

United States Senate
WASHINGTON, DC 20510

May 31, 2018

The Honorable Arthur A. Elkins, Jr.
Inspector General
U.S. Environmental Protection Agency
1301 Constitution Ave. NW, Rm 3102
Washington, DC 20460

Dear Mr. Elkins,

We write to request that you initiate an investigation to determine whether Administrator Pruitt violated federal regulations when he used a top aide, Ms. Millan Hupp, to conduct a real estate search on Mr. Pruitt's behalf. According to interviews, Congressional testimony and emails (attached), Administrator Pruitt may have sought and/or accepted Ms. Hupp's assistance with his housing search without compensating her. The housing search also appears to have been conducted using official time and resources.

There are several regulations designed to prevent the misuse of taxpayer funds and to prevent a supervisor from misusing the time of or accepting an improper gift from a subordinate employee, whose salary is paid by American taxpayers. Each of these regulations may have been violated by Mr. Pruitt or Ms. Hupp if the information obtained by our offices is accurate:

- 5 CFR § 2635.705¹ requires employees to use official time to perform their official duties, and prevents the encouragement, direction, or requesting of a subordinate to use official time to perform other activities.
- 5 CFR § 2635.702² prevents an employee from using his or her official position to coerce or induce anyone, including a subordinate, to provide the employee or the employee's family or friends, with any benefit (financial or otherwise).
- 5 CFR § 2635.302³ states that an employee cannot give a gift to an official superior, and that an employee cannot accept a gift from an employee receiving less pay, where the definition of "gift" includes services.

Senators Carper and Whitehouse's staff were first told about Ms. Hupp's efforts to assist Administrator Pruitt in early April by former EPA Deputy Chief of Staff and Trump campaign official Kevin Chmielewski, who described⁴ Ms. Hupp as the Administrator's personal real estate representative, spending weeks improperly using federal government resources and time to

¹ <https://www.law.cornell.edu/cfr/text/5/2635.705>

² <https://www.law.cornell.edu/cfr/text/5/2635.702>

³ <https://www.law.cornell.edu/cfr/text/5/2635.302>

⁴ <https://www.documentcloud.org/documents/4436623-4-12-2018-Letter-to-Pruitt.html>

contact rental and seller's agents, and touring numerous properties in which Administrator Pruitt might wish to reside.

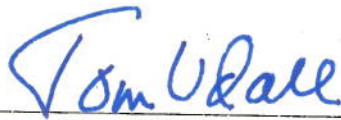
Senator Udall then asked Administrator Pruitt about the matter directly during a Congressional hearing on May 16, 2018.⁵ The Administrator confirmed that Ms. Hupp had helped him with his real estate search, saying that: "It's my understanding that all activity there was on personal time" and indicating that he did not compensate Ms. Hupp for this work, implying that the assistance was a gift. Emails (attached) show that Ms. Hupp did at least some of this work using her epa.gov email address during the workday.

We request that you initiate an investigation in order to determine:

1. Whether Administrator Pruitt and/or Ms. Hupp violated regulations related to official use of time or the solicitation/acceptance of an improper gift or benefit when Ms. Hupp assisted the Administrator with his housing search.
2. Whether Administrator Pruitt has engaged in other similar potential violations of regulations involving tasks or services performed by, or benefits or gifts received from, Ms. Hupp or other subordinate EPA employees.

Thank you very much for your consideration of this important matter. Should you have any questions or concerns, please have your staff contact Jonathan Black of Senator Udall's staff at 202-224-6621 or Michal Freedhoff on the Environment and Public Works Committee Democratic staff at 202-224-8832.

Sincerely yours,



Tom Udall
United States Senator



Thomas R. Carper
United States Senator



Sheldon Whitehouse
United States Senator

⁵ <http://www.cq.com/doc/congressionaltranscripts-5318394?0>

To: Hupp, Millan[hupp.millan@epa.gov]
From: John Walker
Sent: Mon 8/7/2017 6:08:45 PM
Subject: RE: Introducing you

Hi Millan

I'm just checking in to make sure everything is taken care of with Mr. Pruitt. If you need anything, just let me know.

Thanks

John

John Walker, MBA, Realtor

703-981-3678

John@WalkerTeamRealtors.com



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Keller Williams Realty
105 West Broad Street
Suite 200
Falls Church, VA 22046

From: Hupp, Millan [mailto:hupp.millan@epa.gov]
Sent: Tuesday, July 11, 2017 2:11 PM
To: John Walker <john@walkerteamrealtors.com>
Subject: RE: Introducing you

Perfect. What number would be best to reach you?

From: John Walker [mailto:john@walkerteamrealtors.com]
Sent: Tuesday, July 11, 2017 1:43 PM
To: Hupp, Millan <hupp.millan@epa.gov>
Subject: Re: Introducing you

How would 4:00 today work for a call?

Sent from my iPhone

On Jul 11, 2017, at 1:24 PM, Hupp, Millan <hupp.millan@epa.gov> wrote:

Both are open. What time would work best for you?

From: John Walker [<mailto:john@walkerteamrealtors.com>]
Sent: Tuesday, July 11, 2017 12:24 PM
To: Hupp, Millan <hupp.millan@epa.gov>
Subject: RE: Introducing you

Hi Millan

Let's do by phone this week. I am real open. What does this afternoon or evening look like for you?

John

From: Hupp, Millan [<mailto:hupp.millan@epa.gov>]
Sent: Tuesday, July 11, 2017 11:21 AM
To: John Walker <john@walkerteamrealtors.com>
Subject: RE: Introducing you

John – would love to connect sometime this week. Please let me know if via phone or in person would be best.

Warm regards,

Millan

From: John Walker [<mailto:john@walkerteamrealtors.com>]
Sent: Monday, July 10, 2017 11:18 AM
To: Hupp, Millan <hupp.millan@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Introducing you

Hi Millan

Glad to meet you. I'm finishing up a beach trip and would be happy to talk on the phone this week, or sit down with you next. What is the time frame you are working with? If it is at all rushed, I can talk today.

Looking forward to it.

John

John Walker, MBA, Realtor

703-981-3678

John@WalkerTeamRealtors.com

[<image001.png>](#)

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We'd love to connect with you!

[<image002.jpg>](#) [<image003.jpg>](#) [<image004.jpg>](#)

Keller Williams Realty
105 West Broad Street
Suite 200
Falls Church, VA 22046

From: Hupp, Millan [<mailto:hupp.millan@epa.gov>]
Sent: Monday, July 10, 2017 6:20 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: John Walker <john@walkerteamrealtors.com>
Subject: Re: Introducing you

Thank you so much for the introduction, Tate.

John -- I would welcome the opportunity to sit down with you over coffee or connect via phone; whichever may work for you.

Thank you for your willingness to work with me. I look forward to chatting soon.

Millan

Sent from my iPhone

On Jul 10, 2017, at 6:01 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Hi John!

Mark and I look forward to seeing you soon.

I wanted to introduce you to Ms. Millan Hupp who hails from Oklahoma and is a longtime aide to Administrator Pruitt. She would likely want to get coffee with you as well regarding the other matter we discussed previously.

Millan- you will LOVE working with John. He knows everything about Capitol Hill- including both living on it as well as working there 😊 As I previously mentioned via phone, he was a longtime COS for Judge Carter before he “retired,” and now places Members of Congress in homes on the hill regularly.

Let me know how I can be further helpful.

Tate

Elizabeth Tate Bennett

Senior Deputy Associate Administrator

Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency