



PROTECT the PUBLIC'S TRUST

REQUEST FOR INVESTIGATION

March 22, 2024

TO: The Honorable Phyllis K. Fong
Inspector General
U.S. Department of Agriculture
Room 117-W Jamie Whitten Bldg.
1400 Independence Avenue SW
Washington, DC 20250

Re: Potential Ethics Violations by Stacy Dean, Deputy Under Secretary for Food, Nutrition, and Consumer Services

Dear Ms. Fong:

Protect the Public's Trust (PPT) is a non-profit organization dedicated to promoting integrity in government and restoring the public's trust in government officials. In pursuit of this mission, it has come to our attention that a current high-ranking official may have violated her ethics obligations by abusing her government position and taxpayer resources to promote her former employer's interests.

Overview

According to records PPT obtained pursuant to the Freedom of Information Act, Ms. Stacy Dean, who currently serves as Deputy Under Secretary for Food, Nutrition, and Consumer Services (FNS) at the U.S. Department of Agriculture (USDA), engaged in voluminous communications between 2021 and 2022 with a range of employees at the Center on Budget and Policy Priorities (CBPP), where Ms. Dean had served as the Vice President for Food Assistance Policy immediately prior to her appointment with USDA.¹

CBPP describes itself as “a non-partisan research and policy institute that works at the federal and state levels on fiscal policy and public programs that affect low- and moderate-income families and individuals.”² Per its website, CBPP focuses on several policy issues involving food assistance, including the promotion of “policies to make the Supplemental Nutrition Assistance Program (SNAP) stronger . . . [including] work on program rules and implementation.”³

Immediately prior to her appointment with the Biden administration in 2021, Ms. Dean's work as Vice President for Food Assistance Policy at CBPP included directing the group's food assistance team, “which published frequent reports on how federal nutrition programs affect

¹ Deputy Under Secretary Stacy Dean, Food and Nutrition Service U.S. Department Of Agriculture, (October 16, 2023), <https://www.fns.usda.gov/our-agency/dus-stacy-dean>

² Donate Today, Center on Budget and Policy Priorities, <https://www.cbpp.org/donate>

³ Who We Are, Center on Budget and Policy Priorities, <https://www.cbpp.org/about>



PROTECT the PUBLIC'S TRUST

families and communities and developed policies to improve them.”⁴ In her role as Undersecretary for FNS, Ms. Dean has direct responsibility for USDA’s SNAP program, which had a budget in excess of \$113 billion in 2021, up from roughly \$79 billion in 2020.⁵

I. Ms. Dean is Bound by Ethics Obligations in Her Position at USDA

A. The Biden Administration’s Ethics Pledge

On January 20, 2021, President Biden signed the “Executive Order on Ethics Commitments by Executive Branch Personnel.”⁶ The Ethics Pledge includes a “Revolving Door Ban for All Appointees Entering Government,” which provides:

I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.⁷

On February 23, 2021, Ms. Dean signed her Ethics Agreement, which stated that she had signed on January 29, 2021, her Ethics Pledge, as is required of all political appointees. The Ethics Pledge contains a more expansive definition of “particular matter involving specific parties” than that set forth for all government employees at 5 C.F.R. §2641.201(h), and bars all appointees from “*any meeting or other communication relating to the performance of one’s official duties that involve a former employer, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties.*”⁸

In a footnote to a Legal Advisory issued on March 26, 2009, the Office of Government Ethics (OGE) interpreted a Revolving Door Ban in an Ethics Pledge implemented by the Obama administration as providing a limited exception where the former employer is a “think tank.”⁹

⁴ Deputy Under Secretary Stacy Dean, Food and Nutrition Service U.S. Department Of Agriculture, (October 16, 2023), <https://www.fns.usda.gov/our-agency/dus-stacy-dean>

⁵ Total costs of the U.S. supplemental nutrition assistance program (SNAP) from 1969 to 2021, Statista, (November 3, 2023), [U.S. SNAP: total costs 1969-2021 | Statista](https://www.statista.com/statistics/1108442/u-s-supplemental-nutrition-assistance-program-snap-total-costs-1969-2021/)

