ATTACHMENT 9
On July 25, 2019, Investigator and Special Agent (SA) , 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 , Ethics Counselor, SOL, DOI. Domenech said he saw an article in the news that someone at DOI had met with a former employer, the , 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 to discuss it with . Domenech did not recall Jorjani discussing the ethics pledge with him. Domenech said he did not recall if asked him what was discussed in the meeting, and he did not tell 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
the April 2017 meeting with anyone in DOI’s Ethics Office. Domenech said he did not remember if he was supposed to follow up with after the telephone call to Domenech said he did not recall discussing the ethics pledge with him, but he acknowledged “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 article about Domenech’s contact with TPPF from the entitled, with Domenech. Domenech acknowledged he read the article prior to his DOI OIG interview. We asked Domenech to comment on a May 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 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 2017 when the date of the meeting was April 2017. We agreed to relay the information about the error to De La Vega for Domenech.
CASE NUMBER: OI-PI-19-0300-I

INTERVIEWER: INVESTIGATOR

INTERVIEWEE: DOUGLAS DOMENECH

LOCATION: (b)(7)(C)

DATE: JULY 25, 2019

TIME: 10:08 A.M. EASTERN STANDARD TIME
(INTERVIEW OF DOUGLAS DOMENECH, #OI-PI-19-0300-I, JULY 25, 2019)

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

(INFO SHEET)

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

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

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

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

(b)(7)(C): Yes. I was just going to say would you --
DOUGLAS DOMENECH: Oh. Okay.

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

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

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

DOUGLAS DOMENECH: I did.

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

DOUGLAS DOMENECH: I do not.

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

DOUGLAS DOMENECH: That is correct.

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

DOUGLAS DOMENECH: I understand that.

(b)(7)(C): Okay. Great. Thanks. All right. So, um, the first thing on my paper: Um, let's talk about
the April 2017 meeting that you had with TPPF. So I had a couple questions on this one. Before you met with TPPF on April, 2017 regarding the Bone Harvestman Cave Spider and the Red River litigation did you seek advice from anyone in DOI's Ethics Office?

DOUGLAS DOMENECH: I did not.

Okay. And is there a reason?

DOUGLAS DOMENECH: Not -- not that -- that I can recall. I just didn’t --

Okay. And is there --

DOUGLAS DOMENECH: I didn’t.

Did -- is there a reason why?

DOUGLAS DOMENECH: Didn’t -- just didn’t think about it.

Uh, uh, it was early in the administration. Uh, there were lots of people coming in to meet new people and, uh, and, uh, that’s primarily what I considered it to be, just a regular access for any citizen, uh, or group that wanted to come in and talk to us. So, can I ask, uh -- you don’t mind if I --

Go ahead.

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

Well the fact that you had worked with them in the past --

DOUGLAS DOMENECH: Okay. Yeah.

-- as a -- as a prior employer, that's
where the --

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

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

DOUGLAS DOMENECH: -- about that at the time.

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

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

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

DOUGLAS DOMENECH: Um --

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

DOUGLAS DOMENECH: I -- I --

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

DOUGLAS DOMENECH: Knowledgeable. Yeah.

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

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

Yeah. Very -- very good catch.

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

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

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

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

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

DOUGLAS DOMENECH: And -- and, secondly, I didn’t really work with this coming in but -- we worked at the
same place.

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

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

(b) (7)(C): (b) (7)(C)? So you didn’t work with

at TPPF?

DOUGLAS DOMENECH: No.

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

DOUGLAS DOMENECH: I mean worked in a different -- it's a -- a 60-, 70-people type think tank --

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

DOUGLAS DOMENECH: -- and, um, -- just was in a --

(b) (7)(C) --

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

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

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

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

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

DOUGLAS DOMENECH: Yes.

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

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

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

DOUGLAS DOMENECH: Oh, I'm sorry.

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

DOUGLAS DOMENECH: Um, uh, we -- in terms of -- I worked
here in D.C.; worked in (b)(7)(C), so we really didn’t
have a personal relationship. Uh, but, um, I did (b)(7)(C)
at times related to my project which -- which was
related to the clean power plan. So, if we had a
question -- (b)(7)(C) questions related to EPA work, um,
uh, you know, how the rule worked, um, I could -- I would
(b)(7)(C).

(b)(7)(C): Okay. But not about these issues --
DOUGLAS DOMENECH: No.

(b)(7)(C): -- the spider and the Red River
litigation?
DOUGLAS DOMENECH: I was not involved in either of those.

