

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICA FIRST LEGAL FOUNDATION,

Plaintiff,

v.

MERRICK GARLAND, *Attorney General
of the United States, in his official capacity*

and

DEPARTMENT OF JUSTICE,

Defendants.

Case No.: 1:23-cv-02070-JMC

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

The Plaintiff, America First Legal Foundation, moves for summary judgment pursuant to Federal Rule of Civil Procedure 56. The reasons for this motion are set forth in the attached Memorandum of Points and Authorities in Support of the Plaintiff's Motion for Summary Judgment. A proposed order and statement of material facts not in dispute are also attached, along with twenty exhibits.

Dated: October 17, 2023

Respectfully submitted,

/s/ Michael Ding

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**Application for Pro Hac Vice forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of October, 2023, a true and correct copy of this document was served electronically by the Court's CM/ECF system to all counsel of record.

/s/ Michael Ding
Michael Ding

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**MEMORANDUM OF POINTS AND AUTHORITIES SUPPORTING
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Introduction

The Defendants Merrick Garland and the Department of Justice have actual knowledge that Hunter Biden is an “agent of a foreign principal” under the Foreign Agents Registration Act, 22 U.S.C. § 611 *et seq.* Ignoring nondiscretionary duties imposed by Congress, they have chosen not to seek and publish Mr. Biden’s registration, nor provided him with a statutory exemption. *See id.* §§ 612(a) and (f), 616(a) and (d), 618(f) and (g). Pursuant to 5 U.S.C. § 706, America First Legal asks the Court for relief.

Background

The Foreign Agents Registration Act, Pub. L. No. 75-583, as amended, requires defined “agents of foreign principals” who are engaged in political or other specified

activities to make periodic public disclosure of their agency relationship and of the activities, receipts, and disbursements in support of thereof. The Act is a paradigmatic public disclosure statute, enacted for the express purpose of ensuring citizens are “informed as to the identities and activities of [foreign agents]” so that they will “be better able to appraise them and the purposes for which they act.” H.R. REP. NO. 89-1470, at 2 (1966), <https://bit.ly/3ZYofCa>. It protects the public’s right to know what foreign governments and corporations are up to, protecting our national defense, economic security, and Constitutional system. Among other things, foreign agent registration provides a window into the foreign business relationships and entanglements of high-ranking political officials and their family members, thereby exposing influence peddling.

The Defendants have actual knowledge that Hunter Biden is an agent of (at a minimum) Ukrainian, Romanian, Kazakhstani, and Chinese Communist Party-connected principals. They have had, for years, indisputable, government-verified evidence that Mr. Biden has engaged in political activities for or in the interests of his foreign principals; acted as their public relations counsel, publicity agent, information-service employee or political consultant for or in the interests of his foreign principals; solicited, collected, disbursed, or dispensed contributions, loans, money, or other things of value for or in the interest of his foreign principals; and represented the interests of his foreign principals before agencies and officials of the Government of the United States, including the former Vice President, all as defined at 22 U.S.C. § 611(c)(1). Pl’s Statement of Undisputed Facts ¶¶ 21-23, 27–54, 56-90,

92, 94–95, 97–99, 101–103, 107. As explained below, if the Defendants know that an individual is required to register under the Foreign Agents Registration Act, but has not done so, then they have a nondiscretionary duty either to seek registration and make it public or undertake a waiver rulemaking under 22 U.S.C. § 612(f). The defendants have chosen not to do either of these things. Pl’s Statement of Undisputed Facts at ¶¶ 21–22, 104–08.

America First Legal Foundation is a national nonprofit legal foundation that advocates for “America First” policies to protect our sovereignty, economic security, and Constitutional order. To that end, it gathers official information, analyzing and disseminating it through reports, press releases, media, and communications with congressional oversight committees. Pl’s Statement of Undisputed Facts ¶ 104. *See, generally* AMERICA FIRST LEGAL FOUNDATION, *America First Legal Releases More of Biden’s Vice-Presidential Records Revealing Influence Peddling and Corruption Between the White House and Hunter’s Private Foreign Business Dealings* (May 3, 2023), <https://bit.ly/46w7MrF>; Letter from Reed D. Rubinstein, Senior Couns. and Dir. of Oversight and Investigations, to Matthew G. Olsen, Assistant Att’y Gen. for Nat’l Sec., U.S. Dep’t of Just. (Mar. 15, 2023), <https://bit.ly/3QnbgXu> (copying members of Congress). The Defendants’ failure or refusal to require Mr. Biden to register as a foreign agent and then make his registration public harms the Plaintiff by denying it information that is directly related to America First Legal’s core educational mission, *see* Pl’s Statement of Undisputed Facts ¶¶ 104–108, and for which it has a statutory right. 22 U.S.C. § 616(d).

Standard of Review

The Administrative Procedure Act “sets forth the full extent of judicial authority to review executive agency action for procedural correctness.” *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 513 (2009); *Norton v. S. Utah Wilderness All.*, 542 U.S. 55, 64 (2004); *Mass. Coal. for Immigr. Ref. v. U.S. Dep’t of Homeland Sec.*, No. 1:20-CV-03438 (TNM), 2023 WL 6388815, at *19 (D.D.C. Sep. 30, 2023); *Hamandi v. Chertoff*, 550 F. Supp. 2d 46, 50 (D.D.C. 2008). This includes both agency action unlawfully withheld and agency action not in accordance with law. 5 U.S.C. §§ 706(1), 706(2)(A). Agency action is obviously “not in accordance with law” if it violates some extant federal statute or regulation. *E. Band of Cherokee Indians v. U.S. Dep’t of the Interior*, 534 F. Supp. 3d 86, 97 (D.D.C. 2021) (citations omitted), *appeal dismissed*, No. 21-5114, 2022 WL 102544 (D.C. Cir. Jan. 5, 2022).¹

America First Legal seeks summary judgment. Because this is an Administrative Procedure Act case, the summary judgment standard functions slightly differently. Here, the Court generally reviews the Defendants’ decision as an appellate court addressing issues of law. *Id.* at 97; *Ashtari v. Pompeo*, 496 F. Supp. 3d 462, 467 (D.D.C. 2020); *Sierra Club v. Mainella*, 459 F. Supp. 2d 76, 90 (D.D.C. 2006).

¹ Arbitrary-and-capricious review is more amorphous. Agency action will fail that test if, for example, the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Motor Vehicle Mfrs. Ass’n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983).

This case requires the Court to construe the Foreign Agents Registration Act and to determine whether the Defendants’ duties thereunder are discretionary or not. In doing so, the paramount goal is to make sense of the text. *FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 133 (2000) (citation omitted). Therefore, the statute should be construed based on the ordinary public meaning of its terms at the time of its enactment. *Bostock v. Clayton County*, 140 S. Ct. 1731, 1738 (2020).

“Literal meaning” is not “ordinary meaning.” *See, e.g., McBoyle v. United States*, 283 U.S. 25, 26 (1931) (in ordinary speech, “vehicle” does not cover an aircraft, even though “etymologically it is possible to use the word” that way); *Holy Trinity Church v. United States*, 143 U.S. 457, 463 (1892) (“The common understanding of the terms ‘labor’ and ‘laborers’ does not include preaching and preachers.”); *see also* A. SCALIA, A MATTER OF INTERPRETATION 24 (1997) (a “good textualist is not a literalist”). Rather, in cases where the text contains evident dissonance, statutory context, structure, and purpose should be accounted for. *See Yates v. United States*, 574 U.S. 528, 538 (2015) (Ginsburg, J.) (citation omitted); *Robinson v. Shell Oil Co.*, 519 U.S. 337, 341 (1997). Of course, the Court should presume that Congress says in a statute what it means and means in a statute what it says there. When the words of a statute are unambiguous, then this first canon is also the last, and the judicial inquiry is complete. *Eagle Pharms., Inc. v. Azar*, 952 F.3d 323, 340 (D.C. Cir. 2020). But the substantive effect must, in the end, be always “coherent and consistent.” *See*

Sebelius v. Cloer, 569 U.S. 369, 380 (2013); *United Sav. Assn. of Tex. v. Timbers of Inwood Forest Associates, Ltd.*, 484 U.S. 365, 371 (1988).²

Argument

Foreign actors routinely engage in efforts to influence our domestic and foreign policies, legislation, democratic processes, and public opinion. They exert this influence by employing lobbyists, public relations professionals, prominent businesspeople, or former U.S. government officials on their behalf. Such efforts are legal—if they are transparent. See U.S. DEPT. OF JUSTICE, *Protecting the United States from Covert Foreign Influence*, <https://bit.ly/48UEuV7> (last visited Oct. 17, 2023).

Originally enacted in 1938, the Foreign Agents Registration Act, 22 U.S.C. § 611 et seq., helps the American people and their elected officials understand who is really behind such influence activity. The statute requires persons working on behalf of foreign governments or other foreign principals (including Americans) to disclose their relationships with foreign principals and information about their activities. Agents who fail to register are violating federal law, and they can be prosecuted if

² Even the absurdity canon, which empowers a court to ignore what Congress has written when it is so convinced by a conflict between the text and the purpose that it concludes Congress “almost surely could not have meant” what it said, *Eagle Pharms., Inc.*, 952 F.3d at 335 (citation omitted) is properly understood as “an implementation of (rather than ... an exception to) the ordinary meaning rule.” W. ESKRIDGE, *INTERPRETING LAW* 72 (2016). “What the rule of absurdity seeks to do is what all rules of interpretation seek to do: *make sense* of the text.” A. SCALIA & B. GARNER, *READING LAW* 235 (2012).

their failure is deliberate. *Protecting the United States from Covert Foreign Influence*, *supra*.

For many years, the Defendants have had actual knowledge that Mr. Biden has served as an agent of Ukrainian foreign principals, Pl’s Statement of Undisputed Facts ¶¶ 28–54; Chinese foreign principals, *id.* ¶¶ 56–90; Russian foreign principals, *id.* ¶ 92; Kazakhstani foreign principals, *id.* ¶ 94–95; and Romanian foreign principals, *id.* ¶ 97–99. However, they have failed or refused to seek and publish Mr. Biden’s statutorily mandated registration statement and related filings.

I. America First Legal Has Standing

America First Legal, “like an individual plaintiff,” has standing if it “shows actual or threatened injury in fact that is fairly traceable to the alleged illegal action and likely to be redressed by a favorable court decision.” *People for the Ethical Treatment of Animals v. Dep’t of Agric.*, 797 F.3d 1087, 1093 (D.C. Cir. 2015) (cleaned up) (“*PETA*”). “A plaintiff suffers sufficiently concrete and particularized informational injury where the plaintiff alleges that: (1) it has been deprived of information that, on its interpretation, a statute requires the government or a third party to disclose to it, and (2) it suffers, by being denied access to that information, the type of harm Congress sought to prevent by requiring disclosure.” *Friends of Animals v. Jewell*, 828 F.3d 989, 992 (D.C. Cir. 2016).

America First Legal must show the legal ruling it seeks—that the Defendants must seek Mr. Biden’s registration and related filings and then publicly disclose them—might lead to additional factual information that Congress requires the

Defendants to make public. *See Campaign Legal Ctr. v. Fed. Election Comm’n*, 31 F.4th 781, 788 (D.C. Cir. 2022); *see also Fed. Election Comm’n v. Akins*, 524 U.S. 11, 21 (1998); *Public Citizen v. Department of Justice*, 491 U.S. 440, 449 (1989). “[I]n assessing plaintiffs’ standing, we must assume they will prevail on the merits of their [legal] claims.” *LaRoque v. Holder*, 650 F.3d 777, 785 (D.C. Cir. 2011).

A. The Foreign Agent Registration Act requires the Defendants to publish foreign agent registration information for the public’s benefit

1. *The statute’s text and structure.*

The Foreign Agents Registration Act is codified in Subchapter II of U.S. Code Title 22, Chapter 11, 22 U.S.C. § 611 *et seq.* Section 611 is titled “Definitions.” Section 611(b) defines a “foreign principal.” Section 611(c) defines an “agent of a foreign principal.”

Section 612 is titled “Registration statement.” Section 612(a) provides that “No person shall act as an agent of a foreign principal unless he has filed with the Attorney General a true and complete registration statement and supplements thereto as required by subsections (a) and (b) of this section or unless he is exempt from registration under the provisions of this subchapter” within ten days after such person becomes an agent of a foreign principal, “under oath on a form prescribed by the Attorney General.” Congress intended the registration statement to comprehensively disclose the scope and economic terms of an agent’s relationship with his or her foreign principal. *See id.* §§ 612(a)(1)–(11). The Defendants’ discretion with respect to the contents thereof is confined to adding “other statements, information, or documents pertinent to the purposes of this subchapter as the

Attorney General, having due regard for the national security and the public interest” and issuing exemptions from registration “by regulation.” *Id.* §§ 612(a)(10), (f).

Section 613, titled “Exemptions,” identifies limited categories of persons whom Congress excused from registration.

Section 614, titled “Filing and labeling of political propaganda,” mandates that an agent of a foreign principal who “transmits or causes to be transmitted...any informational materials for or in the interests of such foreign principal” must file the materials with the Attorney General, and label them with a “conspicuous statement” that they are being distributed by an agent on behalf of the foreign principal. §§ 614(a), (b). Notably, subsection (e), titled “Information furnished to agency or official of United States Government”, provides that is “unlawful” for an agent of a foreign principal:

To transmit, convey, or otherwise furnish to any agency or official of the Government (including a Member or committee of either House of Congress) for or in the interests of such foreign principal any political propaganda or to request from any such agency or official for or in the interests of such foreign principal any information or advice with respect to any matter pertaining to the political or public interests, policies or relations of a foreign country or of a political party or pertaining to the foreign or domestic policies of the United States unless the propaganda or the request is prefaced or accompanied by a true and accurate statement to the effect that such person is registered as an agent of such foreign principal under this subchapter.

Section 616, titled “Public examination of official records; transmittal of records and information,” provides, in relevant part, that registration statements are public documents. Section 616(d) states:

The Attorney General shall maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, to the extent technically practicable, an electronic database that—(A) includes the information contained in registration

statements and updates filed under this subchapter; and(B) is searchable and sortable, at a minimum, by each of the categories of information described in section 612(a) of this title.

Section 617, titled “Liability of officers,” imposes broad enforcement duties on each “officer, or person performing the functions of an officer, and each director, or person performing the functions of a director, of an agent of a foreign principal,” holding them accountable for the “obligation to cause such agent to comply with all the requirements of sections 614(a) and (b) and 615 of this title and all other requirements of this subchapter.”

Section 618, titled “Enforcement and penalties,” criminalizes willful violations of the Act and its regulations, provides for the removal of any alien who violates or conspires to violate the Act, and specifies that the failure to file a registration statement or supplements thereto is considered a continuing offense for as long as such failure exists “notwithstanding any statute of limitation or other statute to the contrary.” *See* §§ 618(a), (c), (e). Subsection 618(f), titled “Injunctive remedy; jurisdiction of the district court,” provides in relevant part:

Whenever in the judgment of the Attorney General any person is engaged in or about to engage in any acts which constitute or will constitute a violation of any provision of this subchapter, or regulations issued thereunder, or whenever any agent of a foreign principal fails to comply with any of the provisions of this subchapter or the regulations issued thereunder, or otherwise is in violation of the subchapter, the Attorney General may make application to the appropriate United States district court for an order enjoining such acts or enjoining such person from continuing to act as an agent of such foreign principal, or for an order requiring compliance with any appropriate provision of the subchapter or regulation thereunder.

Subsection 618(g), titled “Deficient registration statement,” provides:

If the Attorney General determines that a registration statement does not comply with the requirements of this subchapter or the regulations issued

thereunder, he shall so notify the registrant in writing, specifying in what respects the statement is deficient. It shall be unlawful for any person to act as an agent of a foreign principal at any time ten days or more after receipt of such notification without filing an amended registration statement in full compliance with the requirements of this subchapter and the regulations issued thereunder.

Section 620 authorizes the Defendants to “prescribe, amend, and rescind such rules, regulations, and forms” as deemed “necessary to carry out the provisions of this subchapter.”

Finally, section 621, titled “Reports to Congress,” provides that the Attorney General “shall” report to the Congress every six months concerning the administration of this subchapter, including registrations filed pursuant to the subchapter, and the nature, sources, and content of political propaganda disseminated and distributed.

2. *The statutory purpose.*

As the Foreign Agent Registration Act “itself explains,” its “basic purpose” is:

‘To protect the national defense, internal security, and foreign relations of the United States by requiring public disclosure by persons engaging in propaganda activities and other activities for or on behalf of foreign governments, foreign political parties, and other foreign principals so that the Government and the people of the United States may be informed of the identity of such persons and may appraise their statements and actions in the light of their associations and activities.’

Meese v. Keene, 481 U.S. 465, 469 (1987) (brackets omitted) (quoting 56 Stat. 248, 248–49 (1942)). To promote this purpose, generally, “[n]o person shall act as an agent of a foreign principal unless he has filed with the Attorney General a true and complete registration statement and supplements thereto.” 22 U.S.C. § 612(a). The registration requires extensive details about the registrant’s business, agreements,

and activities. *See id.* All aspects of this registration statement must be made public: The Attorney General must “retain in permanent form one copy of all registration statements furnished under this subchapter, and the same shall be public records and open to public examination and inspection.” 22 U.S.C. §§ 616(a), (d); *see also* 28 C.F.R. §§ 5.600, 5.601.

Congress has repeatedly confirmed that the statutory purpose is to provide public disclosure to promote transparency and accountability. The House Report accompanying the 1966 amendments emphasized again that “public disclosures as required by the act will permit the Government and the people of the United States to be informed as to the identities and activities of [foreign agents] and so be better able to appraise them and the purpose for which they act.” H.R. REP. NO. 1470, 89th Cong., 2d Sess. 1966, 1966 U.S.C.C.A.N. 2397, 2398, 1966 WL 4302 (May 3, 1966). Those amendments aimed at public disclosure going beyond “the old foreign agent,” extending to “the lawyer-lobbyist and public relations counsel whose object is to” “influence” the “policies [of the U.S. Government]” “to the satisfaction of his particular client.” S. REP. NO. 875, at 4, 88th Cong., 2d Sess. (Feb. 21, 1964). As the Senate Report put it, “disclosure by the agent to the Department of Justice is not enough”; instead, “the purpose” is to put the “pitiless spotlight of publicity” on such agents. *Id.* at 5; *see also* S. REP. NO. 143, at 4–5, 89th Cong., 1st Sess. (Apr. 1, 1965) (similar).

Congress likewise emphasized that “responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decisionmaking process in both the legislative and executive branches of the Federal

Government.” Lobbying Disclosure Act of 1995, PUB. L. NO. 104-65, 109 Stat, 691, § 2 (Dec. 19, 1995). More, “the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of Government actions will increase public confidence in the integrity of Government.” *Id.*

Thus, like other disclosure statutes, the statute “ensure[s] an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed.” *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978); *see Pub. Citizen v. Dep’t of Just.*, 491 U.S. 440, 459 (1989) (noting that another disclosure statute “enhance[s]” “public accountability”); *John Doe Agency v. John Doe Corp.*, 493 U.S. 146, 152 (1989) (“[D]isclosure, not secrecy, is the dominant objective.”).

Disclosure also promotes other aspects of our democratic system of government. As shown by this case and the legislative history, Congress has a significant interest in foreign affairs issues. *See, e.g.*, U.S. CONST. art. I, § 8, cl. 3 (Commerce Clause). And “a legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change.” *Eastland v. U.S. Servicemen’s Fund*, 421 U.S. 491, 504 (1975) (cleaned up). “[S]ome means of compulsion” are often “essential to obtain what is needed.” *Id.* at 505 (cleaned up); *see Watkins v. United States*, 354 U.S. 178, 187 (1957).

B. America First Legal has suffered an informational injury and has standing

The Foreign Agents Registration Act was enacted so that “the people of the United States may be informed of the identity of [foreign agents] and may appraise their statements and actions in the light of their associations and activities.” *Meese*, 481 U.S. at 469 (quoting 56 Stat. at 49). Obviously, if an agent of a foreign principal fails or refuses to register, and the Defendants, knowing that registration and disclosure are required, stand idly by, then there is nothing to disclose, and the public is deprived of the information Congress intended them to have.

Mr. Biden’s Foreign Agents Registration Act information is directly related both to America First Legal’s public education mission in support of policies aimed at protecting our nation’s sovereignty, economic security, and Constitution, and to its core function of disclosing relevant information about the operation of the government and public integrity to support the rule of law. Pl’s Statement of Undisputed Facts ¶¶ 104, 108. As the courts have repeatedly said when upholding similar claims of informational injury, “there ‘is no reason to doubt their claim that the information would help [the plaintiff].’” *Ethyl Corp. v. EPA*, 306 F.3d 1144, 1148 (D.C. Cir. 2002) (quoting *Akins*, 524 U.S. at 21 (1998)). The Defendants’ failure to act as required by law “den[ies] [America First Legal] access to information and avenues of redress they wish to use in their routine information-dispensing [and advocacy] activities.” *Action All. of Senior Citizens of Greater Philadelphia v. Heckler*, 789 F.2d

931, 937–38 (D.C. Cir. 1986).³ Accordingly, the Defendants have inflicted “the type of harm Congress sought to prevent by requiring disclosure.” *Friends of Animals*, 828 F.3d at 992.

A long line of analogous precedents under similar disclosure statutes supports the Plaintiff’s standing. *See Pub. Citizen*, 491 U.S. at 449 (1989) (“[R]efusal to permit appellants to scrutinize [a] Committee’s activities to the extent FACA allows constitutes a sufficiently distinct injury to provide standing to sue.”); *Akins*, 524 U.S. at 21 (A plaintiff “suffers an ‘injury in fact’ when the plaintiff fails to obtain information which must be publicly disclosed pursuant to a statute.”); *VoteVets Action Fund v. Dep’t of Veterans Affs.*, 992 F.3d 1097, 1103 (D.C. Cir. 2021) (“VoteVets claims an informational injury under FACA by pleading that the Council and VA failed to comply with the statute’s disclosure and transparency requirements.”); *PETA*, 797 F.3d at 1095 (“Because PETA’s alleged injuries—denial of access to bird-related AWA information . . . —are concrete and specific to the work in which they are engaged, we find that PETA has alleged a cognizable injury sufficient to support standing.” (cleaned up)); *Am. Soc. for Prevention of Cruelty to Animals v. Feld Ent., Inc.*, 659 F.3d 13, 23 (D.C. Cir. 2011) (“For purposes of informational standing, a plaintiff is

³ To take just one example of how the information required by statute is specifically relevant to America First Legal’s mission, some have tried to separate some of Mr. Biden’s foreign business deals from senior U.S. government officials, including the current President, by suggesting that Mr. Biden merely had an “illusion of access” to his father, not actual access. Ex. E at 116. Whatever the merits of that argument—which is contradicted by much evidence, *see* Ex. E at 117—the whole point of requiring Mr. Biden to register is so that Americans can know *which* policy matters may be subject to foreign influence.

injured-in-fact because he did not get what the statute entitled him to receive.” (cleaned up)); *Jud. Watch, Inc. v. Dep’t of Com.*, 583 F.3d 871, 873 (D.C. Cir. 2009) (“In the context of a FACA claim, an agency’s refusal to disclose information that the act requires be revealed constitutes a sufficient injury.”); *Byrd v. EPA*, 174 F.3d 239, 243 (D.C. Cir. 1999): “[A] refusal to provide information to which one is entitled under FACA constitutes a cognizable injury sufficient to establish Article III standing.”).

“[T]hat other citizens or groups of citizens might make the same complaint after unsuccessfully demanding disclosure under does not lessen [America First Legal’s] asserted injury, any more than the fact that numerous citizens might request the same information under the Freedom of Information Act entails that those who have been denied access do not possess a sufficient basis to sue.” *Pub. Citizen*, 491 U.S. at 449–50; *see Akins*, 524 U.S. at 24–25 (same); *see also PETA*, 797 F.3d at 1093 (“The United States Supreme Court has made plain that a ‘concrete and demonstrable injury to an organization’s activities—with the consequent drain on the organization’s resources—constitutes far more than simply a setback to the organization’s abstract social interests’ and thus suffices for standing.” (cleaned up) (quoting *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 379 (1982))). Nor does the Plaintiff’s standing depend on any possibility that “the [Defendants] might reach the same result exercising its discretionary powers lawfully” (though no such possibility exists here, as explained next). *Akins*, 524 U.S. at 25.

II. The Defendants Have Nondiscretionary Duties To Seek Mr. Biden’s Registration And Then Disclose It to America First Legal

Mr. Biden is obligated to register as an agent of foreign principals and to

properly label and file all political propaganda or “informational materials” he has transmitted, by email or otherwise, on their behalf. 22 U.S.C. §§ 612(a), 614.⁴ The Defendants have chosen not to seek his compliance and harmed America First Legal. Pl’s Statement of Undisputed Facts ¶¶ 104–08.

The Administrative Procedure Act establishes a basic presumption of judicial review for one suffering legal wrong because of agency action. *DHS v. Regents of the Univ. of Cal.*, 140 S. Ct. 1891, 1905 (2020) (cleaned up). This presumption controls here because the Foreign Agents Registration Act does not preclude review, nor does it commit to the Defendants’ discretion their duty to seek Mr. Biden’s registration and then disclose it to America First Legal and the public. On the facts of this case, the Plaintiff is entitled to judicial review and should be granted the requested relief as a matter of law.

A. The Defendants’ duties are non-discretionary

Section 618(a), titled “Violations; False Statements and Willful Omissions,” penalizes willful violations of the statute and its regulations, and specifies criminal penalties. The Defendants have unreviewable discretion under this subsection to prosecute (or not) alleged violations. But this case is not about criminal prosecution

⁴ Notably, Mr. Biden is prohibited from transmitting, conveying, or otherwise furnishing to any agency or official of the Government (including, for example, his father) for or in the interests of such foreign principal any political propaganda and from requesting from any such agency or official for or in the interests of such foreign principal any information or advice with respect to any matter pertaining to the political or public interests, policies or relations of a foreign country or of a political party or pertaining to the foreign or domestic policies of the United States, unless the propaganda or the request is prefaced or accompanied by a true and accurate statement to the effect that he is registered as an agent of such foreign principal. 22 U.S.C. § 614(f).

under § 618(a). Instead, it is about the Defendants’ breach of specific public information duties owed to the Plaintiff under §§ 616(d) and 618(g) and (f).

Section 706(1) authorizes this Court to “compel agency action unlawfully withheld or unreasonably delayed.” 5 U.S.C. § 706(1). *Norton*, 542 U.S. at 64 (2004). Generally, courts do not review the exercise of enforcement discretion committed to agencies. *See Citizens for Resp. & Ethics in Washington v. Fed. Election Comm’n*, 55 F.4th 918, 919 (D.C. Cir. 2022) (citing *Heckler v. Chaney*, 470 U.S. 821, 831 (1985)). The Administrative Procedure Act enshrines this principle by explicitly withholding judicial review of matters “committed to agency discretion by law.” 5 U.S.C. § 701(a)(2). But it is well established that a § 706(1) claim proceeds if the “plaintiff asserts that an agency failed to take a *discrete* agency action that it is *required to take*.” *Norton*, 542 U.S. at 64 (emphasis in original).

The Foreign Agents Registration Act’s plain text, statutory context, and purpose demonstrate that seeking Mr. Biden’s registration and publishing it for the public to see are discrete agency actions that the Defendants are required to take. Section 618 “clearly reins in the agency’s discretion,” so the Defendants’ failure to follow it triggers § 706(1) review. *Meina Xie v. Kerry*, 780 F.3d 405, 408 (D.C. Cir. 2015). These subsections cabin the Defendants’ discretion and thereby ensure that the statute’s fundamental purpose—public disclosure—is advanced and served.

Section 618(f) provides in relevant part:

[W]henever any agent of a foreign principal fails to comply with any of the provisions of this subchapter or the regulations issued thereunder, or otherwise is in violation of the subchapter, the Attorney General may make application to the appropriate United States district court for an order

enjoining such acts or enjoining such person from continuing to act as an agent of such foreign principal, or for an order requiring compliance with any appropriate provision of the subchapter or regulation thereunder.

The word “may” usually implies some degree of discretion.⁵ However, text, structure, and purpose make it clear the word “may” only authorizes the Defendants to choose between an order enjoining “such acts” or an order enjoining a person from continuing to act as an agent of a foreign principal, or a compliance order. “When a statute limits a thing to be done in a particular mode, it includes a negative of any other mode.” *Christensen v. Harris County*, 529 U.S. 576, 583 (2000) (cleaned up). Doing nothing is not one of the choices. See A. SCALIA & B. GARNER, *READING LAW: THE INTERPRETATION OF LEGAL TEXTS* 107–11 (2012) (explaining that under the negative-implication canon, “specification of the one implies the exclusion of the other”).

