



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

June 21, 2017

The Honorable Patty Murray
Ranking Member, Committee on Health, Education, Labor, and Pensions
United States Senate
Washington D.C. 20510-2105

The Honorable Elizabeth Warren
Committee of Health, Education, Labor, and Pensions
United States Senate
Washington, D.C. 20510-2105

Dear Senator Murray and Senator Warren:

I am writing in response to your joint May 22, 2017, letter regarding Mr. Robert Eitel and his assignment as Senior Counselor to the Secretary. The Department takes seriously its responsibility to inform all employees of their ethical obligations under both the ethics laws and regulations as well as under President Trump's Ethics Pledge created under Executive Order 13770 and to assist employees in adhering to those obligations.

As Senior Counselor to the Secretary, Mr. Eitel is charged with advising the Secretary on the implications of proposed, new, or revised policies, regulations, and legislative proposals and assessing their potential impact on the Department's mission. In accordance with the Ethics Pledge at paragraph 6 and 18 U.S.C. § 208, Mr. Eitel is disqualified from working on particular matters involving specific parties that are directly and substantially related to his former employers (e.g., a contract, litigation, a grant). Mr. Eitel is thus recused from the borrower defense claims filed by students under the current borrower defense regulation because students of schools at these former employers have claims under the current rules. Additionally, Mr. Eitel has gone above and beyond that to recuse himself from all such claims filed by any students from any school under the 1994 regulation. Further, Mr. Eitel has voluntarily recused himself from matters relating to the gainful employment regulations. The Department has informed Mr. Eitel that he is not subject to disqualification under paragraph 6 of the Ethics Pledge or the conflict of interest statute in regard to review of and any possible changes to the borrower defense regulations that were to be effective July 1, 2017, and now delayed.

To my knowledge, Mr. Eitel has adhered to these recusal obligations. Moreover, Mr. Eitel has been cautioned that, when participating in general policy discussions, he should be mindful of claims of a lack of impartiality under the Standards of Ethical Conduct for Employees of the Executive Branch at 5 C.F.R. §2635.502 because of his background.

400 MARYLAND AVE., S.W., WASHINGTON, DC 20202-2110
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Our mission is to ensure equal access to education and to promote educational excellence throughout the nation.

Mr. Eitel was hired to a temporary appointment to the Department on February 13, 2017, and was appointed to the position of Senior Counselor to the Secretary, effective April 5, 2017.


Regarding your specific request for information, enclosed please find:

- (1) A copy of Mr. Eitel's public financial disclosure report (OGE Form 278e) and
- (2) A redacted copy of Mr. Eitel's Ethics Pledge

The Department remains steadfast in its commitment to ensure that employees follow the mandates of the Ethics Pledge, Executive Order 13770, and all conflict of interest laws and regulations.

If you have any questions, please contact my office at (202) 401-8309.

Sincerely,



Marcella Goodridge-Keiller
Assistant General Counsel &
Designated Agency Ethics Official

New Entrant Report | U.S. Office of Government Ethics; 5 C.F.R. part 2634 | Form Approved: OMB No. (3209-0001) (March 2014)

Executive Branch Personnel Public Financial Disclosure Report (OGE Form 278e)

Filer's Information

EITEL, ROBERT

Senior Counselor to the Secretary, Department of Education

Date of Appointment: 02/13/2017

Other Federal Government Positions Held During the Preceding 12 Months:

Special Assistant to the Secretary (2/2017 - 4/2017)

Electronic Signature - I certify that the statements I have made in this form are true, complete and correct to the best of my knowledge.

/s/ EITEL, ROBERT [electronically signed on 04/28/17 by EITEL, ROBERT in Integrity.gov] - Filer received a 45 day filing extension.

Agency Ethics Official's Opinion - On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments below).

