



Office of Inspector General
Office of Investigations
U.S. Department of the Interior

Report of Investigation

Case Title Myers, William G., III	Case Number PI-NM-03-0309-I
Case Location Washington, D.C.	Related File(s) None
Report Subject Report of Investigation	Report Date November 24, 2003

SYNOPSIS

On August 20, 2003, the Office of Inspector General (OIG), U.S. Department of the Interior (DOI), initiated an investigation of William G. Myers, III, Solicitor, DOI, regarding his alleged inappropriate contacts with his former employer Holland and Hart, LLP (H&H), current clients of H&H, and his former personal clients while at H&H.

Our investigation began after we received a written request for an inquiry on August 15, 2003, from the Office of Government Ethics (OGE), stating that it had received a complaint on August 5, 2003, from Public Employees for Environmental Responsibility (PEER) and Friends of the Earth (FOE). The complaint alleged that the Solicitor may have "violated his ethics agreement and 18 U.S.C. §208, the criminal conflict of interest law," through his participation in a series of 27 meetings held between August 29, 2001, and December 18, 2002. PEER and FOE learned of these meetings after reviewing Myers' appointment calendar, which they obtained through a Freedom of Information Act request.

According to OGE, the information it received from PEER and FOE did "not provide a basis to conclude that Mr. Myers violated his ethics agreement or any ethics laws or regulations." However, OGE stated that the information did raise "a number of legal questions that cannot be resolved without additional information." OGE therefore requested that an investigation ascertain the specifics of the discussions that took place during each of these 27 meetings in order to determine if Myers had actually violated the terms of his ethics agreement or the criminal conflict of interest law.

In a second letter to OGE dated October 2, 2003, PEER and FOE made additional allegations against Myers. In this letter, PEER and FOE identified three contacts that Myers had with the National Mining Association, which they alleged was a former client of Myers, which occurred between July 30, 2001, and

Reporting Official/Title	Signature
Approving Official/Title David A. Montoya/AIG for Investigations	Signature

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A review of Myers' appointment calendar disclosed that the Division of Mineral Resources conference did appear on his calendar on September 10, 2002, from 3:00 p.m. to 5:15 p.m.

8. September 13, 2002: Meeting with Secretary Norton, an Environmental Law Professor, and Watson

A review of Myers' appointment calendar disclosed that on September 13, 2002, from 3:30 p.m. to 4:30 p.m., he was scheduled to meet with Secretary Norton, an environmental law professor, and Rebecca Watson concerning grazing.

Watson stated that an environmental lawyer wanted to meet with Secretary Norton concerning the Grand Staircase Escalante National Monument permit retirement issues. Watson said that she, Secretary Norton, and Myers met with the environmental lawyer on September 13, 2002, to discuss his concerns.

According to Myers, [name redacted] is a professor of environmental law at the [school was redacted.] [One sentence was redacted.] Myers explained that the environmental law professor requested this meeting because he wanted to ascertain the status of the Grand Staircase Escalante National Monument issue. The environmental law professor told Myers, Watson, and Norton that the GCT had entered into contracts with ranchers in the monument area for the purchase of their grazing contracts and they wanted to know if DOI's policy would support these contracts. Myers recalled that Secretary Norton was sympathetic to the concerns of the environmental law professor and the GCT, but she wanted to be certain that any DOI actions would be consistent with existing law. Myers recalled telling environmental law professor that it was likely that DOI would allow the permits to be temporarily rested but would not allow them to be permanently retired. Myers noted that at this time, his formal Solicitor Opinion on this issue had not yet been issued, but the legal research supporting it had been completed and he had reviewed it. Myers said that he has never done legal work for the GCT.

Myers provided a copy of the notes he took during this meeting. A review of these notes found them to be consistent with Myers' recollection of the meeting.

A review of H&H billing records disclosed that the GCT was not a client of Myers while he was at H&H.

According to Partner A of H&H, the GCT was not an H&H client between January 2000 and September 2003.

9. October 2, 2002: Meeting with Comer

A review of Myers' appointment calendar disclosed that on October 2, 2002, from 2:30 p.m. to 3:30 p.m., he was scheduled to meet with Bob Comer on the topic of grazing.

Comer had no specific recollection of this meeting. However, he said that the meeting could possibly have concerned several issues. Comer explained that he was not at DOI on the day that Myers and Watson met with the environmental law professor. However, he was involved in the GCT issue and discussed it with Myers on a number of occasions to include possibly this one. In addition, said Comer, it was possible that the discussion at this meeting concerned the legal opinion that Myers issued on the GCT issue and the retirement of grazing permits. Finally, said Comer, it was possible that the discussion concerned the settlement of a dispute between BLM officials and a Wyoming rancher. Comer said that he had been working on this settlement since May 2002. He also said that Myers was not heavily involved in this matter, although he was occasionally briefed on the status of it.

the Babbitt Administration did a “complete re-write” of the grazing regulations. BLM did not want to perform such a “line-by-line” revision process and instead only wanted to change certain aspects of the regulations. Myers recalled that these changes involved several areas, including the transfer of permits, water rights, and the ownership of range improvements.

15. November 21, 2002: Meeting with Comer

A review of Myers’ appointment calendar disclosed that on November 21, 2002, from 3:00 p.m. to 3:30 p.m., he was scheduled to discuss the “Wyoming rancher settlement,” the “honors selection process,” and “grazing” with Bob Comer by telephone.

Comer recalled that during this time period, he had been involved in the SOL’s “honors program.” He explained that this program is used by the SOL to identify and hire new attorneys who are recent law school graduates. During this call, he provided a report to Myers on both the process and the candidates. Comer also said that it was likely that he and Myers may have also discussed the [name redacted and referred to as the “Wyoming rancher”] settlement during this call, given that the case was settled at about this time. Comer further stated that it was also possible that he and Myers discussed the environmental law professor and GCT issue, given that at about this time the environmental law professor wrote a letter to Myers stating that he agreed with DOI’s position on the ability of BLM to retire grazing permits. It was also possible that the legal opinion issued on this topic by Myers was discussed as well.

When Myers was interviewed, he stated that this telephone call involved three issues. First, Myers and Comer discussed the administrative settlement of a series of disputes between BLM and a Wyoming rancher. Myers stated that Comer was the lead attorney from the SOL who was responsible for providing legal advice on the settlement and Comer likely wanted to provide Myers with an update on the status of the pending settlement. Myers said that he never did legal work for the Wyoming rancher. Second, they discussed the honors program for new hires within the SOL. Third, they discussed the pending changes to the grazing regulations, although Myers could not recall exactly what issues were discussed.

According to Partner A of H&H, the Wyoming rancher involved in a dispute with the BLM was not an H&H client between January 2000 and September 2003.

16. November 22, 2002: Meeting with Watson

A review of Myers’ appointment calendar disclosed that on November 22, 2002, from 1:00 p.m. to 2:30 p.m., he was scheduled to meet with Rebecca Watson concerning grazing.

When Watson was interviewed, she stated that she had no specific recollection of this meeting.

When Myers was interviewed, he stated that this meeting was probably held in Watson’s office and that other persons from Watson’s staff and BLM probably attended. Myers stated that this meeting was likely called by Watson in order for her to give some guidance to those present on how she wanted to further pursue changes to the grazing regulations.

17. December 10, 2002: Meeting with American Farm Bureau Federation

A review of Myers’ appointment calendar disclosed that on December 10, 2002, from 3:30 p.m. to 6:00 p.m., he was scheduled to attend a reception sponsored by the AFBF.