

# EMPOWER OVERSIGHT

*Whistleblowers & Research*



June 5, 2024

## VIA DOJ OFFICE OF INFORMATION POLICY FOIA STAR PORTAL

Director Bobak Talebian  
Office of Information Policy  
U.S. Department of Justice  
441 G Street, NW, Sixth Floor  
Washington, DC 20530

**RE: FOIA REQUEST FOR COMMUNICATIONS WITH HUNTER BIDEN'S  
COUNSEL AND INTERNAL COMMUNICATIONS CONCERNING EMPOWER  
OVERSIGHT'S APRIL LETTER TO AG GARLAND**

Dear FOIA Officer:

### INTRODUCTION

Empower Oversight Whistleblowers & Research ("Empower Oversight") is a nonpartisan, nonprofit educational organization, which is dedicated to enhancing independent oversight of government and corporate wrongdoing. It works to help insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities and seeks to hold those authorities accountable to act on such reports by, among other means, publishing information concerning the same.

### BACKGROUND

Empower Oversight is part of the legal team representing Internal Revenue Service ("IRS") Supervisory Special Agent ("SSA") Gary Shapley. The Department of Justice ("the Department") has retaliated against both SSA Shapley and his fellow IRS whistleblower, IRS Special Agent ("SA") Joseph Ziegler for their lawfully protected disclosures about politics improperly infecting Department decisions in the Hunter Biden tax evasion case. Department officials on whom they blew the whistle had them removed from the case and are still in charge of related litigation that provides further opportunity to retaliate against our clients. Those cases include the Department's prosecution of Hunter Biden in Delaware and California, as well as Mr. Biden's own lawsuit against the IRS, which contains several allegations regarding SSA Shapley and SA Ziegler.

On April 4, 2024, Empower Oversight sent a letter to Attorney General Garland pointing out this conflict of interest between Department attorneys and Mr. Biden's lawyers and

requesting records under the Freedom of Information Act (“FOIA”).<sup>1</sup> The letter also highlighted the Department’s bizarre behavior in handling these cases.

## **RECORDS REQUEST**

The public has a strong interest in understanding the Department’s actions in these matters. Thus, Empower Oversight requests the following records pursuant to FOIA, 5 U.S.C. § 552:

- 1) Since April 4, 2024, all communications Mr. Biden’s counsel had with Department officials with the Office of the Attorney General, Office of the Deputy Attorney General, Office of the Associate Attorney General, Office of Legislative Affairs, Office of Public Affairs, and Office of Special Counsel David Weiss; and
- 2) All communications sent to or from Department employees with the Office of the Attorney General, Office of the Deputy Attorney General, Office of the Associate Attorney General, Office of Legislative Affairs, Office of Public Affairs, and Office of Special Counsel David Weiss concerning or referencing Empower Oversight’s April 4, 2024, letter to Attorney General Garland.

## **DEFINITIONS**

“COMMUNICATION(S)” means every manner or method of disclosure, exchange of information, statement, or discussion between or among two or more persons, including but not limited to, face-to-face and telephone conversations, correspondence, memoranda, telegrams, telexes, email messages, voice-mail messages, text messages, Slack messages, meeting minutes, discussions, releases, statements, reports, publications, and any recordings or reproductions thereof.

“DOCUMENT(S)” or “RECORD(S)” mean any kind of written, graphic, or recorded matter, however produced or reproduced, of any kind or description, whether sent, received, or neither, including drafts, originals, non-identical copies, and information stored magnetically, electronically, photographically or otherwise. As used herein, the terms “DOCUMENT(S)” or “RECORD(S)” include, but are not limited to, studies, papers, books, accounts, letters, diagrams, pictures, drawings, photographs, correspondence, telegrams, cables, text messages, emails, memoranda, notes, notations, work papers, intra-office and inter-office communications, communications to, between and among employees, contracts, financial agreements, grants, proposals, transcripts, minutes, orders, reports, recordings, or other documentation of telephone or other conversations, interviews, affidavits, slides, statement summaries, opinions, indices, analyses, publications, questionnaires, answers to questionnaires, statistical records, ledgers, journals, lists, logs, tabulations, charts, graphs, maps, surveys, sound recordings, data sheets, computer printouts, tapes, discs, microfilm, and all other records kept, regardless of the title, author, or origin.

“PERSON” means individuals, entities, firms, organizations, groups, committees, regulatory agencies, governmental entities, business entities, corporations, partnerships, trusts, and estates.

“REFERS,” “REFERRING TO,” “REGARDS,” REGARDING,” “RELATES,” “RELATING TO,” “CONCERNS,” “BEARS UPON,” or “PERTAINS TO” mean containing, alluding to, responding to, commenting upon, discussing, showing, disclosing, explaining,

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<sup>1</sup> <https://empowr.us/wp-content/uploads/2024/04/2024-04-04-TL-to-DOJ-Garland-conflicts-of-interest.pdf>

mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing, or characterizing, either directly or indirectly, in whole or in part.

“INCLUDING” means comprising part of, but not being limited to, the whole.

### **INSTRUCTIONS**

The words “and” and “or” shall be construed in the conjunctive or disjunctive, whichever is most inclusive.

The singular form shall include the plural form and vice versa.

The present tense shall include the past tense and vice versa.

In producing the records described above, you shall segregate them by reference to each of the numbered items of this FOIA request.

If you have any questions about this request, please contact Alex Xenos by e-mail at [REDACTED].

### **FEE WAIVER REQUEST**

Empower Oversight agrees to pay up to \$25.00 in applicable fees but notes that it qualifies as a “representative of the news media” and requests a waiver of any fees that may be associated with processing this request, in keeping with 5 U.S.C. § 552 (a)(4)(A)(iii).

Empower Oversight is a non-profit educational organization as defined under Section 501(c)(3) of the Internal Revenue Code, which helps insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and seeks to hold those authorities accountable to act on such reports by, among other means, publishing information concerning the same.

Further, the information that Empower Oversight seeks is in the public interest because it is likely to contribute significantly to the public’s understanding of the Department’s handling of allegations that it or its employees was negligent or engaged in wrongdoing.

Empower Oversight is committed to government accountability, public integrity, and transparency. In the latter regard, the information that that Empower Oversight receives that tends to explain the subject matter of this FOIA request will be disclosed publicly via its website, and copies will be shared with other news media for public dissemination.

For ease of administration and to conserve resources, we ask that documents be produced in a readily accessible electronic format. Thank you for your time and consideration. Please do not hesitate to contact me with any questions.

Cordially,

[/Tristan Leavitt/](#)  
Tristan Leavitt  
President