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March 18, 2019

The Honorable Alexander Acosta
Secretary
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210

Dear Secretary Acosta:

I write to request information regarding the outside employment of Associate Deputy Secretary of Labor Michael Avakian during his tenure at the Department of Labor (Department).

In late April 2018, Mr. Avakian began his position as the Associate Deputy Secretary of Labor, a position that provides him substantial oversight into labor policies, including parts of the Labor Management Relations Act of 1947 (LMRA). Court filings in the Northern District of Indiana show that as late as July 31, 2018, Mr. Avakian was actively involved in motion practice in a case that involves claims under the LMRA (*D5 Ironworks, Inc. v Local 395 Ironworkers*).¹ In addition, it was reported that Mr. Avakian also participated in conference calls with the judge on the case after he joined the Department.² Mr. Avakian did not move to withdraw as attorney from the case until August 2, 2018.³

In order to better understand the impacts of Mr. Avakian's continued work on this litigation while he served as Associate Deputy Secretary of Labor, please provide the following information and documents:

1. A copy of all of the Department's ethics statutes, rules, and guidelines regarding outside employment applicable to the position of Associate Deputy Secretary of Labor;

¹ *D5 Ironworks, Inc. v Local 395 Ironworkers*, No: 16 CV 00200 (N.D. Ind. filed Feb. 11, 2016) (Mot. filed Jul. 31, 2018).

² *Labor Dept. Official Represented Steel Co. in Court While on Job*, Bloomberg Government (Mar. 1, 2019).

³ *D5 Ironworks, Inc. v Local 395 Ironworkers*, No: 16 CV 00200 (N.D. Ind. filed Feb. 11, 2016) (Mot. filed Aug. 2, 2018).

2. The date on which Mr. Avakian received the Department's ethics statutes, rules, and guidelines on outside employment that apply to his position. Please include a detailed description of any trainings Mr. Avakian received regarding these rules and guidelines and the dates Mr. Avakian completed those trainings;
3. Please also include a detailed description and the dates of any consultations Mr. Avakian had with Department ethics officials regarding outside employment, including any advice provided to Mr. Avakian by Department ethics officials regarding the required disposition of any outside employment;
4. A copy of any ethics waivers granted to Mr. Avakian;
5. The date on which Mr. Avakian's supervisor became aware of his continuing involvement in *D5 Ironworks, Inc. v Local 395 Ironworkers*;
6. The date on which the Department's ethics officials became aware of Mr. Avakian's continuing involvement in *D5 Ironworks, Inc. v Local 395 Ironworkers*;
7. Please state whether Mr. Avakian received any compensation for his work on *D5 Ironworks, Inc. v Local 395 Ironworkers* after he began his employment with the Department. If so, please state the amount of the compensation, the date on which Mr. Avakian received the compensation, and the date on which Mr. Avakian refunded the compensation;
8. A detailed description of any Department investigations into Mr. Avakian's outside employment or other ethics-related matters, including copies of any findings in those investigations that detail any knowing or unknowing violations of criminal or ethics statutes, rules, and guidelines by Mr. Avakian;
9. A detailed description of any disciplinary actions the Department has taken against Mr. Avakian relating to his outside employment or other ethics-related matters, including information on when such disciplinary actions were taken;
10. A list of all of Mr. Avakian's outside cases that he was involved in at the time he began his position with the Department of Labor and the dates that he withdrew from each of those cases;
11. A detailed description of any Department matters that Mr. Avakian worked on as Associate Deputy Secretary of Labor involving the LMRA, D5 Ironworks, Inc., the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers Union, AFL-CIO, or other unions;
12. Please state whether the Department has referred any ethical concerns regarding Mr. Avakian to the state bar of each state in which he is licensed to practice law. If yes, please provide a detailed description of the contents of each referral; and
13. Please state whether the Department has conducted any investigations into whether any other Department official has engaged in outside employment while employed by the Department. If yes, please provide the following details:
 - a. The dates of any such investigations;
 - b. A list of each Department official's name, title, brief position description, pay grade, the date they began employment with the Department; and
 - c. The dates during which each Department official engaged in outside employment, the nature of the outside employment, the date on which the outside employment ended, and any disciplinary action that the Department took against the official.

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Please provide the requested information and documents by April 1, 2019.

Thank you for your attention to this request. Please contact Cathy Yu with the Committee at cathy.yu@mail.house.gov with any questions. Please send all official correspondence relating to this request to tylease.alli@mail.house.gov.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Chairman