From: Seth Yeazel
To: Contact OGE
Subject: Proposed Rule: Legal Expense Fund Regulation (RIN 3209-AA50)
Date: Thursday, June 16, 2022 10:14:50 AM

Emory A. Rounds III,

I oppose OGE's proposed legal expense fund regulation as drafted.

OGE should do all of the following:
1) remove the exception that makes compliance with the regulation optional;
2) replace the proposed recusal requirement with a broader 5-year recusal requirement that prevents donors of cash gifts from influencing decisions, policies, or regulations affecting them or the industries in which they have substantial interests;
3) remove the offensive example involving an accused sexual harasser; and
4) place nonprofit charities (501(c)(3) organizations) on an equal footing with large law firms by allowing them to hire legal counsel for whistleblowers.

Without these proposed changes, the draft rule is wholly inadequate at mitigating the ethical issues it seeks to address. Issuing this proposed regulation as is would be arbitrary and capricious, because there is no record evidence supporting the conclusion that this would help address the relevant underlying ethical issues. The record evidence fully supports the reinstatement of such mandatory requirements, however. Otherwise, I would request that OGE explain in full why the record evidence supports the conclusion that this rule, if optional, would actually achieve the purpose of which it purports to serve.

Best,
Seth Yeazel
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