couple questions on this one. Before you met with
3 TPPF on April (b) (7)(C), 2017 regarding the Bone Harvestman
4 Cave Spider and the Red River litigation did you seek
5 advice from anyone in DOI's Ethics Office?

6 DOUGLAS DOMENECH: I did not.

7 (b) (7)(C): Okay. And is there a reason?

8 DOUGLAS DOMENECH: Not -- not that -- that I can recall.
9 I just didn't --

10 (b) (7)(C): Okay. And is there --

11 DOUGLAS DOMENECH: I didn't.

12 (b) (7)(C): Did -- is there a reason why?

13 DOUGLAS DOMENECH: Didn't -- just didn't think about it.
14 Uh, uh, it was early in the administration. Uh, there
15 were lots of people coming in to meet new people and, uh,
16 and, uh, that's primarily what I considered it to be,
17 just a regular access for any citizen, uh, or group that
18 wanted to come in and talk to us. So, can I ask, uh --
19 you don't mind if I --

20 (b) (7)(C): Go ahead.

21 DOUGLAS DOMENECH: So is that regular that before I meet
22 people I should ask Ethics if I can meet with them?

23 (b) (7)(C): Well the fact that you had worked with
24 them in the past --

25 DOUGLAS DOMENECH: Okay. Yeah.

26 (b) (7)(C): -- as a -- as a prior employer, that's

1 where the --

2 DOUGLAS DOMENECH: That is -- and I was less sensitive --

3 (b) (7)(C): Uh-huh.

4 DOUGLAS DOMENECH: -- about that at the time.

5 (b) (7)(C): Okay.

6 DOUGLAS DOMENECH: Uh, I'm far more sensitive.

7 (b) (7)(C): Okay.

8 DOUGLAS DOMENECH: Um --

9 (b) (7)(C): When you use -- use the term sensitive, is
10 that -- are you using that as knowledgeable --

11 DOUGLAS DOMENECH: I -- I --

12 (b) (7)(C): -- knowledgeable?

13 DOUGLAS DOMENECH: Knowledgeable. Yeah.

14 (b) (7)(C): Okay.

15 DOUGLAS DOMENECH: Yeah, that's -- that's what I mean.

16 Yeah. Very -- very good catch.

17 (b) (7)(C): Okay.

18 DOUGLAS DOMENECH: I -- I just didn't understand that
19 there would be a, uh, a caution --

20 (b) (7)(C): Uh-huh.

21 DOUGLAS DOMENECH: -- uh, or a prohibition, but, uh, I
22 put it more in the category of a caution about, uh,
23 meeting with my previous employer at that time.

24 (b) (7)(C): Okay.

25 DOUGLAS DOMENECH: And -- and, secondly, I didn't really
26 work with this (b) (7)(C) coming in but (b) (7)(C) -- we worked at the

1 same place.

2 (b) (7)(C) : Uh, (b) (7)(C) ?

3 DOUGLAS DOMENECH: (b) (7)(C).

4 (b) (7)(C) : (b) (7)(C) ? So you didn't work with
5 (b) (7)(C) at TPPF?

6 DOUGLAS DOMENECH: No.

7 (b) (7)(C) : Okay.

8 DOUGLAS DOMENECH: I mean (b) (7)(C) worked in a different --
9 it's a -- a 60-, 70-people type think tank --

10 (b) (7)(C) : Uh-huh.

11 DOUGLAS DOMENECH: -- and, um, (b) (7)(C) -- (b) (7)(C) just was in a --

12 (b) (7)(C) - (b) (7)(C) --

13 (b) (7)(C) : Yeah, (b) (7)(C) a --

14 DOUGLAS DOMENECH: -- (b) (7)(C) --

15 (b) (7)(C) : -- (b) (7)(C).

16 DOUGLAS DOMENECH: -- and so there's, like, (b) (7)(C) that
17 did all the stuff.

18 (b) (7)(C) : Did you know of (b) (7)(C) --

19 DOUGLAS DOMENECH: Yes.

20 (b) (7)(C) : -- prior?

21 DOUGLAS DOMENECH: Yeah, only just the -- from staff
22 stuff. And then I -- and I also --

23 (b) (7)(C) : What was your relationship --

24 DOUGLAS DOMENECH: Oh, I'm sorry.

25 (b) (7)(C) : -- with (b) (7)(C) ?

26 DOUGLAS DOMENECH: Um, uh, we -- in terms of -- I worked

1 here in D.C.; (b) (7)(C) worked in (b) (7)(C), so we really didn't
2 have a personal relationship. Uh, but, um, I did (b) (7)(C)
3 (b) (7)(C) at times related to my project which -- which was
4 related to the clean power plan. So, if we had a
5 question -- (b) (7)(C) questions related to EPA work, um,
6 uh, you know, how the rule worked, um, I could -- I would
7 (b) (7)(C).

8 (b) (7)(C): Okay. But not about these issues --

9 DOUGLAS DOMENECH: No.

10 (b) (7)(C): -- the spider and the Red River
11 litigation?

12 DOUGLAS DOMENECH: I was not involved in either of those.

13 (b) (7)(C): Okay. All right. Now I confirmed that,
14 um, you attended ethics training on January (b) (7)(C), 2017,
15 on --

16 DOUGLAS DOMENECH: Yes, I --

17 (b) (7)(C) -- (b) (7)(C).

18 DOUGLAS DOMENECH: Yes, I organized it.

19 (b) (7)(C): And I heard that, um, it was kind of
20 abbreviated because the time period the training was kind
21 of reduced from an hour to 30 minutes?

22 DOUGLAS DOMENECH: That's probably right. It was (b) (7)(C).

23 Uh, was it (b) (7)(C) or (b) (7)(C)? Now I can't remember. It
24 was during (b) (7)(C) --

25 (b) (7)(C): Right.

26 DOUGLAS DOMENECH: -- so it was a little bit crazy.

1 (b) (7)(C) : And --

2 DOUGLAS DOMENECH: We came in at noon --

3 (b) (7)(C) : Uh-huh.

4 DOUGLAS DOMENECH: -- and wanted, you know, very early on

5 to have ethics training, at least --

6 (b) (7)(C) Uh-huh.

7 DOUGLAS DOMENECH: -- as much as we could. And we told

8 people at the time this would not fulfill their annual,

9 uh, ethics requirement --

10 (b) (7)(C) : Uh-huh.

11 DOUGLAS DOMENECH: -- but we wanted to sensitize them to

12 the importance of ethics and, uh, the importance we would

13 place on it.

14 (b) (7)(C) : Okay. I also confirmed that you attended

15 a longer session on February (b) (7)(C), 2017.

16 DOUGLAS DOMENECH: Sounds right.

17 (b) (7)(C) : Okay. I brought with me -- I printed out

18 the slides, the training slides, from both of those

19 sessions. Uh, the first one is departmental ethics

20 office initial ethics training, January (b) (7)(C), 2017.

21 DOUGLAS DOMENECH: Okay.

22 (b) (7)(C) : This I understand was taught by (b) (7)(C)

23 (b) (7)(C) ?

24 DOUGLAS DOMENECH: That's probably right.

25 (b) (7)(C) : And you can flip through those and --

26 DOUGLAS DOMENECH: Yeah, I'm sure it's --

1 (b) (7)(C) : -- refresh your, uh, memory.

2 DOUGLAS DOMENECH: You know, I don't -- this would --
3 would have been the abbreviated one. So, I don't know if
4 he got through all these or not, but I'm sure it's
5 standard ethics-type training.

6 (b) (7)(C) : Does that look familiar, that PowerPoint?

7 DOUGLAS DOMENECH: Uh, yeah, but I've seen them before so
8 it --

9 (b) (7)(C) : (Unintelligible).

10 DOUGLAS DOMENECH: -- they all look a little bit the
11 same.

12 (b) (7)(C) : Okay.

13 DOUGLAS DOMENECH: Uh, I --

14 (b) (7)(C) Then from the February (b) (7)(C), 2017 one,
15 this is the PowerPoint presentation that (b) (7)(C)
16 [phonetic] and (b) (7)(C) gave.

17 DOUGLAS DOMENECH: Uh, okay. I don't -- I mean I'm sure
18 I was there.

19 (b) (7)(C) : Uh-huh. Yes, I confirmed you were.

20 DOUGLAS DOMENECH: If you -- if you -- you confirmed it
21 and I, um -- but I -- and it looks a lot -- the same type
22 of standard, uh, ethics rules and that kind of thing.