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

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

DOUGLAS DOMENECH: Yes, I organized it.

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

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

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

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

DOUGLAS DOMENECH: -- so it was a little bit crazy.
DOUGLAS DOMENECH: We came in at noon --

 Uh-huh.

 DOUGLAS DOMENECH: -- and wanted, you know, very early on to have ethics training, at least --

 Uh-huh.

 DOUGLAS DOMENECH: -- as much as we could. And we told people at the time this would not fulfill their annual, uh, ethics requirement --

 Uh-huh.

 DOUGLAS DOMENECH: -- but we wanted to sensitize them to the importance of ethics and, uh, the importance we would place on it.

 Okay. I also confirmed that you attended a longer session on February [redacted], 2017.

 DOUGLAS DOMENECH: Sounds right.

 Okay. I brought with me -- I printed out the slides, the training slides, from both of those sessions. Uh, the first one is departmental ethics office initial ethics training, January [redacted], 2017.

 DOUGLAS DOMENECH: Okay.

 This I understand was taught by [redacted]?

 That's probably right.

 And you can flip through those and --

 Yeah, I'm sure it's --
(b) (7)(C): -- refresh your, uh, memory.

DOUGLAS DOMENECH: You know, I don’t -- this would --

would have been the abbreviated one. So, I don’t know if

he got through all these or not, but I'm sure it's

standard ethics-type training.

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

DOUGLAS DOMENECH: Uh, yeah, but I've seen them before so

it --

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

DOUGLAS DOMENECH: -- they all look a little bit the

same.

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

DOUGLAS DOMENECH: Uh, I --

(b) (7)(C): Then from the February [__], 2017 one,

this is the PowerPoint presentation that [phonetic] and (b) (7)(C)
gave.

DOUGLAS DOMENECH: Uh, okay. I don’t -- I mean I'm sure

I was there.

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

DOUGLAS DOMENECH: If you -- if you -- you confirmed it

and I, um -- but I -- and it looks a lot -- the same type

of standard, uh, ethics rules and that kind of thing.

(b) (7)(C): So in those trainings -- in those

PowerPoints, um, did they cover interacting with former

employers or clients?

DOUGLAS DOMENECH: Uh, I don’t have a -- I would assume
the answer to that is yes, um; however I don’t have a
particular memory of that, but I'm not at all saying that
they didn’t talk about it.

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

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

(b) (7)(C)

(b) (7)(C)

(b) (7)(C)

(b) (7)(C)

(b) (7)(C)

(b) (7)(C)

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

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

DOUGLAS DOMENECH: Okay.

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

DOUGLAS DOMENECH: Um, so as I said then, I -- I, uh, uh,
you know then I honestly did not realize that a -- a real
sort of, uh, red line -- whatever the right way to say
that is, uh, prohibition on meeting -- I -- I don’t
recall that that is sort of how it's characterized and so

I wasn’t -- I'm going to use the word sensitized. I
wasn’t, uh, thinking that there was a problem because I
primarily thought -- and (b)(7)(C), uh, that
the prohibition primarily dealt with things I was

involved in.

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

DOUGLAS DOMENECH: And I knew that my project was an EPA
project so I just didn’t -- I just didn’t think about it at the time. I would certainly think about it now.

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

DOUGLAS DOMENECH: Right.

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

DOUGLAS DOMENECH: Okay.

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

DOUGLAS DOMENECH: I don’t know what covered means but, yeah.

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

DOUGLAS DOMENECH: Included?

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

DOUGLAS DOMENECH: Yeah? Okay.

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

DOUGLAS DOMENECH: Okay.

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

DOUGLAS DOMENECH: I --

(b)(7)(C): That is in the training slides.
DOUGLAS DOMENECH: I don’t recall that but I’m sure it’s in there.

Okay. Do you recall going over impartiality and gifts, any of those rules?

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

Okay.

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

Okay.

For the record when you say from being here before --

DOUGLAS DOMENECH: Oh, I'm sorry.

-- could you explain a little bit about that for --

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

Uh-huh.

-- until, uh, the end of the administration. I stayed till the very end. And that --

DOUGLAS DOMENECH: -- would have been January 2009?

2009? Does that sound right?

I have your SF-50, so I will be able --
DOUGLAS DOMENECH: Yeah, so it's -- it -- that -- that should be it. I helped the secretary move out the last day.