⁶ Executive Order on Ethics Commitments by Executive Branch Personnel, White House, (January 21, 2023) <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-ethics-commitments-by-executive-branch-personnel/>

⁷ Executive Order on Ethics Commitments by Executive Branch Personnel, White House, (January 21, 2023) <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-ethics-commitments-by-executive-branch-personnel/>

⁸ Stacy Dean, “Ethics Agreement,” USDA (February 23, 2021), <http://protectpublictrust.org/wp-content/uploads/2024/01/Dean-Ethics-Agreement-pp.-37-38-of-production.pdf>. (Dean’s Ethics Agreement was provided to PPT as pp. 37-38 of the Final appeal response to USDA FOIA 2022-OGC-00034-A, available at http://protectpublictrust.org/wp-content/uploads/2024/01/2022-OGC-00034-A_Final-appeal-response-records_Final.pdf.) All “interested parties” has been defined as five or more unique entities. [DO-09-011: Ethics Pledge: Revolving Door Ban--All Appointees Entering Government \(oge.gov\)](https://www.ogc.gov/DO-09-011-Ethics-Pledge-Revolution-Door-Ban-All-Appointees-Entering-Government).

⁹ [DO-09-011: Ethics Pledge: Revolving Door Ban--All Appointees Entering Government \(oge.gov\)](https://www.ogc.gov/DO-09-011-Ethics-Pledge-Revolution-Door-Ban-All-Appointees-Entering-Government)



PROTECT the PUBLIC'S TRUST

OGE determined that the Revolving Door Ban of the Obama Pledge prohibiting communications with former employers was not intended to interfere with the ability of appointees *to consult with experts* at educational institutions and ‘think tanks’ on general policy matters, at least where those entities do not have a financial interest, as opposed to an academic or ideological interest.”¹⁰ (Emphasis added)

Ms. Dean acknowledged this provision, affirming in her Ethics Agreement:

I have been advised that my former employer, CBPP, is properly considered a “think tank” under OGE guidance and, as a result, I am permitted to discuss general policy matters with CBPP unless they have a financial interest, as opposed to an academic or ideological interest, in the matter to be discussed.¹¹

Ms. Dean’s acknowledgement seems to go beyond what is authorized by OGE’s think tank exception which only applies when an appointee is actually “consulting” with experts to gather specialized information.

B. Prohibited Personal and Business Relationships Under 5 C.F.R. § 2635.502

Federal employees must consider the appearance of their actions as to persons and entities with which they have a covered relationship, such as Ms. Dean has with her former employer, CBPP. Specifically, “[w]here the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee.”¹² Ms. Dean agreed, “If I have any questions regarding the scope or application of this agreement, I will consult the USDA Office of Ethics.”¹³

As demonstrated below, the think tank exception would not shield Ms. Dean from a violation of her obligations under the Ethics Pledge. In addition, the type and sheer number of communications held by Ms. Dean with her former employer gave rise to a perception of partiality under § 502 and, at a minimum, obligated her to consult with the USDA ethics office.

¹⁰ [DO-09-011: Ethics Pledge: Revolving Door Ban--All Appointees Entering Government \(oge.gov\)](#).

In a Legal Advisory dated January 22, 2021, OGE explained that “[E]thics officials and employees may continue to rely on OGE’s prior guidance regarding the [Obama Ethics Pledge] to the extent that such guidance addresses language common to the [Obama Ethics Pledge] and the [Biden Ethics Pledge].” [LA-21-03.pdf \(oge.gov\)](#). Although similar, the two pledges are not identical. Office of Government Ethics, (March 26, 2009)

¹¹ 5 C.F.R. § 2635.502 (“502”). See also, Stacy Dean, “Ethics Agreement,” USDA (February 23, 2021), <http://protectpublictrust.org/wp-content/uploads/2024/01/Dean-Ethics-Agreement-pp.-37-38-of-production.pdf>.