/s/ Sprague, Marcia, Certifying Official [electronically signed on 06/05/17 by Sprague, Marcia in Integrity.gov]

Other review conducted by

/s/ Sprague, Marcia, Ethics Official [electronically signed on 06/05/17 by Sprague, Marcia in Integrity.gov]

U.S. Office of Government Ethics Certification

Data Revised 06/05/2017

Data Revised 05/31/2017

Data Revised 05/30/2017

Data Revised 05/18/2017

Data Revised 05/17/2017

1. Filer's Positions Held Outside United States Government

#	ORGANIZATION NAME	CITY, STATE	ORGANIZATION TYPE	POSITION HELD	FROM	TO
1	American Academy for Liberal Education	Washington, District of Columbia	Non-Profit	Member, Board of Trustees	6/2015	4/2017
2	Boy Scouts of America, Troop 888	Alexandria, Virginia	Non-Profit	Assistant Scoutmaster/Treasurer	4/2015	Present
3	Bridgepoint Education Inc.	See Endnote San Diego, California	Corporation	Vice President	7/2015	4/2017
4	Career Education Corporation	Schaumburg, Illinois	Corporation	Vice President	1/2013	7/2015

2. Filer's Employment Assets & Income and Retirement Accounts

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
1	Bridgepoint Education Inc.	See Endnote	N/A	Salary/Bonus	\$297,135
2	Roth IRA #1 - U.S. brokerage account (cash)	N/A	\$1,001 - \$15,000		None (or less than \$201)
3	Bridgepoint Education Inc. (BPI) 401(k) plan	See Endnote	No		
3.1	John Hancock Funds Disciplined Value Mid Cap Fund Class I	Yes	\$100,001 - \$250,000		None (or less than \$201)

3. Filer's Employment Agreements and Arrangements

#	EMPLOYER OR PARTY	CITY, STATE	STATUS AND TERMS	DATE
1	Bridgepoint Education Inc.	San Diego, California	Unpaid leave of absence from Bridgepoint Education Inc. from February 13, 2017, until accepting a permanent position with the Department of Education on April 5, 2017.	2/2017
2	Bridgepoint Education Inc.	San Diego, California	I will not participate in this 401(k) defined contribution plan after my separation. The underlying investment (s) of this plan were entirely rolled over to my Federal government Thrift Savings Plan effective May 1, 2017.	7/2015

4. Filer's Sources of Compensation Exceeding \$5,000 in a Year

#	SOURCE NAME	CITY, STATE	BRIEF DESCRIPTION OF DUTIES
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#	SOURCE NAME	CITY, STATE	BRIEF DESCRIPTION OF DUTIES
1	Bridgepoint Education Inc.	San Diego, California	I supervised federal and state regulatory operations.
2	Career Education Corporation	Schaumburg, Illinois	I supervised accreditor and state regulatory operations.

5. Spouse's Employment Assets & Income and Retirement Accounts

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
1	Roth IRA #2 - U.S. brokerage account (cash)	N/A	\$1,001 - \$15,000		None (or less than \$201)

6. Other Assets and Income

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
1	U.S. bank account #1 (cash)	N/A	\$1,001 - \$15,000		None (or less than \$201)
2	U.S. bank account #2 (cash)	N/A	\$1,001 - \$15,000		None (or less than \$201)
3	U.S. bank account #3 (cash)	N/A	\$1,001 - \$15,000		None (or less than \$201)
4	Private College 529 Plan	Yes	\$50,001 - \$100,000		None (or less than \$201)
5	American Century All Cap Growth	Yes	\$1,001 - \$15,000		None (or less than \$201)

7. Transactions

(N/A) - Not required for this type of report

8. Liabilities

None

9. Gifts and Travel Reimbursements

(N/A) - Not required for this type of report

Endnotes

PART #	ENDNOTE
1. 3	I was on disclosed, unpaid leave of absence with Bridgepoint Education Inc. from February 13, 2017, until April 5, 2017.
2. 1	I received no salary, bonus, or other compensation from Bridgepoint Education Inc. during my February 13-April 5, 2017, leave of absence from the company.
2. 3	The underlying investment(s) of this plan were entirely rolled over into my Federal government Thrift Savings Plan effective May 1, 2017.

Summary of Contents

1. Filer's Positions Held Outside United States Government

Part 1 discloses positions that the filer held at any time during the reporting period (excluding positions with the United States Government). Positions are reportable even if the filer did not receive compensation.