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

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

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

DOUGLAS DOMENECH: Uh, in --

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

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

(b)(7)(C): So I want to move on to a different topic
here. You told us last time that, um, in the summer of 2018 you self-reported the April 2017 meeting --

DOUGLAS DOMENECH: What was the --

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

DOUGLAS DOMENECH: What was the date?

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

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

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

DOUGLAS DOMENECH: Or spring, I don’t remember --

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

DOUGLAS DOMENECH: -- exactly when.

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

DOUGLAS DOMENECH: Uh, well the trigger -- well, um, I will, uh, -- so I may not have this all quite right.

Something happened during that time that, uh -- and I hate to bring this up but, uh, uh, said that a different employee here --

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

DOUGLAS DOMENECH: -- had a problem because attended an event with the secretary --

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

DOUGLAS DOMENECH: -- of the --
DOUGLAS DOMENECH: -- and that there was -- I don’t know if there was an article -- must have been an article in the paper or something. Something came up that basically said that it was inappropriate, or something like that --

Right.

DOUGLAS DOMENECH: -- uh, for to have gone to the because used to work there --

Uh-huh.

DOUGLAS DOMENECH: -- even though, again, was, my understanding, just accompanying him to a speech.

Uh-huh.

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

Okay.

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

And who was this?

I think it was before, uh, de la Vega was here.

So who at the Solicitors' Office did you approach first?

I'm pretty sure it was Dan Jorjani.
Okay. And what did Mr. Jorjani say?

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

So did the two of you contact [REDACTED]?

DOUGLAS DOMENECH: Uh, you know, my -- my memory is that we just -- we phoned [REDACTED] and, uh, uh -- but --

What did [REDACTED] ask for? What kind of information did [REDACTED] ask you about the meeting with TPPF?

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

Right.

DOUGLAS DOMENECH: -- I didn’t write anything down. Uh, but I would have explained to [REDACTED] that, yeah, I -- I realized that I had this meeting in April. Uh, I talked about the fact that the subjects were not anything I was involved in beforehand or afterwards, so I didn’t track the issues or call other staff about the issues, um, afterwards, that, um, uh -- and I felt like I needed to tell somebody that I had had this meeting. And, um, so it was something like that.

Did you tell [REDACTED] that the topics of the meeting were litigation?

DOUGLAS DOMENECH: Uh, I bet I didn’t because I -- I now understand that's considered a particular matter, but I -- at -- but, again, like I said last time, as a non-lawyer, uh, at the -- especially at the time -- now I'm
more sensitive to it, uh, more knowledgeable of it, but
at the time I just -- I, again, as a non-lawyer didn’t
think about that litigation sort of triggered a different
thing.

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

DOUGLAS DOMENECH: I don’t recall. I -- have you had a
chance to talk to ? Okay. Good.

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

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

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

DOUGLAS DOMENECH: -- I was -- there was a -- I don’t
think I was really asking. Um, now, again, in, uh,
hindsight and with more knowledge I would have asked to document this in an email or I would have said, "Hey, can I send you an email?" Today -- if it happened today I would say, "Can I send you" -- I probably would have a chat and then I would say, "Can I send you an email, uh, sort of -- so I have evidence or a record that I asked and can you send me back an email with -- with the advice or the acknowledging that I asked?" But at the time I just didn’t -- I didn’t think about it. I didn’t think it was, uh, critical.

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

DOUGLAS DOMENECH: I thought he was --
Okay.

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

So did you and have any kind of plan to meet up again about it and talk again or were you supposed to provide with any additional information? Do you remember?

DOUGLAS DOMENECH: I don’t remember, and I don’t think we did. I mean, again, I, you know, interacted with on lots of other things. was my main Ethics person.

But how did it play out? What was -- did say noted and you hung up and you -- that was the end of it for you or --

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

Did offer you --

DOUGLAS DOMENECH: -- but beyond that --

I'm sorry; go ahead.

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

So you left it feeling like you had done your due diligence or your duty to report?