¹² Stacy Dean, “Ethics Agreement,” USDA (February 23, 2021), <http://protectpublictrust.org/wp-content/uploads/2024/01/Dean-Ethics-Agreement-pp.-37-38-of-production.pdf>.

¹³ In this same regard the fourteen “Principles of Ethical Conduct For Government Officers And Employees” provides that “Employees shall act impartially and not give preferential treatment to any private organization or individual.” [Executive Order 12674 dated 04/12/89 \(oge.gov\)](#)



PROTECT the PUBLIC'S TRUST

Moreover, we believe the nature and scope of her interactions with CBPP may have created a financial benefit for her former employer, in violation of her ethics obligations.

II. Ms. Dean's Apparent Violation of Her Obligations Under the Ethics Pledge

A. Ms. Dean Leveraged Government Resources to the Financial Benefit of CBPP

Assuming for purposes of this complaint that CBPP is a think tank, the think tank exception as explained by OGE does not apply where the former employer's financial interests are implicated. As demonstrated by the following examples, Ms. Dean appears to have authorized actions that were of direct benefit to her former employer in violation of her Ethics Pledge.

- i. Under Ms. Dean's Supervision, USDA Provided Research and Drafting Work for CBPP

On June 26, 2021, CBPP senior analyst Zoe Neuberger emailed Ms. Dean and other FNS staffers seeking comments on a draft CBPP report, explaining,

*[A]s I've mentioned to some of you, we've been working on a report on WIC [Women, Infants and Children Program] participation during the pandemic. A near-final version is attached and **we'd very much appreciate it if you or your staff could review it to make sure we're presenting your data accurately.** If you will be able to get us feedback by the end of the day on Thursday July 1, we'd be able to address it before our planned publication date of Tuesday July 6. But if you need more time to review it, please just let me know. **Feel free to share it with others within FNS for review, but please do not share it more widely until we publish it.**¹⁴*

On June 30, 2021, Kelley Scanlon, a recipient of Ms. Neuberger's June 26 email and a member of Ms. Dean's FNS team, replied to all, "Dear Zoe, Thank you for sharing this informative and well written report. **We offer a few minor comments based on our review and related research we have conducted.** Please do not hesitate to reach out if you want to discuss any of these comments."¹⁵

On July 1, 2021, Ms. Neuberger responded to the group, "Thank you so much for taking the time to review it! Unsurprisingly, **all your comments are very helpful and will make it a stronger piece.** [REDACTED], we're now aiming to publish it on July 12. I'll let you know when it's public."¹⁶

¹⁴ USDA, "2022-OSEC-02235-F-Interim-3," (Production 3), https://protectpublicstrust.org/wp-content/uploads/2023/11/2022-OSEC-02235-F-Interim-3_Redacted.pdf, pp. 89-90

¹⁵ Production 3, p. 89

¹⁶ Production 3, p. 89. It does not appear that the report with USDA's edits has been produced to PPT.



PROTECT the PUBLIC'S TRUST

As Deputy Under Secretary for FNS, Ms. Dean had direct oversight of the WIC program and was in a position to provide her former employer with a wealth of inside information about the program and its operations. Of course, however, it is emphatically *not* within Ms. Dean's authority to use federal resources to make her former employer's work product "stronger." Yet, it is clear that not only did FNS employees edit and provide comments on the CBPP's report at public expense, but this work was also apparently performed out of the public eye in accordance with CBPP wishes. Plainly, all of the work conducted within Ms. Dean's purview redounded to the direct financial benefit of CBPP, which acquired federal government expertise and original research that it likely could not have obtained on its own for any price. Because Ms. Dean permitted government resources to be expended for the direct benefit of her former employer, by its terms, the think tank exception seemingly does not apply. Accordingly, it appears that Ms. Dean has violated the revolving door provision of her Ethics Pledge in addition to violating 5 C.F.R. § 2635.702 when she intentionally used her government position to direct staff to use taxpayer resources for non-governmental purposes.