23 (b) (7)(C) : So in those trainings -- in those
24 PowerPoints, um, did they cover interacting with former
25 employers or clients?

26 DOUGLAS DOMENECH: Uh, I don't have a -- I would assume

1 the answer to that is yes, um; however I don't have a
2 particular memory of that, but I'm not at all saying that
3 they didn't talk about it.

4 (b) (7)(C) : Okay.

5 DOUGLAS DOMENECH: And I think -- and I -- and the -- the

6 (b) (7)(C)

7

8 (b) (7)(C) ?

9 (b) (7)(C) : I was, uh -- yes, for your interview with

10 (b) (7)(C) ? Yes.

11 DOUGLAS DOMENECH: Yes, I couldn't remember that. Yeah.

12 (b) (7)(C) : Uh-huh.

13 DOUGLAS DOMENECH: Okay.

14 (b) (7)(C) : Yes.

15 DOUGLAS DOMENECH: Um, so as I said then, I -- I, uh, uh,
16 you know then I honestly did not realize that a -- a real
17 sort of, uh, red line -- whatever the right way to say
18 that is, uh, prohibition on meeting -- I -- I don't
19 recall that that is sort of how it's characterized and so
20 I wasn't -- I'm going to use the word sensitized. I
21 wasn't, uh, thinking that there was a problem because I
22 primarily thought -- and (b) (7)(C), uh, that
23 the prohibition primarily dealt with things I was
24 involved in.

25 (b) (7)(C) : Right.

26 DOUGLAS DOMENECH: And I knew that my project was an EPA

1 project so I just didn't -- I just didn't think about it
2 at the time. I would certainly think about it now.

3 (b) (7)(C) : Okay. I've reviewed both the slide sets
4 from, uh, January 2017 and February 2017 -- from the
5 training, and they did, in fact, cover, uh, the fact that
6 a former employer, uh, was considered a covered
7 relationship and that you're not supposed --

8 DOUGLAS DOMENECH: Right.

9 (b) (7)(C) : -- to have contact them for at least a
10 year.

11 DOUGLAS DOMENECH: Okay.

12 (b) (7)(C) : So -- so that is covered.

13 DOUGLAS DOMENECH: I don't know what covered means but,
14 yeah.

15 (b) (7)(C) : Well --

16 DOUGLAS DOMENECH: Included?

17 (b) (7)(C) : Yeah.

18 DOUGLAS DOMENECH: Yeah? Okay.

19 (b) (7)(C) : That's -- that's a -- that's one of the
20 parties that you're not supposed have contact with during
21 your recusal period because you worked for them. It's
22 like a cooling off period.

23 DOUGLAS DOMENECH: Okay.

24 (b) (7)(C) : So that's --

25 DOUGLAS DOMENECH: I --

26 (b) (7)(C) : That is in the training slides.

1 DOUGLAS DOMENECH: I don't recall that but I'm sure it's
2 in there.

3 (b) (7)(C) : Okay. Do you recall going over
4 impartiality and gifts, any of those rules?

5 DOUGLAS DOMENECH: Uh, yeah. I mean I, uh -- but I know
6 some of them from being here before.

7 (b) (7)(C) : Okay.

8 DOUGLAS DOMENECH: I mean I know we're not -- we're not
9 taking -- I know that there are dollar amounts associated
10 with it, but I don't make it a practice to take gifts.

11 (b) (7)(C) : Okay.

12 (b) (7)(C) : For the record when you say from being here
13 before --

14 DOUGLAS DOMENECH: Oh, I'm sorry.

15 (b) (7)(C) : -- could you explain a little bit about that
16 for --

17 DOUGLAS DOMENECH: I worked previously for the federal
18 government during, uh, the Bush administration from July
19 of 2001 --

20 (b) (7)(C) : Uh-huh.

21 DOUGLAS DOMENECH: -- until, uh, the end of the
22 administration. I stayed till the very end. And that --

23 (b) (7)(C) : So --

24 DOUGLAS DOMENECH: -- would have been January 2009?
25 2009? Does that sound right?

26 (b) (7)(C) : I have your SF-50, so I will be able --

1 DOUGLAS DOMENECH: Yeah, so it's -- it -- that -- that
2 should be it. I helped the secretary move out the last
3 day.

4 (b) (7)(C): A follow-up question to that. Um, in your
5 previous experience were you in the same level or role,
6 um, and, if so, uh, did you receive this training then?

7 DOUGLAS DOMENECH: That -- this or substantially the
8 same. So, uh, all -- all of us go through, uh, ethics
9 training. Uh, uh, I do think there is an annual
10 requirement, so I'm sure I went through several of them.
11 Um, I -- of course now I'm an assistant secretary. Uh,
12 at the very beginning of this administration and during
13 the Bush administration I was not at that level but, uh -
14 -

15 (b) (7)(C): Were you, like, a GS15 or --

16 DOUGLAS DOMENECH: Uh, in --

17 (b) (7)(C): -- or your best guess?

18 DOUGLAS DOMENECH: -- in Bush -- in Bush, uh, uh, until,
19 uh, maybe the first -- I was a 15, um, until, uh, the
20 first year of the second term. I have to get out my --
21 think my math. Uh, then I became an SES at that point,
22 um, deputy chief of staff, uh, to the secretary, and um,
23 uh, but, uh -- and when I got here at first I was
24 actually a special government employee, uh, until right
25 before I was confirmed.

26 (b) (7)(C): So I want to move on to a different topic

1 here. You told us last time that, um, in the summer of
2 2018 you self-reported the April (b) (7)(C) 2017 meeting --

3 DOUGLAS DOMENECH: What was the --

4 (b) (7)(C) : -- that you had --

5 DOUGLAS DOMENECH: What was the date?

6 (b) (7)(C) : Well, in the summer of 2018.

7 DOUGLAS DOMENECH: That -- yeah, that sounds right.

8 (b) (7)(C) : Yeah.

9 DOUGLAS DOMENECH: Or spring, I don't remember --

10 (b) (7)(C) : Yeah.

11 DOUGLAS DOMENECH: -- exactly when.

12 (b) (7)(C) : Spring or summer of 2018 you contacted
13 the Ethics Office and you self-reported to (b) (7)(C), uh,
14 that you had had this April (b) (7)(C), 2017 meeting with TPPF.
15 So why did you self-report that meeting to (b) (7)(C)? Uh, what
16 triggered your concern and what was your concern?

17 DOUGLAS DOMENECH: Uh, well the trigger -- well, um, I
18 will, uh, -- so I may not have this all quite right.
19 Something happened during that time that, uh -- and I
20 hate to bring this up but, uh, uh, said that a different
21 employee here --

22 (b) (7)(C) : Uh-huh.

23 DOUGLAS DOMENECH: -- had a problem because (b) (7)(C) attended
24 an event with the secretary --

25 (b) (7)(C) : Uh-huh.

26 DOUGLAS DOMENECH: -- of the (b) (7)(C) --

1 (b) (7)(C) : Right.

2 DOUGLAS DOMENECH: -- and that there was -- I don't know
3 if there was an article -- must have been an article in
4 the paper or something. Something came up that basically
5 said that (b) (7)(C) -- it was inappropriate, or something like
6 that --

7 (b) (7)(C) : Uh-huh.

8 DOUGLAS DOMENECH: -- uh, for (b) (7)(C) to have gone to the
9 (b) (7)(C) because (b) (7)(C) used to work there --

10 (b) (7)(C) : Uh-huh.

11 DOUGLAS DOMENECH: -- even though, again, (b) (7)(C) was, my
12 understanding, just accompanying him to a speech.

13 (b) (7)(C) : Uh-huh.

14 DOUGLAS DOMENECH: And, uh, that's when I thought, oh,
15 wait a minute, I met with TPPF in April and I better tell
16 somebody. So I went to the Solicitors' Office -- as I
17 recall I went to the Solicitors' Office and together we
18 called, um, (b) (7)(C), who was at that time (b) (7)(C) --

19 (b) (7)(C) : Okay.

20 DOUGLAS DOMENECH: -- with, uh, the Ethics Office.

21 (b) (7)(C) : And who was this?

22 DOUGLAS DOMENECH: I think it was before, uh, de la Vega
23 was here.

24 (b) (7)(C) : So who at the Solicitors' Office did you
25 approach first?