DOUGLAS DOMENECH: No, uh, well I thought I should report
it to somebody once I realized oh, wait a minute,
there's, uh -- you know if -- if [b](7)(C) [phonetic] is
going to get in trouble for just going with the secretary
to [b](7)(C), uh, I should -- I should, uh-- 'cause up
until then -- and I -- I think even after this I haven't
had any meetings with TPPF. And so, um, I, uh, uh, felt
like I had better tell somebody that I had this -- this,
ue, same, uh, basic -- well mine's a little different
than just going to a speech but, you know --
[b](7)(C): What did [b](7)(C) tell you, if anything,
about the ethics pledge? Do you recall?
DOUGLAS DOMENECH: I don't recall.
[b](7)(C): Okay. Do you recall talking about
it?
DOUGLAS DOMENECH: No. Uh, we -- it didn't really come
up. Uh, I assume assumed that I knew that; that's
why was calling to let know.
[b](7)(C): Did caution you in any way about
meeting with, um, former employers?
DOUGLAS DOMENECH: might have. And that's highly,
uh, possible but, again, I didn't -- didn't particularly
take notes. But I think by then I was already aware that
I should not do that. I mean not -- you know, in
general.
[b](7)(C): Okay. Um, so I want to talk, uh, about
Scott de la Vega. Did Scott de la Vega, um, after he
came on board at -- at some point when he came board
April 2018 -- at some point in 2018 or 2019 did he
talk to you about the fact that you had self-reported
this to?
DOUGLAS DOMENECH: I don’t recall having a conversation
with Scott about it.
Did he counsel you about it in any way?
DOUGLAS DOMENECH: I don’t, uh, I don’t recall it just
coming up at all. I mean it could have, um, I just don’t
recall it 'cause I kind of -- you know kind of did -- did
this and, uh -- now we did talk after the complaint was
filed.
Yeah. Yeah, I'm talking --
DOUGLAS DOMENECH: Okay.
-- before that.
DOUGLAS DOMENECH: Yeah. Okay.
All right. Um, did you ever tell your
supervisor when you made this self-report to?
Did you tell your supervisor at the time?
DOUGLAS DOMENECH: I don’t recall that I did or not.
Who was your supervisor in those days?
DOUGLAS DOMENECH: That's a good question. So, uh, give
me a date, again, of the meeting or the date of the
encounter with, uh --
That would have been the summer of 2018,
probably --
DOUGLAS DOMENECH: With -- the encounter with

: -- probably April or May.

DOUGLAS DOMENECH: Uh, uh, of '18?

: Yes, when you self-reported.

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

: Yeah.

DOUGLAS DOMENECH: So technically my supervisor is the secretary or the chief of staff. I don’t think I would have brought it up.

: So that would have been, uh, Zinke or ?

DOUGLAS DOMENECH: Yeah.

: Is that right?

DOUGLAS DOMENECH: Yeah. We don’t -- I mean I -- that's a good idea. I probably should have done that.

: So you didn’t go, uh -- my understanding at the time, uh, that the agency was kind of bifurcated between the, uh, the deputy secretary that --

DOUGLAS DOMENECH: Yeah, it --

: -- that kind of oversaw --

DOUGLAS DOMENECH: So you --

: -- certain people?

DOUGLAS DOMENECH: Yeah, it, um -- so operationally obviously the secretary in the line of -- line is, uh, my supervisor and -- or -- or his spokesman, in a way the chief of staff. But you're right for -- in terms of
operations and what everybody's doing, that reported up
through the deputy secretary. So, I mean, yeah.

(b) (7)(C): Okay. So your answer is --
DOUGLAS DOMENECH: If you've got a chart he'd be in
there.

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

(b) (7)(C): Okay. All right. And it would have been
either Zinke or (b) (7)(C) at the time?
(b) (7)(C)
DOUGLAS DOMENECH: Well, I mean your -- your point is
well--
(b) (7)(C): or David Bernhardt?
(b) (7)(C)
DOUGLAS DOMENECH: Bernhardt could have been in there,
but we don't -- you know, the meetings that we held were
strictly about operations, what -- what's the department
doing and that kind of thing.
(b) (7)(C): Is there a reason why you wouldn't have
told your supervisor?
(b) (7)(C)
DOUGLAS DOMENECH: No. No reason. I just didn't think,
again, uh, that it had not raised itself to that point.
I'm not reporting to them that we're meeting. I mean
should I be? I hadn't thought about it.
(b) (7)(C): Well, that's you're --
DOUGLAS DOMENECH: I'm sure they're well aware.
That's up to you. That's up to you. Um --

DOUGLAS DOMENECH: Uh, but --

Okay.

But you felt going to Dan Jorjani who at the time was the --

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

Okay.

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

So --

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

So the -- the chain was you went to Mr. Jorjani, who advised you to call. You spoke to. And you don’t recall de la Vega talking to you about it later on?

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

Okay.

DOUGLAS DOMENECH: He's actually a very detailed person.