- ii. Ms. Dean communicated with her former employer in her official capacity for the apparent purpose of coordinating private fundraising

On December 13, 2021, Ms. Dean emailed two CBPP staffers with the following request: "Can one of you send me Mindy Tarlow's and Jen Ng'andu's emails. I want to invite them to a funder thing and I can't find in my old CBPP contacts."¹⁷ It is not immediately apparent how inviting these individuals to a "funder thing" is of benefit to USDA. It is clear, however, that both individuals identified in the email work for organizations that provide funding beneficial to CBPP.

Mindy Tarlow is a Managing Director at Blue Meridian Partners (BMP). As part of its leadership team, she explores new investment opportunities, leads due diligence on potential Blue Meridian grantees, and manages relationships with grantees.¹⁸ As evidence of Blue Meridian's financial involvement with CBPP, BMP services a landing page dedicated to CBPP initiatives¹⁹ and provided CBPP funding for COVID response efforts.²⁰

Jennifer Ng'andu is the "managing director–Program" at the Robert Wood Johnson Foundation (RWJF).²¹ According to the RWJF website, she helps lead grantmaking activities to advance social and environmental changes that help ensure that all children and their families have the full range

¹⁷ USDA, "2022-OSEC-02235-F-Interim-1," (Production 1), http://protectpublictrust.org/wp-content/uploads/2023/11/2022-OSEC-02235-F-Interim-1_Redacted.pdf, p. 378

¹⁸ LinkedIn, Mindy Tarlow profile, [Mindy Tarlow | LinkedIn](#), see [Mindy Tarlow - Leap Ambassadors](#).

¹⁹ Blue Meridian Partners, <https://www.bluemeridian.org/organization/center-on-budget-and-policy-priorities/>

²⁰ Blue Meridian Partners, <https://www.bluemeridian.org/updates/accelerating-blue-meridians-emergency-response-to-covid-19/>

²¹ Robert Wood Johnson Foundation, <https://www.rwjf.org/en/about-rwjf/staff-and-trustees/staff/n/jennifer-m-ng-andu.html>



PROTECT the PUBLIC'S TRUST

of opportunities to lead healthy lives, while providing a strong and stable start for every child in the nation.²²

The Robert Wood Johnson Foundation appears to be, at a minimum, financially intertwined with CBPP. As RWJF states on its website, “[...] we're supporting a multi-state laboratory for advancing policies that strengthen families across a range of issues. The Center on Budget and Policy Priorities (CBPP) is the hub for this initiative. We are administering \$2.65 million in grants to state-based organizations working to ensure that children and families get the support and resources needed to raise healthy kids through policy and systems change.”²³

Here, Ms. Dean is contacting her former employer from her USDA email account to obtain contact information about individuals she had obtained while at CBPP. Both individuals were involved in funding other organizations. Both individuals’ employers appear to financially support the work of Ms. Dean’s former employer. Again, it is unclear how Ms. Dean’s efforts have anything to do with her work at USDA and plainly she is not engaging in consultations with experts on general policy matters. It does seem, however, that her efforts could have significant financial benefit to her former employer and as such the think tank exception would not apply. In these circumstances, Ms. Dean may well have violated her obligation to avoid all contact with former employers under the Ethics Pledge.

B. The Sheer Volume of Ms. Dean’s Contacts with CBPP Should Preclude Application of the Think Tank Exception to the Ethics Pledge

OGE’s Legal Advisory indicates that the think tank exception only applies where an appointee is engaged in communications with an expert at the appointee’s former employer on general policy matters. Absent the applicability of this exception, *any* contact with CBPP is a violation of the Ethics Pledge.