26 DOUGLAS DOMENECH: I'm pretty sure it was Dan Jorjani.

1 (b) (7)(C) : Okay. And what did Mr. Jorjani say?

2 DOUGLAS DOMENECH: That we should report it to -- to
3 Ethics.

4 (b) (7)(C) : So did the two of you contact (b) (7)(C)?

5 DOUGLAS DOMENECH: Uh, you know, my -- my memory is that
6 we just -- we phoned (b) (7)(C) and, uh, uh -- but --

7 (b) (7)(C) : What did (b) (7)(C) ask for? What kind of
8 information did (b) (7)(C) ask you about the meeting with TPPF?

9 DOUGLAS DOMENECH: Um, I explained why I was calling,
10 that, um, uh -- this is by my memory because --

11 (b) (7)(C) : Right.

12 DOUGLAS DOMENECH: -- I didn't write anything down. Uh,
13 but I would have explained to (b) (7)(C) that, yeah, I -- I
14 realized that I had this meeting in April. Uh, I talked
15 about the fact that the subjects were not anything I was
16 involved in beforehand or afterwards, so I didn't track
17 the issues or call other staff about the issues, um,
18 afterwards, that, um, uh -- and I felt like I needed to
19 tell somebody that I had had this meeting. And, um, so
20 it was something like that.

21 (b) (7)(C) : Did you tell (b) (7)(C) that the topics of the
22 meeting were litigation?

23 DOUGLAS DOMENECH: Uh, I bet I didn't because I -- I now
24 understand that's considered a particular matter, but I -
25 - at -- but, again, like I said last time, as a non-
26 lawyer, uh, at the -- especially at the time -- now I'm

1 more sensitive to it, uh, more knowledgeable of it, but
2 at the time I just -- I, again, as a non-lawyer didn't
3 think about that litigation sort of triggered a different
4 thing.

5 (b) (7)(C): Okay. Um, and did (b) (7)(C) ask you what the
6 topics were of the meeting?

7 DOUGLAS DOMENECH: I don't recall. I -- have you had a
8 chance to talk to (b) (7)(C)? Okay. Good.

9 (b) (7)(C): Do you recall what advice (b) (7)(C) gave you?

10 DOUGLAS DOMENECH: Uh, well, um, again --

11 (b) (7)(C): What did --

12 DOUGLAS DOMENECH: -- I was -- there was a -- I don't
13 think I was really asking. Um, now, again, in, uh,
14 hindsight and with more knowledge I would have asked (b) (7)(C)
15 to document this in an email or I would have said, "Hey,
16 can I send you an email?" Today -- if it happened today
17 I would say, "Can I send you" -- I probably would have a
18 chat and then I would say, "Can I send you an email, uh,
19 sort of -- so I have evidence or a record that I asked
20 and can you send me back an email with -- with the advice
21 or the acknowledging that I asked?" But at the time I
22 just didn't -- I didn't think about it. I didn't think
23 it was, uh, critical.

24 (b) (7)(C): So at the time you talked with (b) (7)(C) on the
25 phone was Jorjani in the room? Do you recall if he was?

26 DOUGLAS DOMENECH: I thought he was --

1 (b) (7)(C) : Okay.

2 DOUGLAS DOMENECH: -- but, um, uh, I -- he was just
3 giving me the advice, "You should call Ethics."

4 (b) (7)(C) : So did you and (b) (7)(C) have any kind of plan
5 to meet up again about it and talk again or were you
6 supposed to provide (b) (7)(C) with any additional information?
7 Do you remember?

8 DOUGLAS DOMENECH: I don't remember, and I don't think we
9 did. I mean, again, I, you know, interacted with (b) (7)(C) on
10 lots of other things. (b) (7)(C) was my main Ethics person.

11 (b) (7)(C) : But how did it play out? What was -- did
12 (b) (7)(C) say noted and you hung up and you -- that was the end
13 of it for you or --

14 DOUGLAS DOMENECH: Uh, yeah. I mean I -- I don't
15 remember that we had a second call but, uh, you know it
16 was like, you know, "Thanks for letting me know about it"
17 and, um, uh, uh --

18 (b) (7)(C) : Did (b) (7)(C) offer you --

19 DOUGLAS DOMENECH: -- but beyond that --

20 (b) (7)(C) : I'm sorry; go ahead.

21 DOUGLAS DOMENECH: No after -- beyond that, uh, it might
22 have been, "I'll get back to you if we need more or if I"
23 -- something like -- along that, um, kind of thing.

24 (b) (7)(C) : So you left it feeling like you had done
25 your due diligence or your duty to report?

26 DOUGLAS DOMENECH: No, uh, well I thought I should report

1 it to somebody once I realized oh, wait a minute,
2 there's, uh -- you know if -- if (b) (7)(C) [phonetic] is
3 going to get in trouble for just going with the secretary
4 to (b) (7)(C), uh, I should -- I should, uh-- 'cause up
5 until then -- and I -- I think even after this I haven't
6 had any meetings with TPPF. And so, um, I, uh, uh, felt
7 like I had better tell somebody that I had this -- this,
8 uh, same, uh, basic -- well mine's a little different
9 than just going to a speech but, you know --

10 (b) (7)(C) : What did (b) (7)(C) tell you, if anything,
11 about the ethics pledge? Do you recall?

12 DOUGLAS DOMENECH: I don't recall.

13 (b) (7)(C) : Okay. Do you recall (b) (7)(C) talking about
14 it?

15 DOUGLAS DOMENECH: No. Uh, we -- it didn't really come
16 up. Uh, I assume (b) (7)(C) assumed that I knew that; that's
17 why was calling (b) (7)(C), to let (b) (7)(C) know.

18 (b) (7)(C) : Did (b) (7)(C) caution you in any way about
19 meeting with, um, former employers?

20 DOUGLAS DOMENECH: (b) (7)(C) might have. And that's highly,
21 uh, possible but, again, I didn't -- didn't particularly
22 take notes. But I think by then I was already aware that
23 I should not do that. I mean not -- you know, in
24 general.

25 (b) (7)(C) : Okay. Um, so I want to talk, uh, about
26 Scott de la Vega. Did Scott de la Vega, um, after he

1 came on board at -- at some point when he came board
2 April (b) (7)(C), 2018 -- at some point in 2018 or 2019 did he
3 talk to you about the fact that you had self-reported
4 this to (b) (7)(C)?

5 DOUGLAS DOMENECH: I don't recall having a conversation
6 with Scott about it.

7 (b) (7)(C): Did he counsel you about it in any way?

8 DOUGLAS DOMENECH: I don't, uh, I don't recall it just
9 coming up at all. I mean it could have, um, I just don't
10 recall it 'cause I kind of -- you know kind of did -- did
11 this and, uh -- now we did talk after the complaint was
12 filed.

13 (b) (7)(C): Yeah. Yeah, I'm talking --

14 DOUGLAS DOMENECH: Okay.

15 (b) (7)(C): -- before that.

16 DOUGLAS DOMENECH: Yeah. Okay.

17 (b) (7)(C): All right. Um, did you ever tell your
18 supervisor when you made this self-report to (b) (7)(C)?
19 Did you tell your supervisor at the time?

20 DOUGLAS DOMENECH: I don't recall that I did or not.

21 (b) (7)(C): Who was your supervisor in those days?

22 DOUGLAS DOMENECH: That's a good question. So, uh, give
23 me a date, again, of the meeting or the date of the
24 encounter with, uh --

25 (b) (7)(C): That would have been the summer of 2018,
26 probably --

1 DOUGLAS DOMENECH: With -- the encounter with (b) (7)(C)?

2 (b) (7)(C): -- probably April or May.

3 DOUGLAS DOMENECH: Uh, uh, of '18?

4 (b) (7)(C): Yes, when you self-reported.

5 DOUGLAS DOMENECH: So, I'm -- I'm already in this job?

6 (b) (7)(C): Yeah.

7 DOUGLAS DOMENECH: So technically my supervisor is the

8 secretary or the chief of staff. I don't think I would

9 have brought it up.

10 (b) (7)(C): So that would have been, uh, Zinke or

11 (b) (7)(C)?

12 DOUGLAS DOMENECH: Yeah.

13 (b) (7)(C): Is that right?

14 DOUGLAS DOMENECH: Yeah. We don't -- I mean I -- that's

15 a good idea. I probably should have done that.

