

ATTACHMENT 1



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

February 4, 2009

MEMORANDUM FOR MARK PATTERSON

FROM:

Bernard J. Knight, Jr. *BJK*
Assistant General Counsel for General Law, Ethics &
& Regulation and Designated Agency Ethics Official

SUBJECT:

Limitation on Participation in Particular Matters

This memorandum outlines the limitations on your participation in particular matters. The limitations stem from your previous employment relationship and representation of Goldman Sachs in particular matters before the United States Congress from January 1, 2007 to April 11, 2008.

In your position as Chief of Staff of the United States Department of the Treasury, you are responsible for serving the American people. Your position will assist the Secretary of the Treasury in strengthening national security, managing the U.S. Government's finances effectively, promoting economic growth and stability, and ensuring the safety, soundness, and security of the United States and international financial systems. Abiding by the limitations on participation below will ensure confidence in the Department's actions which are of utmost importance to the American public.

President Obama signed an Executive Order, "Ethics Commitments by Executive Branch Personnel," on January 21, 2009. Among other things, this Executive Order requires every full-time, political appointee appointed on or after January 20, 2009 to sign an Ethics Pledge (Pledge). In addition to the general recusal for two years from your appointment for any particular matter involving Goldman Sachs, Section 3 of the Pledge states that those appointees that were registered lobbyists during the prior two years of their appointment must

- recuse, for two years after appointment, from participating in any particular matter on which he or she lobbied during the two years prior to the appointment in the specific issue area in which that particular matter falls, Pledge, para. 3(a) and (b);
- not seek or accept employment with an agency or department that he or she lobbied during the prior two years, Pledge, para. 3(c).

The term "particular matter" includes only matters that involve deliberation, decision, or action that is focused on the interests of specific persons, or a discrete and identifiable class of persons. The term may include matters that do not involve formal parties and may extend to legislation or policy making that is narrowly focused on the interests of a discrete and identifiable class of persons.

Upon carefully reviewing the material that you have submitted, and pursuant to further discussions with you concerning these matters, I have determined that while at Treasury, you are prohibited for two years from your appointment from participating in the following particular matters or issue areas:

- ethanol tax credits
- Internal Revenue Code 355
- infrastructure financing via public-private partnerships
- energy derivatives
- legislation to reduce carbon emissions
- mortgage foreclosure legislation
- creation of covered bonds
- shareholder votes on executive compensation
- wind energy production
- terrorism risk insurance

I also have determined after careful consideration that the informational briefing that you provided at the request of a Treasury official in July 2007 did not constitute lobbying and therefore, the prohibition on employment at Treasury, as outlined in 3(c) of the Pledge, is not applicable to your situation. Similarly, I have determined that your facilitation of informational briefings from your Goldman Sachs colleagues to Congressional staff on auction rate securities did not constitute lobbying so recusal on that issue area is unnecessary. Based on the nature of the briefings, I find that a reasonable person would not reach a different conclusion.

I have not addressed issues that are unlikely to arise during your Treasury service, such as industrial loan companies, tribal gaming, H1-B visas, or patent reform. In the unlikely event that any of these issues arise during your Treasury service, I ask that you seek guidance from me prior to participating in them.



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

March 19, 2009

MEMORANDUM FOR MARK PATTERSON

FROM:

BJK
Bernard J. Knight, Jr.
Assistant General Counsel for General Law, Ethics &
Regulation and Designated Agency Ethics Official

SUBJECT:

Additional Limitation on Participation in Particular Matters or Issue
Areas

Based on new information that has come to my attention and pursuant to further discussions with you concerning these matters, I have determined that while at Treasury, you are prohibited for two years from your appointment from participating in any matter relating to alternative energy investment tax credits. I note that you have not worked on any of these issues since joining Treasury. Nevertheless, since you have recently recalled working during your previous employment on energy investment tax credits relating to thermal storage, I am further limiting your participation to the broader issue area of alternative energy investment tax credits. This further restriction complements the February 4, 2009 memorandum that outlined the limitation of your participation in particular matters or issue areas.