Beginning literally from the first day of the Biden administration²⁴ and over the ensuing sixteen months for which USDA has provided records to PPT thus far, Ms. Dean emailed with CBPP personnel more than *120 times*.²⁵ The sheer volume of contacts alone suggests that Ms. Dean is not simply consulting with experts on general matters of policy as envisioned by OGE, rather she is effectively serving as the eyes and ears of CBPP at USDA.²⁶ Plainly, the think tank exception to

²² Robert Wood Johnson Foundation, <https://www.rwjf.org/en/about-rwjf/staff-and-trustees/staff/n/jennifer-m-ng-andu.html>

²³ Robert Wood Johnson Foundation, <https://www.rwjf.org/en/insights/blog/2019/12/a-holistic-approach-to-state-policy-making-that-strengthens-families.html>

²⁴ USDA, “2022-OSEC-02235-F-Interim-4,” (Production 4), https://protectpublictrust.org/wp-content/uploads/2023/11/2022-OSEC-02235-F-Interim-4_Redacted.pdf, p. 198

²⁵ PPT’s FOIA request only covered the period from January 2021 to May 2022 when USDA completed its search for records. However, PPT certainly has no reason to believe that the volume or kind of contacts between Ms. Dean and CBPP diminished after May of 2022 and any subsequent contacts with CBPP would only compound the issue. Accordingly, PPT requests that your investigation also includes all contacts between Ms. Dean and CBPP after May of 2022.

²⁶ Production 1, p. 45



PROTECT the PUBLIC'S TRUST

the Ethics Pledge cannot mean that a federal official may go from a complete ban on all contacts with a former employer under the Ethics Pledge to effectively operating in the government as an agent for the former employer. PPT is not aware of any authority under the law that would sanction such an interpretation of the think tank exception. Rather, the purpose behind the revolving door ban of preventing former employees from working in government at the behest of their former employers would be rendered meaningless if this level of contacts is permissible.

III. Ms. Dean's Pervasive Contacts with CBPP Give Rise to an Appearance of Partiality that Required Her to Take Action Under § 502(a)

Federal ethics regulations at 5 C.F.R. § 502(a) obligates a federal employee to consider her conduct from the perspective of a reasonable person and advise the Ethics Office if the actions the employee proposes to take would give rise to the appearance of partiality in the eyes of the reasonable person. The actions detailed above also give rise to an appearance of partiality. Simply emailing more than 120 times with a former employer in a fifteen-month period presents overwhelming evidence that any reasonable person would see as an indication that Ms. Dean's conduct in her official position of public trust is partial toward her former employer. At this point there is no telling how many more contacts were made.

Further evidence of partiality is clear from Ms. Dean's office providing drafting services and original research for CBPP, and assisting with fundraising with groups that have funded CBPP.

Many other examples of partiality in Ms. Dean's emails include: closed meeting invitations,^{27,28,29} requests for guidance in her work at USDA,^{30,31,32} a question seeking advice about how to respond to media inquiries,³³ multiple occasions where Ms. Dean added other USDA employees to meetings and email threads with CBPP,^{34,35,36} and several instances where contact information was exchanged between CBPP staff and Ms. Dean.^{37,38,39}

It is virtually inconceivable that a competitor of CBPP or a think tank not aligned with Ms. Dean's policy preferences would be in a position to ask for, let alone receive, the favorable treatment sought

²⁷ Production 4, p. 149

²⁸ Production 4, p. 18

²⁹ USDA, "2022-OSEC-02235-F-Interim-2," (Production 2), https://protectpublicstrust.org/wp-content/uploads/2023/11/2022-OSEC-02235-F-Interim-2_Redacted.pdf, p. 276

³⁰ Production 4, p. 106

³¹ Production 1, p. 160

³² Production 1, p. 358

³³ Production 3, p. 386

³⁴ Production 3, p. 361

³⁵ Production 1, p. 357

³⁶ Production 3, p. 64

³⁷ Production 1, p. 379

³⁸ Production 1, p. 378

³⁹ Production 4, p. 158



PROTECT the PUBLIC'S TRUST

by CBPP almost as a matter of right. Indeed, this is the very essence of partiality that § 502(a) is designed to prevent. However, in the face of this overwhelming evidence of partiality, it does not appear that Ms. Dean ever consulted ethics officials before engaging in any of these contacts with CBPP as provided for by § 502(a) and as she promised to do in her ethics agreement.