But I just don’t recall it.
Okay. What did Mr. Jorjani say other than, "Let's call [b](7)(C)? Anything?

DOUGLAS DOMENECH: No, but it was a sort of, "Yeah, you should -- you should report this."

Okay. He told you to report it?

DOUGLAS DOMENECH: Well, I mean, yeah, he -- he gave me, "Let's get -- let's get -- let's" -- yeah, it might have been, "Who do you talk to in the Ethics Office specifically?" I said, "". He's, "Well, let's give a call."

Okay. Did he say anything further about -- about that or at -- at the time?

DOUGLAS DOMENECH: Not that I recall.

Did he say anything about the ethics pledge at the time?

DOUGLAS DOMENECH: Not that I recall.

All right. Um, I'm going to move on here to an article that recently appeared in the [b](7)(C). And I brought a copy of it with me. I think you are probably acquainted with it.

DOUGLAS DOMENECH: Oh, I'm -- I printed them both up.

Um, here we go. Yes. And for the record I'll just read in what it is. It's, uh, an article dated [b](7)(C), and the title is "[b](7)(C)."
Did you read this article?

DOUGLAS DOMENECH: I did.

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

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

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

DOUGLAS DOMENECH: Uh, May, uh, May, uh, May [redacted].

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

DOUGLAS DOMENECH: He refers to it in this one.

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

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

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

DOUGLAS DOMENECH: -- back to it it's, uh, "revealed last year" if you --

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

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

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

DOUGLAS DOMENECH: So, yeah, this was the, uh -- it's repetitive but, you know, he's paid --

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

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

(b) (7)(C): All right. I just -- I just had a couple questions about this. If you could --

DOUGLAS DOMENECH: Sure.

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

CASE NO. OI-PI-19-0300-I 25   DOUGLAS DOMENECH
DOUGLAS DOMENECH: Page. We might --

-- the fifth paragraph from the bottom.

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

Yeah.

DOUGLAS DOMENECH: Okay.

The fifth paragraph from the bottom that starts with, "In of 2017".

DOUGLAS DOMENECH: Yes.

DOUGLAS DOMENECH: Okay. I'm going to read this for the record and then I have a couple questions. "Uh, Domenech's partiality, uh, to TPPF comes through clearly in the documents obtained via the FOIA request"

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

DOUGLAS DOMENECH: "In --

DOUGLAS DOMENECH: "In --

DOUGLAS DOMENECH: Oh, you went --

DOUGLAS DOMENECH: Yeah.

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

DOUGLAS DOMENECH: Yeah, I'm sorry. I -- I read the --

DOUGLAS DOMENECH: First.

-- the sixth paragraph from the bottom.
DOUGLAS DOMENECH:  Yeah.

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

DOUGLAS DOMENECH:  Yes.

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

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

Right.

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

DOUGLAS DOMENECH:  Okay.

(b) (7)(C):  Somebody in the department sent it to me.

Um, and I was looking at it myself too. And, uh --

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

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

DOUGLAS DOMENECH:  Yeah.
You sent -- you didn’t send me the article, but you sent me an email.

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

Right. Right. Um, you provided us with a May 2017 email from [redacted], and this was to, uh, [redacted] and [redacted] uh, [redacted] wrote, uh, "Thank you again for your time in meeting with me last month. Wanted to make sure that you saw the service did file with the Federal Register the following affirming it’s prior negative 90-day finding" and there’s a link. "As such, the basis for the court-imposed stay has ended. The parties are now currently negotiating a new briefing schedule and scheduling order to get this case back on track. Sincerely, [redacted]."

And then your response above that, Tuesday, May 2017 to [redacted] was, "Keep fighting."

DOUGLAS DOMENECH: Yeah, so that would have been after email mine was going to --

Right. Right.

DOUGLAS DOMENECH: Yeah, I've got it.

Okay. All right. All right. So --

DOUGLAS DOMENECH: I'm aware.

Yeah, and you provided that to me. Okay.

Um, can you tell me what you meant when you responded to
in this email on May [redacted], 2017 when you said, "Keep fighting"?

DOUGLAS DOMENECH: Uh, sure, uh, but I will say before I answer that you realize everything [redacted] writes in there I don't really quite understand in the sense I'm not [redacted].

: Okay.

DOUGLAS DOMENECH: I don't know what the status of the things or what it means, the 90-day court daily -- everything [redacted] wrote in there is -- might as well be a foreign language to me 'cause I just don't quite deal with those things.

: Uh-huh.