This section does not include the following: (1) positions with religious, social, fraternal, or political organizations; (2) positions solely of an honorary nature; (3) positions held as part of the filer's official duties with the United States Government; (4) mere membership in an organization; and (5) passive investment interests as a limited partner or non-managing member of a limited liability company.

2. Filer's Employment Assets & Income and Retirement Accounts

Part 2 discloses the following:

- Sources of earned and other non-investment income of the filer totaling more than \$200 during the reporting period (e.g., salary, fees, partnership share, honoraria, scholarships, and prizes)
- Assets related to the filer's business, employment, or other income-generating activities that (1) ended the reporting period with a value greater than \$1,000 or (2) produced more than \$200 in income during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents)

This section does not include assets or income from United States Government employment or assets that were acquired separately from the filer's business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF).

3. Filer's Employment Agreements and Arrangements

Part 3 discloses agreements or arrangements that the filer had during the reporting period with an employer or former employer (except the United States Government), such as the following:

- Future employment
- Leave of absence
- Continuing payments from an employer, including severance and payments not yet received for previous work (excluding ordinary salary from a current employer)
- Continuing participation in an employee welfare, retirement, or other benefit plan, such as pensions or a deferred compensation plan
- Retention or disposition of employer-awarded equity, sharing in profits or carried interests (e.g., vested and unvested stock options, restricted stock, future share of a company's profits, etc.)

4. Filer's Sources of Compensation Exceeding \$5,000 in a Year

Part 4 discloses sources (except the United States Government) that paid more than \$5,000 in a calendar year for the filer's services during any year of the reporting period.

The filer discloses payments both from employers and from any clients to whom the filer personally provided services. The filer discloses a source even if the source made its payment to the filer's employer and not to the filer. The filer does not disclose a client's payment to the filer's employer if the filer did not provide the services for which the client is paying.

5. Spouse's Employment Assets & Income and Retirement Accounts

Part 5 discloses the following:

- Sources of earned income (excluding honoraria) for the filer's spouse totaling more than \$1,000 during the reporting period (e.g., salary, consulting fees, and partnership share)

- Sources of honoraria for the filer's spouse greater than \$200 during the reporting period
- Assets related to the filer's spouse's employment, business activities, other income-generating activities that (1) ended the reporting period with a value greater than \$1,000 or (2) produced more than \$200 in income during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents)

This section does not include assets or income from United States Government employment or assets that were acquired separately from the filer's spouse's business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF). Amounts of income are not required for a spouse's earned income (excluding honoraria).

6. Other Assets and Income

Part 6 discloses each asset, not already reported, that (1) ended the reporting period with a value greater than \$1,000 or (2) produced more than \$200 in investment income during the reporting period. For purposes of the value and income thresholds, the filer aggregates the filer's interests with those of the filer's spouse and dependent children.

This section does not include the following types of assets: (1) a personal residence (unless it was rented out during the reporting period); (2) income or retirement benefits associated with United States Government employment (e.g., Thrift Savings Plan); and (3) cash accounts (e.g., checking, savings, money market accounts) at a single financial institution with a value of \$5,000 or less (unless more than \$200 of income was produced). Additional exceptions apply. Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF).

7. Transactions

Part 7 discloses purchases, sales, or exchanges of real property or securities in excess of \$1,000 made on behalf of the filer, the filer's spouse or dependent child during reporting period.

This section does not include transactions that concern the following: (1) a personal residence, unless rented out; (2) cash accounts (e.g., checking, savings, CDs, money market accounts) and money market mutual funds; (3) Treasury bills, bonds, and notes; and (4) holdings within a federal Thrift Savings Plan account. Additional exceptions apply.

8. Liabilities

Part 8 discloses liabilities over \$10,000 that the filer, the filer's spouse or dependent child owed at any time during the reporting period.

This section does not include the following types of liabilities: (1) mortgages on a personal residence, unless rented out (limitations apply for PAS filers); (2) loans secured by a personal motor vehicle, household furniture, or appliances, unless the loan exceeds the item's purchase price; and (3) revolving charge accounts, such as credit card balances, if the outstanding liability did not exceed \$10,000 at the end of the reporting period. Additional exceptions apply.

9. Gifts and Travel Reimbursements

This section discloses:

- Gifts totaling more than \$375 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period.
- Travel reimbursements totaling more than \$375 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period.