A concluding example is particularly illustrative. On December 21, 2021, Dottie Rosenbaum, senior fellow and director of Federal SNAP Policy on CBPP's Food Assistance team emailed Ms. Dean to discuss holding a meeting with a "Kitchen Cabinet" group, "to develop some shared priorities for Child Nutrition Reauthorization, and we thought an exchange of preliminary thinking between advocates and USDA could be fruitful. We appreciated the meeting with the broader Food Policy Advocacy Community with you and Kumar back in April. This meeting will be a much smaller, more informal conversation, primarily about school meals and WIC, though we would be interested in touching on timely developments in other areas as well, if relevant."

Ms. Dean replied, "Dottie, thanks for reaching out. I'm happy to visit with the Kitchen Cabinet group. I'd like to bring Cindy if I may."⁴⁰

A "kitchen cabinet" in political parlance refers to "a group of unofficial advisers to a political leader, esp. when considered to be more influential than the official cabinet."⁴¹ The "Cindy" referred to in the email is almost certainly the career Administrator of FNS and a 13-year veteran of USDA. That Ms. Dean felt obliged to ask permission of her former employer to bring the knowledgeable career head of FNS to a meeting exemplifies the situation where outside special interests, in this case Ms. Dean's former employer, are effectively in charge at FNS, which Ms. Dean may only nominally head. These circumstances would lead any reasonable person to question Ms. Dean's partiality.

Conclusion

The situation described above is not one where a data-driven think tank is providing information to inform agency decision-making. Rather, it appears to be a case of the capture or willful complicity of Ms. Dean for the advancement of the goals of her former employer. While Ms. Dean may share those goals, her role as a public servant is not to open something akin to a branch office of CBPP within USDA. And doing so would certainly run afoul of her obligations under the Ethics Pledge, §502 and likely §702.

The American public deserves to be assured that political appointees are performing their duties in an ethical, impartial manner without favoritism toward their former employers.

⁴⁰ Production 1, p. 322

⁴¹ [Kitchen cabinet - definition of kitchen cabinet by The Free Dictionary](#), citing Collins English Dictionary – Complete and Unabridged, 12th Edition 2014.



PROTECT the PUBLIC'S TRUST

Protect the Public's Trust therefore asks your office to begin an immediate and thorough investigation into the following issues:

- *Whether Ms. Dean leveraged her official capacity to advance revolving door hiring practices in violation of the Ethics Pledge;*
- *Whether Ms. Dean violated the Ethics Pledge or created the appearance of partiality, when, taken in totality, she emailed with her former employer CBPP more than 120 times over the course of 17 months;*
- *Whether Ms. Dean's excessive communications exceeded the scope of general matters permitted by the Ethics Pledge's limiting "think tank" exception;*
- *Whether Ms. Dean violated the Ethics Pledge or created an appearance of impropriety when she communicated with her former employer in her official capacity for the purpose of providing private access to senior government and White House officials.*
- *Whether Ms. Dean violated the Ethics Pledge, §702 or any federal law or regulation barring the misuse of government resources for private interest when she and her staff spent official time editing a report authored by her former employer;*
- *Whether Ms. Dean violated the Ethics Pledge or any federal law or regulation when she communicated with her former employer in her official capacity for the purpose of providing private fundraising coordination;*
- *Whether Ms. Dean sought and received a written impartiality determination from an ethics officer in advance of any of the contacts with her former colleagues and employer discussed herein; and*
- *If Ms. Dean did not receive a written impartiality determination in advance of her contacts with her former colleagues and employer, whether those contacts led to any disciplinary action.*

Protect the Public's Trust appreciates your dutiful attention to this important issue and looks forward to the outcome of your investigation.

Sincerely,

Michael Chamberlain
Director
Protect the Public's Trust