DOUGLAS DOMENECH: Um, the, uh, the key parting is I, of course, agree with, uh -- so from -- again, my understanding on the Bone Harvestman Spider and the type of work that TPPF does as a -- as a non-profit think tank is they sue, but I don't know the expanse of their work. But, uh, my understanding is they sue about constitutional matters. And my understanding of this issue was trying to challenge the constitutionality -- I didn't [redacted]. I -- I assume [redacted] this. The constitutionality of the service listing things that only appear in a state.

So, in other words, challenging that the commerce clause, uh, the commerce clause trigger that the federal
government can be involved in lots of things is, uh --
because it crosses state lines. What they were fighting
for was -- I mean I hate to say it this way. I don’t
think they were fighting to save the spider. They were
fighting the constitutional, uh, clause that the Fish and
Wildlife Service should not have the right or have --
have jurisdiction over anything that doesn’t cross --
that -- let's say anything that just appears within one
state's borders.

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

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

DOUGLAS DOMENECH: I didn’t think of it that way. I just
-- I don’t even know where else they -- I mean maybe the
fight DOJ. I don’t know enough about how, uh, something
like that would be done. Uh, it was meant more of just a
general keep fighting for constitutional principles,
blah, blah type -- type of thing. But, as you know, well
and -- and I didn’t, uh, 'cause I think it would be
shown. I wasn’t following up. I wasn’t going to, uh,
and, uh, saying, "Hey what -- what are you guys going to do? What are you guys going to do? We met with -- with. Are you guys going to listen to?"

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

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

Okay.

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

So you had no -- no inside information on the litigation or the direction that DOI was moving on
it?

DOUGLAS DOMENECH: No. No, I didn’t.

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

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

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

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

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

DOUGLAS DOMENECH: Yeah.

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

DOUGLAS DOMENECH: Right, back to ethics.

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

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

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

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

DOUGLAS DOMENECH: -- to -- into the department. So somebody had -- so I led -- so I was involved in, uh -- so I -- step back. Transitions start, uh, both -- for whoever's running, uh, usually in the summer; I think August. Before the election transitions start ramping
up, and, uh, lots of research and papers are written
trying to prepare for whoever's going to win. So then
the -- so obviously the Clinton campaign was doing the
exact same thing. The election happens and then only one
of the two, the winner, goes forward to sort of the next
phase of the transition, and that's when you get
government space.

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

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

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

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

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

(b)(7)(C) : I don’t know.

DOUGLAS DOMENECH: Okay. Sorry. Let's just say it was

(b)(7)(C). I -- I'm not sure it was (b)(7)(C) but --

(b)(7)(C) : The (b)(7)(C) of you that came on board on
January (b)(7)(C), 2017 that are in this complaint --
DOUGLAS DOMENECH: Yes.

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

DOUGLAS DOMENECH: Yes.

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

DOUGLAS DOMENECH: Yes.

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

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

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

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

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

CASE NO. OI-PI-19-0300-I 34 DOUGLAS DOMENECH
came out of our, uh -- I didn't do the IG one, but was
that there was all the work being done on sexual
harassment in the park service.

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

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

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

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

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

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

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

DOUGLAS DOMENECHE: TPPF.

CASE NO. OI-PI-19-0300-I 35 DOUGLAS DOMENECHE
TPPF. Uh, you organized that meeting, right?

DOUGLAS DOMENECH: Yeah, now --

Why did you do it and not your assistants or someone else?

DOUGLAS DOMENECH: I didn’t really -- at the time -- so, just to slightly go back to the last question, so the -- that was the transition time. So then on January 1, we had, uh, I'd say the people came in on day one. I led that -- that group in, and most of it is 'cause I was here before. We had -- we probably had five or six people who were -- had worked at interior before, so we sort of knew the building. Jim Cason was one --

Uh-huh.

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

Okay.

DOUGLAS DOMENECH: Just the way we were organized at the time. And -- and of course contacted me --

Right. Right.

DOUGLAS DOMENECH: -- and said, uh, "Hey, uh, you know can we, uh -- I'd love to talk to the new people who are dealing with these things" and I, "Sure, I'll book a room
and invite some people to come." So I saw it much more as they're not my issues. Like if [redacted] had said, "Oh, I want to come in and brief everyone on the clean power plan" I would have said, "No, I can't be involved in that."