For purposes of this section, the filer need not aggregate any gift or travel reimbursement with a value of \$150 or less. Regardless of the value, this section does not include the following items: (1) anything received from relatives; (2) anything received from the United States Government or from the District of Columbia, state, or local governments; (3) bequests and other forms of inheritance; (4) gifts and travel reimbursements given to the filer's agency in connection with the filer's official travel; (5) gifts of hospitality (food, lodging, entertainment) at the donor's residence or personal premises; and (6) anything received by the filer's spouse or dependent children totally independent of their relationship to the filer. Additional exceptions apply.

Privacy Act Statement

Title I of the Ethics in Government Act of 1978, as amended (the Act), 5 U.S.C. app. § 101 et seq., as amended by the Stop Trading on Congressional Knowledge Act of 2012 (Pub. L. 112-105) (STOCK Act), and 5 C.F.R. Part 2634 of the U. S. Office of Government Ethics regulations require the reporting of this information. The primary use of the information on this report is for review by Government officials to determine compliance with applicable Federal laws and regulations. This report may also be disclosed upon request to any requesting person in accordance with sections 105 and 402(b)(1) of the Act or as otherwise authorized by law. You may inspect applications for public access of your own form upon request. Additional disclosures of the information on this report may be made: (1) to any requesting person, subject to the limitation contained in section 208(d)(1) of title 18, any determination granting an exemption pursuant to sections 208(b)(1) and 208(b)(3) of title 18; (2) to a Federal, State, or local law enforcement agency if the disclosing agency becomes aware of violations or potential violations of law or regulation; (3) to another Federal agency, court or party in a court or Federal administrative proceeding when the Government is a party or in order to comply with a judge-issued subpoena; (4) to a source when necessary to obtain information relevant to a conflict of interest investigation or determination; (5) to the National Archives and Records Administration or the General Services Administration in records management inspections; (6) to the Office of Management and Budget during legislative coordination on private relief legislation; (7) to the Department of Justice or in certain legal proceedings when the disclosing agency, an employee of the disclosing agency, or the United States is a party to litigation or has an interest in the litigation and the use of such records is deemed relevant and necessary to the litigation; (8) to reviewing officials in a new office, department or agency when an employee transfers or is detailed from one covered position to another; (9) to a Member of Congress or a congressional office in response to an inquiry made on behalf of an individual who is the subject of the record; (10) to contractors and other non-Government employees working on a contract, service or assignment for the Federal Government when necessary to accomplish a function related to an OGE Government-wide system of records; and (11) on the OGE Website and to any person, department or agency, any written ethics agreement filed with OGE by an individual nominated by the President to a position requiring Senate confirmation. See also the OGE/GOVT-1 executive branch-wide Privacy Act system of records.

Public Burden Information

This collection of information is estimated to take an average of three hours per response, including time for reviewing the instructions, gathering the data needed, and completing the form. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Program Counsel, U.S. Office of Government Ethics (OGE), Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917.

Pursuant to the Paperwork Reduction Act, as amended, an agency may not conduct or sponsor, and no person is required to respond to, a collection of information unless it displays a currently valid OMB control number (that number, 3209-0001, is displayed here and at the top of the first page of this OGE Form 278e).

ETHICS PLEDGE

As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. I will not, within 5 years after the termination of my employment as an appointee in any executive agency in which I am appointed to serve, engage in lobbying activities with respect to that agency.
2. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(e) of title 18, United States Code, I agree that I will abide by those restrictions.
3. In addition to abiding by the limitations of paragraphs 1 and 2, I also agree, upon leaving Government service, not to engage in lobbying activities with respect to any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.
4. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2017, would require me to register under the Foreign Agents Registration Act of 1938, as amended.
5. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
6. 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. If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 6, I will not for a period of 2 years after the date of my appointment participate in any particular matter on which I lobbied within the 2 years before the date of my appointment or participate in the specific issue area in which that particular matter falls.
8. I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Appointees," issued by the President on January 28, 2017, which I have read before signing this document, defines certain terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the obligations of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Government service.



Signature

02-13-2017 . 20

Date



Print or type your full name (last, first, middle)