16 (b) (7)(C): So you didn't go, uh -- my understanding at

17 the time, uh, that the agency was kind of bifurcated

18 between the, uh, the deputy secretary that --

19 DOUGLAS DOMENECH: Yeah, it --

20 (b) (7)(C): -- that kind of oversaw --

21 DOUGLAS DOMENECH: So you --

22 (b) (7)(C): -- certain people?

23 DOUGLAS DOMENECH: Yeah, it, um -- so operationally

24 obviously the secretary in the line of -- line is, uh, my

25 supervisor and -- or -- or his spokesman, in a way the

26 chief of staff. But you're right for -- in terms of

1 operations and what everybody's doing, that reported up
2 through the deputy secretary. So, I mean, yeah.

3 (b) (7)(C) : Okay. So your answer is --

4 DOUGLAS DOMENECH: If you've got a chart he'd be in
5 there.

6 (b) (7)(C) : So your answer is that you don't recall
7 telling your supervisor about the self-report to (b) (7)(C)

8 (b) (7)(C)

9 DOUGLAS DOMENECH: I don't recall.

10 (b) (7)(C) : Okay. All right. And it would have been
11 either Zinke or (b) (7)(C) at the time?

12 DOUGLAS DOMENECH: Well, I mean your -- your point is
13 well--

14 (b) (7)(C) : or David Bernhardt?

15 DOUGLAS DOMENECH: Bernhardt could have been in there,
16 but we don't -- you know, the meetings that we held were
17 strictly about operations, what -- what's the department
18 doing and that kind of thing.

19 (b) (7)(C) : Is there a reason why you wouldn't have
20 told your supervisor?

21 DOUGLAS DOMENECH: No. No reason. I just didn't think,
22 again, uh, that it had not raised itself to that point.
23 I'm not reporting to them that we're meeting. I mean
24 should I be? I hadn't thought about it.

25 (b) (7)(C) : Well, that's you're --

26 DOUGLAS DOMENECH: I'm sure they're well aware.

1 (b) (7)(C) : That's up to you. That's up to you. Um

2 --

3 DOUGLAS DOMENECH: Uh, but --

4 (b) (7)(C) : Okay.

5 (b) (7)(C) : But you felt going to Dan Jorjani who at the
6 time was the --

7 DOUGLAS DOMENECH: The lawyer, you know, the --

8 (b) (7)(C) : Okay.

9 DOUGLAS DOMENECH: -- was kind of our lawyer type of
10 thing, the department's. He wasn't DAD at the -- he was
11 the acting, I think, uh, solicitor and, uh, and I think
12 of -- I don't know organizationally how it works, but I
13 think of Ethics as -- and the -- I know the IG is
14 separate, the -- the Ethics Office as reporting to --
15 yeah --

16 (b) (7)(C) : So --

17 DOUGLAS DOMENECH: -- as -- as part of the Office of the
18 Solicitor.

19 (b) (7)(C) : So the -- the chain was you went to Mr.
20 Jorjani, who advised you to call (b) (7)(C). You spoke to
21 (b) (7)(C). And you don't recall de la Vega talking to
22 you about it later on?

23 DOUGLAS DOMENECH: I -- I don't, but he -- he could have.

24 (b) (7)(C) : Okay.

25 DOUGLAS DOMENECH: He's actually a very detailed person.
26 But I just don't recall it.

1 (b) (7)(C) : Okay. What did Mr. Jorjani say other
2 than, "Let's call (b) (7)(C)"? Anything?
3 DOUGLAS DOMENECH: No, but it was a sort of, "Yeah, you
4 should -- you should report this."
5 (b) (7)(C) : Okay. He told you to report it?
6 DOUGLAS DOMENECH: Well, I mean, yeah, he -- he gave me,
7 "Let's get -- let's get -- let's" -- yeah, it might have
8 been, "Who do you talk to in the Ethics Office
9 specifically?" I said, "(b) (7)(C)." He's, "Well, let's give
10 (b) (7)(C) a call."
11 (b) (7)(C) : Okay. Did he say anything further about
12 -- about that or at -- at the time?
13 DOUGLAS DOMENECH: Not that I recall.
14 (b) (7)(C) : Did he say anything about the ethics
15 pledge at the time?
16 DOUGLAS DOMENECH: Not that I recall.
17 (b) (7)(C) : All right. Um, I'm going to move on here
18 to an article that recently appeared in the (b) (7)(C)
19 (b) (7)(C). And I brought a copy of it with me. I think
20 you are probably acquainted with it.
21 DOUGLAS DOMENECH: Oh, I'm -- I printed them both up.
22 (b) (7)(C) : Um, here we go. Yes. And for the record
23 I'll just read in what it is. It's, uh, an article dated
24 (b) (7)(C) by (b) (7)(C), and the title is "(b) (7)(C)
25 (b) (7)(C)."
26 (b) (7)(C)."

1 Did you read this article?

2 DOUGLAS DOMENECH: I did.

3 (b) (7)(C) : Okay.

4 DOUGLAS DOMENECH: And you have the first one I assume.

5 (b) (7)(C) : Uh, what date is the first one?

6 DOUGLAS DOMENECH: Uh, May, uh, May, uh, May (b) (7)(C) (b) (7)(C) .

7 (b) (7)(C) : Oh. Okay. So there's another one as

8 well?

9 DOUGLAS DOMENECH: He refers to it in this one.

10 (b) (7)(C) : Okay.

11 DOUGLAS DOMENECH: So you can link -- if you go --

12 (b) (7)(C) : Okay.

13 DOUGLAS DOMENECH: -- back to it it's, uh, "revealed last

14 year" if you --

15 (b) (7)(C) : Okay.

16 DOUGLAS DOMENECH: -- click on there it takes you to this

17 one.

18 (b) (7)(C) : Okay. All right. Good.

19 DOUGLAS DOMENECH: So, yeah, this was the, uh -- it's

20 repetitive but, you know, he's paid --

21 (b) (7)(C) : Okay.

22 DOUGLAS DOMENECH: -- he's paid by the word, so --

23 (b) (7)(C) : All right. I just -- I just had a couple

24 questions about this. If you could --

25 DOUGLAS DOMENECH: Sure.

26 (b) (7)(C) : -- turn, um, in the (b) (7)(C) version on

1 page three at the bottom --

2 DOUGLAS DOMENECH: Page. We might --

3 (b) (7)(C) : -- the fifth paragraph from the bottom.

4 DOUGLAS DOMENECH: -- might not have the same page but,
5 okay.

6 (b) (7)(C) : Yeah.

7 DOUGLAS DOMENECH: Okay.

8 (b) (7)(C) : The fifth paragraph from the bottom that
9 starts with, "In (b) (7)(C) of 2017".

10 DOUGLAS DOMENECH: Yes.

11 (b) (7)(C) : Okay. I'm going to read this for the
12 record and then I have a couple questions. "Uh,
13 Domenech's partiality, uh, to TPPF comes through clearly
14 in the documents obtained via the FOIA request"

15 DOUGLAS DOMENECH: Okay. Uh, I'm not seeing your --
16 where you're reading.

17 (b) (7)(C) : Okay. "In (b) (7)(C) --

18 DOUGLAS DOMENECH: "In (b) (7)(C) --

19 (b) (7)(C) : -- "of 2017" --

20 DOUGLAS DOMENECH: Oh, you went --

21 (b) (7)(C) : Yeah.

22 DOUGLAS DOMENECH: It's a different paragraph for me but
23 go ahead.

24 (b) (7)(C) : Yeah, I'm sorry. I -- I read the --

25 DOUGLAS DOMENECH: First.

26 (b) (7)(C) : -- the sixth paragraph from the bottom.

1 DOUGLAS DOMENECH: Yeah.

2 (b) (7)(C) : But, "In (b) (7)(C) of 2017, roughly a month
3 after the DOI's meetings with TPPF, (b) (7)(C) sent an email
4 to a handful of DOI officials to update them on the
5 endangered species act lawsuit that (b) (7)(C) group was
6 pursuing against the Department of the Interior. The
7 lawsuit was filed against the U.S. Fish and Wildlife
8 Service, a DOI agency, in an effort to delist the Bone
9 Cave Harvestman, uh, Arachnid." Uh, "Domenech responded
10 to (b) (7)(C) email with words of enthusiasm and support.
11 'Keep fighting' he wrote." Okay. So you're -- you saw
12 that already?

