

**Congress of the United States**  
**Washington, DC 20515**

April 7, 2014

Justin V. Shur  
MoloLamken LLP  
600 New Hampshire Ave, N.W.  
Washington, D.C. 20037

Dear Mr. Shur:

The House Committee on Oversight and Government Reform (OGR) and the Senate Committee on Environment and Public Works (EPW) are engaged in a joint investigation into the details surrounding the fraudulent conduct of convicted felon and former Environmental Protection Agency senior official John Beale. Most recently, EPW minority staff issued a memorandum<sup>1</sup> as well as a report, *EPA's Playbook Unveiled: A Story of Fraud, Deceit, and Secret Science*,<sup>2</sup> that detail how profoundly your client, former senior EPA official Robert Brenner, was entangled in Beale's misconduct. These findings were in part based on testimony Brenner provided at the OGR hearing *Secret Agent Man? Oversight of EPA's IG Investigation of John Beale*,<sup>3</sup> as well as an OGR staff deposition of Beale.<sup>4</sup> Throughout our joint investigation, evidence strongly suggests that your client facilitated his best friend Beale's fraud. For this reason, we respectfully request your client's full cooperation with our joint investigation.

The need for Congress to investigate into the exact nature of Brenner's role is underscored by the fact that he has so far refused to cooperate with the EPA Office of Inspector General (OIG) and declined to respond to a request for information from EPW's Ranking Member.<sup>5</sup> Additionally, we have evidence that suggests Brenner provided false testimony before Congress when he discussed his reasons for hiring and recruiting Beale<sup>6</sup>.

Despite his lack of cooperation, the Committees have learned of several key damaging facts that implicate Brenner with Beale's misconduct. Your client hired Beale at an outrageously high salary — the highest possible salary for a General Schedule employee — despite Beale's admitted lack of environmental policy experience.<sup>7</sup> We also know that your client nominated Beale for two retention incentive bonuses that led to overpayments totaling at least \$573,364.60.<sup>8</sup>

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<sup>1</sup> Memorandum from Republican Committee Staff to Republican Members, S. Comm. on Env't & Pub. Works, Additional Facts Regarding EPA Negligence in Responding to Beale Fraud (Robert Brenner) (Feb. 6, 2014) (on file with Committee).

<sup>2</sup> S. COMM. ON ENV'T & PUB. WORKS MINORITY STAFF, *EPA'S PLAYBOOK UNVEILED: A STORY OF FRAUD, DECEIT, AND SECRET SCIENCE* (2014), available at [http://www.epw.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore\\_id=b90f742e-b797-4a82-a0a3-e6848467832a](http://www.epw.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore_id=b90f742e-b797-4a82-a0a3-e6848467832a).

<sup>3</sup> *Secret Agent Man? Oversight of EPA's IG Investigation of John Beale: Hearing Before the H. Comm. on Oversight & Gov't Reform*, 113th Cong. (Oct. 1, 2013).

<sup>4</sup> Transcript of John C. Beale Deposition, H. Comm. on Oversight & Gov't Reform, 113th Cong. (Dec. 19, 2013), available at <http://oversight.house.gov/wp-content/uploads/2014/01/Beale-Deposition.pdf>.

<sup>5</sup> See Letter from Justin Shur to Republican Staff, S. Comm. on Env't & Pub. Works (Nov. 8, 2013).

<sup>6</sup> See *EPA'S PLAYBOOK UNVEILED*, *supra* note 2, at 2–6.

<sup>7</sup> Transcript of John C. Beale Deposition, *supra* note 4, at 13.

<sup>8</sup> See *EPA'S PLAYBOOK UNVEILED*, *supra* note 2, at 7–19.

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It also appears the documentation Brenner submitted for these bonuses contain materially false information to which your client attested.<sup>9</sup> Additionally, your client recommended Beale for the promotion to Senior Leader that eventually elevated Beale's salary to exceed the statutory threshold for employees at his pay grade.<sup>10</sup> In each of these instances, your client's actions facilitated Beale's fraud.

Moreover, we have learned that your client often corroborated Beale's lies. For example, when a former Deputy Assistant Administrator for the Office of Air and Radiation asked your client questions about Beale's absence and alleged poor health, your client would assert that Beale would be in the next day.<sup>11</sup> In light of these troubling facts, it appears Beale could not have accomplished his crimes without your client's assistance.

As our Committees are charged with rooting out waste, fraud, abuse and mismanagement at the EPA, we are determined to investigate every aspect of Beale's fraud, a task that necessarily includes vetting your client's role in the matter. Accordingly, the Committees request that your client produce every document in his possession that refers or relates to Beale no later than April 23, 2014. Despite your willingness to summarily challenge the 67-page EPW minority staff report as "agenda-driven [and] simply incorrect in a number of respects,"<sup>12</sup> we hope that you will appropriately advise your client to cooperate with our investigation to ensure that the American people learn the full story.

If you have any questions regarding this request, please contact Tyler Grimm with the House OGR Committee at (202) 225-5074 or Kristina Moore with the Senate EPW Committee at (202) 224-6176.

Sincerely,



Darrell E. Issa  
Chairman  
House of Representatives Committee  
on Oversight and Government Reform



David Vitter  
Ranking Member  
Senate Committee on  
Environment and Public Works

cc: Elijah Cummings, Ranking Member, Committee on Oversight and Government Reform  
Barbara Boxer, Chairman, Committee on Environment and Public Works

<sup>9</sup> See Memorandum from Republican Committee Staff to Republican Members, S. Comm. on Env't & Pub. Works, Additional Facts Regarding EPA Negligence in Responding to Beale Fraud (Robert Brenner) (Feb. 6, 2014) (on file with Committee).

<sup>10</sup> EPA'S PLAYBOOK UNVEILED, *supra* note 2, at 9-10.

<sup>11</sup> *Id.* at 7.

<sup>12</sup> Jim McElhatton, *Fake CIA agent helped craft sweeping environmental rules while at EPA*, WASH. TIMES, Mar. 19, 2014, <http://www.washingtontimes.com/news/2014/mar/19/republicans-look-review-of-john-beales-work-while-/?page=all>.