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

DOUGLAS DOMENECH: "I was -- that was my topic beforehand and I just can't -- I can't be involved in it." Of course it would have been inappropriate for [redacted] to come here --

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

DOUGLAS DOMENECH: -- uh, because that's an EPA issue. But -- so at least that part of the rule I would have gotten right out of the gate. But I just didn't think. And as I said before, I shouldn't have done it, but I wasn't thinking that I was -- I was violating any ethics rule by doing that. And, uh, and of course I sat in the meetings because I was the guy sort of introducing [redacted] to the people there and, um -- but I didn't really -- I mean the topics were not my topics, and I didn't know anything about the spider. I don't know anything about litigation. I don't know anything about, uh, the Red River case, uh, so I just -- there was no take-away for me.

In -- in my recollection [redacted] wasn't really asking for anything either. It was more a briefing on, "Here are
two things we're doing with the department and we want
you new political appointees to know that we're doing
that." That was the impression of the -- side of the
thing.

Um, I'd like to go back to the May 2017 response that you sent to where you were
saying, "Keep fighting."

DOUGLAS DOMENECH: Sure.

I just have one -- one last question --

DOUGLAS DOMENECH: Sure.

-- on this. Um, do you see how the
public might view that "Keep fighting" as you being
partial, uh, to the TPPF's position regarding the
lawsuit?

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

Uh-huh. Yeah.

DOUGLAS DOMENECH: That's kind of their thing. And I'm --
-I'm not from Texas but, you know, I'm just trying to
have a -- have a, uh, uh, touch with in terms of kind
of the way they think. But that's what I meant it as.
(b) (7)(C): Okay. Okay. So you didn’t feel that you
were showing any partiality?
DOUGLAS DOMENECH: Well, and -- and I didn’t have any
role in -- in the topics, so it wasn’t, you know, whether
I was partial or not. I didn’t write back and say,
"I'll follow up with them" --
(b) (7)(C): Okay.
DOUGLAS DOMENECH: -- "and push your -- push your agenda"
or whatever. None of that of course shows up in the
emails 'cause nothing like that happened.
(b) (7)(C): Why do you think reached out to you and
not someone else at the agency to coordinate this?
DOUGLAS DOMENECH: I'm sure 'cause knew me. Uh, we,
uh --
(b) (7)(C): Have you ever met personally beside --
before that date?
DOUGLAS DOMENECH: Before that date?
(b) (7)(C): When you were with TPPF?
DOUGLAS DOMENECH: Oh, yeah. Sure.
(b) (7)(C): You had met previously?
DOUGLAS DOMENECH: So -- yeah, yeah. So, uh, even though
I worked here for them, uh, I'd probably go back every
five or six weeks for some reason --
(b) (7)(C): Okay.
DOUGLAS DOMENECH: -- in and would do events up here and so I would help facilitate those events as -- I mean if they were related to my project. And, uh --

(b)(7)(C): So your relationship was more collegiate -- you were colleagues?

DOUGLAS DOMENECH: Colleagues. I mean we just didn’t hang out or drink a beer together or -- I never met family or anything like that.

(b)(7)(C): I noticed on that known as . Is that an position?

DOUGLAS DOMENECH: Yeah, uh -- no, it's -- we're -- not the one in now, but I think was --

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

DOUGLAS DOMENECH: -- to something.

(b)(7)(C): And that's why has that title?

DOUGLAS DOMENECH: Yeah. You know, people who have it like to use it. And, um, it's not always it's

(b)(7)(C): I mean I -- I'm the --

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

DOUGLAS DOMENECH: -- "". 

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

DOUGLAS DOMENECH: And I was "" before I came, but it feels weird to say it.

(b)(7)(C): Should I -- should I have said that to you in an email?
DOUGLAS DOMENECH: Yes, you should -- should have said "da, da, da. Okay. Don’t. My feelings aren’t hurt. I don’t --

: Okay.

DOUGLAS DOMENECH: I don’t do it and that’s not on my business cards, and I don’t. But you can use --

: Well, um --

DOUGLAS DOMENECH: It's .

: So, Mr. Domenech, do you have --

DOUGLAS DOMENECH: Yes.

: -- anything additional you’d like to offer at this time? I'm -- I have concluded with my questions. Is there anything else that you'd like to say that you feel is relevant regarding the issues I came to you about today?

DOUGLAS DOMENECH: Yes.

: Okay.

DOUGLAS DOMENECH: Um, and --

: Anything new that I'm not aware of?

DOUGLAS DOMENECH: Well I don’t know what you're aware of --

: Well --

DOUGLAS DOMENECH: -- just like you don’t know what I'm aware of. Uh, so, uh, some of this, uh, I -- you know I -- after you called and said you wanted to talk again --
Yeah.