13 DOUGLAS DOMENECH: Yes.

14 (b) (7)(C) : Okay. And then you provided us --

15 DOUGLAS DOMENECH: And I -- and I sent that to you.

16 Right.

17 (b) (7)(C) : That's right, you did give me -- I --
18 actually I did get a copy of it from someone else as
19 well. And then --

20 DOUGLAS DOMENECH: Okay.

21 (b) (7)(C) : Somebody in the department sent it to me.
22 Um, and I was looking at it myself too. And, uh --

23 DOUGLAS DOMENECH: They might have been able to do it
24 quicker since I didn't know how to do it.

25 (b) (7)(C) : Well you sent me this email.

26 DOUGLAS DOMENECH: Yeah.

1 (b) (7)(C) : You sent -- you didn't send me the
2 article, but you sent me an email.

3 DOUGLAS DOMENECH: Oh no. You didn't ask for the
4 article. But I would have sent it.

5 (b) (7)(C) : Right. Right. Um, you provided us with
6 a May (b) (7)(C), 2017 email from (b) (7)(C), and this was
7 to, uh, (b) (7)(C) and (b) (7)(C) uh, (b) (7)(C)
8 [phonetic], and (b) (7)(C) wrote, uh, "Thank you again for your
9 time in meeting with me last month. Wanted to make sure
10 that you saw the service did file with the Federal
11 Register the following affirming it's prior negative 90-
12 day finding" and there's a link. "As such, the basis for
13 the court-imposed stay has ended. The parties are now
14 currently negotiating a new briefing schedule and
15 scheduling order to get this case back on track.
16 Sincerely, (b) (7)(C) ."

17 And then your response above that, Tuesday, May (b) (7)(C),
18 2017 to (b) (7)(C) was, "Keep fighting."

19 DOUGLAS DOMENECH: Yeah, so that would have been after
20 (b) (7)(C) email mine was going to --

21 (b) (7)(C) : Right. Right.

22 DOUGLAS DOMENECH: Yeah, I've got it.

23 (b) (7)(C) : Okay. All right. All right. So --

24 DOUGLAS DOMENECH: I'm aware.

25 (b) (7)(C) : Yeah, and you provided that to me. Okay.
26 Um, can you tell me what you meant when you responded to

1 (b) (7)(C) in this email on May (b) (7)(C), 2017 when you said, "Keep
2 fighting"?

3 DOUGLAS DOMENECH: Uh, sure, uh, but I will say before I
4 answer that you realize everything (b) (7)(C) writes in there I
5 don't really quite understand in the sense I'm not (b) (7)(C)
6 (b) (7)(C).

7 (b) (7)(C): Okay.

8 DOUGLAS DOMENECH: I don't know what the status of the
9 (b) (7)(C) things or what it means, the 90-day court daily --
10 everything (b) (7)(C) wrote in there is -- might as well be a
11 foreign language to me 'cause I just don't quite deal
12 with those things.

13 (b) (7)(C): Uh-huh.

14 DOUGLAS DOMENECH: Um, the, uh, the key parting is I, of
15 course, agree with, uh -- so from -- again, my
16 understanding on the Bone Harvestman Spider and the type
17 of work that TPPF does as a -- as a non-profit think tank
18 is they sue, but I don't know the expanse of their work.
19 But, uh, my understanding is they sue about
20 constitutional matters. And my understanding of this
21 issue was trying to challenge the constitutionality -- I
22 didn't (b) (7)(C). I -- I assume (b) (7)(C) this.
23 The constitutionality of the service listing things that
24 only appear in a state.

25 So, in other words, challenging that the commerce
26 clause, uh, the commerce clause trigger that the federal

1 government can be involved in lots of things is, uh --
2 because it crosses state lines. What they were fighting
3 for was -- I mean I hate to say it this way. I don't
4 think they were fighting to save the spider. They were
5 fighting the constitutional, uh, clause that the Fish and
6 Wildlife Service should not have the right or have --
7 have jurisdiction over anything that doesn't cross --
8 that -- let's say anything that just appears within one
9 state's borders.

10 And, uh, so I don't think that they, for instance,
11 were fighting with Texas to delist the Bone Harvestman
12 Spider because there are so many of them. I think they -
13 - they were more fighting that -- they were just picking
14 that, uh, spider as an example to fight the
15 constitutional question. And so, on that basis, I said,
16 "Oh, keep fighting." More of a rah-rah thing.

17 **(b) (7)(C)** : So were you encouraging TPPF to keep
18 engaging with DOI, uh, when you wrote that?

19 DOUGLAS DOMENECH: I didn't think of it that way. I just
20 -- I don't even know where else they -- I mean maybe the
21 fight DOJ. I don't know enough about how, uh, something
22 like that would be done. Uh, it was meant more of just a
23 general keep fighting for constitutional principles,
24 blah, blah type -- type of thing. But, as you know, well
25 and -- and I didn't, uh, 'cause I think it would be
26 shown. I wasn't following up. I wasn't going to, uh,

1 (b) (7)(C) and, uh, (b) (7)(C) saying, "Hey what -- what are you
2 guys going to do? What are you guys going to do? We met
3 with -- with (b) (7)(C). Are you guys going to listen to
4 (b) (7)(C)?"

5 But I -- none of that ever happened. I -- I saw my
6 role in -- in the, um, April (b) (7)(C) meeting as really more
7 administrative than dealing with the content. I booked -
8 - I booked a room and invited people to come that were
9 new appointees that were, uh, either in -- dealing with
10 Fish and Wildlife stuff or dealing with BLM stuff. And I
11 didn't deal with those issues before (b) (7)(C) came. I didn't
12 follow up on any of them after. That's -- the -- the
13 email obviously shows that. And so I wasn't -- and,
14 again, I -- maybe I'm -- I know someone might say, "Oh,
15 you've been in the federal government for so long you
16 should be aware of these."

17 I just -- I'm not a lawyer. I don't really quite
18 deal at that level. Um, I certainly have cases here
19 where I'm -- I'm sorry, in -- in Insular Affairs, I'm
20 pointing at. For the -- for the tape I'm pointing down
21 the hallway.

22 (b) (7)(C) : Okay.

23 DOUGLAS DOMENECH: Um, uh, but they're just not on these
24 subjects.

25 (b) (7)(C) : So you had no -- no inside information on
26 the litigation or the direction that DOI was moving on

1 it?

2 DOUGLAS DOMENECH: No. No, I didn't.

3 (b) (7)(C): And --

4 DOUGLAS DOMENECH: And that goes to one of the points in
5 the article where the guy tries to tie, you know six
6 months later interior -- I think for the -- BLM settled
7 it, or something. I don't actually --

8 (b) (7)(C): Yeah.

9 DOUGLAS DOMENECH: I don't actually know what we did --
10 we -- BLM did. But I wasn't involved. I had nothing to
11 do with it.

12 (b) (7)(C): Were you -- if I may? Um, you said that you
13 organized the, uh, the -- the training that -- that was
14 done in --

15 DOUGLAS DOMENECH: Yeah.

16 (b) (7)(C): -- on (b) (7)(C) for ethics.

17 DOUGLAS DOMENECH: Right, back to ethics.

18 (b) (7)(C): Why were you the one who organized it?

19 DOUGLAS DOMENECH: I was -- I led the transition --

20 (b) (7)(C): Okay.

21 (b) (7)(C): Oh. Yeah.

22 DOUGLAS DOMENECH: -- to -- into the department. So
23 somebody had -- so I led -- so I was involved in, uh --
24 so I -- step back. Transitions start, uh, both -- for
25 whoever's running, uh, usually in the summer; I think
26 August. Before the election transitions start ramping

1 up, and, uh, lots of research and papers are written
2 trying to prepare for whoever's going to win. So then
3 the -- so obviously the Clinton campaign was doing the
4 exact same thing. The election happens and then only one
5 of the two, the winner, goes forward to sort of the next
6 phase of the transition, and that's when you get
7 government space.

8 They move you into, uh -- we, uh, we moved into GSA.
9 So we had a floor -- a couple of floors in a part of the
10 GSA building, and at that time, uh, they designated, uh,
11 people who could come into the agency and get the -- the
12 briefing notebooks.

13 (b) (7)(C) : Okay.

14 DOUGLAS DOMENECH: So every -- every office at interior
15 was developing transition materials. It was, like, three
16 notebooks this big, and, um, so I was designated as the,
17 uh, the lead person for that phase. Uh, they called it
18 something, I --

19 (b) (7)(C) : (b) (7)(C) ?

