

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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May 9, 2017

Brett Loyd
President and Chief Executive Officer
The Polling Company, Inc./WomanTrend
400 North Capitol Street NW, Suite 790
Washington, D.C. 20001

Dear Mr. Loyd:

I am writing to request information about the ongoing relationship between Kellyanne Conway, who currently serves as Counselor to the President, and The Polling Company, Inc./WomanTrend, which Ms. Conway founded in 1995. Based on public reports to date, it does not appear that Ms. Conway has divested her ownership interest in The Polling Company, raising questions about whether she has conflicts of interest on matters relating to the company's current, former, or prospective clients.

On March 13, 2017, Ms. Conway filed a financial disclosure as part of her new position in the White House in which she reported that the value of her ownership interest in The Polling Company was between \$1 million and \$5 million.¹ Soon thereafter, the White House issued the following statement:

Kellyanne Conway resigned from the company and has had no management responsibility since before she was sworn in as Counselor to The President. Mrs. Conway, who has signed the Ethics Pledge, has been working with the Office of the White House Counsel to ensure she is fully compliant with her legal and ethical obligations in connection with her former company and her duties in the White House. While she is in the process of divesting her assets, like all White House employees in a similar situation, this process requires submission of ethics documentation to the Office of Government Ethics to obtain a Certificate of Divestiture from OGE prior to selling the asset. As is the case for many other employees, this process is still underway.²

¹ Kellyanne Conway, Executive Branch Personnel Public Financial Disclosure Report (Mar. 13, 2017) (online at <http://s3.amazonaws.com/storage.citizensforethics.org/wp-content/uploads/2017/04/01011234/Conway-Kellyanne.pdf>).

² *Is Kellyanne Conway Breaking the Law?*, Slate (Mar. 24, 2017) (online at www.slate.com/articles/news_and_politics/politics/2017/03/is_kellyanne_conway_breaking_a_major_criminal_conflict_of_interest_statute.html).

In light of these assertions by the White House that Ms. Conway was working with the Office of Government Ethics (OGE) to divest her assets, my office sent a letter to OGE on April 7, 2017, seeking a status report on her efforts. The letter also asked whether—in the meantime—Ms. Conway has recused herself from matters that may affect The Polling Company’s clients or has obtained a waiver of these requirements under President Trump’s new Executive Order setting forth ethics requirements for his appointees.³

On April 21, 2017, OGE sent a letter to my office reporting that “a Certificate of Divestiture has not been issued to this appointee.” In addition, OGE reported that it is not aware of any recusal by Ms. Conway, warning:

The primary criminal conflict of interest statute prohibits senior White House appointees and other executive branch employees from participating personally and substantially in particular matters directly and predictably affecting their financial interests. Among other things, this prohibition extends to the financial interests of companies in which they have ownership interests. ... Thus, the most common mechanism for resolving conflicts of interest is to recuse from particular matters that would affect the appointee’s personal and imputed financial interests.⁴

Finally, with respect to whether Ms. Conway has obtained a waiver of these requirements under President Trump’s new Executive Order, OGE reported:

[T]his recent Executive Order has eliminated a transparency provision that existed in the earlier Executive order it replaced. As a result, OGE does not know whether she has received a waiver under this recent Executive Order.⁵

Ms. Conway also reported in her financial disclosure that she held the position of President and CEO of The Polling Company until January 2017.⁶ However, on February 13, 2017—after Ms. Conway assumed her position at the White House—The Polling Company filed its annual report with the Virginia State Corporation Commission listing Ms. Conway as

³ Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Walter M. Shaub, Jr., Director, Office of Government Ethics (Apr. 7, 2017). *See also* Exec. Order No. 13,770, 82 Fed. Reg. 9333 (Jan. 28, 2017) (online at www.gpo.gov/fdsys/pkg/FR-2017-02-03/pdf/2017-02450.pdf).

⁴ Letter from Walter M. Shaub, Jr., Director, Office of Government Ethics, to Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform (Apr. 21, 2017).

⁵ *Id.*

⁶ Kellyanne Conway, Executive Branch Personnel Public Financial Disclosure Report (Mar. 13, 2017) (online at <http://s3.amazonaws.com/storage.citizensforethics.org/wp-content/uploads/2017/04/01011234/Conway-Kellyanne.pdf>).

Director.⁷ In its letter on April 21, OGE stated: “At this time, OGE does not know whether these two documents refer to different positions or whether one of these two documents is potentially incorrect.”⁸

In order to obtain additional information about these matters, I ask that you provide, by May 22, 2017, the information and documents requested below that are in your custody, control, or possession:

- (1) Does Ms. Conway have any current ownership interest in The Polling Company? If so, please provide information on the type and scope of that ownership interest. If not, please provide the final dates on which she divested her ownership interests.
- (2) Has Ms. Conway ever informed The Polling Company or any of its clients that she is recused from working on any matters that may affect their interests or that she has obtained a waiver of this requirement? If so, please provide all documents and communications referring or relating to Ms. Conway’s recusal or waiver.
- (3) Since January 20, 2017, has Ms. Conway provided advice or any other service to The Polling Company or any of its clients on any matter? If so, please provide the name of the clients, the subject matter of the advice or other service, and the date of the advice or other service, along with all documents and communications referring or relating to the advice or service.
- (4) Did Ms. Conway exercise any decision-making authority after January 20, 2017, with respect to any aspect of The Polling Company’s business, operations, or ownership? If so, please describe those actions and produce all documents and communications referring or relating to the exercise of this decision-making authority.
- (5) Please provide a list of the Polling Company’s current clients.
- (6) On what date was Ms. Conway designated as Director of The Polling Company? What responsibilities are associated with this title and role?

⁷ *2016 Annual Report*, The Polling Company (Feb. 13, 2017) (online at www.scribd.com/document/341757083/Polling-Company-2016-Report). The report also listed Ms. Conway as CEO, but The Polling Company informed the State Corporation Commission on February 14, 2017, that Ms. Conway had been replaced as CEO.

⁸ Letter from Walter M. Shaub, Jr., Director, Office of Government Ethics, to Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform (Apr. 21, 2017).

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- (7) Does Ms. Conway continue to hold the position of Director? If not, on what date did she resign from this position?
- (8) What is Ms. Conway's current title, if any, at The Polling Company, and what are her current authorities? Please all provide all communications between Ms. Conway or her representatives and The Polling Company concerning her current authorities.

I also request a briefing on these matters with you or other representatives of The Polling Company by May 26, 2017.

If you have any questions about this request, please contact Kapil Longani with my staff at (202) 225-5051. Thank you for your consideration of this request.

Sincerely,



Elijah E. Cummings
Ranking Member