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

From 2019?

DOUGLAS DOMENECH: I think that's correct.

Yes, I do.

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

Can I have a copy of that?

DOUGLAS DOMENECH: Yeah, you can have this one.

Oh. Great. Okay. So, yeah, do you want to read this into the record?

DOUGLAS DOMENECH: And -- and it's stuff you have probably already, but I just wanted to point a couple of things out. So, as we all know, I'm appointed senior --

Uh-huh.
DOUGLAS DOMENECH: -- senior white house --

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

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

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

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

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

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

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

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

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

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

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

DOUGLAS DOMENECH: -- given it to us we would have done it. On January 28 the president issues his executive order 13770 on ethics commitment that all talk about once you are an employee, um, uh, that you, uh -- every --

every appointee, um, should sign, um, and are contractually obligated. And there's a list of things. Most of them to me appear to be post -- post-government prohibitions on activities, but I just point out section one, uh, item six that of course says post -- for a period of two years, uh, you know, it is the thing that,
uh, that appointees pledge not to be involved in any
particular matter involving specific parties. We talked
previously about that.

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

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

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

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

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

DOUGLAS DOMENECH: -- almost administrative.

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

DOUGLAS DOMENECH: Um, and, uh, uh, so now we go forward
to April [b] [b] Uh, I have -- I facilitate the meeting with
TPPF. Um, June [b] of '17 I am nominated as assistant
secretary. Uh, September [b] I'm presented with the ethics
pledge and I sign it. Um, September, uh, [b] -- so I
didn’t -- I hadn’t -- well, anyway, I hadn’t signed it --

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

DOUGLAS DOMENECH: -- before then. I was sworn in as
assistant secretary because I was, surprisingly,
confirmed, uh, uh, quickly overnight 'cause of the
hurricanes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DOUGLAS DOMENECH: -- which actually has a small, uh,
error in it --

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

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

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

DOUGLAS DOMENECH: -- meeting I put -- it's actually April

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

DOUGLAS DOMENECH: That's the error.

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

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

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

DOUGLAS DOMENECH: Now, in their memo they talk about April -- in other parts of the memo.

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

DOUGLAS DOMENECH: It was just a slip because he was writing to me -- oh no, I guess March was when he talked to me. Anyway --

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

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

(b)(7)(C) : Correct.
DOUGLAS DOMENECH: -- about this during the investigation, but am I okay just to let them know, "By the way, you have a little error in your memo"? I don’t know if they’re going to want to correct it or not, but I noticed it when I re-read it for this meeting.

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

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

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

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

DOUGLAS DOMENECH: "Keep fighting."

(b) (7)(C): So this last paragraph that you have here about the -- about this, about "the DEO memo --
DOUGLAS DOMENECH: Yeah.

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

DOUGLAS DOMENECH: No, no, no, no.

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

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

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

DOUGLAS DOMENECH: -- I don’t know if that informs your report.

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

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

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

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

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

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

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

DOUGLAS DOMENECH: And I realize, you know, you all, IG and ethics, are not the same office, but you may have a, excuse me, different opinion.
(b) (7)(C) : Okay.

DOUGLAS DOMENECH: But I wanted to flag it.

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

DOUGLAS DOMENECH: Okay.

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

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

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

DOUGLAS DOMENECH: 2017 --

DOUGLAS DOMENECH: Yeah.

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

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

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

DOUGLAS DOMENECH: And see, he talks about April here --

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

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

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

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

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

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

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

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

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

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

DOUGLAS DOMENECH: Okay.

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

DOUGLAS DOMENECH: Okay.

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

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

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

DOUGLAS DOMENECH: Okay.

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

DOUGLAS DOMENECH: Oh. Okay.

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

DOUGLAS DOMENECH: Okay.

(b)(7)(C): So if you do have any questions (b)(7)(C) you're point of contact on it.
DOUGLAS DOMENECH: Great. Did (b) (7)(C)?

(b) (7)(C): Oh we can talk about that off the record.

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

(b) (7)(C): Yeah. All right. So I'm going to go ahead and, um, conclude now. And the time is 10:55 a.m. on Thursday, July 25th, 2019, and this concludes our interview with Douglas W. Domenech. Thank you, Mr. Domenech.

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

_______________________ ( )
(Signature of Transcriber)

(b) (7)(C)

(July 26, 2019)