20 DOUGLAS DOMENECH: Was that (b) (7)(C)? What was the
21 other -- what was the last (b) (7)(C)?

22 (b) (7)(C) : I don't know.

23 DOUGLAS DOMENECH: Okay. Sorry. Let's just say it was
24 (b) (7)(C). I -- I'm not sure it was (b) (7)(C) but --

25 (b) (7)(C) : The (b) (7)(C) of you that came on board on
26 January (b) (7)(C), 2017 that are in this complaint --

1 DOUGLAS DOMENECH: Yes.

2 (b) (7)(C) : -- you, (b) (7)(C) , and --

3 DOUGLAS DOMENECH: Yes.

4 (b) (7)(C) : -- (b) (7)(C) --

5 DOUGLAS DOMENECH: Yes.

6 (b) (7)(C) : -- that was the (b) (7)(C) .

7 DOUGLAS DOMENECH: Okay. So that's coming in the first
8 day.

9 (b) (7)(C) : Right.

10 DOUGLAS DOMENECH: So the -- we were called something
11 else, and the white house has to -- so the -- the Trump
12 transition notifies the white house here's the people --
13 I think we (b) (7)(C) who were authorized.
14 And then the white house announces it, uh, in a press
15 release or something that the following people are
16 authorized to go into interior. I worked -- my main
17 contact was (b) (7)(C) [phonetic]. So (b) (7)(C) and I worked on
18 a smooth transition.

19 And then the, uh, people from my team came in and,
20 you know, interviewed each assistant secretary office and
21 each -- I'm sure someone probably went to the ethics and
22 the IG -- interviewed the IG, mostly looking for, um --
23 they can't tell us anything that's not public, but they
24 tell us, um, you know we're, like, looking for what --
25 what are big things that we're going to be hit with, uh,
26 at the time. So, for instance, the biggest thing that

1 came out of our, uh -- I didn't do the IG one, but was
2 that there was all the work being done on sexual
3 harassment in the park service.

4 (b) (7)(C): Uh-huh.

5 DOUGLAS DOMENECH: So, like, for instance, we -- we would
6 ask, "What are big things the secretary might be hit
7 with?" "Oh, you need to be aware that we've been -- we,
8 IG and Ethics, have been dealing with this issue."
9 "Okay." You know? We're writing it down. Um, so, uh,
10 so --

11 (b) (7)(C): Kind of the state -- state of the
12 department?

13 DOUGLAS DOMENECH: State of the department. And, uh, and
14 a lot of it is -- like I met with (b) (7)(C), um -- not (b) (7)(C)
15 (b) (7)(C), um -- I've lost her name now, the (b) (7)(C) uh, woman
16 at the time. So you get a lot of basic information. "We
17 have so many employees and so many part-time employees,
18 and this is where they are." So, they're -- they assume
19 no -- you know, they give us briefings based on as if you
20 are the new team coming in.

21 (b) (7)(C): Uh, May I ask the -- how many meetings did
22 you personally organize to go to?

23 DOUGLAS DOMENECH: What? I'm confused at the question.

24 DOUGLAS DOMENECH: Well I guess I'm -- you organized the
25 TTP -- is it TTPF? Yeah.

26 DOUGLAS DOMENECH: TTPF.

1 (b) (7)(C): TPPF. Uh, you organized that meeting,
2 right?

3 DOUGLAS DOMENECH: Yeah, now --

4 (b) (7)(C): Why did you do it and not your assistants or
5 someone else?

6 DOUGLAS DOMENECH: I didn't really -- at the time -- so,
7 just to slightly go back to the last question, so the --
8 that was the transition time. So then on January (b) (7)(C) we
9 had, uh, I'd say (b) (7)(C) people came in on day one. I led
10 that -- that group in, and most of it is 'cause I was
11 here before. We had -- we probably had five or six
12 people who were -- had worked at interior before, so we
13 sort of knew the building. Jim Cason was one --

14 (b) (7)(C): Uh-huh.

15 DOUGLAS DOMENECH: -- and myself. And, uh, so -- and I
16 was the senior white house advisor. That was my title.
17 And the funny thing is I probably should -- should have
18 had somebody else do it but I didn't have a direct
19 assistant.

20 (b) (7)(C): Okay.

21 DOUGLAS DOMENECH: Just the way we were organized at the
22 time. And -- and of course (b) (7)(C) contacted me --

23 (b) (7)(C): Right. Right.

24 DOUGLAS DOMENECH: -- and said, uh, "Hey, uh, you know
25 can we, uh -- I'd love to talk to the new people who are
26 dealing with these things" and I, "Sure, I'll book a room

1 and invite some people to come." So I saw it much more
2 as they're not my issues. Like if (b) (7)(C) had said, "Oh, I
3 want to come in and brief everyone on the clean power
4 plan" I would have said, "No, I can't be involved in
5 that."

6 (b) (7)(C) : Right.

7 DOUGLAS DOMENECH: "I was -- that was my topic beforehand
8 and I just can't -- I can't be involved in it." Of
9 course it would have been inappropriate for (b) (7)(C) to come
10 here --

11 (b) (7)(C) : Okay.

12 DOUGLAS DOMENECH: -- uh, because that's an EPA issue.
13 But -- so at least that part of the rule I would have
14 gotten right out of the gate. But I just didn't think.
15 And as I said before, I shouldn't have done it, but I
16 wasn't thinking that I was -- I was violating any ethics
17 rule by doing that. And, uh, and of course I sat in the
18 meetings because I was the guy sort of introducing (b) (7)(C) to
19 the people there and, um -- but I didn't really -- I mean
20 the topics were not my topics, and I didn't know anything
21 about the spider. I don't know anything about
22 litigation. I don't know anything about, uh, the Red
23 River case, uh, so I just -- there was no take-away for
24 me.

25 In -- in my recollection (b) (7)(C) wasn't really asking for
26 anything either. It was more a briefing on, "Here are

1 two things we're doing with the department and we want
2 you new political appointees to know that we're doing
3 that." That was the impression of the -- (b) (7)(C) side of the
4 thing.

5 (b) (7)(C) : Um, I'd like to go back to the May (b) (7)(C),
6 2017 response that you sent to (b) (7)(C) where you were
7 saying, "Keep fighting."

8 DOUGLAS DOMENECH: Sure.

9 (b) (7)(C) : I just have one -- one last question --

10 DOUGLAS DOMENECH: Sure.

11 (b) (7)(C) : -- on this. Um, do you see how the
12 public might view that "Keep fighting" as you being
13 partial, uh, to the TPPF's position regarding the
14 lawsuit?

15 DOUGLAS DOMENECH: Uh, I suppose, but I would say it, uh
16 -- my -- the intent was as I said earlier. My intent is
17 I'm for constitutional government and it -- and limits of
18 the -- of the federal government in terms of the commerce
19 clause and how the law is written. Uh, so I meant it
20 much more as a general -- it -- it's -- you'll never
21 understand this unless you work in Texas, but the idea of
22 fighting is a big theme for TPPF and people in Texas. If
23 you've ever seen the "Come and take it" T-shirts --

24 (b) (7)(C) : Uh-huh. Yeah.

25 DOUGLAS DOMENECH: That's kind of their thing. And I'm -
26 - I'm not from Texas but, you know, I'm just trying to

1 have a -- have a, uh, uh, touch with (b) (7)(C) in terms of kind
2 of the way they think. But that's what I meant it as.

3 (b) (7)(C): Okay. Okay. So you didn't feel that you
4 were showing any partiality?

5 DOUGLAS DOMENECH: Well, and -- and I didn't have any
6 role in -- in the topics, so it wasn't, you know, whether
7 I was partial or not. I didn't write (b) (7)(C) back and say,
8 "I'll follow up with them" --

9 (b) (7)(C): Okay.

10 DOUGLAS DOMENECH: -- "and push your -- push your agenda"
11 or whatever. None of that of course shows up in the
12 emails 'cause nothing like that happened.

13 (b) (7)(C): Why do you think (b) (7)(C) reached out to you and
14 not someone else at the agency to coordinate this?

15 DOUGLAS DOMENECH: I'm sure 'cause (b) (7)(C) knew me. Uh, we,
16 uh --

17 (b) (7)(C): Have you ever met (b) (7)(C) personally beside --
18 before that date?

19 DOUGLAS DOMENECH: Before that date?

20 (b) (7)(C): When you were with TPPF?

