

April 26, 2018

Sonya White  
Designated Agency Ethics Official  
Deputy General Counsel for General Law and Ethics  
Consumer Financial Protection Bureau  
1801 L Street NW  
Washington, DC 20036

Dear Ms. White:

I am writing to inquire into the arrangements that the Consumer Financial Protection Bureau (CFPB) made with OMB Director Mick Mulvaney when he took over operational control of the agency five months ago.

As the Designated Agency Ethics Official for CFPB, you are responsible for “[p]roviding advice and counseling to prospective and current employees regarding government ethics laws and regulations” and “[t]aking appropriate action to resolve conflicts of interest and the appearance of conflicts of interest.”<sup>1</sup> After Mr. Mulvaney’s recent comments about the pay-to-play culture he maintained in his congressional office, I’m eager to learn more about safeguards the CFPB put into place to ensure that Mr. Mulvaney was excluded from decisions that affected the financial institutions that had given him campaign contributions.

Office of Government Ethics regulations provide that federal “[e]mployees shall endeavor to avoid any actions creating the appearance that they are violating the law,” which is judged from the “perspective of a reasonable person with knowledge of the relevant facts.”<sup>2</sup> According to reports, during a speech he gave in his official capacity on behalf of CFPB this week, Mr. Mulvaney told a crowd of 1,300 bankers and lobbyists that when he was a Congressman, he “had a hierarchy in [his] office” that favored lobbyists who gave him campaign contributions.<sup>3</sup> Reasonable people who learn of this admission may wonder whether companies or individuals that contributed to Mr. Mulvaney’s campaign when he was a Congressman will continue to receive special favors during his time at CFPB.

This frank admission that Mr. Mulvaney traded meetings for campaign cash is even more troubling because many of the lobbyists who contributed to his campaigns represent interests that are affected by the CFPB’s work. For example, Mr. Mulvaney received more than \$92,000 from

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<sup>1</sup> 5 CFR §2638.104

<sup>2</sup> 5 CFR § 2635.101


<sup>3</sup> New York Times, Mulvaney, Watchdog Bureau’s Leader, Advises Bankers on Ways to Curtail Agency (April 24, 2018) (<https://www.nytimes.com/2018/04/24/us/mulvaney-consumer-financial-protection-bureau.html>).

the American Bankers Association, the Credit Union National Association, the National Auto Dealers Association, and the National Association of Realtors during his time in Congress.<sup>4</sup> As detailed in the attached letter to Mr. Mulvaney, under his control, the CFPB has taken actions that directly benefit those donors.

Mr. Mulvaney has admitted that he ran a pay-to-play operation while in Congress. For American families to trust the CFPB, they have to know that lobbyists' payments to Mr. Mulvaney's campaign are not putting in play CFPB policies that favor those same lobbyists. In order for me to better understand what precautions the CFPB has taken to separate Mr. Mulvaney from matters concerning his campaign donors, please answer the following questions by May 14, 2018.

1. What, if any, advice did you give Mr. Mulvaney about working on matters related to his political donors when he arrived at the CFPB?
2. Is Mr. Mulvaney recused from working on matters related to any company or industry? If so, please list them.
3. Given Mr. Mulvaney's admission that companies received access in exchange for political contributions during his time as a Congressman, do you intend to take any additional action to prevent him from engaging in matters involving his donors?
4. Some of the political appointees Mr. Mulvaney has installed at the CFPB previously worked at entities affected by the Bureau's actions. Please provide the list of recusals for all political appointees currently working at CFPB, including those who are detailed to the agency.

Sincerely,



Elizabeth Warren  
United States Senator

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<sup>4</sup> <https://www.opensecrets.org/members-of-congress/contributors?cid=N00031412&cycle=CAREER&type=1>