21 DOUGLAS DOMENECH: Oh, yeah. Sure.

22 (b) (7)(C): You had met (b) (7)(C) previously?

23 DOUGLAS DOMENECH: So -- yeah, yeah. So, uh, even though
24 I worked here for them, uh, I'd probably go back every
25 five or six weeks for some reason --

26 (b) (7)(C): Okay.

1 DOUGLAS DOMENECH: -- in (b) (7)(C) and (b) (7)(C) would do events up
2 here and so I would help facilitate those events as -- I
3 mean if they were related to my project. And, uh --
4 (b) (7)(C): So your relationship was more collegiate --
5 you were colleagues?
6 DOUGLAS DOMENECH: Colleagues. I mean we just didn't
7 hang out or drink a beer together or -- I never met (b) (7)(C)
8 family or anything like that.
9 (b) (7)(C): I noticed on (b) (7)(C) that (b) (7)(C) known
10 as (b) (7)(C). Is that an
11 (b) (7)(C) position?
12 DOUGLAS DOMENECH: Yeah, (b) (7)(C) uh -- no, it's -- we're --
13 not the one (b) (7)(C) in now, but I think (b) (7)(C) was (b) (7)(C) --
14 (b) (7)(C): Okay.
15 DOUGLAS DOMENECH: -- to something.
16 (b) (7)(C): And that's why (b) (7)(C) has that title?
17 DOUGLAS DOMENECH: Yeah. You know, people who have it
18 like to use it. And, um, it's not always (b) (7)(C) it's
19 (b) (7)(C) I mean I -- I'm the --
20 (b) (7)(C): Okay.
21 DOUGLAS DOMENECH: -- "(b) (7)(C)".
22 (b) (7)(C): Okay.
23 DOUGLAS DOMENECH: And I was "(b) (7)(C)" before I
24 came, but it feels weird to say it.
25 (b) (7)(C): Should I -- should I have said that to
26 you in an email?

1 DOUGLAS DOMENECH: Yes, you should -- should have said
2 "(b) (7)(C)" da, da, da. Okay. Don't. My feelings
3 aren't hurt. I don't --
4 (b) (7)(C) : Okay.
5 DOUGLAS DOMENECH: I don't do it and that's not on my
6 business cards, and I don't. But you can use --
7 (b) (7)(C) : Well, um --
8 DOUGLAS DOMENECH: It's (b) (7)(C) .
9 (b) (7)(C) : So, (b) (7)(C) Mr. Domenech, do you
10 have --
11 DOUGLAS DOMENECH: Yes.
12 (b) (7)(C) : -- anything additional you'd like to
13 offer at this time? I'm -- I have concluded with my
14 questions. Is there anything else that you'd like to say
15 that you feel is relevant regarding the issues I came to
16 you about today?
17 DOUGLAS DOMENECH: Yes.
18 (b) (7)(C) : Okay.
19 DOUGLAS DOMENECH: Um, and --
20 (b) (7)(C) : Anything new that I'm not aware of?
21 DOUGLAS DOMENECH: Well I don't know what you're aware of
22 --
23 (b) (7)(C) : Well --
24 DOUGLAS DOMENECH: -- just like you don't know what I'm
25 aware of. Uh, so, uh, some of this, uh, I -- you know I
26 -- after you called and said you wanted to talk again --

1 (b) (7)(C) : Yeah.

2 DOUGLAS DOMENECH: -- and I appreciate it and I hope I'm
3 -- I mean and intend to be completely candid and
4 cooperative, but I reviewed sort of the documents, and it
5 made me want to ask you a couple of questions. One is,
6 uh, do you have -- I want to affirm that you have the,
7 uh, DEO's memo --

8 (b) (7)(C) : From (b) (7)(C) 2019?

9 DOUGLAS DOMENECH: I think that's correct.

10 (b) (7)(C) : Yes, I do.

11 DOUGLAS DOMENECH: March 2019. Okay. Uh, and, uh, and
12 you -- you of course have the -- the, uh, the ethics
13 commitments executive order that was written by the
14 president? You don't really have to have it. It's all
15 stuff you know, um, but I -- I kind of made a timeline
16 that if you won't mind I'd like to just review to make
17 sure that there's -- that we're not missing anything.

18 (b) (7)(C) : Can I have a copy of that?

19 DOUGLAS DOMENECH: Yeah, you can have this one.

20 (b) (7)(C) : Oh. Great. Okay. So, yeah, do you want
21 to read this into the record?

22 DOUGLAS DOMENECH: And -- and it's stuff you have
23 probably already, but I just wanted to point a couple of
24 things out. So, as we all know, (b) (7)(C) I'm appointed
25 senior --

26 (b) (7)(C) : Uh-huh.

1 DOUGLAS DOMENECH: -- senior white house --

2 (b) (7)(C) : Correct.

3 DOUGLAS DOMENECH: -- advisor for DOI as a --

4 (b) (7)(C) : Yes.

5 DOUGLAS DOMENECH: -- special government employee. Um,
6 the, uh, OGE guidance on special government employees
7 does not require that an ethics pledge be signed.

8 (b) (7)(C) : Correct.

9 DOUGLAS DOMENECH: That's in the -- the DEO's memo.

10 (b) (7)(C) : Uh-huh.

11 DOUGLAS DOMENECH: So, I -- no ethics pledge --

12 (b) (7)(C) : Right.

13 DOUGLAS DOMENECH: -- was presented to me to sign. Of
14 course, I would have signed it. I don't -- I don't
15 really know the rules. If someone had --

16 (b) (7)(C) : I understand.

17 DOUGLAS DOMENECH: -- given it to us we would have done
18 it. On January 28 the president issues his executive
19 order 13770 on ethics commitment that all talk about once
20 you are an employee, um, uh, that you, uh -- every --
21 every appointee, um, should sign, um, and are
22 contractually obligated. And there's a list of things.
23 Most of them to me appear to be post -- post-government
24 prohibitions on activities, but I just point out section
25 one, uh, item six that of course says post -- for a
26 period of two years, uh, you know, it is the thing that,

1 uh, that appointees pledge not to be involved in any
2 particular matter involving specific parties. We talked
3 previously about that.

4 (b) (7)(C) : About the definitions.

5 DOUGLAS DOMENECH: To me it is slightly a confusing issue
6 --

7 (b) (7)(C) : I understand.

8 DOUGLAS DOMENECH: -- 'cause I thought it was a
9 particular matter involving me. Um, section two of that
10 EO, item T as in Tom, uh, does define participate as
11 "personally and substantially". I don't think -- I
12 realize maybe it's open to interpretation that I
13 contributed substantially. I feel like my role in this
14 was --

15 (b) (7)(C) : Uh-huh.

16 DOUGLAS DOMENECH: -- almost administrative.

17 (b) (7)(C) : Uh-huh.

18 DOUGLAS DOMENECH: Um, and, uh, uh, so now we go forward
19 to April (b) (7)(C) Uh, I have -- I facilitate the meeting with
20 TPPF. Um, June (b) (7)(C) of '17 I am nominated as assistant
21 secretary. Uh, September (b) (7)(C) I'm presented with the ethics
22 pledge and I sign it. Um, September, uh, (b) (7)(C) -- so I
23 didn't -- I hadn't -- well, anyway, I hadn't signed it --

24 (b) (7)(C) : Right.

25 DOUGLAS DOMENECH: -- before then. I was sworn in as
26 assistant secretary because I was, surprisingly,

1 confirmed, uh, uh, quickly overnight 'cause of the
2 hurricanes.

3 (b) (7)(C) : Ah.

4 DOUGLAS DOMENECH: Uh, I think we talked about this
5 before but --

6 (b) (7)(C) : Yes, we did.

7 DOUGLAS DOMENECH: -- you know, Like (b) (7)(C) here,
8 you know, (b) (7)(C) and went through --

9 (b) (7)(C) : Yeah.

10 DOUGLAS DOMENECH: -- the committee and then sat for (b) (7)(C)
11 years almost before (b) (7)(C). I was confirmed
12 mostly to help with the hurricane recovery.

13 (b) (7)(C) : Got it.

14 DOUGLAS DOMENECH: Um, nothing -- there's no email of any
15 kind as you are well aware in 2018. I wasn't having any
16 constant contact with, Um, TPPF or with

17 (b) (7)(C) : Uh-huh.

18 DOUGLAS DOMENECH: -- (b) (7)(C), uh, in fact, in 2018 or
19 2019. Uh, CLC, uh, files their complaint --

20 (b) (7)(C) : Prior.

21 DOUGLAS DOMENECH: -- (b) (7)(C). Uh, the DEO
22 interviews me on (b) (7)(C).

23 (b) (7)(C) : Uh-huh.

24 DOUGLAS DOMENECH: On March 28 -- his memo of March 28 --

25 (b) (7)(C) : Uh-huh.

26 DOUGLAS DOMENECH: -- which actually has a small, uh,

1 error in it --

2 (b) (7)(C) : Okay.

3 DOUGLAS DOMENECH: -- but I -- I need to tell them about
4 it. It doesn't affect this really but the memo from the
5 DEO -- DEO says, "Therefore, he" me, "Domenech, was not
6 bound by the recusal commitments in the ethics pledge at
7 the time of the" -- see, they wrote March (b) (7)(C) --

8 (b) (7)(C) : Uh-huh.

9 DOUGLAS DOMENECH: -- meeting I put -- it's actually
10 April (b) (7)(C)

11 (b) (7)(C) : So that's the error? So it's the date?

12 DOUGLAS DOMENECH: That's the error.

13 (b) (7)(C) : The date's the error?

14 DOUGLAS DOMENECH: It's the date that they put.

15 (b) (7)(C) : Okay.

16 DOUGLAS DOMENECH: Now, in their memo they talk about
17 April (b) (7)(C) -- in other parts of the memo.

18 (b) (7)(C) : So they --

19 DOUGLAS DOMENECH: It was just a slip because he was
20 writing to me -- oh no, I guess March (b) (7)(C) was when he
21 talked to me. Anyway --

22 (b) (7)(C) : But he made the error --

23 DOUGLAS DOMENECH: -- whoever -- whoever wrote it. So
24 I'm going to go back to them. Uh, he told me he could
25 not talk to me --

26 (b) (7)(C) : Correct.

1 DOUGLAS DOMENECH: -- about this during the
2 investigation, but am I okay just to let them know, "By
3 the way, you have a little error in your memo"? I don't
4 know if they're going to want to correct it or not, but I
5 noticed it when I re-read it for this meeting.

6 (b) (7)(C) : That's fine.

7 DOUGLAS DOMENECH: Okay. And then the last thing, the
8 DEO memo also says -- and I have no idea if this applies,
9 that "OGE noted in the expanded definition of party
10 matter, uh, it is not intended to interfere with the
11 ability of appointees to consult with experts at
12 educational institutions and think tanks on general
13 policy matters, at least where those entities do not have
14 a financial interest" and, of course, TPPF does not have
15 a financial interest, "as opposed to academic or
16 ideological interest."

17 And the only reason why I mention that is they are a
18 think tank and -- and certainly my interest was
19 ideological. It's not about the particulars of what
20 these cases were about. They could have been filed, uh -
21 - they could have been suing over some other
22 constitutional matter and I would have --

23 (b) (7)(C) : Okay.

24 DOUGLAS DOMENECH: "Keep fighting."

25 (b) (7)(C) : So this last paragraph that you have here
26 about the -- about this, about "the DEO memo --

1 DOUGLAS DOMENECH: Yeah.

2 (b) (7)(C) : -- also notes" are you saying -- you're
3 stressing this, but are you saying -- you're not saying
4 that this is any kind of error in the memo from the DEO?

5 DOUGLAS DOMENECH: No, no, no, no.

6 (b) (7)(C) : Okay. Just the date?

7 DOUGLAS DOMENECH: I'm -- I'm mostly saying that --

8 (b) (7)(C) : Okay.

9 DOUGLAS DOMENECH: -- I don't know if that informs your
10 report.

11 (b) (7)(C) : Okay.

12 DOUGLAS DOMENECH: Because it, uh, it was -- actually --
13 okay. I -- I confess this -- and maybe confess is the
14 wrong word with you guys. Um, I re-read this obviously
15 in preparation for our meeting.

16 (b) (7)(C) : The memo from the DEO?

17 DOUGLAS DOMENECH: But I never noticed that last thing --

18 (b) (7)(C) : Okay.

19 DOUGLAS DOMENECH: -- until I re-read it, and I saw, uh -
20 - till he -- and he's got lots of references, so you have
21 this so you can, you know --

22 (b) (7)(C) : I do. I do. And I've talked with Mr. de
23 la Vega. Okay.

24 DOUGLAS DOMENECH: And I realize, you know, you all, IG
25 and ethics, are not the same office, but you may have a,
26 excuse me, different opinion.

1 (b) (7)(C) : Okay.

2 DOUGLAS DOMENECH: But I wanted to flag it.

3 (b) (7)(C) : Oh you don't need to contact him about
4 the error. I'll let him know.

5 DOUGLAS DOMENECH: Okay.

6 (b) (7)(C) : In the date. I'll take care of that.

7 DOUGLAS DOMENECH: And I put -- yeah, I put this "[sic]".
8 I don't know the exact way you're supposed to do it.

9 (b) (7)(C) : Okay. So, uh, they refer to your meeting
10 with TPPF, if I understand you correctly, as March (b) (7)(C),
11 2017 --

12 DOUGLAS DOMENECH: Yeah.

13 (b) (7)(C) : -- and it was, in fact, April (b) (7)(C), 2017.

14 DOUGLAS DOMENECH: (b) (7)(C).

15 (b) (7)(C) : Okay.

16 DOUGLAS DOMENECH: And see, he talks about April (b) (7)(C) here
17 --

18 (b) (7)(C) : Yeah.

19 DOUGLAS DOMENECH: -- in the first page of his memo --

20 (b) (7)(C) : And then later --

21 DOUGLAS DOMENECH: -- so they knew it. It was just the
22 error --

23 (b) (7)(C) : Okay.

24 DOUGLAS DOMENECH: -- and I wrote -- when I re-read it,
25 "Therefore he was not bound" uh --

26 (b) (7)(C) : On the bottom of page two?

1 DOUGLAS DOMENECH: Bottom of page two "at the time of the
2 March (b) (7)(C) 2017 meeting" and that's when I noted actually
3 it was April (b) (7)(C).

4 (b) (7)(C): Okay.

5 DOUGLAS DOMENECH: So it -- it's just a typo.

6 (b) (7)(C): All right. I'll let him know. Okay?

7 DOUGLAS DOMENECH: Okay.

8 (b) (7)(C): All right. Anything else you'd like to
9 say. Um, I'm -- I am already writing and I'm going to be
10 filling in this afternoon what you told me already.

11 DOUGLAS DOMENECH: Okay.

12 (b) (7)(C): Anything additional you want to say about
13 the case that -- I think we've covered everything.

14 DOUGLAS DOMENECH: No, I -- I -- anyway, I, uh, thank you
15 for your work and I -- I hope it -- anyway, I trust
16 you'll do a good job. It's --

17 (b) (7)(C): For your -- your knowledge, we did talk
18 about (b) (7)(C).

19 DOUGLAS DOMENECH: Okay.

20 (b) (7)(C): (b) (7)(C).

21 DOUGLAS DOMENECH: Oh. Okay.

22 (b) (7)(C): And -- and (b) (7)(C) is now the case agent on
23 it.

24 DOUGLAS DOMENECH: Okay.

25 (b) (7)(C): So if you do have any questions (b) (7)(C) you're
26 point of contact on it.

1 DOUGLAS DOMENECH: Great. Did (b) (7)(C)
2 (b) (7)(C) ?
3 (b) (7)(C) : Oh we can talk about that off the record.
4 (b) (7)(C) : Okay.
5 (b) (7)(C) : Yeah. All right. So I'm going to go
6 ahead and, um, conclude now. And the time is 10:55 a.m.
7 on Thursday, July 25th, 2019, and this concludes our
8 interview with Douglas W. Domenech. Thank you, Mr.
9 Domenech.

10 (CONCLUSION OF INTERVIEW)

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Transcribed by: (b) (7)(C)

1 I hereby certify that the attached proceeding conducted
2 by Investigator (b) (7)(C) and SA (b) (7)(C), in the
3 interview of Douglas Domenech associated with OI Case No.
4 OI-PI-19-0300-I was held as herein appears, and that this
5 is the original transcript thereof for the file of the
6 Department of the Interior's Office of Inspector General.

7

8

9

10 _____ (b) (7)(C))

11 (Signature of Transcriber)

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(b) (7)(C)

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(July 26, 2019)

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