Alternatively, § 618(g) provides that if an agent of a foreign principal files a deficient registration statement, then the Attorney General “shall” notify that person in writing and specify the deficiencies. By using “shall” in this subsection, Congress imposed a discrete obligation on the Defendants. See *Fed. Exp. Corp. v. Holowecki*, 552 U.S. 389, 400 (2008); *Lexecon v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26, 35 (1998); *Gutierrez de Martinez v. Lamagno*, 515 U.S. 417, 434 n.9 (1995). Of course, § 618(g) does not expressly require the Defendants to notify Mr. Biden of his obligation to file a registration statement. Read literally, this subsection applies to

⁵ This common-sense principle of statutory construction is by no means invariable and can be defeated by indications of legislative intent to the contrary or by obvious inferences from the structure and purpose of the statute. *United States v. Rodgers*, 461 U.S. 677, 706 (1983) (Brennan, J.); *Sierra Club v. Jackson*, 648 F.3d 848, 856 (D.C. Cir. 2011); *Galvin v. Del Toro*, 586 F. Supp. 3d 1, 14 (D.D.C. 2022); see also “Verb forms,” 3 SUTHERLAND STATUTORY CONSTRUCTION § 57:10 (8th ed.).

filed but incomplete or inaccurate registration statements and filings. However, fidelity to the text requires situating “text in context.” *Biden v. Nebraska*, 143 S. Ct. 2355, 2378 (2023) (Barrett, J., concurring); *see also* SCALIA & GARNER, *supra* at 63. Given the statute’s structure and purpose, the better reading is that the failure to register is also a deficiency subject to the notice provision.

The Foreign Agents Registration Act was enacted to protect the public’s compelling informational interest in knowing how and where agents of foreign principals are at work in the body politic. Congress mandated broad disclosure and charged the Defendants with the duty of gathering, cataloging, and publishing the specified information. The fact that the son of a former Vice President and current President is or has been an agent of Ukrainian, Romanian, Kazakhstani, and Chinese principals would seem to be precisely the sort of information Congress intended the Defendants to disclose. But if the Defendants, knowing that a person is an agent of a foreign principal, have the discretion to do nothing, then they can, on a case-by-case basis, disrupt the statutory scheme and torpedo the public’s right to know.

The absurdity canon militates against construing the Foreign Agents Registration Act, which was enacted to provide the public with comprehensive information about the identities and activities of agents of foreign principals, *see* §§ 612, 614, 616, to delegate the Defendants absolute, unreviewable discretion to do nothing in this case. *See Pub. Citizen*, 491 U.S. at 455; *Eagle Pharms., Inc.*, 952 F.3d at 332–33 (Although “literal interpretation need not rise to the level of ‘absurdity’ . . . , there must be evidence that Congress meant something other than what it literally

said before a court can depart from plain meaning.”); *Mova Pharm. Corp. v. Shalala*, 140 F.3d 1060, 1068 (D.C. Cir. 1998) (“In deciding whether a result is absurd, the Court should consider not only whether that result is contrary to common sense, but also whether it is inconsistent with the clear intentions of the statute’s drafters—that is, whether the result is absurd when considered in the particular statutory context.”) (citations omitted); SCALIA & GARNER, *supra* at 235 (“What the rule of absurdity seeks to do is what all rules of interpretation seek to do: make sense of the text.”). Again, the Defendants’ discretion to prosecute (or not) Mr. Biden under § 618(a) is unreviewable. But Congress could not have intended to give them the discretion to look away from a known agent for a foreign principal, fail or refuse to seek a § 612 registration statement, and then violate the public’s informational rights guaranteed by § 616, for any reason or no reason. Such a holding would irrationally eviscerate the statutory scheme and Congress could not have intended it. Simply put, if § 618(f) does not mandate the Defendants’ action here, then § 618(g) must. Otherwise, the Foreign Agents Registration Act, which in the Defendants’ words, “helps protect the integrity of American democracy by combating covert foreign government influence in our political process,” *see Protecting the United States, supra*, ceases to function.

B. The Defendants’ refusal to secure Mr. Biden’s registration and disclose it is subject to judicial review

The Defendants ask the public, “[i]f you believe an individual or entity is violating [the Foreign Agents Registration Act] or has an obligation to register, please contact the FARA unit.” America First Legal did this on March 3, 2023, pointing out the evidence (primarily from e-mails that exist on Mr. Biden’s laptop, which has been

in the Defendants’ possession since 2019) that he is an agent of the Ukrainian corporation Burisma Holdings Ltd. However, the Defendants have chosen not to act, not on the Plaintiff’s complaint and not on the laptop.

There are two possible explanations for this. The first is that the Defendants received America First Legal’s complaint, reviewed it, and determined that Mr. Biden was not required to register as the agent of a foreign principal. For the reasons explained above, such a determination would be contrary to 5 U.S.C. § 706(2)(A), (C). The second is that the Defendants determined that Mr. Biden *was* required to register but decided to do nothing. Such a determination would be contrary to 5 U.S.C. § 706(1).

Regardless, the Department’s decision not to seek Mr. Biden’s registration and, by necessary implication, withhold it from public review, is reviewable agency action. *Norton*, 542 U.S. at 62 (2004); 5 U.S.C. § 704. The Defendants’ decision not to secure Mr. Biden’s registration helps him but harms the public generally and America First Legal specifically. *Bennett v. Spear*, 520 U.S. 154, 177–78 (1997); *U.S. Army Corps of Engrs. v. Hawkes Co.*, 578 U.S. 590, 597 (2016). Furthermore, America First Legal’s informational injury easily satisfies the zone of interest requirement. *Match-E-Be-Nash-She-Wish Band of Pottawatomí Indians v. Patchak*, 567 U.S. 209, 224–25 (2012) (quoting *Clarke v. Secs. Indus. Assn.*, 479 U.S. 388, 399 (1987)).

Conclusion

Congress enacted the Foreign Agent Registration Act “to reduce the influence of foreign propaganda circulating in the United States,” and it “[a]nticipat[ed]] that

greater transparency could help achieve these ends.” Congressional Research Service, *Foreign Agents Registration Act (FARA): A Legal Overview* (updated Mar. 9, 2023). Similarly, one of the reasons Congress adopted the Administrative Procedure Act was so that Congress could rely on outside organizations like America First Legal to obtain information from government agencies as part of Congress’s constitutional oversight function. Mathew D. McCubbins & Thomas Schwartz, *Congressional Oversight Overlooked: Police Patrols Versus Fire Alarms*, 28 AM. J. POL. SCI. 168–169 (1984) (describing Congress as using administrative procedures to delegate oversight responsibilities to regulated parties); McNollGast, *Administrative Procedures as Instrument of Political Control*, 3 J. L. ECON. & ORG. 254 (1987) (same); DANIEL Z. EPSTEIN, *THE INVESTIGATIVE STATE: REGULATORY OVERSIGHT IN THE UNITED STATES* (2023) (providing empirical evidence that Congress’s capacity to conduct oversight depends upon regulated parties reporting violations of administrative procedures).

Section 706 of the Administrative Procedure Act provides that a reviewing court shall hold unlawful and set aside agency action that is not in accordance with law or in excess of statutory jurisdiction, authority, or limitations. 5 U.S.C. § 706(2)(A), (C). Here, the Defendants not only acted in a manner contrary to law by failing to seek Mr. Biden’s registration, they also unlawfully withheld statutorily required action. 5 U.S.C. § 706(1). Securing Mr. Biden’s registration and making his information public are discrete agency actions that the Defendants must take. *Norton*, 542 U.S. at 64. Because 22 U.S.C. 618 “clearly reins in the agency’s discretion,” the Defendants’ failure to do these specific things is unlawful. *Meina Xie*,

780 F.3d at 408 (D.C. Cir. 2015); *see also Brock v. Pierce County*, 476 U.S. 253, 260 n.7 (1986). Judicial review and relief are proper here.

/s/ Reed D. Rubinstein

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**Application for Pro Hac Vice forthcoming*

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICA FIRST LEGAL FOUNDATION,

Plaintiff,

v.

MERRICK GARLAND, *Attorney General
of the United States, in his official capacity*

and

DEPARTMENT OF JUSTICE,

Defendants.

Case No.: 1:23-cv-02070-JMC

PLAINTIFF'S STATEMENT OF UNDISPUTED MATERIAL FACTS

Pursuant to Local Rule 7(h)(1), the Plaintiff submits this statement of material facts as to which there is no genuine issue.

1. Exhibit A is a true copy of the House Oversight Committee's Second Bank Memorandum on the Biden Family's Influence Peddling and Business Schemes. MAJORITY STAFF OF H. COMM. ON OVERSIGHT AND ACCOUNTABILITY, 118TH CONG., SECOND BANK RECORDS MEMORANDUM FROM THE OVERSIGHT COMMITTEE'S INVESTIGATION INTO THE BIDEN FAMILY'S INFLUENCE PEDDLING AND BUSINESS SCHEMES (May 10, 2023) (available at <https://bit.ly/3LpgL5l>).

2. Exhibit B is a true copy of the House Oversight Committee's Second Bank Memorandum on the Biden Family's Influence Peddling and

Business Schemes. MAJORITY STAFF OF H. COMM. ON OVERSIGHT AND ACCOUNTABILITY, 118TH CONG., THIRD BANK RECORDS MEMORANDUM FROM THE OVERSIGHT COMMITTEE’S INVESTIGATION INTO THE BIDEN FAMILY’S INFLUENCE PEDDLING AND BUSINESS SCHEMES (Aug. 9, 2023) (available at <https://bit.ly/3Zp8LH3>).

3. Exhibit C is a true copy of the House Committees’ on Oversight and Accountability, Judiciary, and Ways and Means memorandum on the Impeachment Inquiry of President Joe Biden. H. COMM. ON OVERSIGHT AND ACCOUNTABILITY, ET AL., 118TH CONG., IMPEACHMENT INQUIRY (Sep. 27, 2023) (available at <https://bit.ly/3PZ66Q5>).

4. Exhibit D is a true copy of the transcript of the House Ways and Means Committee’s interview of “Whistleblower 1,” Internal Revenue Service Criminal Supervisory Special Agent Gary Shapley. H. COMM. ON WAYS AND MEANS, 118TH CONG., INTERVIEW OF GARY A. SHAPLEY, JR. (May 26, 2023) (available at <https://bit.ly/48iyvZX>).

5. Exhibit E is a true copy of the transcript of the House Oversight Committee’s interview of Hunter Biden’s former business partner, Devon Archer. H. COMM. ON OVERSIGHT AND ACCOUNTABILITY, 118TH CONG., INTERVIEW OF DEVON ARCHER (July 31, 2023) (available at <https://bit.ly/3Zl3HDR>).

6. Exhibit F is a true copy of IRS Special Agent Joseph Ziegler’s Affidavit #1, which describes Exhibits G through H, *infra*. STATEMENT OF JOSEPH

ZIEGLER (WHISTLEBLOWER X), SUPPLEMENTAL PRODUCTION OF RECORDS (Aug. 2, 2023) (available at <https://bit.ly/3PWcp7b>).

7. Exhibit G is a true copy of an e-mail from Hunter Biden to Gongwen Dong received by the IRS investigative team via an Electronic Search Warrant served on Apple. E-mail from Hunter Biden to Gongwen Dong (Aug. 2, 2017) (available at <https://bit.ly/3rKmCvy>).

8. Exhibit H is a true copy of IRS Special Agent Ziegler's memorandum of interview of James Biden on September 29, 2022 (available at <https://bit.ly/46pgRSV>).

9. Exhibit I is a true copy of IRS Special Agent Joseph Ziegler's Affidavit #2, which describes Exhibit J, *infra*. STATEMENT OF JOSEPH ZIEGLER (WHISTLEBLOWER X), SUPPLEMENTAL PRODUCTION OF RECORDS (Aug. 2, 2023) (available at <https://bit.ly/46RgujT>).

10. Exhibit J is a true copy of an e-mail from Lesley Wolf regarding a search warrant for "FARA evidence." E-mail from Lesley Wolf to Joshua J. Wilson and Carly Hudson (Aug. 7, 2020) (available at <https://bit.ly/3FkB2p3>).

11. Exhibit K is a true copy of IRS Special Agent Joseph Ziegler's Affidavit #3, which describes Exhibits L through T, *infra*. STATEMENT OF JOSEPH ZIEGLER (WHISTLEBLOWER X), SUPPLEMENTAL PRODUCTION OF RECORDS (Sep. 8, 2023) (available at <https://bit.ly/3PVYE8n>).

12. Exhibit L is a true copy of IRS Special Agent Joseph Ziegler's document timeline that was utilized throughout his investigation (available at <https://bit.ly/46w7q4a>).

13. Exhibit M is a true copy of an e-mail from Devon Archer to Hunter Biden, forwarding an e-mail from Burisma executive Pozharskyi. E-mail from Devon Archer to Hunter Biden (Apr. 17, 2014) (available at <https://bit.ly/3M3FhsO>).

14. Exhibit N is a true copy of an e-mail from Eric Schwerin to Hunter Biden containing then-U.S. Deputy National Security Advisor Antony Blinken's personal e-mail address. E-mail from Eric Schwerin to Hunter Biden (Dec. 17, 2014) (available at <https://bit.ly/3Qi5VAJ>).

15. Exhibit O is a true copy of an e-mail from Pozharskyi to Hunter Biden requesting a meeting for coffee. E-mail from Vadym Pozharskyi to Hunter Biden (Apr. 17, 2015) (available at <https://bit.ly/45rQZEE>).

16. Exhibit P is a true copy of Blue Star Strategies' proposal to Burisma. Memorandum from Blue Star Strategies, LLC to Burisma Holdings Ltd. Regarding Crisis Communications and Long-term Government Relations Strategy as it Relates to the Companies [sic] Growth and Expansion (Oct. 30, 2015) (available at <https://bit.ly/46O7Xy6>).

17. Exhibit Q is a true copy of an e-mail from Devon Archer to Eric Schwerin, including Hunter Biden, regarding Blue Star's revised proposal and

contract for Burisma. E-mail from Devon Archer to Eric Schwerin (Nov. 2, 2015) (available at <https://bit.ly/3tsHNm2>).

18. Exhibit R is a true copy of an e-mail sent from Pozharskyi to Hunter Biden, including Devon Archer and Eric Schwerin, regarding Blue Star's revised proposal and contract for Burisma. E-mail from Vadym Pozharskyi to Hunter Biden (Nov. 3, 2015) (available at <https://bit.ly/3tAkreB>).

19. Exhibit S is a true copy of an e-mail from Eric Schwerin to Pozharskyi, including Hunter Biden and Devon Archer, regarding Burisma President Nikolai Zlochevsky's visa denial. E-mail from Eric Schwerin to Vadym Pozharskyi (Nov. 3, 2015) (available at <https://bit.ly/3ZW9GiA>).

20. Exhibit T is a true copy of an appendix to a search warrant conducted on Hunter Biden's laptop relating to the Foreign Agents Registration Act (available at <https://bit.ly/46t6vBs>).

21. Hunter Biden has not registered as agent of a foreign principal.

22. The Defendants have neither asked nor compelled Mr. Biden to file a registration statement under the Foreign Agents Registration Act, 22 U.S.C. §§ 611 *et seq.*

23. During Joe Biden's Vice Presidency, Hunter Biden and his business associates received over \$24 million in payments from foreign sources. Ex. B at 2; Ex. C at 1.

24. Congressional investigators have assembled evidence that President Joe Biden may have: (1) performed official acts or changed United

States policy as a direct result of the foreign money received by his family; (2) provided access to his federal office in exchange for his family's receipt of foreign money; and/or (3) knowingly participated in a scheme where foreign business interests were led to believe that they would gain access to him (in his official capacity) if they were to pay substantial amounts of money to his family. Ex. C at 4.

25. The Biden Family “brand carried” “a unique advantage” and a “differentiating component ... to raise capital” “in a competitive environment.” Ex. E at 54:19–24.

26. Mr. Biden's father, then-Vice President Biden, “[o]bviously ... brought the most value to the brand.” Ex. E at 29:25–30:1.

27. Mr. Biden placed his father on speakerphone at least twenty times with people he “was trying to either get business with or make contacts with or add value to.” Ex. E at 51:20–25.

28. In April 2014, after briefly serving as their counsel, Mr. Biden became a board member for the Ukrainian gas company, Burisma Holdings Ltd., along with business partner Devon Archer—each receiving approximately \$1 million per year—when Burisma needed help with U.S. “government pressure.” Ex. B at 2; Ex. E at 34.

29. While Hunter Biden's “theoretical” value to Burisma was “corporate governance,” the “key component of the value” he brought to Burisma was “the brand” of “the Biden family.” Ex. E at 29:8–14.

30. Because of the “objectives that Burisma was trying to accomplish,” “Hunter Biden was adding value” by “opening doors ... in D.C.” and had “a portfolio of access.” Ex. E at 30:13–19, 131:19.

31. On April 17, 2014, Burisma executive Pozharskyi sent an e-mail to Devon Archer regarding the plan to “use” the “political weight” of Burisma’s new directors, especially Hunter Biden, “strategically” with a “media campaign” or “informal talks with relevant interested parties” “after [Hunter Biden’s] father le[aves] our country.” Ex. M.

32. On April 21, 2014, Vice President Biden traveled to Ukraine to meet with Prime Minister Yatsenyuk and other members of civil society to work on a variety of issues, including “anti-corruption.” WHITE HOUSE, *Background Press Briefing on Vice President Biden’s Trip to Ukraine* (Apr. 21, 2014), <https://bit.ly/3PPPaeY>; Ex. L at 1.

33. On May 13, 2014, a Russian media outlet published a story about Burisma naming Hunter Biden as a board member. See AMERICA FIRST LEGAL FOUNDATION, *BREAKING: America First Legal Releases First Set of Joe Biden’s Vice-Presidential Records from National Archives* (Mar. 2, 2023), <https://bit.ly/3R1HJ6z>.

34. Hunter Biden intended to influence the Office of the Vice President regarding its official response to press inquiries regarding his elevation to Burisma’s board of directors. E-mail from Hunter Biden to Kendra Barkoff (May 13, 2014, 9:59 AM), available at <https://bit.ly/3pG76Qi>; E-mail

from Hunter Biden to Kendra Barkoff (May 13, 2014, 10:29 AM), available at <https://bit.ly/3pG76Qi>. See AMERICA FIRST LEGAL FOUNDATION, *Based on New Documents Obtained Through Litigation, America First Legal Files Complaint With Department of Justice Against Hunter Biden For Failing to Register As A Foreign Agent While Joe Biden Was Vice President* (Mar. 3, 2023), <https://bit.ly/3pG76Qi>.

35. On September 24, 2014, Devon Archer forwarded an e-mail to Hunter Biden in which David Leiter of ML Strategies responded to Pozharskyi, stating: “Thanks for sharing the info about these newest legislative initiatives which could cause even more damage to the private gas industry in Ukraine. We will do our best to alert U.S. officials who might be able to influence Ukraine to not adopt such harmful measures.” See Ex. L at 1.

36. In October 2014, Pozharskyi emailed Devon Archer to check in on Hunter Biden’s “progress with DHS” on a “visa issue.” Ex. E at 75:14–76:16.

37. On October 23, 2014, Hunter Biden’s Rosemont Seneca business partner, Eric Schwerin, had a call with John Sandweg, the former acting director of U.S. Immigration and Customs Enforcement. Ex. L at 1.

38. On December 17, 2014, Eric Schwerin sent an e-mail to Hunter Biden with then-U.S. Deputy National Security Advisor Antony Blinken’s personal e-mail account information. Ex. N. See Ex. L at 1.

39. In April 2015, then-Vice President Biden attended a dinner at Café Milano in Washington, D.C. with Hunter Biden and Pozharskyi. Ex. E at 45:11–23.

40. On April 17, 2015, Pozharskyi sent an e-mail to Hunter Biden, thanking him for inviting him “to DC and giving an opportunity to meet your father and spen[d] some time together.” Ex. O.

41. On July 22, 2015, Hunter Biden had lunch with then-Deputy Secretary of State Antony Blinken. See Ex. L at 2.

42. On October 21, 2015, Paul Sonne, a Wall Street Journal reporter, sent an e-mail to Kate Bedingfield, Communications Director for the Vice President, with a question regarding Hunter Biden’s involvement with Burisma. AMERICA FIRST LEGAL FOUNDATION, *BREAKING: America First Legal Releases Second Set of Joe Biden’s Vice Presidential Records from Lawsuit Against the National Archives* (Mar. 20, 2023), <https://bit.ly/46v1t7G>.

43. In early November 2015, Burisma retained Blue Star Strategies, implicitly for the purpose of targeting top U.S. officials in Ukraine and/or Ukrainian officials for improving Burisma President Nikolay Zlochevskyi’s case “with the ultimate purpose to close down for any cases/pursuits against Nikolay in Ukraine.” Ex. Q; Ex. R. See Ex. L at 2; Ex. P.

44. On November 3, 2015, Eric Schwerin sent an e-mail to Pozharskyi, including Hunter Biden and Devon Archer, regarding his visa issue and informed him that they caused their contacts at the U.S. Department of

Homeland Security to search its databases for information regarding Zlochevsky's visa cancellations. Ex. S.

45. On November 6, 2015, Hunter Biden met with Amos Hochstein, a trusted Biden advisor who was then the point person for International Energy Affairs at the U.S. Department of State, who was deeply involved with issues in Ukraine. *See* Ex. L at 3. *See also*, AMERICA FIRST LEGAL FOUNDATION, *BREAKING: America First Legal Releases Second Set of Joe Biden's Vice Presidential Records from Lawsuit Against the National Archives* (Mar. 20, 2023), <https://bit.ly/46v1t7G>.

46. On November 11, 2015, Eric Schwerin sent an e-mail to Pozharskyi, including Hunter Biden and Devon Archer, stating that Hunter Biden spoke with Sally Painter, Blue Star Chief Operating Officer, and they discussed Blue Star's potential "high level government meetings in Kiev" for gathering "further intelligence from those meetings." *See* Ex. L at 3.

47. On December 4, 2015, Hunter Biden "called his dad" when Zlochevsky and Pozharskyi asked him to make a call to "get help in D.C." for "pressure from Ukrainian Government investigations." Ex. E at 32:18, 33:25–34:8, 36:15.

48. On December 4, 2015, Vice President Biden "signed off" on an official statement through his Communications Director, Kate Bedingfield, in response to the reporters' inquiries about Hunter Biden's involvement with Burisma, after Eric Schwerin had provided edits to an earlier draft. AMERICA

FIRST LEGAL FOUNDATION, *BREAKING: America First Legal Releases Second Set of Joe Biden's Vice Presidential Records from Lawsuit Against the National Archives* (Mar. 20, 2023), <https://bit.ly/46v1t7G>.

49. On December 9, 2015, Vice President Biden delivered a speech to the Ukrainian parliament, in which he claimed the “Office of the General Prosecutor desperately needs reform.” Ex. C at 8 (citing WHITE HOUSE, *Remarks by Vice President Joe Biden to The Ukrainian Rada* (Dec. 9, 2015) (available at <https://bit.ly/3tFNBbW>)).

50. Vice President Biden “called an audible” and “changed the plan” regarding the Obama-Biden Administration’s policy concerning the renewal of a \$1 billion loan guarantee for Ukraine, making it contingent upon the firing of Viktor Shokin as Prosecutor General of Ukraine. Ex. C at 8 (citing Glenn Kessler, *Inside VP Biden’s Linking of a Loan to a Ukraine Prosecutor’s Ouster*, WASH. POST (Sep. 15, 2023)).

51. On March 29, 2016, the Ukrainian parliament formally dismissed Shokin. *Rada Agrees to Dismiss Ukrainian Prosecutor General Shokin*, INTERFAX-UKRAINE (Mar. 29, 2016), <https://bit.ly/3Q07BNX>.

52. In May 2016, Hunter Biden was personally involved in a phone call between Vice President Biden and Ukrainian President Poroshenko. E-mail from John S. Flynn, Senior Advisor to VPOTUS, to Robert L. Peters [sic], VPOTUS (May 26, 2016, 22:08:00 -0400) (filed as ECF 1-1).

53. A “theme of Burisma” was the “constant requests for help” for pressure issues—government investigations, frozen assets, visa denials—and “it’s always ... can we get help in D.C.?” Ex. E at 34:16–23, 35:4–8, 36:12.

54. Hunter Biden, his family members, and his business associates benefitted at least \$6.5 million from Ukrainian sources. Ex. B at 18.

55. Hunter Biden did not register as a foreign agent on behalf of any Ukrainian foreign principals.

56. Hunter Biden, his family members, and his business associates—including James Biden, Rob Walker, and James Gilliar—received over \$8 million dollars from Chinese companies and nationals with ties to the Chinese government, including Chinese nationals whose agent was convicted in the United States for bribery of foreign leaders, money laundering, and fraud. Ex. A at 18–36.

57. In the first week of December 2013, Hunter Biden traveled on Air Force Two to China with Vice President Biden. Ex. C at 19 (citing *The Vice President’s 2013 Asia Trip—Japan, China and the Republic of Korea*, WHITE HOUSE (available at <https://bit.ly/400Em25>)).

58. On December 16, 2013, Hunter Biden and his associates, through Rosemont Seneca Thorton, formed a joint venture with Jonathan Li’s Chinese government-linked private equity fund, Bohai Capital, to establish Bohai Harvest RST (Shanghai) Equity Investment Fund Management Co., Ltd. (“BHR Partners”). Ex. C at 19.

59. Hunter Biden and Devon Archer later received their monthly payments from Burisma through an entity named Rosemont Seneca Bohai. Ex. B at 16–18.

60. On January 29, 2014, Hunter Biden Met with Jonathan Li and the Chinese Ambassador. Ex. L at 1.

61. Hunter Biden placed his father on speakerphone during a dinner with BHR, with Jonathan Li, at a restaurant in China. Ex. E at 41.

62. Vice President Biden had coffee with Jonathan Li in Beijing, and he wrote college admission letters for his children. Ex. E at 124–26.

63. Ye Jianming was the former deputy secretary-general of an international outreach arm for the People’s Liberation Army and a “front organization” that “performs dual roles of intelligence collection conducting propaganda and perception management campaigns.” Ex. A at 19–20.

64. Through his company, CEFC, Ye Jianming ran a business empire worth an estimated \$44 billion to implement China’s Belt and Road Initiative and “obtain overseas resources and serve the national strategy.” Ex. A at 20.

65. Ye Jianming used CEFC to bribe and corruptly influence foreign officials. Ex. B at 21.

66. By 2017, Hunter Biden had forged a partnership with Ye Jianming and planned to share office space with him and then-former Vice President Biden at the House of Sweden in Washington, D.C. Ex. B at 19.

67. Then-Vice President Biden appeared at a CEFC meeting at the Four Seasons. Ex. D at 20.

68. Gongwen Dong served as Chairman Ye Jianming’s “CEFC emissary” in the United States. Ex. B at 22.

69. Hunter Biden, Ye Jianming, and Gongwen Dong’s complicated and seemingly unnecessary financial transactions signal a concerted effort to conceal the source and total amount received from the Chinese companies. Ex. B at 18.

70. Ye Jianming appeared to use State Energy HK to launder money and purchase lucrative “gifts,” including expensive jewelry. Ex. B at 27.

71. From 2015 to 2016, State Energy HK made \$3 million in payments to a think tank run by Vuk Jeremic, whom Hunter Biden had sought to help with the UN Secretary-General election by leveraging his connection to the Office of the Vice President. Ex. B at 29–30.

72. In March 2017—soon after Joe Biden left the White House—State Energy HK made a \$3 million payment to Hunter Biden’s associate, and over \$1 million of that amount then went to the Biden family in smaller increments over sixteen separate payments to at least five different bank accounts. Ex. B at 30–31.

73. From 2016 to 2017, State Energy HK purchased over \$23 million in purchases from a retail diamond and jewelry business. Ex. B at 27.

74. In early 2017, when Hunter Biden met with Ye Jianming in Miami, Hunter Biden received a 2.8-carat diamond worth an estimated \$80,000. Ex. B at 28.

75. On July 30, 2017, Hunter Biden sent CEFC executive Raymond Zhao a WhatsApp message:

I am sitting here with my father and we would like to understand why the commitment made has not been fulfilled. I am very concerned that the Chairman has either changed his mind or broken our deal without telling me or that he is unaware of the promises and assurances that have been made have not been kept ... I will make certain that between the man sitting next to me and every person he knows and my ability to forever hold a grudge that you will regret not following my direction.

Ex. D at 158–159.

76. The next day, on July 31, 2017, Hunter Biden followed up with another WhatsApp message to Raymond Zhao: “If I can reshape this partnership to what the chairman intended then James [Biden] and Rob [Walker] will be well taken care of” *Id.*

77. Raymond Zhao replied: “CEFC is willing to cooperate with the family.” *Id.*

78. On August 2, 2017, Hunter Biden sent an e-mail to Gongwen Dong stating:

My Understanding is that the original agreement with the Director was for consulting fees based on introductions alone a[t] rate a \$10M per year for a three year guarantee total of \$30M. The Chairman changed the deal after we me[t] in MIAMI TO A MUCH MORE LASTING AND LUCRATIVE ARRANGEMENT to create a holding

company 50% percent [sic] owned by ME and 50% owned by him.

Ex. G.

79. On August 2, 2017, Raymond Zhao followed up with a WhatsApp message to Hunter Biden: “Hi Hunter, director asked me to extend to you ... [h]e supports your proposition and will act correspondingly.” Ex. D at 158–159.

80. Hunter Biden replied:

That is a great relief and very welcome news my friend—let My friend know that I’m looking forward to his arrival here with great anticipation—we will do extraordinary things together and I am happy to have him as a brother in this endeavor—my family sends their best wishes and looks forward to playing some golf when the director has time.

Id.

81. The next day, on August 3, 2017, Gongwen Dong sent a WhatsApp message to Hunter Biden: “The fund will be wired to the jointly administered account in a timely manner.” *Id.*

82. Hunter Biden replied:

K—Very simple:

1. 10 M per annum budget to use to further the interest of the JV. This move to 5M is completely new to me and is not acceptable obviously.

2. All expenditures/expenses salaries will be agreed to by board. My (Biden’s) expenses and determination of how BIDEN (loan 5M) capital will be determined by Owasco in consultation with Hudson ... but if the Chairman doesn’t value this relationship is being worht at least 5M then I’m just baffled.

... .

4. We are all saying the same thing I hope ... If you think this is about money it’s not. The Biden’s are the best I know

at doing exactly what the Chairman wants from this partnership[]]. Please let's not quibble over peanuts.”

Id.

83. Gongwen Dong registered many corporate entities in the United States, including variations of the name “Hudson West,” and effected transactions to the benefit of Ye Jianming. Ex. B at 22.

84. In August 2017, Hunter Biden (through Owasco P.C.) and Gongwen Dong (through Hudson West V) established a company—Hudson West III, LLC—together with each as 50 percent owners. Ex. B at 23.

85. Ye Jianming transferred over \$130 million to entities controlled by Gongwen Dong. Ex. B at 23.

86. Between August 2017 and October 2018, Hudson West III sent over \$4 million to companies related to Hunter Biden and his uncle, James Biden. Ex. B at 24.

87. In August 2017, Hunter Biden received an additional \$100,000 transfer from another entity formed by Gongwen Dong. Ex. B at 24–25.

88. The Federal Bureau of Investigation was considering national security issues involving the money from CEFC. Ex. D at 164.

89. The Internal Revenue Service wanted to investigate the money coming from CEFC because “[t]here’s FARA in play.” *Id.*

90. On behalf of a potential CEFC LNG deal off the coast of Louisiana, James Biden talked with people in the governor’s office regarding the permits and recalled that it was supposed to be on the fast track. Ex. H at 7–8.

91. Hunter Biden did not register as a foreign agent on behalf of any Chinese foreign principals.

92. In February 2014, Hunter Biden and Devon Archer received \$3.5 million from Russian Oligarch Yelena Baturina—the wealthiest woman in Russia and then married to the former mayor of Moscow—who dined with then-Vice President Biden later that year and was subsequently left off the Biden Administration’s sanction list of Russian oligarchs following Russia’s invasion of Ukraine. Ex 2 at 2, 5–11.

93. Hunter Biden did not register as a foreign agent on behalf of any Russian foreign principals.

94. In April 2014, Hunter Biden received \$142,300 for an expensive sportscar from Kazakhstani oligarch Kenes Rakishev—a director at Kazakhstan’s state-owned oil company KazMunayGas who was later sentenced to 18 years in prison for treason, abuse of power, and attempting a coup in 2023—around the time when Rakishev requested Secretary of State John Kerry visit Kazakhstan, Vice President Biden attended dinner with Rakishev, and Hunter Biden represented Burisma on a trip to Kazakhstan to evaluate a deal among Burisma, a Chinese state-owned energy company, and KazMunayGas. Ex 2 at 11–12; Ex. E at 46:1–2.

95. On September 23, 2016, Devon Archer sent an e-mail to Hunter Biden with attachments, forwarding an e-mail from a government official for the

Republic of Kazakhstan and invitations to Vice President Biden signed in Russian and translated to English. Ex. L at 4.

96. Hunter Biden did not register as a foreign agent on behalf of any Kazakhstani foreign principals.

97. On November 14, 2015, Hunter Biden met with the Romanian Ambassador, George Maior. Ex. L at 3.

98. On November 30, 2015, Hunter Biden met with Ambassador Maior at the Embassy of Romania in Washington, DC. Ex. L at 3.

99. From November 2015 to May 2017, Hunter Biden, his family members, and his business associates—including James Biden, Hallie Biden, Rob Walker and James Gilliar—received over three million dollars from a foreign company controlled by the subject of a criminal probe and prosecution for corruption in Romania near the time when Vice President Biden delivered speeches and met with Romanian leaders regarding corruption in Romania. Ex. A at 9–17.

100. Hunter Biden did not register as a foreign agent on behalf of any Romanian foreign principals.

101. The Federal Bureau of Investigation verified the authenticity of Hunter Biden’s laptop computer in November 2019 and a federal computer expert assessed “it was not manipulated in any way.” Ex. D at 12, 109.

102. On August 7, 2020, Assistant United States Attorney Lesley Wolf directed the Federal Bureau of Investigation to redraft a search warrant to focus

on evidence relating to the Foreign Agents Registration Act but stating that “[t]here should be nothing about Political Figure 1 [then-presidential candidate Biden] in here.” Ex. J. *See* Ex. I at 1.

103. A search warrant was conducted on Hunter Biden’s laptop related to the Foreign Agents Registration Act, and it was filtered by “relevance” searches using, *inter alia*, the following keywords: Blinken, Burisma, Hochstein, Kiev, Lieter, Painter, Poroshenko, Pozharskyi, Shokin, Tramontano, Ukraine, and Zlochevsky. Ex. T.

104. America First Legal Foundation is a national nonprofit legal foundation that advocates for “America First” policies to protect our sovereignty, economic security, and Constitutional order. To that end, it gathers official information, analyzing and disseminating it through reports, press releases, media, and communications with congressional oversight committees. *See, e.g.,* AMERICA FIRST LEGAL FOUNDATION, *America First Legal Releases More of Biden’s Vice Presidential Records Revealing Influence Peddling and Corruption Between the White House and Hunter’s Private Foreign Business Dealings* (May 3, 2023), <https://bit.ly/46w7MrF>; Letter from Reed D. Rubinstein, Senior Couns. and Dir. of Oversight and Investigations, to Matthew G. Olsen, Assistant Att’y Gen. for Nat’l Sec., U.S. Dep’t of Just. (Mar. 15, 2023), <https://bit.ly/3QnbgXu> (copying members of Congress). Foreign agent registration information helps America First Legal, and those with whom it communicates, evaluate the

policies and public opinion messaging of the Biden Administration, its allies, and foreign economic and political actors.

105. The Defendants have acknowledged that America First Legal actively gathers information of potential interest to the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience and granted it fee waivers with respect to multiple Freedom of Information Act requests.

106. The Defendants ask the public to “Report a Violation”: “If you believe an individual or entity is violating FARA or has an obligation to register, please contact the FARA Unit.” U.S. DEP’T OF JUSTICE, *FARA Enforcement* (updated Mar. 15, 2023), <https://bit.ly/3tzbAcR>.

107. On March 3, 2023, America First Legal filed a violation report regarding Mr. Biden. Letter from Gene Hamilton, Vice President and Gen. Counsel, to Matthew G. Olsen, Assistant Att’y Gen. for Nat’l Sec., U.S. Dep’t of Just. (Mar. 3, 2023), <https://bit.ly/46Ts8e1>.

108. Mr. Biden’s registration statement is information directly related both to America First Legal’s informed participation in the political process with respect to its advocacy of America First policies aimed at protecting our nation’s sovereignty, borders, economic security, and Constitution; and to its core public education mission of disclosing relevant information regarding the operation of the government and the integrity of public officials.

109. Mr. Biden has not filed a registration statement under the Foreign Agents Registration Act.

110. The Defendants have not requested Mr. Biden to file a registration statement under the Foreign Agents Registration Act.

Dated: October 17, 2023

Respectfully submitted,

/s/ Michael Ding

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**Application for Pro Hac Vice forthcoming*

JAMES COMER, KENTUCKY
CHAIRMAN

ONE HUNDRED EIGHTEENTH CONGRESS

JAMIE RASKIN, MARYLAND
RANKING MINORITY MEMBER

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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MEMORANDUM

TO: Committee on Oversight and Accountability Majority Members

FROM: Committee on Oversight and Accountability Majority Staff

DATE: May 10, 2023

RE: Second Bank Records Memorandum from the Oversight Committee's
Investigation into the Biden Family's Influence Peddling and Business Schemes

To inform Majority Members of developments in the Committee on Oversight and Accountability's (Committee) investigation of the President's role in his family members' and business associates' foreign and domestic business practices, Committee staff is providing this memorandum (Second Bank Records Memorandum). On March 16, 2023, the Committee issued its first memorandum related to bank records (First Bank Records Memorandum).¹

This Second Bank Records Memorandum expands on information the Committee recently received from subpoena returns and, additionally, serves as a response to misinformation spread by the President, Minority Members, and their allies regarding the contents of the First Bank Records Memorandum.

The Committee has subpoenaed four different banks and received thousands of records in response. The Committee's bank subpoenas were tailored to specific individuals and companies that engaged in business activities with Biden family members and their business associates.

Committee staff will continue to release memoranda to Majority Members as new information is uncovered.

¹ Memorandum (Mar. 16, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: New Evidence Resulting from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes.

Summary

- ***Lack of Transparency Regarding the Biden Family Business Deals:*** When President Biden ran as a presidential candidate, he assured the American people his family received no money from China. President Biden recently claimed the Committee’s bank records regarding his family’s receipt of funds from China are “not true.” The White House refuses to correct President Biden’s dishonest statements. The lack of transparency surrounding the Biden family’s foreign business deals raises serious national security concerns.
- ***The Committee has Reviewed Thousands of Bank Records:*** The Committee has obtained thousands of relevant bank records via subpoenas.
- ***The Complicated Network of Biden Family and Associates’ Companies:*** Biden family members and business associates created a web of over 20 companies—most were limited liability companies formed during Joe Biden’s vice presidency.
- ***The Biden Family Received Millions of Dollars from Foreign Sources:*** Bank records show the Biden family, their business associates, and their companies received over \$10 million from foreign nationals’ companies. The Committee has identified payments to Biden family members from foreign companies while Joe Biden served as Vice President and after he left public office.
- ***The Biden Family Used Business Associates’ Companies to Receive Foreign Funds:*** Despite creating many companies after Vice President Biden took office, the Biden family used business associates’ companies to receive millions of dollars from foreign companies.
- ***Attempts to Conceal Large Financial Transactions:*** After foreign companies sent money to business associates’ companies, the Biden family received incremental payments over time to different bank accounts. These complicated financial transactions appear to conceal the source of the funds and reduce the conspicuousness of the total amounts made into the Biden bank accounts.
- ***Chinese Nationals Hid the Source of the Money:*** Chinese nationals and companies with significant ties to Chinese intelligence and the Chinese Communist Party hid the source of the funds by layering domestic limited liability companies.
- ***The Number of Biden Family Members:*** As the Committee traces additional financial transactions, the Committee continues to identify new Biden family members who may have benefited financially from the foreign companies.

A. The Second Bank Records Memorandum—Biden Family Business Deals in Romania and China

- The Committee has uncovered evidence indicative of influence peddling and financial deception warranting further investigation and legislative solutions. The bank records and financial transactions are discussed in detail below in Sections E-G.
- Congressional investigations are rooted in the legislative process, and Congress may use its broad powers to achieve legitimate legislative aims. A federal district court recently explained the important role of Congressional subpoenas:

Congressional committees have constitutional authority to conduct investigations and issue subpoenas because “each House has power ‘to secure needed information’ in order to legislate.” *Trump v. Mazars USA, LLP*, 140 S. Ct. 2019, 2031 (2020) (quoting *McGrain v. Daugherty*, 273 U.S. 135, 161 (1927)); see *Eastland v. U.S. Servicemen’s Fund*, 421 U.S. 491, 504 (1975). This “power of inquiry—with process to enforce it—is an *essential* and *appropriate* auxiliary to the legislative function.” *McGrain*, 273 U.S. at 174 (emphasis added). “The power of the Congress to conduct investigations is inherent in the legislative process.” *Watkins v. United States*, 354 U.S. 178, 187 (1957).²

- Congress can conduct investigations to pass laws that will bring transparency to the American people, thwart public corruption, and reduce influence peddling. Indeed, the Committee is charged with the responsibility of rooting out waste, fraud, and abuse.
- Public corruption, influence peddling, federal ethics laws, financial disclosures, and national security matters are directly within the purview of the Committee’s oversight responsibilities. This memorandum highlights some of the legislative issues the Committee is deeply concerned about based on the information reviewed thus far.

² See *Alvin L. Bragg, Jr. v. Jim Jordan*, Committee on the Judiciary of the United States House of Representatives, and *Mark F. Pomerantz*, Case No. 1:23-cv-3032-MKV, Doc. 44 (SDNY Apr. 19, 2023).

B. Americans Deserve Legislative Solutions that Require Financial Transparency from Vice Presidents, Presidents, and their Families

- The Committee seeks to craft legislative solutions aimed at deficiencies it has identified in the current legal framework regarding ethics laws and disclosure of financial interests related to the immediate family members of Vice Presidents and Presidents—deficiencies that may place American national security and interests at risk. The Committee is concerned that foreign nationals, including individuals with ties to the Chinese Communist Party (CCP), have sought access and influence by engaging in lucrative business relationships with high-profile political figures' immediate family members, including members of the Biden family.
- The Committee is investigating the national security implications of a Vice President's or President's (and candidates for such offices) immediate family members receiving millions of dollars from foreign nationals, foreign companies, or foreign governments without any oversight. Current financial disclosure laws and regulations do not require non-dependent family members of senior elected officials to provide any information to the public. The Committee is seeking meaningful reforms to government ethics and disclosure laws that will provide necessary transparency into a Vice President's or President's immediate family members' income, assets, and financial relationships.
- The Committee intends to craft legislation that would strengthen reporting requirements related to certain foreign transactions involving senior elected officials' family members and that would implement robust financial disclosure requirements that shed light on ownership of opaque corporate entities. Moreover, in order to prevent financial transactions from being structured in a way to evade oversight, the Committee is examining whether certain reporting requirements, including any new reporting requirements for senior elected officials' family members, should extend for a period of time after a President or Vice President leaves office.
- The Committee also seeks to strengthen the Bank Secrecy Act and anti-money laundering laws by analyzing whether financial institutions have the available tools and support from federal agencies to thwart illegal money laundering and foreign corruption activity. The Committee is evaluating whether Suspicious Activity Reports generated by personal and corporate bank accounts associated with a Vice President's or President's immediate family members should undergo a more rigorous banking compliance process, receive an expedited review by law enforcement *without undue influence by political appointees*, and be disclosed to Congress, under certain circumstances, given potential political corruption and risks to our national security.
- The Committee aims to draft legislation that delivers more transparency to the American people, deters foreign interests from attempting to obtain influence over and access to the highest levels of the federal government by entering into business deals with presidential and vice-presidential family members, discourage such family members from capitalizing on their relatives' public service, and ensure the nation is safe from foreign adversaries.

C. President Biden's Misleading Statements about his Family's Foreign Business Dealings

- On October 22, 2020, President Biden (then a presidential nominee) stood before the American people at a televised presidential debate and answered a question about whether there was anything inappropriate or unethical about his son's business dealings in Ukraine or China. President Biden denied that his son or anybody else from his family received money from China and stated:

My son has not made money in terms of this thing about, what are you talking about, China. I have not had—The only guy who made money from China is this guy [Donald Trump]. He's the only one. Nobody else has made money from China.³

- The bank records refute President Biden's statement. To date, President Biden has continued to deny that his family received money from China—despite bank records proving otherwise. In 2017 alone, bank records show President Biden's family and their related companies received millions of dollars from Chinese foreign nationals' companies. This amount does not include payments from Ukraine, Kazakhstan, Mexico, Romania, Oman, or other foreign business deals the Committee is investigating; it also does not include any payments related to Hunter Biden's interest in BHR Partners or Jonathan Li.
- On March 16, 2023, the Committee issued the First Bank Records Memorandum.⁴ In response to a reporter's question regarding the over \$1 million paid to the Biden family from a Chinese company, President Biden claimed, "That's not true."⁵ On March 21, 2023, the Committee requested Press Secretary Karine Jean-Pierre either correct President Biden's false assertion or explain any inaccuracies in the Committee's evidence.⁶ Ms. Jean-Pierre and the White House have failed to do either.
- Because President Biden has denied the existence of the evidence, the Committee has included redacted copies of certain bank records in this Second Bank Records Memorandum. Federal district courts across the country routinely admit bank records as evidence in criminal and civil trials. Any claim these documents are unreliable is false, misleading, and contradicts the federal rules of evidence.

³ John McCormack, *Biden at Last Presidential Debate: 'My Son Has Not Made Money' from China*, Nat'l Review (Dec. 10, 2020) (emphasis added).

⁴ *Supra*, fn. 1.

⁵ Chris Pandolfo, *Biden denies \$1M in payments to family from Hunter associate, despite bank records: 'Not true'*, Fox News (Mar. 18, 2023).

⁶ Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Ms. Karine Jean-Pierre, White House Press Secretary (Mar. 21, 2023).

- Because President Biden is not required to file financial disclosures for immediate family members (other than a spouse or dependents), this gaping legislative hole has allowed President Biden to make misleading statements about the source of his family's income, act willfully blind about their finances notwithstanding potential conflicts of interest, and use federal government resources and personnel—including White House spokespersons—to conceal influence peddling.

D. The Complicated Corporate Network Under Investigation

- The Committee is investigating the opaque corporate structure of particular Biden-affiliated companies, those companies' complicated connections with each other, whether these companies maintained books and records, and why certain foreign nationals sought to partner with and engage in businesses with specific Biden family members and their companies.
- The Bidens and their business associates formed a series of companies in a relatively short amount of time; the overwhelming majority were created during Joe Biden's vice presidency. The Committee has identified over 20 companies affiliated with certain Biden family members and their business associates, formed mostly in Delaware and Washington, D.C. The services provided by some of these companies, the purpose for creating such a complicated corporate structure, and whether ethics/financial disclosure laws should require a public official to publicly disclose the identities of such companies remain under scrutiny by the Committee.
- After assuming the vice presidency in 2009, records reveal Hunter Biden and his business associates formed at least 15 companies.
- The chart on the following page shows some of the entities and their respective formation date the Committee is currently investigating:⁷

[PAGE INTENTIONALLY LEFT BLANK]

⁷ This does not include every company the Committee is investigating but provides an overview of some of the companies the Committee has identified.

<u>Name</u>	<u>Formation Date</u>
Lion Hall Group, LLC	5/26/1998
Owasco P.C.	1/19/2006
Robinson Walker, LLC	2/28/2008
Skaneateles, LLC	7/18/2008
Seneca Global Advisors, LLC	8/12/2008
Rosemont Seneca Partners, LLC	6/25/2009
Rosemont Seneca Principal Investments, LLC	7/29/2009
Rosemont Realty, LLC	2/12/2010
Rosemont Seneca Global Risk Services, LLC	10/4/2010
RSP Holdings, LLC	9/15/2011
Rosemont Seneca Technology Partners, LLC	10/19/2011
Rosemont Seneca Thornton, LLC	5/28/2013
Rosemont Seneca Advisors, LLC	7/2/2014
Rosemont Seneca Bohai, LLC	9/18/2014
JBB SR, INC.	9/3/2015
RSTP II Alpha Partners, LLC	12/17/2015
RSTP II Bravo Partners, LLC	12/17/2015
Owasco, LLC	12/21/2015
Hudson West III, LLC	4/19/2016
Hudson West V, LLC	5/27/2016
CEFC Infrastructure Investment (US), LLC	5/11/2017

E. Bank Records Prove Biden Family Members and their Business Associates Received Millions from Foreign Companies and Foreign Nationals

- As part of its investigation, the Committee is focusing on several entities that received funds from foreign companies. These include Owasco P.C.; Hudson West III, LLC; Robinson Walker, LLC; and Rosemont Seneca Bohai, LLC.
- The amount of money involved in these financial transactions is significant. The wires and money transfers range from approximately \$5,000 to at least \$3 million. Any services provided for these fees would likely have corresponding invoices, and the companies may also maintain books and records detailing the use of such funds. The parties should have contracts, agreements, or other communications setting forth the terms of the engagement and expectations of the parties. The Committee intends to obtain those materials—to the extent they exist—as part of its investigation.
- Many of the relevant wire transfers involve Owasco P.C., a professional corporation formed in Washington, D.C. Hunter Biden was the owner of Owasco P.C.⁸
- This Second Bank Records Memorandum focuses on two groups of transactions involving financial activity in Romania (Section F) and China (Section G). The transactions in Romania and China show related but separate issues identified by the Committee that raise serious questions about financial disclosures and risks to national security.
 - The Romanian transactions show evidence of influence peddling and a correlation between Biden family and their business associates' work and then Vice President Biden's responsibilities while in office.
 - The Committee is also providing additional information about the Biden family's troubling receipt of payments from China, particularly the individual Ye Jianming and his company, CEFC, to show what was from 2015 to 2018 a growing interest by people closely tied to the CCP in cultivating a relationship with the Biden family.

⁸ Owasco P.C. company profile, *available at* <https://opencorporates.com>.

F. The Committee is Releasing Redacted Bank Records Regarding the Biden Family's Presence in Romania

- The Committee is releasing a selection of bank records that shows the Biden family's receipt of money from a foreign company reportedly controlled by Gabriel Popoviciu, the subject of a criminal probe and prosecution for corruption in Romania.
- Then Vice President Biden delivered speeches and met with Romanian leaders in 2014 and 2015 regarding corruption in the country.
- The Committee is concerned about the Biden family's pattern of courting business in regions of the world in which the then Vice President had an outsize role and influenced U.S. policy.

1. Rob Walker, James Gilliar, and the Biden family's payment system

- Rob Walker and James Gilliar are recurring individuals in the transactions described in this Second Bank Records Memorandum. Their corporate entities—Robinson Walker, LLC, and European Energy and Infrastructure Group (EEIG), respectively—are also referenced throughout.
- Rob Walker established Robinson Walker, LLC, a limited liability company, in Delaware in 2008. As previously discussed in the Committee's First Bank Records Memorandum and in detail below, from 2015 through 2017, Biden family members and their companies received over \$2 million in payments through this account.⁹
- As explained in the First Bank Records Memorandum, Robinson Walker, LLC, was a vehicle used to receive foreign funds and send a percentage of the money to Biden family members.¹⁰ For example, the First Bank Records Memorandum explained how Robinson Walker, LLC received \$3 million from State Energy HK Limited (State Energy HK), a Chinese company, in March 2017. Over the course of approximately three months, Robinson Walker, LLC transferred approximately one third of that \$3 million payment to Biden family members.¹¹ Another third went to EEIG.

⁹ The Committee has further analyzed bank records since the First Bank Records Memorandum and identified additional payments to Biden family members that were not previously reported, bringing the total received from this account to over \$2 million.

¹⁰ *Supra*, fn. 1.

¹¹ *Id.*

- In 2017, James Gilliar was the president and managing partner of EEIG.¹² EEIG routinely partnered with Hunter Biden and Rob Walker in international business deals. Below is an example of an EEIG business proposal:¹³

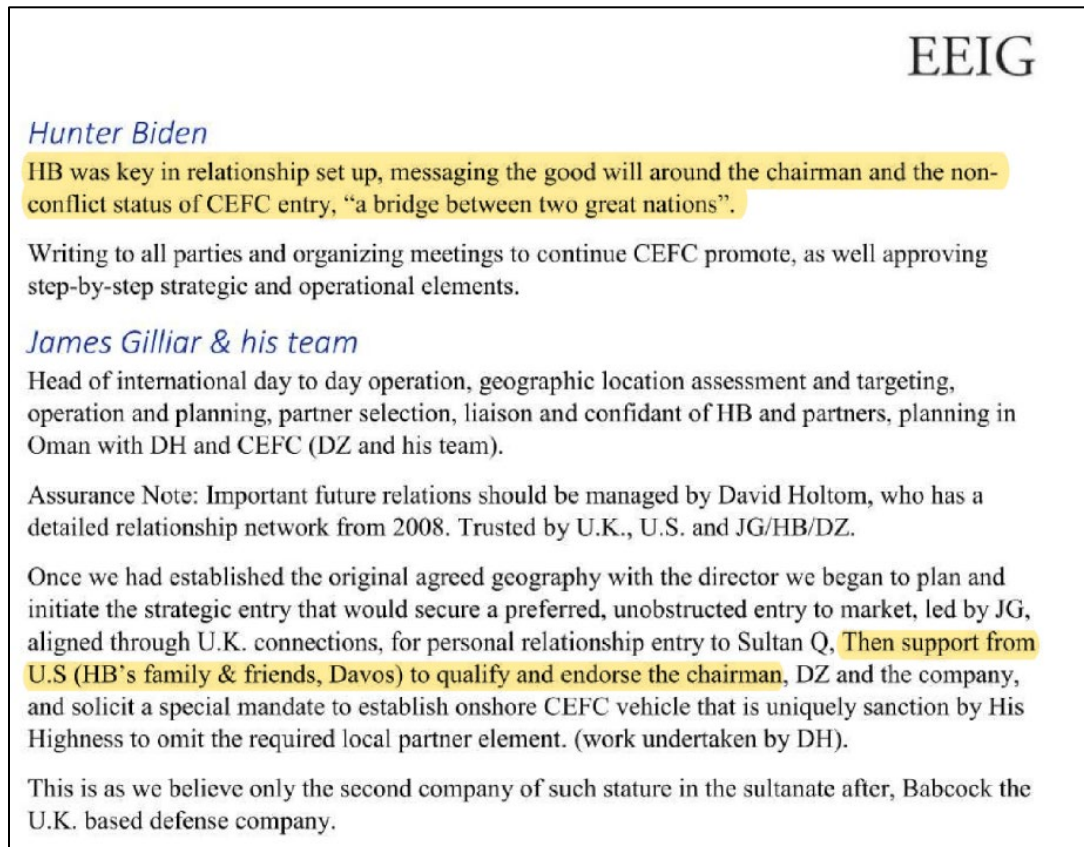


Figure 1: European Energy and Infrastructure Group (EEIG) description of Hunter Biden's role in the company.

- In addition to Biden, Walker, and Gilliar, there were additional recipients of foreign payments, that included James Biden, Hallie Biden, and other Bidens.
- For instance, the First Bank Records Memorandum showed Hallie Biden’s receipt of \$25,000 from Robinson Walker, LLC after it received the \$3 million from State Energy HK.
- Regarding the payments to Hallie Biden, several Democrats and their allies responded that this development had “no context,” and Robinson Walker, LLC had previously sent money

¹² Documents available from the *New York Times* at <https://int.nyt.com/data/documenttools/2017-05-14-23/61c2e2799e07f646/full.pdf> (see email from James Gilliar, Subject: Phase one countries, dated May 14, 2017).

¹³ *Id.* (emphasis added).

to her *before* Robinson Walker, LLC received the wire from State Energy HK.¹⁴ Additionally, Committee Democrats claimed that “information [the Committee] released about Hallie Biden was incorrect. Mr. Walker had transferred money to her the month before any funds were received from the Chinese company...[the Committee’s] memorandum said that Ms. Biden received the money about three weeks after the Chinese firm had wired funds to Mr. Walker.”¹⁵

- These statements are misleading. Hallie Biden received two transfers of money from Robinson Walker, LLC. In its First Bank Records Memorandum, the Committee explained the source of funds for the second payment to Hallie Biden (the Chinese company, State Energy HK); this Second Bank Records Memorandum will describe the source of funds related to the first payment.
- Prior to the wire from State Energy HK, Rob Walker, James Gilliar, Hunter Biden, and Hallie Biden received payments from a Romanian source, and many of the payments were made while Joe Biden was Vice President and working directly on the United States’ official policy in Romania.

2. Robinson Walker, LLC received \$3 million from Romanian Gabriel Popoviciu’s Cypriot company and then made payments to the Biden family

- On May 21, 2014, then Vice President Biden visited Romania and delivered a speech addressed to the Romanian Prime Minister, judges, prosecutors, and leaders of the parliament.¹⁶ During his speech, Vice President Biden stated the following:

Corruption is a cancer, a cancer that eats away at a citizen’s faith in democracy, diminishes the instinct for innovation and creativity; already-tight national budgets, crowding out important national investments. It wastes the talent of entire generations. It scares away investments and jobs. And most importantly it denies the people their dignity. It saps the collective strength and resolve of a nation. Corruption is just another form of tyranny.

¹⁴ See, e.g., House GOP: Money from China went to 4 Biden family members (Fox News senior political analyst Juan Williams: “What we have is a check to a widow from someone who was paid by the Chinese with no context. We don’t know what this money was for. In fact, the same person had sent checks to her before there was any payment from the Chinese.”), *available at* <https://www.foxnews.com/video/6322697296112> (Note: Mr. Williams is mistaken in that the transfers of funds were via checks. The money was transmitted to Hallie Biden through wire transfers directly from Robinson Walker, LLC, which received money wired directly from a Chinese company, State Energy HK.).

¹⁵ Luke Broadwater, *House G.O.P. Hunts for Evidence That Biden Family Deals Were Improper*, N.Y. Times (Mar. 16, 2023).

¹⁶ Remarks by Vice President Joe Biden to Romanian Civil Society Groups and Students (Cotroceni Palace, Bucharest, Romania), The White House – Office of the Vice President (May 21, 2014), *available at* <https://obamawhitehouse.archives.gov/the-press-office/2014/05/21/remarks-vice-president-joe-Biden-romanian-civil-society-groups-and-stude>.

*And corruption can represent a clear and present danger not only to a nation's economy, but to its very national security.*¹⁷

- The Committee strongly agrees that corruption poses a national security risk. At the time of Vice President Biden's speech, one of the most high-profile corruption prosecutions in Romania revolved around Gabriel Popoviciu.¹⁸ Romanian prosecutors charged and convicted Mr. Popoviciu with a bribery related offense, and there has been subsequent litigation in the United Kingdom related to this matter.¹⁹
- On September 28, 2015, Vice President Biden welcomed Romanian President Klaus Iohannis to the White House.²⁰ A readout of the meeting stated, the "Vice President welcomed President Iohannis' focus on anti-corruption efforts and rule of law as a means to strengthen national security and promote greater investment and economic growth."²¹ President Iohannis said the Vice President "voiced satisfaction over Romania's progress with the fight against corruption."²²
- Within five weeks of this meeting, Bladon Enterprises Limited (Bladon Enterprises) began making deposits into Robinson Walker, LLC's bank account. Bladon Enterprises is reported to be Gabriel Popoviciu's Cypriot company that he used to conduct business in Romania.²³
- From November 2015 to May 2017, Bladon Enterprises paid Robinson Walker, LLC over \$3 million.
- Biden family accounts received approximately \$1.038 million from the Robinson Walker, LLC account after Bladon Enterprises deposits. Sixteen of the seventeen payments from Bladon Enterprises to Robinson Walker, LLC were made while Joe Biden was Vice President.

¹⁷ *Id.* (emphasis added).

¹⁸ Laura Strickler & Rich Schapiro, *Hunter Biden's legal work in Romania raises new questions about his overseas dealings*, NBC News (Oct. 24, 2019).

¹⁹ *Id.*

²⁰ The White House, Office of the Vice President, Readout of the Vice President's Meeting with Romanian President Klaus Iohannis (Sept. 28, 2015); U.S. Vice President Biden Receives President Iohannis, Voices Satisfaction over Romania's Fight against Corruption, Nine O'Clock (Sept. 29, 2015), <https://www.nineoclock.ro/2015/09/29/u-s-vice-president-biden-receives-president-iohannis-voices-satisfaction-over-romania-fight-against-corruption/>.

²¹ *Id.*

²² *Id.*

²³ *Romanian investor develops large residential complex in office area* (Oct. 6, 2016), available at <https://www.romania-insider.com/romanian-investor-develops-large-residential-complex-office-area>.

- The recipients of the money after the Bladon Enterprises deposits included EEIG (James Gilliar), Hunter Biden, Hallie Biden, Owasco P.C., RSTP²⁴ II, LLC, and an unknown Biden bank account. The Committee continues to investigate why Hallie Biden, a reported school counselor,²⁵ would receive any payments after the Bladon Enterprises deposit was made into the Robinson Walker, LLC bank account.
- As reported by *NBC News*, “Hunter Biden’s work for Popoviciu in 2016 went unreported at the time, but Joe Biden’s involvement in Romania was very much public. The vice president was among the leading voices pushing the government to crack down on corruption.”²⁶
- According to the *New York Times*, Hunter Biden’s attorney, George Mesires, “acknowledged that Hunter Biden referred Mr. Popoviciu to both Boies Schiller Flexner, the law firm where Hunter Biden worked at the time, and Mr. [Louis] Freeh’s firm, Freeh Group International Solutions.”²⁷ To be clear, the \$3 million in payments to Robinson Walker, LLC was not from Boies Schiller Flexner or Freeh Group International Solutions—the money was wired directly from Bladon Enterprises.
- The Committee is investigating why the Bidens used Robinson Walker, LLC to receive money from what a news report has described as “a side pocket agreement directly with Popoviciu”²⁸ After certain Bladon Enterprises deposits were made, the Biden bank accounts received over \$1 million in payments via Robinson Walker, LLC. It appears from bank records the Bidens were using Robinson Walker, LLC to conceal that the source of these payments was Popoviciu.
- The Committee is further concerned that while Vice President Biden advocated publicly for anti-corruption policies in Romania, bank records show Biden family members and business associates were simultaneously reaping in significant amounts of money from a Romanian individual at the center of a Romanian corruption scandal. This illustrates the need for more robust financial disclosures regarding a president’s or vice president’s immediate family members who receive money from foreign companies and foreign nationals.
- The Committee is investigating Hunter Biden and his business associates’ engagement with U.S. government officials on behalf of Popoviciu.

²⁴ Rosemont Seneca Technology Partners. “Rosemont Seneca” is a recurring naming convention for Hunter Biden affiliated entities, and a few examples the Committee has discovered connected—directly or indirectly—to Hunter Biden include Rosemont Seneca Advisors, Rosemont Seneca Partners, Rosemont Seneca Bohai, Rosemont Seneca Thornton, and Rosemont Seneca Realty.

²⁵ Margie Fishman & Nicole Gaudiano, *Report: Joe Biden’s son, widowed daughter-in-law in love*, *The News Journal* (Mar. 2, 2017).

²⁶ Laura Strickler & Rich Schapiro, *Hunter Biden’s legal work in Romania raises new questions about his overseas dealings*, *NBC News* (Oct. 24, 2019).

²⁷ Kenneth P. Vogel, *Giuliani is Drawing Attention to Hunter Biden’s Work in Romania. But There’s a Problem*, *N.Y. Times* (Oct. 25, 2019).

²⁸ John Levine, *Hunter Biden met with dad immediately after Romanian business meetings*, *N.Y. Post* (Aug. 13, 2022).

3. Summary of Romanian transactions

- Below are three examples regarding the Romanian transactions. In the first transaction, Walker transferred money from his business account to his personal account and then paid Hunter Biden in what appears to be an effort to conceal the source of the payment, which was Popoviciu's company. In the second transaction, Hunter Biden received the money to a bank account that was not his professional corporation, Owasco P.C., despite allegedly performing professional services. In the third transaction, it shows a wire where Hallie Biden received \$10,000 after the deposit from Bladon Enterprises. Finally, we provide a chart showing all the financial transactions among Bladon Enterprises, EEIG, and the Biden family.

Romanian Financial Transaction #1

- On November 5, 2015, Bladon Enterprises wired \$179,836.86 into the Robinson Walker, LLC bank account:

THE FOLLOWING WIRE WAS CREDITED TODAY:		USD AMOUNT \$179,836.86
FX AMOUNT: EUR 168749.99	FX RATE: 1.06570000000	FX VALUE DATE: 11/05/15
TRANSACTION REF:	[REDACTED]	SERVICE REF: [REDACTED]
SENDER'S REF:	[REDACTED]	
ORIGINATOR:	BLADON ENTERPRISES LIMITED	ID: [REDACTED]
ORIGINATOR'S BANK:	[REDACTED]	ID: [REDACTED]
INSTRUCTING BANK:	[REDACTED]	ID: [REDACTED]
SENDING BANK:	[REDACTED]	ID: [REDACTED]
BENEFICIARY:	ROBINSON WALKER, LLC	ID: [REDACTED]

- The next day, Walker transferred \$59,900 to his personal account. Then, Walker wired \$59,900 (approximately one-third of the total amount) on November 9, 2015 to Robert (Hunter) Biden:

11/09/15	WIRE TYPE: WIRE OUT DATE: 151109 TIME: C504 ET	[REDACTED]	-59,900.00
	BNF: ROBERT BIDEN	BNF [REDACTED]	
	[REDACTED]	Employee compensation	

- Separately, on November 18, 2015, Robinson Walker, LLC—using the business account—wired \$59,900 to EEIG. A chart of the money flow is below:

Date	Originating Account	Beneficiary Account	Amount
11/5/2015	Bladon Enterprises	Robinson Walker, LLC	\$179,836.86
11/6/2015	Robinson Walker, LLC	John R. Walker Account	\$59,900
11/9/2015	John R. Walker Account	Robert Biden	\$59,900
11/18/2015	Robinson Walker, LLC	European Energy and Infrastructure	\$59,900

Romanian Financial Transaction #2

- On December 4, 2015, Bladon Enterprises wired \$179,310.02 into the Robinson Walker, LLC account.
- On December 7, 2015, the Robinson Walker, LLC account sent two wires: one to EEIG and a second to Robert (Hunter) Biden for \$59,725 each (approximately one-third of the total amount). The wire transactions are provided below:

ROBINSON WALKER LLC		DATE: 12/07/15	
[REDACTED]		[REDACTED]	
THE FOLLOWING WIRE WAS DEBITED TODAY:		USD AMOUNT \$59,725.00	
TRANSACTION REF:	[REDACTED]	SERVICE REF:	[REDACTED]
RELATED REF:	[REDACTED]	ID:	[REDACTED]
INSTRUCTING BANK:	[REDACTED]	ID:	[REDACTED]
BENEFICIARY:	EUROPEAN ENERGY AND INFRASTRUCTURE	ID:	[REDACTED]
BENEFICIARY'S BANK:	[REDACTED]		
PAYMENT DETAIL:	Services		
THE FOLLOWING WIRE WAS DEBITED TODAY:		USD AMOUNT \$59,725.00	
TRANSACTION REF:	[REDACTED]	[REDACTED]	
RELATED REF:	[REDACTED]	[REDACTED]	
INSTRUCTING BANK:	[REDACTED]	[REDACTED]	
BENEFICIARY:	ROBERT BIDEN	[REDACTED]	
BENEFICIARY'S BANK:	[REDACTED]	[REDACTED]	

- A chart showing the money flow is provided below:

Date	Originating Account	Beneficiary Account	Amount
12/4/2015	Bladon Enterprises	Robinson Walker, LLC	\$179,310.02
12/7/2015	Robinson Walker, LLC	European Energy and Infrastructure	\$59,725
12/7/2015	Robinson Walker, LLC	Robert Biden	\$59,725

Romanian Financial Transaction #3

- On January 12, 2017, Bladon Enterprises wired \$172,901.24 into the Robinson Walker, LLC account:

THE FOLLOWING WIRE WAS CREDITED TODAY:		USD AMOUNT \$172,901.24
FX AMOUNT: EUR 168749.99	FX RATE: 1.0246000000	FX VALUE DATE: 01/12/17
TRANSACTION REF: [REDACTED]		
SENDER'S REF: [REDACTED]		
ORIGINATOR:	BLADON ENTERPRISES LIMITED	[REDACTED]
ORIGINATOR'S BANK:	[REDACTED]	[REDACTED]
INSTRUCTING BANK:	[REDACTED]	[REDACTED]
BENEFICIARY:	ROBINSON WALKER, LLC	[REDACTED]

- After the deposit, Robinson Walker, LLC sent a wire to EEIG (James Gilliar) in the amount of \$57,603.74.
- From February 2, 2017 to February 27, 2017, Robinson Walker, LLC sent five wires to Biden related accounts totaling approximately \$84,000. The accounts receiving the money included Hallie Biden, Robert (Hunter) Biden, and an unknown "Biden" account. This is the source of the first payment to Hallie Biden previously undisclosed.
- Below is the wire from Robinson Walker, LLC to Hallie Biden for \$10,000:

ROBINSON WALKER LLC	DATE: 02/13/17
[REDACTED]	[REDACTED]
THE FOLLOWING WIRE WAS DEBITED TODAY:	
TRANSACTION REF:	[REDACTED]
RELATED REF:	[REDACTED]
INSTRUCTING BANK:	[REDACTED]
BENEFICIARY:	HALLIE BIDEN
BENEFICIARY'S BANK:	[REDACTED]
	USD AMOUNT \$10,000.00

- The comprehensive chart showing the money flow is provided below:

Date	Originating Account	Beneficiary Account	Amount
11/5/2015	Bladon Enterprises Limited	Robinson Walker, LLC	\$179,836.86
11/9/2015	Robinson J. Walker	Robert Biden	\$59,900
11/18/2015	Robinson Walker, LLC	EEIG	\$59,900
12/4/2015	Bladon Enterprises Limited	Robinson Walker, LLC	\$179,310.02
12/7/2015	Robinson Walker, LLC	Robert Biden	\$59,725
12/7/2015	Robinson Walker, LLC	EEIG	\$59,725
12/23/2015	Bladon Enterprises Limited	Robinson Walker, LLC	\$180,393.74
12/23/2015	Robinson Walker, LLC	Robert Biden	\$60,091.24
12/23/2015	Robinson Walker, LLC	EEIG	\$60,091.24
2/3/2016	Bladon Enterprises Limited	Robinson Walker, LLC	\$180,781.86
2/3/2016	Robinson Walker, LLC	EEIG	\$60,220.28

2/12/2016	Robinson Walker, LLC	Owasco P.C.	\$60,220.28
2/18/2016	Bladon Enterprises Limited	Robinson Walker, LLC	\$183,498.74
2/24/2016	Robinson Walker, LLC	Owasco P.C.	\$61,126.24
2/24/2016	Robinson Walker, LLC	EEIG	\$61,126.24
3/22/2016	Bladon Enterprises Limited	Robinson Walker, LLC	\$185,568.16
3/24/2016	Robinson Walker, LLC	Owasco P.C.	\$61,816.05
3/24/2016	Robinson Walker, LLC	EEIG	\$61,816.05
5/19/2016	Bladon Enterprises Limited	Robinson Walker, LLC	\$186,329.14
5/23/2016	Bladon Enterprises Limited	Robinson Walker, LLC	\$185,283.20
5/23/2016	Robinson Walker, LLC	Owasco P.C.	\$123,830.80
5/23/2016	Robinson Walker, LLC	EEIG	\$123,830.80
7/7/2016	Bladon Enterprises Limited	Robinson Walker, LLC	\$183,021.04
7/8/2016	Bladon Enterprises Limited	Robinson Walker, LLC	\$182,801.76
7/11/2016	Robinson Walker, LLC	Owasco P.C.	\$116,860.93
7/11/2016	Robinson Walker, LLC	EEIG	\$121,860.93
8/10/2016	Bladon Enterprises Limited	Robinson Walker, LLC	\$183,718.11
8/15/2016	Robinson Walker, LLC	Owasco P.C.	\$53,419.74
8/15/2016	Robinson Walker, LLC	EEIG	\$61,199.37
8/31/2016	Robinson Walker, LLC	Robert Biden	\$20,000
9/15/2016	Bladon Enterprises Limited	Robinson Walker, LLC	\$185,844.36
9/22/2016	Robinson Walker, LLC	Owasco P.C.	\$32,092.81
9/22/2016	Robinson Walker, LLC	EEIG	\$61,908.12
9/29/2016	Bladon Enterprises Limited	Robinson Walker, LLC	\$185,034.36
9/29/2016	Robinson Walker, LLC	Biden	\$20,000
10/11/2016	Robinson Walker, LLC	Owasco P.C.	\$41,638.12
10/11/2016	Robinson Walker, LLC	EEIG	\$61,638.12
11/4/2016	Bladon Enterprises Limited	Robinson Walker, LLC	\$183,329.99
11/15/2016	Robinson Walker, LLC	Robert Biden	\$122,179
12/8/2016	Bladon Enterprises Limited	Robinson Walker, LLC	\$178,334.99
12/9/2016	Robinson Walker, LLC	EEIG	\$118,849.99
1/12/2017	Bladon Enterprises Limited	Robinson Walker, LLC	\$172,901.24
1/17/2017	Robinson Walker, LLC	EEIG	\$57,603.74
2/2/2017	Robinson Walker, LLC	Biden	\$20,000
2/10/2017	Robinson Walker, LLC	Biden	\$20,000
2/13/2017	Robinson Walker, LLC	Hallie Biden	\$10,000
2/16/2017	Robinson Walker, LLC	Biden	\$20,000
2/27/2017	Robinson Walker, LLC	Robert Biden	\$14,000
5/26/2017	Bladon Enterprises Limited	Robinson Walker, LLC	\$185,270.61
5/31/2017	Robinson Walker, LLC	EEIG	\$61,726.87
6/2/2017	Robinson Walker, LLC	Owasco P.C.	\$61,726.87

➤ In total, Biden bank accounts received approximately \$1,038,627.08.

G. The Committee is Releasing Bank Records to Provide an Update on the Biden Family's Deals in China

- The Committee's First Bank Records Memorandum included a summary of payments to the Biden family from Robinson Walker, LLC after that entity received \$3 million from a Chinese entity, State Energy HK, in March 2017.
- The Committee is releasing additional information about State Energy HK in this Second Bank Records Memorandum.
- Additionally, the Committee is providing information regarding two individuals—Ye Jianming and Gongwen Dong—as context for the Committee's concerns about this particular Chinese business venture's potential threats to American national security.
- The Bidens' dealings with Chinese nationals and historically corrupt corporate entities are of concern to the Committee. The Committee recognizes there exist legitimate commercial transactions with China-based entities and individuals. However, the pattern of behavior engaged in by the Bidens and their Chinese counterparties—memorialized in relevant bank records—signals an attempt to layer companies and cloud the source of money. Furthermore, the purported services provided by Hunter Biden are inconsistent with the bank records.²⁹
- In some instances, Biden associates would receive significant deposits from foreign sources into their bank accounts and then transfer smaller, incremental payments to Biden bank accounts. These complicated and seemingly unnecessary financial transactions appear to be a concerted effort to conceal the source and total amount received from the foreign companies.

²⁹ In response to the information released in the First Bank Records Memorandum, a spokesperson for Hunter Biden released a statement. The statement in part was: "Hunter Biden, a private citizen with every right to pursue his own business endeavors, joined several business partners in seeking a joint venture with a privately owned legitimate energy company in China. As part of that joint venture, **Hunter received his portion of good faith seed funds** which he **shared with his uncle, James Biden, and Hallie Biden**, with whom he was involved with at the time, and sharing expenses." See Brooke Singman, *Comer demands Biden correct his 'dishonest' denial that family got \$1M from Hunter's China deal*, Foxnews.com (Mar. 21, 2023) (emphasis added).

There are several problems with this statement. First, the payments that State Energy HK sent to the Biden family through Robinson Walker, LLC do not appear to constitute "good faith seed funds" because they were 1) sent to a third party (Robinson Walker, LLC) instead of one of Hunter Biden's companies for no explicable legitimate reason, 2) sent to various Biden accounts in smaller increments to reduce the amount of each wire over the course of several months for no explicable legitimate reason, and 3) nearly the identical total amount previously sent to James Gilliar's EEIG, for which there is no indication it was used as "good faith seed funds."

Secondly, Hunter Biden did not "share[]" his proceeds with James Biden or Hallie Biden or any other Biden based on the bank records. James Biden's company, Hallie Biden, and the unknown Biden account were sent money directly from Robinson Walker, LLC.

- Given the millions of dollars in financial transactions involving the Biden family, it is not credible that:
 - (1) then former Vice President Biden did not know that multiple Biden family members were committing a significant amount of their time toward and receiving millions of dollars from foreign companies in China and elsewhere;
 - (2) wealthy and politically connected Chinese nationals—with ties to the Chinese government—approached the Biden family to do legitimate work because of those family members’ expertise in complex energy deals in China and elsewhere, especially given Hunter Biden’s ongoing addictions; or
 - (3) the same Chinese nationals, whose agent was arrested and convicted in the United States for bribery of foreign leaders, money laundering, and fraud, did not intend the same corrupt objectives with the Bidens and their companies.
- Despite the obvious red flags, Biden family members engaged in business with and profited from certain Chinese companies and nationals, raising significant national security concerns.

1. The Biden Chinese business partners and their connection to the Chinese Communist Party

- This Second Bank Records Memorandum will introduce two individuals connected to CEFC—a Chinese energy company—with whom the Biden family had a business relationship: Ye Jianming and Gongwen Dong.
 - a. Ye Jianming**
 - In December 2015, Vuk Jeremic—a former Serbian politician and United Nations official—attempted to introduce Ye Jianming and CEFC to Hunter Biden and his business associates.³⁰ Although it does not appear the meeting took place on that date, Hunter Biden and others would later develop a lucrative business relationship with Ye and CEFC. By 2017, Hunter Biden forged a partnership with Ye and planned to share office space with him and then former-Vice President Biden at the House of Sweden in Washington, D.C.³¹
 - From 2003 to 2005, Ye reportedly was the deputy secretary-general of the China Association for International Friendly Contact (CAIFC), “an international outreach arm for the PLA [People’s Liberation Army],”³² and “a platform for deploying undercover intelligence

³⁰ Email from Vuk Jeremic to Eric Schwerin with the subject “Dinner in DC” dated December 1, 2015.

³¹ Email from Hunter Biden to House of Sweden representatives with the subject line “507” dated September 21, 2017.

³² *All hail Chairman Ye: The man behind China’s CEFC*, Financial Times (Sep. 15, 2017).

gatherers.”³³ CAIFC is “a front organization for the former General Political Department, [and] performs dual roles of intelligence collection conducting propaganda and perception management campaigns.”³⁴

- By the mid-2010s, Ye ran a Chinese business empire worth an estimated \$44 billion and was using his company, CEFC China (CEFC), to implement China’s Belt and Road Initiative.³⁵ Ye founded CEFC and emerged as “a mysterious Chinese tycoon with big political ambitions.”³⁶
- Ye appeared as China’s “unofficial energy envoy” with a global reach.³⁷ According to CNN, Ye traveled the globe to promote his company which “aligned itself closely with the Chinese government that it was often hard to distinguish between the two.”³⁸ According to the *Washington Post*, Vuk Jeremic described Ye as “young and dynamic, with the top-level connections in his country.”³⁹
- In a speech delivered to CEFC, Ye said, “CEFC China’s vision is very simple, which is to obtain overseas resources and serve the national strategy.”⁴⁰

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³³ U.S.-China Economic and Security Review Commission, Alexander Bowe (Staff Research Report), *China’s Overseas United Front Work: Background and Implications for the United States*, Aug. 24, 2018, available at https://www.uscc.gov/sites/default/files/Research/China%27s%20Overseas%20United%20Front%20Work%20-%20Background%20and%20Implications%20for%20US_final_0.pdf.

³⁴ *Id.*

³⁵ Jenni Marsh, *The rise and fall of a Belt and Road billionaire*, CNN (Dec. 2018).

³⁶ David Barboza, Marc Santora & Alexandra Stevenson, *China Seeks Influence in Europe, One Business Deal at a Time*, N.Y. Times (Aug. 12, 2018).

³⁷ *Supra*, fn. 35.

³⁸ *Id.*

³⁹ Matt Viser, Tom Hamburger & Craig Timberg, *Inside Hunter Biden’s multimillion-dollar deals with a Chinese energy company*, Wash. Post (Mar. 30, 2022).

⁴⁰ This statement was originally in Chinese and translated for purposes of this memorandum. Accessed using the Internet Archive Wayback Machine archived from June 30, 2017, available at <https://web.archive.org/web/20170630233131/http://www.cefc.co/detail/zxjh/2380?lang=cn> (accessed Apr. 27, 2023).

- According to the *Financial Times*, “When Chinese president Xi Jinping welcomed Czech president Milos Zeman to the Great Hall of the People in Beijing in mid-September 2015, he was flanked by a slim, clean-cut businessman named Ye Jianming.”⁴¹

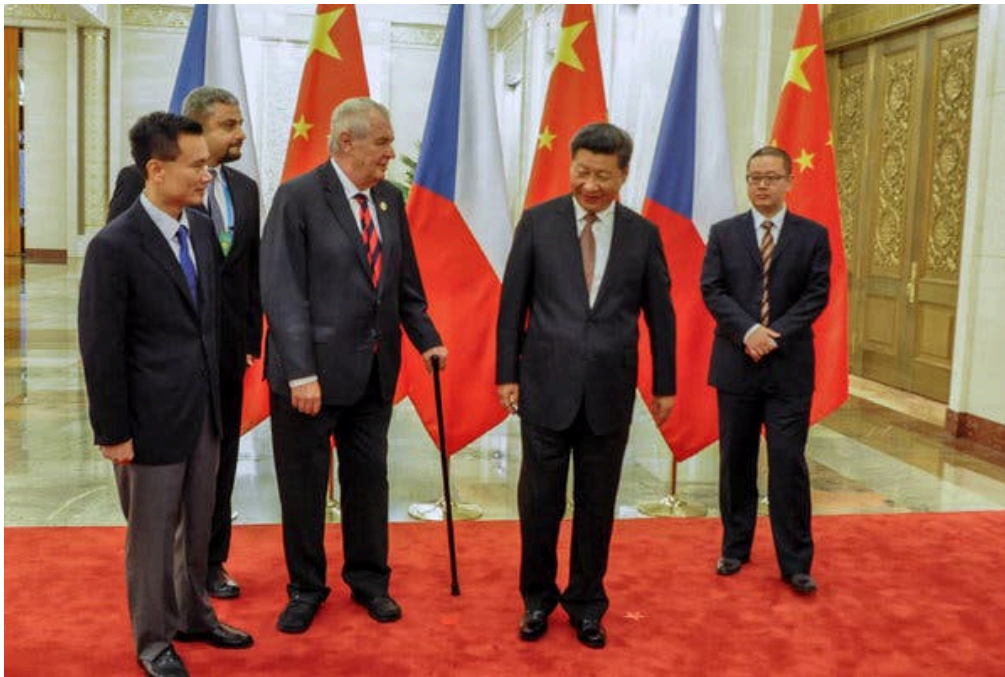


Figure 2: Mr. Ye, left, with Mr. Zeman (former President of the Czech Republic), third from left, and President Xi Jinping of China, second from right, in Beijing in 2015. Credit...Lucie Mikolaskova/CTK, via Associated Press

- Ye used CEFC to bribe and corruptly influence foreign officials. One of Ye’s agents in the United States and abroad—Patrick Ho—was convicted of international bribery and money laundering offenses because of his work for CEFC in Africa. The U.S. Department of Justice referenced part of Ye’s role in a bribery scheme related to Ho:

Ho also advised his boss, Ye Jianming, the then-chairman of CEFC China, to provide \$500,000 in cash to [President of Uganda Yoweri] Museveni, ostensibly as a campaign donation, even though Museveni, had already been reelected. Ho intended these payments to influence [Ugandan Minister of Foreign Affairs Sam] Kutesa and Museveni to use their official power to steer business advantages to CEFC China.⁴²

⁴¹ *Supra*, fn. 32.

⁴² U.S. Dep’t of Justice, *Patrick Ho, Former Head Of Organization Backed By Chinese Energy Conglomerate, Sentenced To 3 Years In Prison For International Bribery And Money Laundering Offenses*, U.S. Attorney’s Office (Southern District of New York), Mar. 25, 2019.

- Ye was detained by Chinese authorities in 2018, and it was initially reported by Chinese media that his “detention in China was ordered directly by the Chinese president, Xi Jinping.”⁴³ His current whereabouts are unknown.
- The Committee is investigating the corrupt conduct of Ye—and others with ties to the CCP—who used CEFC and Chinese companies to entice Biden family members with millions of dollars in exchange for influence and legitimacy in the United States and abroad.

b. Gongwen “Kevin” Dong

- According to an email verified by the *Washington Post* and Hunter Biden, Gongwen Dong served as “Chairman Ye[’s] CEFC emissary” in the United States.⁴⁴
- Dong was closely associated with CEFC’s activities in the United States, and many of the entities the Committee is investigating are registered by Dong but they—and the transactions they effected—are to the benefit of Ye Jianming.⁴⁵
- Many of the entities Dong used to Ye’s benefit in the U.S. were named with a variation of the phrase “Hudson West,” but other entities included FRLV Investments, LLC and CEFC Infrastructure Investment (US) (CEFC Infrastructure). Dong formed a number of LLCs in Delaware, and the Committee finds the layering of these companies deeply concerning.
 - On April 26, 2023, the Committee’s Subcommittee on Health Care and Financial Services held a hearing on the tactics Chinese nationals use to launder money into the United States.⁴⁶
 - During that hearing, Representative Gosar (R-Ariz.) questioned a witness on the issue of suspicious corporate activity and possible illicit activity such activity indicates:

Mr. Gosar. [I]n your experience investigating money laundering from China, would you consider another situation where the rapid creation of several corporations or LLCs, for example, with no discernible legitimate

⁴³ Eric Ng & Xie Yu, *China detains CEFC’s founder Ye Jianming, wiping out US\$153 million in value off stocks*, S. China Morning Post (Mar. 1, 2018). Accessed using the Internet Archive Wayback Machine archived from March 1, 2018, available at

<https://web.archive.org/web/20180301105430/https://www.scmp.com/business/companies/article/2135238/china-detain-cefc-founder-ye-jianming-stocks> (accessed Apr. 27, 2023).

⁴⁴ *Supra*, fn. 39.

⁴⁵ See, e.g., Katherine Clarke, *A Top Chinese Oilman Vanishes, and a Manhattan Buying Binge Ends*, Wall St. J. (Oct. 25, 2018) (“Both of the transactions were executed in the names of limited liability companies that are registered at a Long Island home of Asian financier Gongwen Dong. Mr. Ye’s name doesn’t appear on the business registration document, but the people familiar with the transactions describe him as controlling the companies.”).

⁴⁶ “China in our Backyard: How Chinese Money Laundering Organizations Enrich the Cartels.” Subcomm. on Health Care and Financial Services (Wednesday, April 26, 2023) Room 2247, Rayburn House Office Building.

business indicative of a potential money laundering scheme?

Witness. To answer your question based on the details that you told me, a number of LLCs created with – with no background to it that would legitimize why it was created is customarily used to launder funds, especially if there’s numerous ones created and you don’t know who the beneficial owners are.

Mr. Gosar. So what does it signal to you when there are multiple LLCs layered on top of each other with no unique or distinguishable services attributed to them?

Witness. The end of your question, what should be? I would view it as a potential money laundering set-up to –

Mr. Gosar. That is where I am going.⁴⁷

- Dong made headlines in 2017, when he purchased a \$50.55 million home at 15 Central Park West in New York City, and then an apartment at 432 Park Avenue for approximately \$33 million.⁴⁸ Bank records indicate Ye Jianming transferred over \$130 million to entities controlled by Dong from June through August 2017 alone (as shown below):

Date	Originating Account	Beneficiary Account	Amount
6/6/2017	Ye Jianming	Hudson West V, LLC	\$24,666,666.33
8/15/2017	Ye Jianming	FRLV Investments, LLC	\$50,000,000
8/15/2017	Ye Jianming	FRLV Investments, LLC	\$60,000,000

- In August 2017 (approximately two months after the first wire above), Dong (through Hudson West V) and Hunter Biden (through Owasco P.C.) established a company—Hudson West III, LLC.⁴⁹ Dong and Biden were each 50 percent owners of Hudson West III.⁵⁰ Bank

⁴⁷ *Id.*

⁴⁸ *Supra*, fn. 45.

⁴⁹ Amended and Restated Limited Liability Company Agreement of Hudson West III, LLC between Hudson West V, LLC and Owasco P.C. (Aug. 2, 2017). Executed by Dong Gongwen, President, and R. Hunter Biden, Co-Chairman (See Schedule I, showing Hudson West V, LLC as 50 percent equity holder and Owasco P.C. as 50 percent equity holder). *available at* <https://www.grassley.senate.gov/imo/media/doc/2.%20Hudson%20West%20III%20LLC%20Agreement.pdf>.

⁵⁰ *Id.*

records show between August 2017 and October 2018, Hudson West III sent over \$4 million to Hunter Biden related companies and over \$75,000 to James Biden related companies.⁵¹

- When Ye Jianming was apprehended by Chinese authorities in 2018, according to an email verified by the *Washington Post*, Hunter Biden knew his financial relationship with CEFC was problematic and attempted to distance himself from the Chinese associates and CEFC: “I am not in a [joint venture] with CEFC. I am not partners with CEFC. I am not employed **nor funded by CEFC**.”⁵² This statement was false. As discussed further below, the Committee has obtained a \$100,000 wire directly from one of CEFC’s subsidiaries to Hunter Biden’s professional corporation in August 2017. As the Committee shows, Hunter Biden (and other Biden family members) were in fact “funded” by CEFC (and other foreign sources).

2. Hunter Biden’s personal entity received \$100,000, funded by Shanghai Huaxin Group (Hong Kong) Ltd.

- On May 11, 2017, Dong formed CEFC Infrastructure in Delaware as a limited liability company. Hudson West V—the same company described above that received a \$24 million wire from Ye and formed a partnership with Hunter Biden—was the sole equity member of CEFC Infrastructure. Dong identified himself as the Director of Hudson West V and listed its address as Xicheng District Beijing, China (as shown below):

<u>Name</u>	<u>Address</u>
Hudson West V LLC	Room 1001, China Life Plaza 12 Financial Street, Xicheng District Beijing, China 100033

- Just one week later, on May 18, 2017, Hudson West V assigned 100 percent of its interest to Shanghai Huaxin Group (Hong Kong) Limited (Shanghai Huaxin), a company incorporated in China:

⁵¹ Letter from Hon. Charles E. Grassley, Ranking Member, S. Comm. on the Judiciary, and Hon. Ron Johnson, Ranking Member, Perm. Subcomm. On Investigations to Hon. David Weiss, U.S. Att’y (D. Del.), U.S. Dep’t of Justice (Oct. 26, 2022), *available at*

https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_us_attorney_weiss_hunter_biden_investigation.pdf.

⁵² See Matt Viser, Tom Hamburger & Craig Timberg, *Inside Hunter Biden’s multimillion-dollar deals with a Chinese energy company*, Wash. Post (Mar. 30, 2022) (emphasis added).

6. Member. The name and the mailing address of the sole Member is as follows:

<u>Name</u>	<u>Address</u>
Shanghai Huaxin Group (Hongkong) Limited	Room 2302-2304 23/F Convention Plaza Office Tower 1 Harbour Road Wan Chai HK

- On June 30, 2017, Shanghai Huaxin funded the CEFC Infrastructure bank account with a significant injection of \$10 million from China:

CREDITS		
Date	Description	Additions
06-08	' Deposit	20.00
06-30	' Wire Transfer-IN SHANGHAI HUAXIN GROUP (HONGKONG) LI	10,000,000.00
06-30	' Interest Credit	150.69

- Approximately one month later—on August 4, 2017—CEFC Infrastructure wired \$100,000 to Owasco P.C, Hunter Biden’s professional corporation. The wire for that financial transaction is below:

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MSG_SOURCE_TYPE	[REDACTED]
Account No	[REDACTED]
Amount	100,000.00
Bene Bank	[REDACTED]
Beneficiary	CLEARING SERVICES LLC
BNF ADDR1	[REDACTED]
BNF ADDR2	[REDACTED]
BNF ID	[REDACTED]
Branch ID	[REDACTED]
Country Code	[REDACTED]
Currency	USD
Wire Date	08/04/2017
Direction	[REDACTED]
Fee	[REDACTED]
IMAD	[REDACTED]
MID	[REDACTED]
Paymt Method	FED
Msg Status	COMPLETE
Msg Type	[REDACTED]
Msg Subtype	[REDACTED]
OBI	further credit to OWASCO PC [REDACTED]
Office	[REDACTED]
OMAD	[REDACTED]
Originator	CEFC INFRASTRUCTURE INVESTMENT (US)
ORG ADDR1	[REDACTED]
ORG ADDR2	[REDACTED]
ORG ID	[REDACTED]
ORG ID Code	[REDACTED]
Recv ABA	[REDACTED]
Recv Name	[REDACTED]
Reference	[REDACTED]
Sender ABA	[REDACTED]
Sender Name	[REDACTED]
Paymt Source	[REDACTED]
Time	[REDACTED]
UserID	[REDACTED]
Value Date	08/04/2017

- The bank records establish Owasco P.C., Hunter Biden's professional corporation, received \$100,000 that was funded by Shanghai Huaxin in China. It also disproves President Biden's claim that his family received no money from China. Furthermore, corporate records obtained via subpoena also show Dong—Hunter Biden's Chinese business partner—attempted to hide the foreign source of the money by layering LLCs formed in Delaware.

4 Step Plan To Hide China Sourced Payments



Figure 3: Diagram of the \$100,000 payment from CEFC to Hunter Biden.

- As addressed in the section below, Owasco P.C. also received payments from another relevant Chinese company, State Energy HK.

3. State Energy HK and its financial connections to the Bidens

- The Committee's First Bank Records Memorandum discussed a \$3 million payment from State Energy HK to Robinson Walker, LLC, which was then disbursed to different Biden related bank accounts. Below is a further explanation of those financial transactions.
- State Energy HK appears to be Ye's vehicle, at least in part, to launder money and purchase lucrative "gifts." Despite the company's name, many of the financial transactions are inconsistent with a company engaging in an energy business. The significant purchases of expensive jewelry, for example, are more consistent with a Chinese company laundering money and facilitating payments through luxury items that are difficult to trace.
- For instance, from 2016 to 2017, the purported Chinese energy company made over \$23 million in purchases from a retail diamond/jewelry business. A chart of diamond/jewelry purchases made by State Energy HK is below:

Date	Originating Account	Beneficiary Account	Amount
3/31/2016	State Energy HK Ltd.	Diamond Business ⁵³	\$222,646.72
5/27/2016	State Energy HK Ltd.	Diamond Business	\$122,103
6/29/2016	State Energy HK Ltd.	Diamond Business	\$1,000,000
7/7/2016	State Energy HK Ltd.	Diamond Business	\$1,000,000
7/8/2016	State Energy HK Ltd.	Diamond Business	\$893,635
7/28/2016	State Energy HK Ltd.	Diamond Business	\$158,034.40
8/12/2016	State Energy HK Ltd.	Diamond Business	\$500,000
8/30/2016	State Energy HK Ltd.	Diamond Business	\$1,191,956
11/9/2016	State Energy HK Ltd.	Diamond Business	\$94,000
11/22/2016	State Energy HK Ltd.	Diamond Business	\$500,000
11/23/2016	State Energy HK Ltd.	Diamond Business	\$1,149,520
1/19/2017	State Energy HK Ltd.	Diamond Business	\$1,080,000
3/13/2017	State Energy HK Ltd.	Diamond Business	\$500,000
6/6/2017	State Energy HK Ltd.	Diamond Business	\$300,000
6/13/2017	State Energy HK Ltd.	Diamond Business	\$6,355,100
9/1/2017	State Energy HK Ltd.	Diamond Business	\$313,400
10/3/2017	State Energy HK Ltd.	Diamond Business	\$7,998,000
11/6/2017	State Energy HK Ltd.	Diamond Business	\$300,000
Total			\$23,678,395.12

- The timing of the diamond purchases is relevant to this investigation. In late 2016 and early 2017, State Energy HK made over \$2 million in purchases from the Diamond Business. These transactions align with when Ye sent a large diamond to Hunter Biden in Miami, Florida after a dinner. *The New Yorker* confirmed during an interview with Hunter Biden that in early 2017, Hunter Biden met with Ye in Miami, and Biden received a 2.8 carat diamond, which has been estimated to be worth up to \$80,000.⁵⁴ Hunter Biden claims he gave the diamond to an unnamed associate.⁵⁵
- In addition to purchasing large amounts of valuable items unrelated to an energy business, State Energy HK made suspect donations to a think tank associated with Vuk Jeremic, an associate of Hunter Biden.

⁵³ The name of the retail “Diamond Business” has been anonymized in this report.

⁵⁴ Adam Entous, *Will Hunter Biden Jeopardize his Father’s Campaign*, *The New Yorker* (Jul. 1, 2019).

⁵⁵ *Id.*

a. State Energy HK made millions of dollars in payments to Biden business associates and non-energy related activities

- State Energy HK paid large sums of money to companies and individuals associated with the Bidens where the purpose of the payments does not appear to be energy related. From August 2015 to June 2016, State Energy HK made \$3 million in payments to the Center for International Relations and Sustainable Development (CIRSD), a public policy think tank registered in Belgrade and New York.⁵⁶ Vuk Jeremic, a former Serbian politician and President of the United Nations General Assembly, is president of CIRSD.⁵⁷
- Jeremic developed a business relationship with Hunter Biden and his associates, and he sought to introduce Hunter Biden to Ye and CEFC. The payments from State Energy HK to CIRSD are set forth below:

Date	Originating Account	Beneficiary Account	Amount
8/19/2015	State Energy HK Ltd.	Center for International Relations and Sustainable Development	\$1,220,000
8/19/2015	State Energy HK Ltd.	Center for International Relations and Sustainable Development	\$280,000
6/15/2016	State Energy HK Ltd.	Center for International Relations and Sustainable Development	\$1,500,000
Total			\$3,000,000

- The timing and purpose of these payments is being investigated by the Committee. According to the CIRSD website, “[i]n 2016, Mr. Jeremic participated in the official election for UN Secretary General. After six rounds of voting in the UN Security Council, he finished the race in second place.”⁵⁸
- Evidence indicates Hunter Biden and his associates sought to help Jeremic with this campaign by leveraging their connection with the Office of the Vice President (OVP). In an email dated June 16, 2016 (one day after the third payment above), Jeremic wrote Hunter Biden and Eric Schwerin (a Biden family associate) asking if he could “meet with VPOTUS

⁵⁶ In addition to the wires from State Energy HK, the New York Office for the CEFC Shanghai Branch, LLC sent additional wire payments to Vuk Jeremic and CIRSD, which have not been included in the total amount set forth in the chart above.

⁵⁷ See CIRSD, About us / Mr. Vuk Jeremić – CIRSD President, *available at* <https://www.cirsd.org/en/leadership/president>.

⁵⁸ *Id.*

National Security Advisor Colin Kahl” related to the elections for UN Secretary General.⁵⁹ Eric Schwerin wrote to Hunter Biden, “Think about how you want to respond”⁶⁰

- On July 2, 2016, Jeremic informed Hunter Biden and his business associates in a follow up email, “[m]y meeting with Colin did not last very long, but didn’t go too bad, I think. What is suboptimal is that OVP seems to be outside the decision-making loop on the UNSG elections issue. Colin promised to get better informed on what’s going on at the moment.”⁶¹
- It appears from the evidence that: (1) a Biden administration official met with Jeremic to discuss the UN Secretary General election at the direction of Hunter Biden and/or his business associates, (2) State Energy HK made \$3 million in payments to CIRSD around the timeframe of Jeremic’s campaign, (3) and soon after Vice President Biden left public office in 2017, the same company—State Energy HK—made a \$3 million payment to Robinson Walker, LLC—and over \$1 million of that amount then went to the Bidens.
- On February 21, 2023, the Committee sent a letter to Jeremic requesting specific documents and a transcribed interview.⁶² Despite Jeremic previously testifying at a federal criminal trial about his business relationship with CEFC and Patrick Ho, he has declined to cooperate with the Committee through his counsel.⁶³ The Committee intends to obtain documents and answers from Jeremic about CIRSD’s relationship with State Energy HK, CEFC, Hunter Biden, Eric Schwerin, Dr. Colin Kahl, the Under Secretary of Defense for Policy for the U.S. Department of Defense, and Jeremic’s interactions with OVP.

b. State Energy HK paid Robinson Walker, LLC \$3 million and Rob Walker distributed over \$1 million of that money to Biden family members

- On March 1, 2017—less than two months after Vice President Joe Biden left public office—State Energy HK also wired \$3 million to Robinson Walker, LLC. At the time of the wire, Walker’s business account had a balance of approximately \$159,000.

⁵⁹ Email from Vuk Jeremic to Hunter Biden with the subject “UN elections date is finally set” dated June 16, 2016.

⁶⁰ Email from Eric Schwerin to Hunter Biden with the subject “Fwd: UN elections date is finally set” dated June 20, 2016.

⁶¹ Email from Vuk Jeremic to Hunter Biden and others with the subject “Re: Colin” dated July 2, 2016.

⁶² Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Mr. Vuk Jeremic (Feb. 21, 2023).

⁶³ Letter from Mr. Stan M. Brand and Mr. Stanley E. Woodward Jr. to Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability (Mar. 6, 2023).

- The wire payment is below:

ROBINSON WALKER LLC
[REDACTED]

DATE: 03/01/17
[REDACTED]

[REDACTED]

THE FOLLOWING WIRE WAS CREDITED TODAY: USD AMOUNT \$3,000,000.00

TRANSACTION REF:	[REDACTED]	SERVICE REF:	[REDACTED]
SENDER'S REF:	[REDACTED]	RELATED REF:	[REDACTED]
ORIGINATOR:	STATE ENERGY HK LIMITED	ID:	[REDACTED]
ORIGINATOR'S BANK:	[REDACTED]	ID:	[REDACTED]
SENDING BANK:	[REDACTED]	ID:	[REDACTED]
BENEFICIARY:	ROBINSON WALKER LLC	ID:	[REDACTED]

- The next day, Robinson Walker, LLC wired \$1,065,000 to EEIG (James Gilliar) in Abu Dhabi:

ROBINSON WALKER LLC
[REDACTED]

DATE: 03/02/17
[REDACTED]

THE FOLLOWING WIRE WAS DEBITED TODAY: USD AMOUNT \$1,065,000.00

[REDACTED]

BENEFICIARY: EUROPEAN ENERGY AND INFRASTRUCTURE
[REDACTED]

- After Robinson Walker, LLC wired EEIG over \$1 million, Biden family members and their companies received 16 separate payments over a period of approximately three months to at least five different bank accounts, totaling approximately \$1.065 million.
- The recipients of the money included Hallie Biden, companies associated with Hunter Biden, including Owasco P.C., James Biden, and an unknown bank account identified as "Biden."
- The wires and online banking transfers are listed below:

Date	Originating Account	Beneficiary Account	Amount
3/6/2017	Robinson Walker, LLC	"Biden"	\$5,000
3/13/2017	Robinson Walker, LLC	"Biden"	\$25,000
3/20/2017	Robinson Walker, LLC	Hallie Biden	\$25,000
3/27/2017	Robinson Walker, LLC	Owasco P.C.	\$50,000

3/29/2017	Robinson Walker, LLC	First Clearing, LLC ⁶⁴	\$100,000
3/31/2017	Robinson Walker, LLC	Owasco P.C.	\$50,000
3/31/2017	Robinson Walker, LLC	Owasco P.C.	\$100,000
4/3/2017	Robinson Walker, LLC	JBBSR INC	\$50,000
4/3/2017	Robinson Walker, LLC	JBBSR INC	\$50,000
4/14/2017	Robinson Walker, LLC	RSTP II, LLC	\$10,692
4/18/2017	Robinson Walker, LLC	Owasco P.C.	\$300,000
4/20/2017	Robinson Walker, LLC	JBBSR INC	\$120,000
4/21/2017	Robinson Walker, LLC	"Biden"	\$25,000
4/24/2017	Robinson Walker, LLC	JBBSR INC	\$125,000
5/17/2017	Robinson Walker, LLC	"Biden"	\$15,000
5/18/2017	Robinson Walker, LLC	JBBSR INC	\$15,000
Total			\$1,065,692

- President Biden and Press Secretary Karine Jean-Pierre have publicly denied this evidence while Hunter Biden's spokesperson claimed such money was "seed funds."⁶⁵ These are, of course, contradictory statements, and they are both wrong.
- To dissuade the White House from further spreading misinformation, the Committee is providing images of relevant wires and bank account statements below:
 - March 13, 2017—Payment from Robinson Walker, LLC to an Unknown Biden Account for \$25,000

ROBINSON WALKER LLC Account # [REDACTED] March 1, 2017 to March 31, 2017		
Withdrawals and other debits - continued		
Date	Description	Amount
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
03/13/17	Online Banking Transfer Conf# [REDACTED] Biden	-25,000.00

⁶⁴ Given the description of the beneficiary bank account, the Committee believes that the wire was intended for Hunter Biden or one of his companies.

⁶⁵ *Supra*, fn. 29.

- March 20, 2017—Payment from Robinson Walker, LLC to Hallie Biden for \$25,000

ROBINSON WALKER LLC
[REDACTED]

DATE: 03/20/17
[REDACTED]

THE FOLLOWING WIRE WAS DEBITED TODAY:

USD AMOUNT \$25,000.00

TRANSACTION REF: [REDACTED]
RELATED REF: [REDACTED]
INSTRUCTING BANK: [REDACTED]
BENEFICIARY: HALLIE BIDEN
BENEFICIARY'S BANK: [REDACTED]

SERVICE REF: [REDACTED]
IMAD: [REDACTED]
ID: [REDACTED]
ID: [REDACTED]
ID: [REDACTED]

- April 18, 2017—Payment from Robinson Walker, LLC to Owasco P.C. for \$300,000

ROBINSON WALKER LLC
[REDACTED]

DATE: 04/18/17
[REDACTED]

[REDACTED]

THE FOLLOWING WIRE WAS DEBITED TODAY:

USD AMOUNT \$300,000.00

TRANSACTION REF: [REDACTED]
RELATED REF: [REDACTED]
INSTRUCTING BANK: [REDACTED]
BENEFICIARY: OWASCO P.C.
BENEFICIARY'S BANK: [REDACTED]
RECEIVING BANK: [REDACTED]

SERVICE REF: [REDACTED]
IMAD: [REDACTED]
ID: [REDACTED]
ID: [REDACTED]
ID: [REDACTED]
ID: [REDACTED]

- April 24, 2017—Payment from Robinson Walker, LLC to JBBSR, Inc. for \$125,000

ROBINSON WALKER LLC

DATE: 04/24/17

THE FOLLOWING WIRE WAS DEBITED TODAY:

USD AMOUNT \$125,000.00

TRANSACTION REF: [REDACTED]
RELATED REF: [REDACTED]
INSTRUCTING BANK: [REDACTED]
BENEFICIARY: JBBSR INC.
BENEFICIARY'S BANK: [REDACTED]

SERVICE REF: [REDACTED]
IMAD: [REDACTED]
ID: [REDACTED]
ID: [REDACTED]
ID: [REDACTED]

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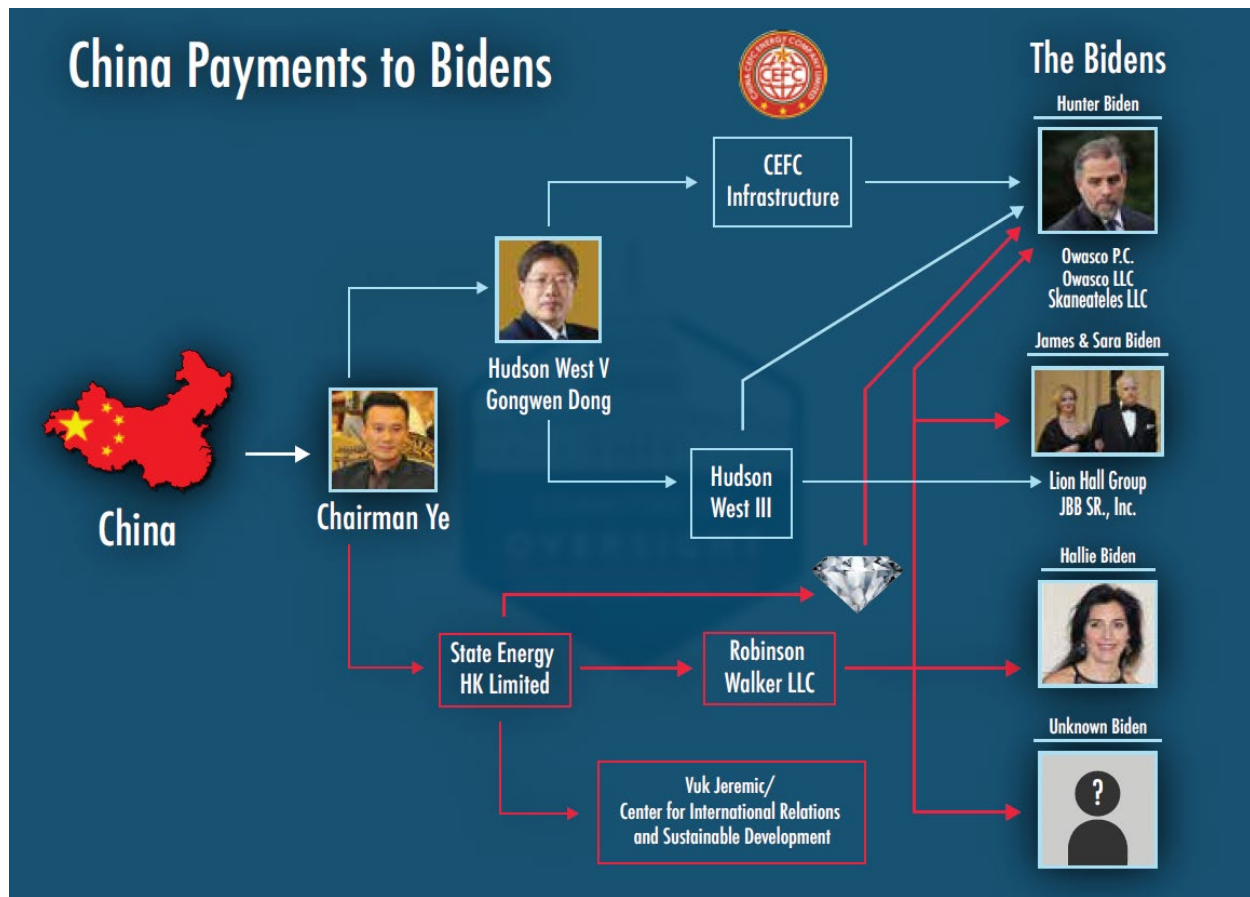


Figure 4: The payment system for China funds to the Biden family.

Conclusion

- Committee staff have provided in this Second Bank Records Memorandum concrete evidence of the following:
 1. The Biden family and associates' activities in Romania bear clear indicia of a scheme to peddle influence from 2015 to 2017. While Vice President Biden lectured Romania on corruption and ethics, Hunter Biden received—through Biden associate Rob Walker—over a million dollars from a company controlled by a Romanian individual accused of corruption (Gabriel Popoviciu).
 - That work appears separate from a Hunter Biden representative's explanation that he referred Popoviciu to a law firm.

- The Committee will continue to investigate the Biden family and associates' engagement with U.S. officials in exchange for these payments.
2. The Biden family and associates' activities in coordination with Chinese nationals and their corporate entities appear to be an attempt to engage in financial deception. To be clear, multiple Biden family members received money from the Chinese after it passed through the Robinson Walker, LLC account. Additionally, Hunter Biden received money directly into his company's account from a Chinese-controlled entity.
- One of the Chinese individuals—Ye Jianming—formed a company called CEFC, had close ties to the highest levels of the Chinese Communist Party, and was reportedly deputy secretary-general for an international outreach arm of the People's Liberation Army. He was detained by the CCP in 2018.
 - The Bidens received millions of dollars from their Chinese partnership. When Ye was detained by the Chinese, Hunter Biden then attempted to distance himself from the relationship by claiming he had never been paid by CEFC. This was false.
3. The Committee continues to trace bank records it has received pursuant to its subpoenas, and the Committee's understanding of the Biden network's foreign entanglements continues to grow.
- The Committee has also issued letters to individuals for documents and/or transcribed interviews from witnesses who were involved in particular financial transactions or had knowledge of other documents related to this investigation. The Committee will continue to engage in the accommodations process with those who have not cooperated with our investigation.
 - The Committee plans to gather additional bank records in the near future and continue following the money trail. The Committee is committed to rooting out fraud, waste, and abuse that exist at the highest level of the federal government.

JAMES COMER, KENTUCKY
CHAIRMAN

ONE HUNDRED EIGHTEENTH CONGRESS

JAMIE RASKIN, MARYLAND
RANKING MINORITY MEMBER

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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MEMORANDUM

TO: Committee on Oversight and Accountability Majority Members

FROM: Committee on Oversight and Accountability Majority Staff

DATE: August 9, 2023

RE: Third Bank Records Memorandum from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes

Committee staff is releasing a Third Bank Records Memorandum to apprise Majority Members of the ongoing investigation of the Biden family's influence peddling schemes. On March 16, 2023, staff issued the first memorandum (First Bank Records Memorandum), highlighting the Biden family's use of the Robinson Walker, LLC account to receive money from a certain Chinese entity. On May 10, 2023, staff issued a second memorandum (Second Bank Records Memorandum), which focused on the Bidens' business dealings in Romania and additional information regarding their partnership with Chinese entities closely tied to the Chinese Communist Party (CCP).¹

This Third Bank Records Memorandum serves to inform Members of the Biden family's relationships with certain foreign entities and individuals in Russia, Ukraine, and Kazakhstan.

The Committee has subpoenaed six different banks and received thousands of records in response. The Committee's subpoenas were tailored to specific individuals and companies that engaged in business activities with Biden family members and their business associates. The Committee has not yet subpoenaed bank records of members of the Biden family.

Committee staff will continue to release memoranda as new information is uncovered.

¹ Memorandum (Mar. 16, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: New Evidence Resulting from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes; Memorandum (May. 10, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes.

Summary

- ***Committee Staff is Releasing Payments from Russia, Ukraine, and Kazakhstan that Occurred During Joe Biden’s Vice Presidency:*** The Committee has now identified over \$20 million in payments from foreign sources to the Biden family and their business associates.
- ***Hunter Biden and Devon Archer Used Rosemont Seneca Entities to Bring in Millions from Oligarchs in Europe and Asia:*** Using accounts nominally tied to Devon Archer (but using the familiar “Rosemont Seneca” branding), Hunter Biden received incremental payments originating from foreign sources, attempting to hide the source and size of the payments.
- ***In February 2014, a Russian Oligarch Sent \$3.5 Million to a Shell Company Associated with Hunter Biden and Devon Archer:*** Russian billionaire Yelena Baturina transferred \$3.5 million to Rosemont Seneca Thornton, a shell company. Approximately \$1 million was transferred to Devon Archer, and the remainder was used to initially fund a new company account, Rosemont Seneca Bohai, which Devon Archer and Hunter Biden used to receive other foreign wires.
- ***In Spring 2014, a Ukrainian Oligarch Placed Archer and Biden on the Burisma Board of Directors and Agreed to Pay them \$1 Million Each per Year:*** Burisma Holdings’ (Burisma) corporate secretary, Vadym Pozharsky, worked on behalf of the Ukrainian oligarch and owner of Burisma, Mykola Zlochevsky. Hunter Biden was initially hired by Burisma to work as counsel for the company, and Pozharsky and Zlochevsky met with Hunter Biden at a conference in Lake Como in Italy where they decided Hunter Biden would work on the board of directors with Devon Archer. Then-Vice President Joe Biden visited Ukraine soon after their first payments. Payments from Burisma for both Devon Archer and Hunter Biden were wired to Rosemont Seneca Bohai. Payments were transmitted in incremental amounts to Hunter Biden’s different bank accounts.
- ***In April 2014, a Kazakhstani Oligarch Wired the Exact Price of Biden’s Sportscar to a Bank Account Used by Archer and Biden:*** In February 2014, Hunter Biden met with Kenes Rakishev at a Washington, D.C. hotel. Rakishev worked closely with the prime minister of Kazakhstan, Karim Massimov. In April, Rakishev, a Kazakhstani oligarch, wired \$142,300 to Rosemont Seneca Bohai. The next day, a payment was made from Rosemont Seneca Bohai for a sportscar for Hunter Biden in the amount of \$142,300. Archer and Biden then arranged for Burisma executives to visit Kazakhstan in June 2014 to evaluate a three-way deal among Burisma, a Chinese state-owned company, and the government of Kazakhstan.
- ***Hunter Biden received millions of dollars in payments from Yelena Baturina, Burisma, and Kenes Rakishev. Vice President Biden had dinner with them in the spring of 2014 and 2015 in Washington, D.C.***

A. The Biden Family Received Millions from Russia, Kazakhstan, and Ukraine

- ***President Biden Lied About His Family's Business Deals.*** The Committee has revealed millions of dollars have come into the Biden family's bank accounts from foreign sources, including China, Romania, Kazakhstan, Russia, and Ukraine. Independent whistleblowers' sworn testimony from the criminal investigation into Hunter Biden has corroborated the Committee's financial investigation. Testimony from Hunter Biden's former business partner, Devon Archer, also supports the Committee's findings. No one in the Biden Administration or in the Minority has explained what services, if any, the Bidens and their associates provided in exchange for the over \$20 million in foreign payments.
- ***Joe Biden was "The Brand" sold around the world to enrich the Biden family and he was used to "signal" their access, influence, and power.*** The Committee's investigation has shown that money was transferred to the Bidens from foreign nationals or entities based in Russia, Kazakhstan, and Ukraine when Joe Biden was Vice President. Then-Vice President Biden met—in person, for significant periods of time—with those individuals or their representatives. Then-Vice President Biden joined approximately 20 phone calls on speakerphone with Hunter Biden's foreign business associates and attended dinners with foreign oligarchs who paid huge sums of money to Hunter Biden.² Joe Biden, "the brand," was the only product the Bidens sold.
- ***President Biden's Family is the Vehicle to Receive Bribery Payments.*** President Biden's defenders purport a weak defense by asserting the Committee must show payments directly to the President to show corruption. This is a hollow claim no other American would be afforded if their family members accepted foreign payments or bribes. Indeed, the law recognizes payments to family members to corruptly influence others can constitute a bribe.³
- ***The Biden White House's Attempt to Move the Goalposts Shows They Have No Answers.*** The White House's latest claim that the "President was not in business with his son" is a marked departure from previous attempts to counter the Committee's investigation. President Biden and White House spokespersons previously stated that the President had no knowledge of his son's business and did not discuss business with his son. The Office of White House Counsel refuses to answer questions about this departure from previous statements.⁴

² See Transcript of Devon Archer, H. Comm. on Oversight and Accountability, at 51; see also Transcript of Devon Archer, H. Comm. on Oversight and Accountability, at 45-47.

³ Under the Foreign Corrupt Practices Act, "Companies also may violate the FCPA if they give payments or gifts to third parties, such as an official's family members, as an indirect way of corruptly influencing a foreign official." FCPA – A Resource Guide to the U.S. Foreign Corrupt Practices Act (Second Edition), U.S. Dep't of Justice (Criminal Division) & U.S. Securities and Exchange Commission (Enforcement Division), p. 16 (emphasis added).

⁴ Letter from Hon. Elise Stefanik, Chairwoman, H. Republican Conference, Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability, Hon. Jim Jordan, Chairman, H. Comm. on the Judiciary, & Hon. Jason Smith, Chairman, H. Comm. on Ways & Means, to Mr. Stuart Delery, White House Counsel (July 20, 2023); see also Josh Christenson, *WH snubs GOP demand to explain Joe's shifting story on Hunter*, N.Y. Post (July 28, 2023).

B. Americans Deserve Legislative Solutions that Require Financial Transparency from Vice Presidents, Presidents, and their Families

- The Committee seeks to craft legislative solutions aimed at deficiencies it has identified in the current legal framework regarding ethics laws and disclosure of financial interests related to the immediate family members of Vice Presidents and Presidents—deficiencies that may place American national security and interests at risk. The Committee is concerned that foreign nationals have sought access and influence by engaging in lucrative business relationships with high-profile political figures' immediate family members, including members of the Biden family.
- The Committee is investigating the national security implications of a Vice President's or President's (and candidates for such offices) immediate family members receiving millions of dollars from foreign nationals, foreign companies, or foreign governments without any oversight. Current financial disclosure laws and regulations do not require non-dependent family members of senior elected officials to provide any information to the public. The Committee is seeking meaningful reforms to government ethics and disclosure laws that will provide necessary transparency into a Vice President's or President's immediate family members' income, assets, and financial relationships.
- The Committee intends to craft legislation that would strengthen reporting requirements related to certain foreign transactions involving senior elected officials' family members and that would implement robust financial disclosure requirements that shed light on ownership of opaque corporate entities. Moreover, in order to prevent financial transactions from being structured in a way to evade oversight, the Committee is examining whether certain reporting requirements, including any new reporting requirements for senior elected officials' family members, should extend for a period of time after a President or Vice President leaves office.
- The Committee also seeks to strengthen the Bank Secrecy Act and anti-money laundering laws by analyzing whether financial institutions have the available tools and support from federal agencies to thwart illegal money laundering and foreign corruption activity. The Committee is evaluating whether Suspicious Activity Reports generated by personal and corporate bank accounts associated with a Vice President's or President's immediate family members should undergo a more rigorous banking compliance process, receive an expedited review by law enforcement without undue influence by political appointees, and be disclosed to Congress, under certain circumstances, given potential political corruption and risks to our national security.
- The Committee aims to draft legislation that delivers more transparency to the American people, deters foreign interests from attempting to obtain influence over and access to the highest levels of the federal government by entering into business deals with presidential and vice-presidential family members, discourage such family members from capitalizing on their relatives' public service, and ensure the nation is safe from foreign adversaries.

C. The Committee is Releasing Redacted Bank Records Regarding the Biden Family's Business Activity with a Russian Oligarch

- The Second Bank Records Memorandum identified a complicated network of companies under investigation, highlighting over 20 companies the Biden family and their associates used to layer payments and conceal the source of the foreign payments.⁵ A majority of the entities were formed while Joe Biden was Vice President.⁶
- The Third Bank Records Memorandum discusses three of these entities: Rosemont Seneca Partners, LLC; Rosemont Seneca Thornton, LLC; and Rosemont Seneca Bohai, LLC.
- One of the entities identified in the Second Bank Records Memorandum was Rosemont Seneca Partners, LLC (Rosemont Seneca Partners). Hunter Biden, Devon Archer, and others formed Rosemont Seneca Partners on June 25, 2009.⁷ Hunter Biden and Devon Archer were equity holders in this entity.
- Hunter Biden served as chairman of Rosemont Seneca Partners; Devon Archer served as the chief executive officer; Eric Schwerin served as the president.



Figure 1 Leadership team of Rosemont Seneca Partners, showing Hunter Biden as chairman, Devon Archer as chief executive officer, and Eric Schwerin as president.

⁵ Memorandum (May. 10, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes, at 6-7.

⁶ *Id.*

⁷ Internet Archive WayBackMachine, Leadership Team, [web.archive.org/web/20120827191603/http://www.rosemontseneca.com/team.html](http://www.rosemontseneca.com/team.html) (last accessed Aug. 8, 2023).

- Rosemont Seneca Partners was central to the Bidens' later business ventures: many of the entities Hunter Biden formed after 2009 would be housed under or would transact with Rosemont Seneca Partners.
- Another entity used by Hunter Biden and Devon Archer was Rosemont Seneca Thornton, LLC (Rosemont Seneca Thornton).
- Rosemont Seneca Thornton was registered in Delaware on May 28, 2013.⁸ The entity served as a means to silo work with another Biden family associate, James "Jimmy" Bulger, chairman of the Thornton Group.⁹ Rosemont Seneca Thornton was created in anticipation of engaging in a Chinese private investment fund (BHR Partners) controlled by Chinese state-owned enterprises, namely Bank of China.¹⁰ Additional information regarding BHR Partners will be released in a future bank records memorandum.
- On December 6, 2013, a bank account for Rosemont Seneca Thornton was opened and listed Devon Archer and Rosemont Seneca Partners as beneficiaries of the account.
- Hunter Biden was a beneficiary of funds deposited in the Rosemont Seneca Thornton bank account through his stake in Rosemont Seneca Partners. This relationship is shown below:

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⁸ OpenCorporates.com, ROSEMONT SENECA THORNTON, LLC., https://opencorporates.com/companies/us_de/5341255 (last accessed Aug. 4, 2023).

⁹ See Transcript of Devon Archer, H. Comm. on Oversight and Accountability, at 59.

¹⁰ *Id.*

Account Number # [REDACTED]	
General Information	
CLIENT CONTACTS	
ROSEMONT SENECA THORNTON, LLC	Entity
DEVON ARCHER	Auth Ind Person
Devon Archer	UBO
Rosemont Seneca Partners LLC	IBO Entity
ACCOUNT INSTRUCTION	
Sort Name	ROSEMONTSEN
ACCOUNT MAILING AND PLATING ADDRESS	
ROSEMONT SENECA THORNTON, LLC C/O DEVON ARCHER [REDACTED]	

Client Contacts: Rosemont Seneca Partners LLC (IBOE)	
Entity	
Organization Name	Rosemont Seneca Partners LLC
Short Name	ROSEMONTSEN
SSN/TIN Number	

[REDACTED]	12/10/2013 – 11/18/2014	Rosemont Seneca Thornton, LLC c/o Devon Archer	Devon Archer, AP, UBO Rosemont Seneca Partners LLC, IBO Entity
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Figure 2 Bank records show Rosemont Seneca Partners as a beneficiary of Rosemont Seneca Thornton.

- Though Devon Archer is the only named person on the Rosemont Seneca Thornton documents, the relationship with Rosemont Seneca Partners establishes the financial relationship between the two entities.¹¹
- Similar to Rob Walker's role in moving money from China to Biden family members,¹² Rosemont Seneca entities were used to move money from Russian, Kazakhstan, and Ukrainian sources (and a separate Chinese deal) to Hunter Biden's various bank accounts.

¹¹ See Transcript of Devon Archer, H. Comm. on Oversight and Accountability, at 58.

¹² Memorandum (May. 10, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes, at 2.

- The Rosemont Seneca Thornton account was substantively used for only three months, from January to March 2014, with a total of approximately twelve transactions for the year it was opened (five debits out and seven credits in). Below is a summary of those transfers:

CASH RELATED ACTIVITY						
ELECTRONIC TRANSFERS (CREDITS)						
Transaction Date	Settlement Date	Activity Type	Description	Comments		Inflows/Outflows
1/16	1/16	Funds Received	WIRED FUNDS RECEIVED			\$83,500.00
1/17	1/17	Funds Received	WIRED FUNDS RECEIVED			83,500.00
1/22	1/22	Funds Received	WIRED FUNDS RECEIVED			21,675.00
1/22	1/22	Funds Received	WIRED FUNDS RECEIVED			3,874.00
1/27	1/27	Funds Received	WIRED FUNDS RECEIVED			58,000.00
1/29	1/29	Funds Received	WIRED FUNDS RECEIVED			166,968.00
2/14	2/14	Funds Received	WIRED FUNDS RECEIVED			3,500,000.00
TOTAL ELECTRONIC TRANSFERS (CREDITS)						\$3,917,517.00
ELECTRONIC TRANSFERS (DEBITS)						
Transaction Date	Settlement Date	Activity Type	Description	Comments		Inflows/Outflows
1/23	1/23	Funds Transferred	WIRED FUNDS SENT	BENE: [REDACTED] ACCT: [REDACTED]		\$(167,000.00)
1/29	1/29	Funds Transferred	WIRED FUNDS SENT	BENE: [REDACTED] ACCT: [REDACTED]		(247,800.00)
3/11	3/11	Cash Transfer - Debit	FUNDS TRANSFERRED	CONFIRMATION # [REDACTED] TO [REDACTED]		(2,752,711.00)
3/11	3/11	Cash Transfer - Debit	FUNDS TRANSFERRED	CONFIRMATION # [REDACTED] TO [REDACTED]		(750,000.00)
11/14	11/14	Withdrawal	BRANCH CHECK	PAID TO ROSEMONT SENECA THORNT		(23,500)
TOTAL ELECTRONIC TRANSFERS (DEBITS)						\$(3,917,534.50)

Figure 3 Rosemont Seneca Thornton bank records show the \$3.5 million wire from Yelena Baturina on February 14, 2014 and the transfer of \$2,752,711 to Rosemont Seneca Bohai on March 11, 2014.

Yelena Baturina, a Russian Oligarch, Wired \$3.5 Million to Rosemont Seneca Thornton

- On February 14, 2014, the Russian oligarch Yelena Baturina—the wealthiest woman in Russia and then married to the former mayor of Moscow—wired the Rosemont Seneca Thornton bank account \$3.5 million.¹³ Again, Rosemont Seneca Thornton’s beneficiary was Rosemont Seneca Partners, of which Hunter Biden was the chairman.
- After receiving the wire from Baturina, no other money came into the Rosemont Seneca Thornton account and only two transfers went out.

Rosemont Seneca Thornton Subsequently Transferred \$2.75 Million to Rosemont Seneca Bohai

- On March 11, 2014, Rosemont Seneca Thornton transferred \$2,752,711 to a Rosemont Seneca Bohai bank account. Also on March 11, 2014, \$750,000 of the original wire from Baturina was sent to Devon Archer from Rosemont Seneca Thornton.
- Rosemont Seneca Bohai was an entity used by both Hunter Biden and Devon Archer.¹⁴ In his testimony to the Committee, Devon Archer confirmed he and Hunter Biden were 50-50

¹³ See Transcript of Devon Archer, H. Comm. on Oversight and Accountability, at 58.

¹⁴ See Transcript of Devon Archer, H. Comm. on Oversight and Accountability, at 64 (“Hunter was a corporate secretary of RSB. We had a handshake 50-50 ownership.”).

owners in Rosemont Seneca Bohai.¹⁵ Rosemont Seneca Bohai was opened in Delaware on February 13, 2014¹⁶—the day before the \$3.5 million wire from Yelena Baturina.

- The March 11, 2014 funds from the Baturina wire initially funded the Rosemont Seneca Bohai account. Below is the transfer of approximately \$2.75 million into the Rosemont Seneca Bohai account from Rosemont Seneca Thornton, which was derived from Baturina's wire:

CLIENT STATEMENT For the Period March 1-31, 2014		Page 6 of 10					
Account Detail		Active Assets Account	ROSEMONT SENECA BOHAI, LLC C/O DEVON ARCHER				
ACTIVITY							
CASH FLOW ACTIVITY BY DATE							
Transaction Date	Settlement Date	Activity Type	Description	Comments	Quantity	Price	Credits/(Debits)
3/11	3/11	Cash Transfer	FUNDS TRANSFERRED	CONFIRMATION # [REDACTED] FROM [REDACTED]			\$2,752,711.00
3/14	3/14	Account Charge	AAA ANNUAL SERVICE FEE				(150.00)
3/20	3/20	Cash Transfer	FUNDS TRANSFERRED	CONFIRMATION # [REDACTED] TO [REDACTED]			(450.00)
3/24	3/24	Online Transfer	FUNDS TRANSFERRED	CONFIRMATION # [REDACTED] TO [REDACTED]			(306,000.00)
3/25	3/25	Cash Transfer	FUNDS TRANSFERRED	CONFIRMATION # [REDACTED] TO [REDACTED]			(2,246,111.00)
3/25	3/25	Cash Transfer	FUNDS TRANSFERRED	CONFIRMATION # [REDACTED] TO [REDACTED]			(200,000.00)
3/26	3/26	Account Charge-Adj	AAA FEE REVERSAL				150.00
3/26	3/26	Interest Income	[REDACTED]				19.07
3/26	3/26	Interest Income	[REDACTED]				1.88
NET CREDITS/(DEBITS)							\$170.95

Figure 4 Rosemont Seneca Bohai bank records show the \$2,752,711 transfer from Rosemont Seneca Thornton on March 11, 2014 and the subsequent movement in the Rosemont Seneca Bohai accounts on March 25, 2014.

- On March 25, 2014, two installments of \$2,246,111 and \$200,000, totaling approximately \$2.44 million, were then transferred internally to another Rosemont Seneca Bohai account:

¹⁵ See Transcript of Devon Archer, H. Comm. on Oversight and Accountability, at 65.

¹⁶ OpenCorporates.com, ROSEMONT SENECA BOHAI, LLC, https://opencorporates.com/companies/us_de/5481769 (last accessed Aug. 8, 2023).

CLIENT STATEMENT For the Period March 1-31, 2014											
Page 5 of 8											
Account Detail				ROSEMONT SENECA BOHAI, LLC C/O DEVON ARCHER							
ACTIVITY											
CASH FLOW ACTIVITY BY DATE											
Transaction Date	Settlement Date	Activity Type	Description	Comments	Quantity	Price	Credits/(Debits)				
3/14	3/14	Account Charge	AAA ANNUAL SERVICE FEE				\$(150.00)				
3/14	3/25	Check		Check # [REDACTED]			(10,000.00)				
3/20	3/20	Account Charge-Adj	AAA FEE REVERSAL				150.00				
3/20	3/20	Cash Transfer	FUNDS TRANSFERRED	CONFIRMATION # [REDACTED] FROM [REDACTED]			450.00				
3/20	3/20	Automated Payment	AMEX E Payment	AUTOMATIC BILL PAYMENT			(450.00)				
3/20	3/20	Service Fee	ACH 000000 OVERLMT FEE				(25.00)				
3/25	3/25	Cash Transfer	FUNDS TRANSFERRED	CONFIRMATION # [REDACTED] FROM [REDACTED]			2,246,111.00				
3/25	3/25	Cash Transfer	FUNDS TRANSFERRED	CONFIRMATION # [REDACTED] FROM [REDACTED]			200,000.00				
3/25	3/25	Service Fee Reversal	REV OVERLMT ACH FEE				25.00				
3/28	3/28	Interest Income					3.60				
3/28	3/28	Interest Income					0.40				
NET CREDITS/(DEBITS)							\$2,436,115.00				

Figure 5 Rosemont Seneca Bohai bank records show the money originally from Baturina housed in a Rosemont Seneca Bohai account that Devon Archer and Hunter Biden used.

- Below is a graphic representation of how the money originating from the Russian oligarch Yelena Baturina was eventually transferred to the Rosemont Seneca Bohai account:

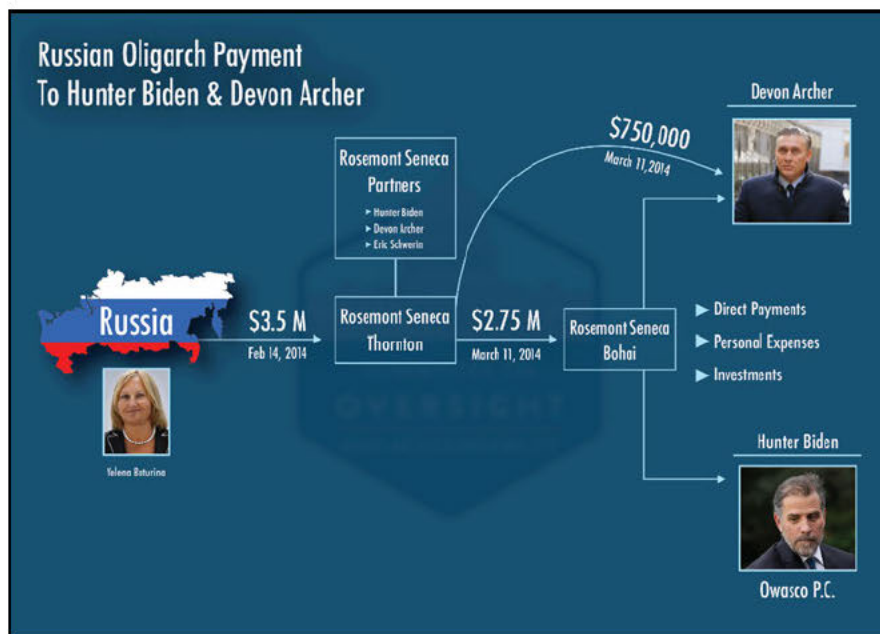


Figure 6 Payment from Yelena Baturina to Devon Archer and Hunter Biden.

- In the spring of 2014—after Yelena Baturina sent the \$3.5 million wire to Rosemont Seneca Thornton—Vice President Joe Biden attended dinner with Yelena Baturina,

Hunter Biden, Devon Archer, and others at Café Milano in Washington, D.C. Joe Biden stayed for dinner.¹⁷

- Following Russia's invasion into Ukraine, the Biden Administration placed several Russian oligarchs on the public sanctions list. Notably, Yelena Baturina is not on that list.¹⁸

D. The Committee is Releasing Redacted Bank Records Regarding the Biden Family's Business Activity in Kazakhstan

- On February 5, 2014, Hunter Biden met Kazakhstani oligarch Kenes Rakishev at the Hay Adams Hotel in Washington, D.C.¹⁹ In email correspondences with Devon Archer surrounding the meeting, Rakishev requested Secretary of State John Kerry visit Kazakhstan. Archer replied, "if we have some business started as planned I will ensure its planned soonest."²⁰
- Rakishev is a Kazakhstani oligarch and millionaire and was a director at Kazakhstan's state-owned oil company KazMunayGas.²¹
- Rakishev maintained ties to Karim Massimov,²² who became prime minister on April 2, 2014. On April 24, 2023, Massimov was sentenced to 18 years in prison for treason, abuse of power, and attempting a coup.²³
- On April 22, 2014, Rakishev used his Singaporean entity, Novatus Holdings,²⁴ to wire the Rosemont Seneca Bohai bank account \$142,300.
- The next day, the exact same amount was wired out to a car dealership in New Jersey for an expensive sportscar for Hunter Biden. Archer did not know why Rakishev bought the sportscar for Hunter Biden.²⁵ The wire transaction is below:

¹⁷ See Transcript of Devon Archer, H. Comm. on Oversight and Accountability, at 46.

¹⁸ John Hyatt, *The Russian Oligarch Billionaires Who Haven't Been Sanctioned*, Forbes (April 7, 2022).

¹⁹ Email from Kenes Rakishev to Hunter Biden and Devon Archer dated February 5, 2014.

²⁰ Email from Kenes Rakishev to Hunter Biden and Devon Archer dated February 5, 2014.

²¹ Aidana Demesinova, *Kenes Rakishev became a freelance adviser to the Minister of Foreign Affairs*, (translated using Google Translate) (Aug. 6, 2019), <https://kazpravda.kz/n/kenes-rakishev-stal-vneshtatnym-sovetnikom-ministra-inostrannyh-del/>.

²² See Transcript of Devon Archer, H. Comm. on Oversight and Accountability, at 63.

²³ *Sentence passed in the case of Massimov K. and others*, Court of Astana City (translated using Google Translate) (Apr. 24, 2023), <https://astana.sud.kz/rus/news/vynes-en-prigovor-po-delu-masimova-k-i-drugih>.

²⁴ See Transcript of Devon Archer, H. Comm. on Oversight and Accountability, at 61-62.

²⁵ See Transcript of Devon Archer, H. Comm. on Oversight and Accountability, at 64.

CLIENT STATEMENT For the Period April 1-30, 2014		Page 6 of 8					
Account Detail		Active Assets Account	ROSEMONT SENECA BOHAI, LLC C/O DEVON ARCHER				
ACTIVITY							
CASH FLOW ACTIVITY BY DATE							
Transaction Date	Settlement Date	Activity Type	Description	Comments	Quantity	Price	Credits/(Debits)
4/9	4/9	Funds Transferred	WIRED FUNDS SENT	BENE: [REDACTED] ACCT: [REDACTED]			\$(1,200,000.00)
4/14	4/14	Online Transfer	FUNDS TRANSFERRED	CONFIRMATION # [REDACTED] To [REDACTED]			(150,000.00)
4/15	4/15	Funds Received	WIRED FUNDS RECEIVED	AS PRIVATBANK			83,333.33
4/15	4/15	Funds Received	WIRED FUNDS RECEIVED	BURISMA HOLDINGS LIMITED			29,424.82
4/19	4/22	Check	[REDACTED]	Check # [REDACTED]			(30,000.00)
4/22	4/22	Funds Received	WIRED FUNDS RECEIVED	ABLV BANK AS RIGA LATVIA			142,300.00
4/23	4/23	Automated Payment	AMEX EPayment ACH PMT	NOVATUS HOLDING PTE. LTD.			(17,731.00)
4/23	4/23	Funds Transferred	WIRED FUNDS SENT	BENE: SCHNEIDER NELSON MOTOR C ACCT: XXXXXX [REDACTED]			(142,300.00)
4/29	4/29	Interest Income	[REDACTED]				24.78
4/29	4/29	Interest Income	[REDACTED]				4.30
NET CREDITS/(DEBITS)							\$(1,284,943.86)

Figure 7 Rosemont Seneca Bohai bank records show \$142,300 wired from Kenes Rakishev (Novatus Holdings) on April 22, 2014 and used to pay for a sportscar on April 23, 2014.

- In May and June of 2014, Hunter Biden and Devon Archer represented Burisma on a trip to Kazakhstan to evaluate a deal among Burisma, a Chinese state-owned energy company, and KazMunayGas.²⁶
- In the spring of 2014—around the same timeframe as the payment for Hunter Biden's sportscar—Vice President Joe Biden attended dinner with Kenes Rakishev, Karim Massimov, Yelena Baturina, Hunter Biden, and Devon Archer at Café Milano in Washington, D.C.²⁷
- Additionally, on April 16, 2015, Vice President Joe Biden attended a dinner with Karim Massimov, Hunter Biden, and Devon Archer and others at Café Milano in Washington, D.C.²⁸

²⁶ Email from Devon Archer to Hunter Biden and Vadym Pozharsky dated May 7, 2014.

²⁷ See Transcript of Devon Archer, H. Comm. on Oversight and Accountability, at 57.

²⁸ See Transcript of Devon Archer, H. Comm. on Oversight and Accountability, at 66.



Figure 8 (From left to right) Kenes Rakishev, Hunter Biden, Vice President Biden, and Karim Massimov.

E. The Committee is Releasing Redacted Bank Records Regarding the Biden Family's Business Activity in Ukraine

- In early 2014, Devon Archer assumed a position on the Burisma board of directors.²⁹ Burisma is an energy company founded in 2002 by Mykola Zlochevsky, a Ukrainian oligarch, politician, and businessman.³⁰
- Hunter Biden joined Burisma as counsel in early 2014 and assumed a position on the board of directors by April/May 2014.³¹ Devon Archer has testified to the Committee that Hunter Biden became a member of the board of directors after a meeting in Lake Como with Pozharsky and Zlochevsky.³²
- For their positions on the board of Burisma, Hunter Biden and Devon Archer reached a deal with Burisma where each were paid \$1 million per year, equating to each receiving

²⁹ See Transcript of Devon Archer, at 13.

³⁰ Reuters, *Factbox: Burisma, the obscure Ukrainian gas company at the heart of U.S. political row* (Sep. 24, 2019).

³¹ See Transcript of Devon Archer, H. Comm. on Oversight and Accountability, at 19.

³² See Transcript of Devon Archer, H. Comm. on Oversight and Accountability, at 17.

approximately \$83,333 per month.³³ Pozharsky played a central role with the Burisma board of directors and communicating between Biden/Archer and Zlochevsky.

- Payments from Burisma for Hunter Biden and Devon Archer were sent to the Rosemont Seneca Bohai account—the same account that received the Rakishev wire and the account where the Baturina wire was ultimately transferred. This arrangement changed in late 2015 because of Archer’s legal troubles, and Hunter Biden began receiving money from Burisma into his corporate account, Owasco P.C., an account not shared with Devon Archer.³⁴
- For 2014 and 2015, Hunter Biden and Devon Archer received approximately \$3.32 million. All payments from Burisma to that account are produced below:

[REMAINDER OF PAGE INTENTIONALLY BLANK]

³³ See Transcript of Devon Archer, H. Comm. on Oversight and Accountability, at 18.

³⁴ See Transcript of Devon Archer, H. Comm. on Oversight and Accountability, at 24.

DATE	SENDER	RECIPIENT	MONEY IN
4/15/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
4/15/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$29,424.82
5/15/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
5/15/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
6/17/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
6/17/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
6/18/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$60,954.54
7/15/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
7/15/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
8/18/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
8/18/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
9/16/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
9/16/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
10/7/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$28,913.89
10/7/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$2,543.38
10/15/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
10/15/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
11/18/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
11/18/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
12/16/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
12/16/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
1/6/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$47,249.07
1/14/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
1/14/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
2/17/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
2/17/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
3/16/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
3/16/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
4/15/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
4/15/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
5/18/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
5/18/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
6/9/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$3,668.47
6/18/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
6/18/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
7/16/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
7/16/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
7/28/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$60,554.53
8/19/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
8/19/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33

9/17/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
9/17/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
10/16/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
10/16/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$83,333.33
10/16/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$4,737.58
Total			\$3,321,379.49

- Based on IRS whistleblower testimony, Hunter Biden and Devon Archer earned \$6.5 million from Burisma. This finding is consistent with the Committee’s investigation.³⁵
- As testified by an IRS whistleblower, the Rosemont Seneca Bohai account was used for personal expenses of Hunter Biden, as well as to engage in further investment with Devon Archer.³⁶ Again, Devon Archer corroborated he and Hunter Biden were 50-50 owners in Rosemont Seneca Bohai.³⁷
- Additionally, money wired by Burisma to the Rosemont Seneca Bohai account was often transferred to Hunter Biden directly and his corporate entity, Owasco P.C. in small increments. This is similar to Rob Walker’s later incremental distribution of money received from Romanian entities from 2015 to 2017 and Chinese entities in 2017.³⁸
- Devon Archer could not explain why Hunter Biden received money in the Rosemont Seneca Bohai account when Hunter Biden had other business accounts.³⁹
- An example of this income from Burisma, with subsequent payments out to Hunter Biden or Owasco P.C. is produced below:

³⁵ See Transcript of Special Agent, Internal Revenue Service, H. Comm. on Ways and Means, at 99.

³⁶ See Transcript of Special Agent, Internal Revenue Service, H. Comm. on Ways and Means, at 63; *see also* Transcript of Special Agent, at 102 (“So he underreported his total income by \$267,000, if you are using the most conservative approach, and that is a tax loss of \$106,000. So that includes deductions for personal wages and salaries paid, personal travel expenses paid, personal children expenses that he paid, and personal other expenses that he paid.”).

³⁷ See Transcript of Devon Archer, H. Comm. on Oversight and Accountability, at 65.

³⁸ Memorandum (Mar. 16, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: New Evidence Resulting from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes, at 2.

³⁹ See Transcript of Devon Archer, H. Comm. on Oversight and Accountability, at 67.

- Kenes Rakishev and his associate, former Prime Minister Karim Massimov, were Kazakhstani oligarchs, and the latter has been convicted in Kazakhstan over serious crimes.⁴¹ The Committee has identified \$142,300 that benefitted the Biden family and associates from this Kazakhstani source.
- Vadym Pozharsky worked closely for Mykola Zlochevsky, a Ukrainian oligarch who bribed officials \$6 million regarding the investigation into his company, Burisma.⁴² The Committee has identified \$6.5 million that benefitted the Biden family and associates from this Ukrainian source.

This is consistent with the Biden business partners identified in previous memoranda:

- Gabriel Popoviciu was convicted of bribery and the “complicity in abuse of power” in Romania.⁴³ The Committee has identified \$3 million that benefitted the Biden family and associates from this Romanian source.
- Ye Jianming was detained in 2018 by Chinese authorities for suspected economic crimes and bribery.⁴⁴ The Committee has identified over \$8 million that benefitted the Biden family and associates from this and related Chinese sources.

Thus far, the Committee has identified **over \$20 million** from foreign sources that benefitted the Biden family and their business associates.

2. The individuals from Russia, Kazakhstan, and Ukraine sent money to Hunter Biden and Devon Archer through Rosemont Seneca bank accounts.
 - Rosemont Seneca Thornton and Rosemont Seneca Bohai were both used to receive funds that went to Hunter Biden.
 - Rosemont Seneca Thornton first received the \$3.5 million wire originating from the Russian oligarch, Yelena Baturina.
 - Rosemont Seneca Bohai ultimately received \$2.75 million of the original wire from Baturina, the wire from Kenes Rakishev, and Burisma payments until late 2015, when Burisma began sending funds for Hunter Biden to an account not shared with Devon Archer.

⁴¹ *Former Kazakh security boss jailed for 18 yrs over role in attempted coup*, Reuters (April 24, 2023).

⁴² David L. Stern and Robyn Dixon, *Ukraine says it intercepted \$6 million bribe to stop probe of Burisma founder*, Wash. Post (June 14, 2020).

⁴³ Laura Strickler and Rich Schapiro, *Hunter Biden’s legal work in Romania raises new questions about his overseas dealings*, NBC News (Oct. 24, 2019).

⁴⁴ Shu Zhang, Chen Aizhu, *China’s CEFC founder Ye named in corruption case – state media*, Reuters (Oct. 12, 2018).

3. Joe Biden participated in dinners with these individuals directly at Café Milano in Washington, D.C. with Hunter Biden and Devon Archer in the spring of 2014 and 2015.
- The Committee has issued letters to individuals for documents and/or transcribed interviews from witnesses who were involved in particular financial transactions or had knowledge of other documents related to this investigation. The Committee will continue to engage in the accommodations process with those who have not cooperated with our investigation.
 - The Committee plans to gather additional bank records in the near future and continue following the money trail. The Committee is committed to rooting out fraud, waste, and abuse that exist at the highest level of the federal government.

MEMORANDUM

TO: Members of the Committee on Oversight and Accountability, Committee on Judiciary, and Committee on Ways and Means

FROM: Chairman James Comer, Chairman Jim Jordan, and Chairman Jason Smith

DATE: September 27, 2023

RE: Impeachment Inquiry

I. Introduction

For the past several months, the House Committees on Oversight and Accountability (Oversight Committee), Ways and Means (Ways and Means Committee), and the Judiciary (Judiciary Committee) (collectively, Committees) have been investigating (1) foreign money received by the Biden family, (2) President Joe Biden's involvement in his family's foreign business entanglements, and (3) steps taken by the Biden Administration to slow, hamper, or otherwise impede the criminal investigation of the President's son, Robert Hunter Biden, which involves funds received by the Biden family from foreign sources. As a result of these investigations, the Committees have uncovered significant new information that raises serious concerns as to whether the President has abused his federal office to enrich his family and conceal his and/or his family's misconduct. This information includes:

The Biden family and their business associates received over \$24 million from foreign sources over the course of approximately five years.

- From 2014 to 2019, Biden family members and their affiliate companies received over \$15 million from foreign companies and foreign nationals in Ukraine, Russia, Kazakhstan, Romania, and China. Biden business associates received an additional \$9 million.
- This money was transmitted to Biden family members from foreign sources through an exceedingly complex chain of transactions that made it difficult to track the flow of these funds.

President Biden was personally involved in his family's foreign business dealings, and those business arrangements intersected with his official duties.

- The President had knowledge of many of his family's business dealings, and indeed participated in them by having phone calls and attending private dinners—including while he was Vice President—with his family's business associates and foreign business associates who would pay his family millions of dollars for no identifiable product or service.

- These foreign business associates of the President’s family had interests in countries where then-Vice President Biden—and as President—played, and continues to play, an active role in formulating and implementing the foreign policy of the United States.

The President has not been truthful about his family’s foreign business entanglements.

- Weeks before the 2020 Presidential election, then-candidate Joe Biden said on national television that his family did not receive any money from China. That was a lie. Joe Biden not only knew about his family’s work with Chinese nationals, business associates have confirmed that Joe Biden met with his family’s Chinese associates—including while he was Vice President.
- President Biden’s assertions that he never discussed business with his family are false.

The Committees have also uncovered substantial information, including through whistleblowers, indicating that the Biden Administration has obstructed the criminal investigation into Hunter Biden. This information includes evidence that Department of Justice personnel blocked avenues of inquiry that could have led to evidence incriminating President Biden and impeded efforts to prosecute Hunter Biden for tax crimes relating to foreign business arrangements that could have implicated President Biden.

As a result of the information assembled by the Committees, on September 12, 2023, Speaker Kevin McCarthy directed the Committees to open a formal impeachment inquiry into President Joe Biden. While work on legislative reforms to address the deficiencies in current law revealed by the Committees’ investigations will continue, the Committees will now additionally focus on determining whether to recommend articles of impeachment against President Biden as detailed below.

This Memorandum further explains the purpose of the inquiry, summarizes the evidence justifying the inquiry, and outlines the scope of this impeachment investigation.

II. Purpose of Impeachment Inquiry

We begin with a brief overview of the impeachment power before turning to the purpose of this specific impeachment inquiry.

The Constitution vests the House of Representatives with the “sole Power of Impeachment”¹ and provides that the “President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.”² While removal is automatic once an officer is impeached and convicted, Congress may, in its discretion, go further and disqualify the officer from ever “hold[ing] ... any Office of honor, Trust or Profit under the United States.”³

¹ U.S. Const. art. I, § 2, cl. 5.

² *Id.* art. II, § 4.

³ *See id.* art. I, § 3, cl. 7.

As Alexander Hamilton explained in *Federalist No. 65*, impeachment involves “those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust.”⁴ In our nation’s history, such offenses have included bribery, abuse of power, obstruction of justice, obstruction of Congress, perjury, and using one’s office for personal gain.⁵ Hamilton described impeachment as a “bridle in the hands of the legislative body upon the executive servants of the government.”⁶ As an exclusive Congressional authority, impeachment serves as a critical check on the other branches of the federal government.⁷ It also protects our constitutional republic from officers who engage in malfeasance.⁸ After all, once an officer is impeached and convicted, he is automatically removed from office and can be disqualified from ever holding office again.

Given that impeachment is designed, among other things, to protect the American people from corrupt public officials, it makes sense that the Constitution does not limit impeachable offenses to those an officer committed while serving in his current office. In fact, the Constitution says nothing at all about the timing of impeachable acts. An officer may be impeached for conduct in a former office as well as his current office. Indeed, the House has adopted articles of impeachment based on conduct occurring prior to an officer assuming his current position.⁹ As a result, President Biden may be impeached for any impeachable offenses he committed as Vice President in addition to any such offenses he has committed as President.

The purpose of this inquiry—and at this stage, it is just that, an inquiry—is to determine whether sufficient grounds exist for the Committees to draft articles of impeachment against President Biden for consideration by the full House. This impeachment inquiry will enable the Committees to gather information necessary to assess whether President Biden has engaged in impeachable conduct.¹⁰ The decision to begin this inquiry does not mean that the Committees

⁴ See, e.g., *The Federalist No. 65* (Hamilton).

⁵ See, e.g., H. Rep. No. 100-810, at 1 (1988) (first article explaining a conspiracy where a district court judge took money from criminal defendants and, in return, imposed sentences that did not require incarceration); H.R. Res. 755, 116th Cong. (2019) (abuse of power and obstruction of Congress); H. Rep. No. 105-830, at 32-105 (1998) (describing articles based on perjury, obstruction of justice, and abuse of power); H. Doc. No. 62-1140, at 1701 (1912) (“He [the impeached officer] has prostituted his high office for personal profit. He has attempted by various transactions to commercialize his potentiality as a judge.”).

⁶ *The Federalist No. 65* (Hamilton).

⁷ See, e.g., *The Federalist No. 66* (Hamilton) (“[T]he powers relating to impeachments are ... an essential check in the hands of [Congress] upon the encroachments of the executive.”); see also U.S. Const. art. II, § 2, cl. 1 (“The President ... shall have Power to grant Reprieves and Pardons for Offenses against the United States, *except in Cases of Impeachment.*” (emphasis added)).

⁸ See, e.g., 1 Joseph Story, *Commentaries on the Constitution of the United States* § 803, at 568 (4th ed. 1873) (“[Impeachment] is not so much designed to punish an offender as to secure the state against gross official misdemeanors. It touches neither his person nor his property, but simply divests him of his political capacity.”).

⁹ In 1912, the House impeached Judge Robert Archbald, who was a federal district court judge and then a federal circuit court judge. When the House adopted thirteen articles of impeachment against him, Archbald was a federal circuit court judge, but six articles were based solely on his conduct as a district court judge, and another was based on his conduct both as a district court judge and as a circuit court judge. More recently, in 2010, the House impeached Judge G. Thomas Porteous, Jr., who was a state court judge before being appointed to the federal bench. One of the articles of impeachment that the House adopted against him was based solely on events that occurred while Porteous was still a state court judge, and a separate article was based on his conduct both while a state court judge and while a federal judge.

¹⁰ See, e.g., *In re Request for Access to Grand Jury Materials Grand Jury No. 81-1, Miami*, 833 F.2d 1438, 1445 (11th Cir. 1987) (“[The House] holds investigative powers that are ancillary to its impeachment power.”).

have reached a conclusion on this question. As the U.S. Court of Appeals for the District of Columbia Circuit has stated, “To level the grave accusation that a President may have committed ‘Treason, Bribery, or other high Crimes and Misdemeanors,’ U.S. Const. art. II, § 4, the House must be appropriately informed.”¹¹ And an impeachment inquiry is the traditional means by which the House assembles and evaluates that information.¹² There is no artificial deadline for concluding this inquiry. The Committees will follow the facts and will take the necessary time to determine whether articles of impeachment should be drafted and referred to the full House for consideration.

While the full House must vote to adopt any articles of impeachment, the full House need not vote to launch this impeachment inquiry. The Constitution, which, again, gives the House the sole power of impeachment, includes no requirement that the full House vote to start an impeachment inquiry. Neither do the Rules of the House of Representatives. In fact, the House has launched several impeachment inquiries without a full House vote,¹³ and four years ago a federal district court expressly rejected the argument that a House resolution is required to begin an impeachment inquiry.¹⁴

III. Basis of Impeachment Inquiry and Information Obtained to Date

The Committees have accumulated significant evidence suggesting that President Biden knew of, participated in, and profited from his family’s international business activities. The evidence further suggests the President may have used certain members of his family—particularly his son, Hunter Biden—to accumulate millions of dollars from foreign individuals and entities for the benefit of his family and himself. In particular, the Committees have assembled information indicating that President Biden may have: (1) performed official acts or changed United States policy as a direct result of the foreign money received by his family; (2) provided access to his federal office in exchange for his family’s receipt of foreign money; and/or (3) knowingly participated in a scheme where foreign business interests were led to believe that they would gain access to him (in his official capacity) if they were to pay substantial amounts of money to his family. If any of these things did occur, that would

¹¹ *Comm. on Judiciary of U.S. House of Representatives v. McGahn*, 968 F.3d 755, 765 (D.C. Cir. 2020) (en banc).

¹² *See, e.g.*, H. Rep. No. 116-346, at 28 (2019) (“Here, consistent with historical practice, the House divided its impeachment inquiry into two phases, first collecting evidence and then bringing that evidence before the Judiciary Committee for its consideration of articles of impeachment.”), <https://www.congress.gov/116/crpt/hrpt346/CRPT-116hrpt346.pdf>; H. Rep. No. 111-427, at 7 (2010) (“[T]he impeachment inquiry was referred by the Committee on the Judiciary to a Task Force on Judicial Impeachment . . . , comprised of 12 Committee Members, to conduct the investigation.”), <https://www.congress.gov/111/crpt/hrpt427/CRPT-111hrpt427.pdf>; H.R. Rep. No. 101-8, at 292 (1989) (explaining that the relevant committee reviewed materials that had been compiled in other proceedings and “began its own investigation” “in connection with the impeachment inquiry”).

¹³ For example, in the 1980s, the full House did not vote to authorize the impeachment inquiries involving Judge Harry Claiborne, Judge Alcee Hastings, or Judge Walter Nixon. And in 2019, the Speaker of the House announced the beginning of a formal impeachment inquiry into President Trump more than a month before the full House voted to authorize it.

¹⁴ *See In re Application of Comm. on Judiciary*, 414 F. Supp. 3d 129, 168 (D.D.C. 2019) (“Even in cases of presidential impeachment, a House resolution has never, in fact, been required to begin an impeachment inquiry.”), *aff’d*, 951 F.3d 589 (D.C. Cir. 2020), *vacated and remanded sub nom. on other grounds DOJ v. House Comm. on the Judiciary*, 142 S. Ct. 46 (2021).

constitute a grave abuse of the high office to which the American people have entrusted President Biden.

The evidence also suggests President Biden has attempted to conceal his association with and participation in various foreign business deals his family members arranged to capitalize on his positions of public trust. And during the few instances in which the President has been given an opportunity to explain his role in his family's foreign business deals, the President has either lied or made assertions that are highly implausible in light of the record before the Committees.

The evidence about the Biden family's business practices the Committees have accumulated, and Joe Biden's participation in those activities, is significant and includes bank records, discussions with former business associates, interviews with investigators from the Hunter Biden criminal investigation, and government records from the Department of the Treasury (Treasury Department), National Archives and Records Administration (National Archives), the Federal Bureau of Investigation (FBI), and Internal Revenue Service (IRS). The Committees have also reviewed records abandoned by the President's son, including messages among Biden family members. These messages appear to confirm President Biden has fostered a system in which he uses his family members as agents that offer access to his positions of public trust, influence on American policy, and protection from investigations or prosecution. Moreover, this system appears to not only financially benefit the President's family but also himself. As recently as 2019, Hunter Biden texted a member of his own family "I Hope you all can do what I did and pay for everything for this entire family Fro [sic] 30 years . . . [U]nlike Pop I won't make you give me half your salary."¹⁵

Devon Archer, a longtime Biden business associate, during an interview with the Oversight Committee, described the Biden "brand" as well as how Hunter Biden placed Joe Biden on phone calls, including on speaker phone, approximately "20 times" with business associates.¹⁶ Rob Walker, another longtime Biden associate, described Joe Biden taking meetings with certain business partners. Archer also explained how then-Vice President Biden sat at dinners with oligarchs who paid his son millions of dollars and met for coffee in Beijing with his son's Chinese business partner. Tony Bobulinski, another Biden associate, has confirmed that Joe Biden was the "big guy" referenced in an email explaining how he and others would divide equity in a joint venture with a corrupt Chinese company. This reference to the "big guy" has been corroborated by reference to Joe Biden as the "big guy" in an FBI document generated prior to the publicization of the email Bobulinski referenced. That same FBI document details a bribery scheme in which the President allegedly participated with his son.

As part of its legislative and oversight work, the Oversight Committee has sought to prevent potential future corruption by a President's or Vice President's family through consideration of legislation aimed at imposing disclosure requirements regarding the financial interests of the family members of Presidents and Vice Presidents. The Oversight Committee has explained its legislative purposes in a series of investigative letters, hearings, and memoranda that also detail through bank records the transfers of funds to the Biden family and its business associates from Ukrainian, Russian, Kazakhstani, Romanian, and Chinese sources.

¹⁵ Text message from Hunter Biden to Naomi Biden, Jan. 3, 2019 (7:39 P.M.).

¹⁶ Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 29 and 51.

The information and evidence the Committees have gathered establishes a good faith basis to conclude that the President has been dishonest with the American people. There is significant evidence that the President had involvement in his family's foreign business entanglements and his Administration has taken steps to impede the criminal investigation into his family relating to those entanglements. For these reasons a formal impeachment inquiry into his role in these matters is appropriate and necessary. Below is a summary of the evidence accumulated by the Committees to date.

A. Summary of the Oversight Committee's Financial Investigation

The Oversight Committee has reviewed Suspicious Activity Reports (SARs) from the Treasury Department related to certain companies and business associates affiliated with the Bidens.¹⁷ These SARs included detailed banking information that was flagged by financial institutions involving Biden family members and their business associates.

Based in part on information from these SARs, the Oversight Committee has issued subpoenas to six different banks for records related to companies and individuals who conducted business with certain Biden family members and their related companies. A pattern of incredible financial complexity emerged from Biden associates' bank records and other evidence that spanned from approximately 2014 to 2019. The Biden family used the corporate bank accounts of third-party associates to receive wires from foreign companies and foreign nationals. The Biden business associates would then disperse money to various Biden family members in incremental payments over time. While much of this money went to Hunter Biden's professional corporation, Owasco P.C., and his other bank accounts, other Biden family members and their companies also received significant payments.¹⁸

During the five-year period from 2014 to 2019, Biden family members and their associates received over \$24 million from foreign companies and foreign nationals, with more than \$15 million received by the Biden family and \$9 million by business associates.¹⁹ The Committees have not identified legitimate services that would warrant the lucrative payments from these foreign sources.

¹⁷ Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Hon. Janet Yellen, Secretary, U.S. Dep't of Treasury (Jan. 11, 2023).

¹⁸ The Oversight Committee has identified specific companies that require further investigation based on the financial documents that revealed a pattern of influence peddling and serious ethics issues. Some of these entities are discussed in detail below and include Owasco P.C; Owasco, LLC; Rosemont Seneca Partners, LLC; Rosemont Seneca Advisors, LLC; Skaneateles, LLC; Hudson West III, LLC; Hudson West V, LLC; Robinson Walker, LLC; Rosemont Seneca Bohai, LLC; Rosemont Seneca Thornton, LLC; Lion Hall Group, LLC; and JBBSR, INC.

¹⁹ Memorandum (Mar. 16, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: New Evidence Resulting from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes; Memorandum (May 10, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes; Memorandum (Aug. 9, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Third Bank Records Memorandum from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes.

B. Biden Influence Peddling with Ukrainian, Russian, and Kazakhstani Companies and Nationals

(i) *Influence Peddling in Ukraine and Payments from Burisma*

With regard to Ukraine, the Oversight Committee has developed a significant body of evidence consisting of financial records and testimony to suggest then-Vice President Biden's family used his position as Vice President to accumulate millions of dollars from Burisma, a company then implicated in a years-long corruption investigation conducted by Ukrainian authorities. The evidence also indicates that then-Vice President Biden took official action that had the effect of benefiting Burisma. The evidence the Oversight Committee has developed through testimony and bank records is bolstered by an FBI FD-1023 form that alleges the President directly participated in a bribery scheme.

(ii) *Financial Records and Testimony Regarding Burisma Payments*

Hunter Biden joined Burisma as counsel in early 2014 and assumed a position on the board of directors by April/May 2014.²⁰ Devon Archer testified that Hunter Biden became a member of the board of directors after a meeting in Lake Como, Italy, with Vadym Pozharsky, Burisma's corporate secretary, and Mykola "Nikolay" Zlochevsky, Burisma's president.²¹ Pozharsky often communicated with Biden/Archer on behalf of Zlochevsky.²²

For their positions on the board of Burisma, Hunter Biden and Devon Archer were each paid \$1 million per year, equating to each receiving approximately \$83,333 per month.²³ For 2014 and 2015, Hunter Biden and Devon Archer received approximately \$3.32 million. Based on IRS whistleblower testimony provided to the Ways and Means Committee, Hunter Biden and Devon Archer earned \$6.5 million from Burisma.²⁴ This finding is consistent with the Oversight Committee's financial investigation thus far. Money wired by Burisma to the Rosemont Seneca Bohai account was often later transferred to Hunter Biden directly and his professional corporation, Owasco, P.C., in small increments.²⁵ Hunter Biden did not have any relevant qualifications for serving on the board of a Ukrainian energy company (other than his connection to his father).

In February 2015, Viktor Shokin became the prosecutor general of Ukraine, inheriting an ongoing investigation of Burisma's President.²⁶ Devon Archer testified about how Burisma faced "government pressure from [the] Ukrainian Government investigations into Mykola, et cetera."²⁷ On December 4, 2015, the Burisma board of directors met in Dubai.²⁸ After that

²⁰ Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 19.

²¹ Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 17.

²² See, e.g., Email from Vadym Pozharsky to Hunter Biden dated May 7, 2014 ("Dear Hunter...[G]ood luck to you in China, will convey your message to Nikolay.").

²³ Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 18.

²⁴ See Transcript of Special Agent, Internal Revenue Service, H. Comm. on Ways and Means, at 99.

²⁵ Memorandum (August 9, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Third Bank Records Memorandum from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes, at 16.

²⁶ Oleg Sukhov, *Political survivor Shokin takes over general prosecutor office*; KYIV POST (Feb. 10, 2015).

²⁷ Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 34.

²⁸ Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 31.

meeting, Hunter Biden was asked to alleviate “pressure” Burisma was facing from the Ukrainian government’s investigation into Zlochevsky, and Hunter Biden “called D.C.”²⁹ Five days later—on December 9, 2015—Vice President Biden delivered a speech to the Verkhovna Rada (the Ukrainian parliament), in which he claimed the “Office of the General Prosecutor desperately needs reform.”³⁰ Indeed, on the flight to Ukraine, Vice President Biden reportedly “called an audible” and “changed the plan” regarding the Obama-Biden Administration’s policy concerning the renewal of a \$1 billion loan guarantee for Ukraine, making it contingent upon the firing of Shokin, which could help alleviate some of the pressure that Burisma was getting from Ukraine’s government.³¹

In March 2016, the Rada voted to remove Shokin despite “veteran observers of Ukrainian politics [saying] that the prosecutor . . . had played an important role in balancing competing political interests, helping maintain stability during a treacherous era in the divided country’s history.”³² In a 2018 public appearance before the Council on Foreign Relations, Joe Biden described these events—albeit with inaccuracy regarding certain details:

I’m desperately concerned about the backsliding on the part of Kiev in terms of corruption. They made—I mean, I’ll give you one concrete example. I was—not I, but it just happened to be that was the assignment I got. I got all the good ones. And so I got Ukraine. And I remember going over, convincing our team, our leaders to—convincing that we should be providing for loan guarantees. And I went over, I guess, the 12th, 13th time to Kiev. And I was supposed to announce that there was another billion-dollar loan guarantee. And I had gotten a commitment from Poroshenko and from Yatsenyuk that they would take action against the state prosecutor. And they didn’t.

So they said they had—they were walking out to a press conference. I said, nah, I’m not going to—or, we’re not going to give you the billion dollars. They said, you have no authority. You’re not the president. The president said—I said, call him. I said, I’m telling you, you’re not getting the billion dollars. I said, you’re not getting the billion. I’m going to be leaving here in, I think it was about six hours. I looked at them and said: I’m leaving in six hours. **If the prosecutor is not fired, you’re not getting the money. Well, son of a bitch. He got fired. And they put in place someone who was solid at the time.**³³

The “solid” new prosecutor general of Ukraine who replaced Viktor Shokin was Yuriy Lutsenko, who was not a lawyer and whose “one shining qualification appeared to be his loyalty

²⁹ Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 34, 36.

³⁰ Remarks by Vice President Joe Biden to The Ukrainian Rada, Dec. 9, 2015, The White House, *available at* <https://obamawhitehouse.archives.gov/the-press-office/2015/12/09/remarks-vice-president-joe-biden-ukrainian-rada>.

³¹ Glenn Kessler, *Inside VP Biden’s linking of a loan to a Ukraine prosecutor’s ouster*, Wash. Post (Sep. 15, 2023).

³² Andrew E. Kramer, *Ukraine Ousts Viktor Shokin, Top Prosecutor; and Political Stability Hangs in the Balance*, N.Y. Times (March 29, 2016).

³³ *Foreign Affairs Issue Launch with Former Vice President Joe Biden*, Council on Foreign Relations (Jan. 23, 2018) (emphasis added).

to [President Petro Poroshenko].”³⁴ Within a year of the elevation of Lutsenko, Ukrainian prosecutors closed the investigation of Zlochevsky.³⁵

In addition to this sudden change in the Obama-Biden Administration’s strategy regarding Ukraine, Vice President Biden provided further value to his family’s business associates by protecting them from anti-corruption efforts. Devon Archer testified that “people would be intimidated to mess with [Burisma]....legally” because of the Biden “brand.”³⁶ During the transcribed interview with Devon Archer, he described the Biden “brand” and its value to a company such as Burisma:

Q: You keep saying “the brand,” but by “brand” you mean the Biden family, correct?

A: Correct.

Q: And that brand is what, in your opinion, was the majority of what the value that was delivered from Hunter Biden to Burisma?

A: I didn’t say majority, but I wouldn’t speculate on percentages. But I do think that was an element of it.

Mr. Biggs: When you say “Biden family” – sorry to cut in here. I just want to get a clarification.

You aren’t talking about Dr. Jill or anybody else. You’re talking about Joe Biden. Is that fair to say?

A: Yeah, that’s fair to say. Listen, I think it’s – I don’t think about it as, you know, Joe directly, but it’s fair. That’s fair to say. Obviously, that brought the most value to the brand.³⁷

On April 16, 2015, Hunter Biden, Devon Archer, and Vice President Joe Biden attended a private dinner at Café Milano in Washington, D.C. with Vadym Pozharsky (a Burisma executive) and others.³⁸

Additional information about the Ukrainian payments can be found in the Third Bank Records Memorandum released by the Oversight Committee.

³⁴ Oleg Sukhov, *Powerful suspects escape justice on Lutsenko’s watch*, Kyiv Post (April 13, 2018).

³⁵ Oleg Sukhov, *Powerful suspects escape justice on Lutsenko’s watch*, Kyiv Post (April 13, 2018).

³⁶ Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 105.

³⁷ Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 29-30.

³⁸ Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 66.

(iii) *FBI FD-1023 Form*

A June 30, 2020 FBI FD-1023 form subpoenaed by the Oversight Committee alleges that President Biden directly participated in a bribery scheme involving Burisma. The confidential human source (CHS) who provided its contents has been developed and trusted by the FBI since the Obama-Biden Administration and was paid significant money for the information he or she provided.

The FD-1023 form provides a detailed description of two in-person meetings and telephone calls between the CHS and Burisma executives and/or then-president of Burisma, Mykola Zlochevsky over the course of several years. The first meeting described in the FD-1023 form allegedly occurred in late 2015 or 2016. During that meeting with Burisma employee Vadym Pozharsky and others, Pozharsky stated that members of the Burisma board of directors included former Polish President Aleksander Kwasniewski and Hunter Biden. Pozharsky allegedly said Hunter Biden was hired to “protect us, through his dad, from all kinds of problems[.]”³⁹ He also allegedly indicated that Hunter Biden “was not smart” and Burisma therefore wanted to get additional counsel to advise on whether Burisma should purchase a United States oil and gas business.⁴⁰

In 2016, the FD-1023 form details that the CHS traveled to Vienna, Austria, and met with Zlochevsky.⁴¹ During that meeting, the CHS advised against an initial public offering for Burisma in the United States due to an ongoing Ukrainian corruption investigation focused on Burisma, led by then-Prosecutor General Viktor Shokin. Zlochevsky replied something to the effect of, “Don’t worry Hunter will take care of all of those issues through his dad.”⁴² During this conversation, Zlochevsky allegedly told the CHS he had paid \$5 million to two Bidens and that both Hunter Biden and Joe Biden had told Zlochevsky to hire Hunter Biden to the board of directors.⁴³ The CHS understood the conversation to mean Zlochevsky “already had paid the Bidens, presumably to ‘deal with Shokin.’”⁴⁴

In 2016 or 2017, the CHS again spoke by phone with Zlochevsky. Zlochevsky stated he was not happy about the outcome of the 2016 U.S. presidential election because of his association with the Bidens. Zlochevsky stated “he didn’t want to pay the Bidens and he was ‘pushed to pay’ them.”⁴⁵ Zlochevsky stated he had “many text messages and ‘recordings’ that show he was coerced to make such payments[.]”⁴⁶

In 2019, the CHS again spoke with Zlochevsky over the phone.⁴⁷ The CHS stated Zlochevsky could face difficulty explaining suspicious wire transfers “that may evidence any (illicit) payments to the Bidens.”⁴⁸ Zlochevsky stated that he did not directly transfer funds to

³⁹ FBI Form FD-1023 (dated June 30, 2020), at 1.

⁴⁰ *Id.*

⁴¹ FBI Form FD-1023 (dated June 30, 2020), at 1-2.

⁴² FBI Form FD-1023 (dated June 30, 2020), at 2.

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ FBI Form FD-1023 (dated June 30, 2020), at 3.

⁴⁸ *Id.* (Parenthetical in original).

the “Big Guy,” which the CHS understood to mean Joe Biden, but used a series of transactions that would take investigators years to trace.⁴⁹

(iv) *Payment from Russia*

On December 6, 2013, a bank account for a company called Rosemont Seneca Thornton was opened and listed Devon Archer and Rosemont Seneca Partners as beneficiaries of the account.⁵⁰ Hunter Biden, through his stake in Rosemont Seneca Partners, was a beneficiary of funds deposited in the Rosemont Seneca Thornton bank account. On February 13, 2014, Rosemont Seneca Bohai, LLC (Rosemont Seneca Bohai) was opened in Delaware.⁵¹ Devon Archer confirmed to the Committee that he and Hunter Biden were 50-50 owners of Rosemont Seneca Bohai.⁵²

The next day, on February 14, 2014, the Russian oligarch Yelena Baturina—the wealthiest woman in Russia at the time,⁵³ and then married to the former Mayor of Moscow—wired the Rosemont Seneca Thornton bank account \$3.5 million.⁵⁴ On March 11, 2014, Rosemont Seneca Thornton transferred \$2,752,711 to a Rosemont Seneca Bohai account.⁵⁵ In early February 2014—around the time of Baturina’s transfer of \$3.5 million into the Rosemont Seneca Thornton bank account—Devon Archer, Hunter Biden, and Vice President Biden had dinner with Yelena Baturina and others at Café Milano in Washington, D.C.⁵⁶ There is no evidence that Hunter Biden performed any legitimate service in exchange for the money that Baturina sent to companies affiliated with him.

Following Russia’s invasion of Ukraine in 2022, the Biden Administration placed several Russian oligarchs on the public sanctions list. Notably, Yelena Baturina was not on the list.⁵⁷

Additional information about the Russian payment can be found in the Third Bank Records Memorandum released by the Oversight Committee.

⁴⁹ *Id.*

⁵⁰ Memorandum (August 9, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Third Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes, at 6.

⁵¹ OpenCorporates.com, Rosemont Seneca Bohai, LLC, https://opencorporates.com/companies/us_de/5481769 (last accessed Aug. 8, 2023).

⁵² Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 64.

⁵³ *Владелица Wildberries стала богатейшей россиянкой по версии Forbes*, Forbes.ru (Feb. 20, 2020), <https://www.forbes.ru/milliardery/393387-vladelica-wildberries-stala-bogateyshey-rossiyankoy-po-versii-forbes>.

⁵⁴ Memorandum (August 9, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Third Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes, at 8.

⁵⁵ Memorandum (August 9, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Third Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes, at 8.

⁵⁶ Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 46.

⁵⁷ John Hyatt, *The Russian Oligarch Billionaires Who Haven’t Been Sanctioned*, Forbes (April 7, 2022).

(v) *\$142,300 Sportscar from Kazakhstan*

On February 5, 2014, an email indicates Hunter Biden met Kazakhstani oligarch Kenes Rakishev at the Hay Adams Hotel in Washington, D.C.⁵⁸ Rakishev was a Kazakhstani oligarch and director of Kazakhstan's state-owned oil company KazMunayGas.⁵⁹ Rakishev maintained ties to Karim Massimov,⁶⁰ who became the prime minister on April 2, 2014.⁶¹ In email correspondence with Biden business associate Devon Archer surrounding the meeting, Rakishev requested that Secretary of State John Kerry visit Kazakhstan.⁶² Devon Archer replied, "If we have some business started as planned I will ensure its [sic] planned soonest."⁶³ The Oversight Committee continues to investigate the details of Secretary Kerry's eventual visit to Kazakhstan in November 2015.⁶⁴

On April 22, 2014, Rakishev used his Singaporean entity, Novatus Holdings, to wire the Rosemont Seneca Bohai bank account \$142,300.⁶⁵ The next day, the exact same amount was wired out to a car dealership in New Jersey for an expensive sportscar for Hunter Biden. After receiving the payment for the sportscar, in May and June of 2014, Hunter Biden and Devon Archer represented Burisma on a trip to Kazakhstan to evaluate a deal between Burisma and KazMunayGas.⁶⁶

In early 2014, Devon Archer, Hunter Biden, and Vice President Biden had dinner with Kenes Rakishev and Karim Massimov and others at Café Milano in Washington, D.C.⁶⁷ Massimov would also attend the April 16, 2015, dinner with Hunter Biden, Devon Archer, Vice President Biden, and others.⁶⁸

Additional information about the Kazakhstani payment can be found in the Third Bank Records Memorandum released by the Oversight Committee.

C. Biden Influence Peddling in Romania

On May 21, 2014, then Vice President Biden visited Romania and delivered a speech addressed to the Romanian Prime Minister, judges, prosecutors, and leaders of the parliament.⁶⁹ During his speech, Vice President Biden stated the following:

⁵⁸ Email from Kenes Rakishev to Hunter Biden and Devon Archer dated February 5, 2014.

⁵⁹ *Ракисhev Кенес Хамитович*, <https://kapital.kz/dossier/rakishev-kenes>.

⁶⁰ Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 63.

⁶¹ Raushan Nurshayeva, *Masimov returns as Kazakh PM to face economic crisis*, Reuters (Apr. 2, 2014), <https://www.reuters.com/article/us-kazakhstan-government/masimov-returns-as-kazakh-pm-to-face-economic-crisis-idUSBREA311AI20140402>.

⁶² Email from Kenes Rakishev to Hunter Biden and Devon Archer dated February 5, 2014.

⁶³ Email from Devon Archer to Kenes Rakishev, copying Hunter Biden dated February 5, 2014.

⁶⁴ *See, e.g.,* Matt Spetalnick, *Kerry courts Kazakh leader as U.S. eyes stronger Central Asia ties*, Reuters (Nov. 2, 2015).

⁶⁵ Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 61-62.

⁶⁶ Email from Devon Archer to Hunter Biden and Vadym Pozharsky dated May 7, 2014.

⁶⁷ Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 46.

⁶⁸ Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 45.

⁶⁹ Remarks by vice President Joe Biden to Romanian Civil Society Groups and Students (Cotroceni Palace, Bucharest, Romania), The White House – Office of the Vice President (May 21, 2014), *available at*

Corruption is a cancer, a cancer that eats away at a citizen's faith in democracy, diminishes the instinct for innovation and creativity; already-tight national budgets, crowding out important national investments. It wastes the talent of entire generations. It scares away investments and jobs. And most importantly it denies the people their dignity. It saps the collective strength and resolve of a nation. Corruption is just another form of tyranny.

*And corruption can represent a clear and present danger not only to a nation's economy, but to its very national security.*⁷⁰

In 2014 and 2015, one of the most high-profile corruption prosecutions in Romania revolved around Gabriel Popoviciu.⁷¹ On September 28, 2015, Vice President Biden welcomed Romanian President Klaus Iohannis to the White House.⁷² During the meeting, Vice President Biden discussed anti-corruption issues and promoting the rule of law to strengthen Romania's national security.⁷³ Within approximately five weeks of this meeting, Bladon Enterprises Limited (Bladon Enterprises) began making deposits into the bank account of Robinson Walker, LLC.⁷⁴ Robinson Walker, LLC was formed by longtime Biden business associate John "Rob" Walker. Bladon Enterprises is reported to be Gabriel Popoviciu's company used to conduct business in Romania.⁷⁵

From November 2015 to May 2017, Bladon Enterprises paid Robinson Walker, LLC over \$3 million.⁷⁶ Biden family accounts then received approximately \$1.038 million from the Robinson Walker, LLC account after the Bladon Enterprises deposits.⁷⁷ The recipients of the money from the Bladon Enterprises deposits included EEIG (James Gilliar), Hunter Biden, Hallie Biden, Owasco, P.C., and an unknown Biden bank account.⁷⁸ These payments appear to be separate from any legal fees Hunter Biden received through the law firm, Boies Schiller, as

<https://obamawhitehouse.archives.gov/the-press-office/2014/05/21/remarks-vice-president-joe-biden-romanian-civil-society-groups-and-stude>.

⁷⁰ *Id.* (emphasis added).

⁷¹ Laura Strickler & Rich Schapiro, *Hunter Biden's legal work in Romania raises new questions about his overseas dealings*, NBC News (Oct. 24, 2019).

⁷² The White House, Office of the Vice President, Readout of the Vice President's Meeting with Romanian President Klaus Iohannis (Sept. 28, 2015).

⁷³ The White House, Office of the Vice President, Readout of the Vice President's Meeting with Romanian President Klaus Iohannis (Sept. 28, 2015).

⁷⁴ Memorandum (May 10, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes, at 12.

⁷⁵ *Romanian investor develops large residential complex in office area* (Oct. 6, 2016), available at <https://www.romania-insider.com/romanian-investor-develops-large-residential-complex-office-area>.

⁷⁶ Memorandum (May 10, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes, at 12.

⁷⁷ Memorandum (May 10, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes, at 12.

⁷⁸ Memorandum (May 10, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes, at 12.

the payments were directly from Rob Walker's company. The Oversight Committee has not identified legitimate services that would warrant these lucrative payments to Biden family members.

Additional information about Romanian payments can be found in the Second Bank Records Memorandum released by the Oversight Committee.

D. Joe Biden and His Family Have Had Financial Dealings with Concerning Chinese Nationals, and Joe Biden Has Made False Statements About Those Entanglements

On October 22, 2020, President Biden (then a candidate) answered a question about whether there was anything inappropriate or unethical about his son's business dealings in Ukraine or China. President Biden denied that his son or anybody else from his family had received money from China and stated:

My son has not made money in terms of this thing about, what are you talking about, China. I have not had—the only guy who made money from China is this guy [Donald Trump]. He's the only one. Nobody else has made money from China.⁷⁹

Evidence shows this was not true. In fact, the evidence demonstrates Joe Biden knew his statement was false. Evidence indicates President Biden has participated in his family's dealings with Chinese entities. All of this raises questions about why President Biden concealed his family's involvement with certain Chinese nationals and companies and whether any of his official acts have been influenced by these prior business interactions and/or concern that evidence regarding his family's business dealings with China could be released.

(i) *CEFC China Energy and Related Chinese Companies*

CEFC China Energy (CEFC) was a Chinese energy conglomerate that quickly rose from obscurity to becoming one of China's largest ostensibly private companies. CEFC was closely affiliated with China's Belt and Road Initiative, and its chairman, Ye Jianming, told Chinese media that CEFC "aims to serve the state's strategy."⁸⁰ By 2017, Chairman Ye had "transformed [CEFC] from a little-known fuel trader to a fast-expanding oil and finance giant with assets in Europe, the Middle East, Central Asia and Africa."⁸¹ Chairman Ye and CEFC reportedly had connections to the Chinese military.⁸² Though it was in theory a private company, CEFC "has layers of Communist Party committees, which are usually staples of state-owned enterprises."⁸³

The Bidens' introduction to CEFC began while Joe Biden was Vice President, in late 2015, when Vuk Jeremic—a Serbian politician and recipient of millions of dollars from CEFC

⁷⁹ Justin McCormack, *Biden at Last Presidential Debate: 'My son Has not Made Money' from China*, Nat'l Review (Dec. 10, 2020) (emphasis added).

⁸⁰ Ji Tianqin & Han Wei, *In Depth: Investigation Casts Shadow on Rosneft's China Investor CEFC*, Caixin Global (March 1, 2018).

⁸¹ Ji Tianqin & Han Wei, *In Depth: Investigation Casts Shadow on Rosneft's China Investor CEFC*, Caixin Global (March 1, 2018).

⁸² See, e.g., "The Belt, The Road And The Money," Transcript, NPR (Apr. 20, 2018).

⁸³ Ji Tianqin & Han Wei, *In Depth: Investigation Casts Shadow on Rosneft's China Investor CEFC*, Caixin Global (March 1, 2018).

related entities⁸⁴—invited Hunter Biden to attend a “private dinner” with Chairman Ye.⁸⁵ Principals of CEFC who engaged in business with the Bidens were the subjects of corruption arrests and prosecutions. According to the U.S. Department of Justice (DOJ or Department), Chairman Ye used CEFC to bribe and corruptly influence foreign officials. One of Chairman Ye’s agents in the United States and abroad—Patrick Ho—was convicted of international bribery and money laundering offenses because of his work for CEFC in Africa.⁸⁶ DOJ referenced part of Chairman Ye’s role in that bribery scheme in a press release:

HO also advised his boss, Ye Jianming, the then-chairman of CEFC China, to provide \$500,000 in cash to [President of Uganda Yoweri] Museveni, ostensibly as a campaign donation, even though Museveni, had already been reelected. HO intended these payments to influence [Uganda Minister of Foreign Affairs Sam] Kutesa and Museveni to use their official power to steer business advantages to CEFC China.⁸⁷

On March 1, 2017, State Energy HK Limited, a company affiliated with Chairman Ye, sent a wire to Robinson Walker, LLC for \$3 million.⁸⁸ John “Rob” Walker was a longtime Biden business associate who formed Robinson Walker, LLC in Delaware.⁸⁹ The day after receiving the \$3 million wire from China, Robinson Walker, LLC sent a wire to EEIG, a company associated with James Gilliar, in Abu Dhabi for \$1.065 million.⁹⁰ Over the next approximately three months, Robinson Walker, LLC sent 16 incremental payments totaling \$1,065,692 to various Biden family members and their corporate accounts: Hunter Biden, Hunter Biden’s professional corporation, Owasco, P.C., one of James Biden’s companies (JBBSR Inc.), Hallie Biden, and an unknown Biden account.⁹¹ The Committee can identify no legitimate services rendered by these individuals or legitimate reason for payments being made in this manner.

After the Oversight Committee revealed the payments from China, President Biden continued making false statements. On March 18, 2023, in response to a reporter’s question

⁸⁴ Memorandum (May 10, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes, at 19 and 29.

⁸⁵ Email from Vuk Jeremic to Eric Schwerin, Dec. 1, 2015 (11:14 A.M.).

⁸⁶ U.S. Dep’t of Justice, *Patrick Ho, Former Head of Organization Backed by Chinese Energy Conglomerate, Sentenced to 3 Years in Prison for International Bribery and Money Laundering Offenses*, U.S. Attorney’s Offices (Southern District of New York), Mar. 25, 2019.

⁸⁷ *Id.*

⁸⁸ Memorandum (May 10, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes, at 31.

⁸⁹ See Memorandum (Mar. 16, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: New Evidence Resulting from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes.

⁹⁰ Memorandum (May 10, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes, at 31.

⁹¹ Memorandum (May 10, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes, at 31.

regarding the over \$1 million paid to the Biden family from this Chinese company, President Biden claimed, “That’s not true.”⁹²

However, President Biden not only knew of his family’s business practices in China; evidence indicates he participated in them. On December 8, 2020, the FBI and IRS conducted a recorded interview of Rob Walker. A transcript of that interview confirmed that Joe Biden met with individuals from CEFC:

FBI Agent: Okay. Did um .., did the V.P. ever show up at any CEFC meeting or anything like that.., even once he was out of office?

Walker: Yes.

FBI Agent: Okay.

Walker: It was out-of-office. Ah, we were in ah.., D.C. at the Four Seasons...

IRS Agent: Hmph hmph.

Walker: ...and ah.., we were having lunch and he.., he stopped in...

IRS Agent: Hmph hmph.

Walker: ...then he’d ah, leave.

FBI Agent: Okay.

Walker: That was it.

FBI Agent: Just said hello to everybody and then...

Walker: Yes.

FBI Agent: ...took off?

Walker: He literally sat down. I don’t even think he drank water. I think Hunter said um.., I may be tryin’ to start a company, ah, or tried to do something with these guys and could you.., and think he was like “if I’m around” and he’d show up.

FBI Agent: Okay. So I mean you definitely got the feeling that, that was orchestrated by Hunter to.., to have like a.., an appearance by his Dad at that meeting just to kind of..,

⁹² Chris Pandolfo, Biden denies \$1M in payments to family from Hunter associate, despite bank records: ‘Not true’, Fox News (Mar. 18, 2023).

Walker: Hmph hmph.

FBI Agent: ...bolster your chances at...

Walker: Hmph hmph.

FBI Agent: ...makin' a deal work out.

Walker: Sure.

FBI Agent: Okay. Um..., any other... So that was the..., ah..., Four Seasons in D.C. after he was out of office?

Walker: Yeah.

FBI Agent: Um, where... Any times when he was in office or did you hear Hunter say that he was settin' up a meeting with his dad with them while dad was still in office?

Walker: Yeah.⁹³

The President's statement that the Oversight Committee's bank records were "not true" is false and even more egregious, given evidence that he stood to profit directly from the arrangement. Originally—in early 2017—the deal with CEFC included other associates of Hunter Biden and James Biden, namely: Rob Walker, Tony Bobulinski, and James Gilliar. Bobulinski has spoken publicly about meeting with Joe Biden in 2017 about the CEFC deal.⁹⁴ On May 13, 2017, Gilliar wrote in an email to Bobulinski (copying Rob Walker and Hunter Biden): "At the moment there s [sic] a provisional agreement that the equity will be distributed as follows[:] 20 H[:] 20 RW[:] 20JG[:] 20 TB[:] 10 Jim[:] 10 held by H for the big guy?"⁹⁵ A week after Gilliar's email, Gilliar wrote Bobulinski, "Don't mention Joe being involved, it's only when u are face to face, I know u know that but they are paranoid[.]"⁹⁶

The original equity structure for the joint venture with CEFC was changed to remove Gilliar, Walker, and Bobulinski, with only Hunter Biden and James Biden remaining of the original group.⁹⁷ Joe Biden's participation in the venture appears to have continued. In one WhatsApp message dated July 30, 2017, Hunter Biden wrote to a CEFC business associate, "I am sitting here with my father and we would like to understand why the commitment made has not been fulfilled."⁹⁸ He continued:

⁹³ Transcript of recorded interview with Rob Walker, Dec. 8, 2020, at 81-82.

⁹⁴ See, e.g., Brian Flood, *Tony Bobulinski tells Tucker Carlson Joe Biden was 'chairman' of Hunter Biden's overseas business dealings*, Fox News (Oct. 4, 2022), <https://www.foxnews.com/media/tony-bobulinski-tucker-carlson-joe-biden-chairman-hunter-biden-overseas-business-dealings>.

⁹⁵ Email from James Gilliar to Tony Bobulinski, May 13, 2017 (6:48 A.M.), copying Rob Walker and Hunter Biden.

⁹⁶ Message from James Gilliar to Tony Bobulinski, May 20, 2017.

⁹⁷ Transcript of recorded interview with Rob Walker, Dec. 8, 2020, at 83.

⁹⁸ WhatsApp message, dated July 30, 2017, between Hunter Biden and Associate, provided in testimony provided by Mr. Gary Shapley to the H. Comm. on Ways & Means (May 26, 2023).

Tell the director that I would like to resolve this now before it gets out of hand. And now means tonight.... [I]f I get a call or text from anyone involved in this other than you, Zhang, or the Chairman I will make certain that between the man sitting next to me and every person he knows and my ability to forever hold a grudge that you will regret not following my direction.⁹⁹

After the CEFC associate responded, Hunter Biden said again: “I am sitting here waiting for the call with my father. I sure hope whatever it is you are doing is very very very important.”¹⁰⁰ The next day, the CEFC associate sent a message stating, “CEFC is willing to cooperate with the family.”¹⁰¹ Then, on August 3, 2017, Hunter Biden wrote “The Biden’s [sic] are the best I know at doing exactly what the Chairman wants from this partnership [sic].”¹⁰²

Bank records obtained by the Oversight Committee establish that on August 4, 2017—the day after Hunter Biden’s WhatsApp message above—CEFC Infrastructure Investment (US) (CEFC Infrastructure) wired \$100,000 to Hunter Biden’s professional corporation, Owasco, P.C. The Committee was able to trace this money to a Chinese company and Chinese national, Gongwen “Kevin” Dong.¹⁰³

On August 2, 2017, CEFC (through Hudson West V) and Hunter Biden (through Owasco, P.C.) established another company, Hudson West III, LLC.¹⁰⁴ Dong and Biden were each 50 percent owners of Hudson West III.¹⁰⁵ Bank records show between August 2017 and October 2018, Hudson West III sent over \$4 million to Hunter Biden-related companies and over \$75,000 to a James Biden company, Lion Hall Group, LLC.¹⁰⁶

The next month, on September 21, 2017, Hunter Biden wrote an email to the general manager of the House of Sweden, a building in Washington, D.C., in which he requested “keys [be] made available for new office mates: Joe Biden Jill Biden Jim Biden Gongwen Dong (Chairman Ye CEFC emissary)[.]”¹⁰⁷ Hunter Biden also requested “the office sign ton [sic]

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ WhatsApp message, dated July 31, 2017, between Hunter Biden and Associate, provided in testimony provided by Mr. Gary Shapley to the H. Comm. on Ways & Means (May 26, 2023).

¹⁰² WhatsApp message, dated August 3, 2017, between Hunter Biden and Associate, provided in testimony provided by Mr. Gary Shapley to the H. Comm. on Ways & Means (May 26, 2023).

¹⁰³ Memorandum (May 10, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes, at 23.

¹⁰⁴ Amended and Restated Limited Liability Company Agreement of Hudson West III, LLC between Hudson West V, LLC and Owasco, P.C. (Aug. 2, 2017). Executed by Dong Gongwen, President, and R. Hunter Biden, Co-Chairman (*See* Schedule I, showing Hudson West V, LLC as 50 percent equity holder and Owasco, P.C. as 50 percent equity holder), *available at* <https://www.grassley.senate.gov/imo/media/doc/2.%20Hudson%20West%20III%20LLC%20Agreement.pdf>.

¹⁰⁵ *Id.*

¹⁰⁶ Letter from Hon. Charles E. Grassley, Ranking Member, S. Comm. on the Judiciary, and Hon. Ron Johnson, Ranking Member, Perm. Subcomm. On Investigations to Hon. David Weiss, U.S. Att’y (D. Del.), U.S. Dep’t of Justice (Oct. 26, 2022), *available at* https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_us_attorney_weiss_-_hunter_biden_investigation.pdf.

¹⁰⁷ E-mail from Hunter Biden to House of Sweden management (Sep. 21, 2017) (parenthetical in original).

reflect the following[:] The Biden Foundation Hudson West (CEFC US)[.]”¹⁰⁸ Hunter Biden then provided the personal phone number of Joe Biden, to whom Hunter Biden refers as his “partner” along with Dong and Jim Biden.¹⁰⁹ The management was told to call Joe Biden if they chose.¹¹⁰ In 2018, Chairman Ye was detained by Chinese authorities, and it was initially reported by Chinese media that his “detention in China was ordered directly by the Chinese president, Xi Jinping.”¹¹¹

All of the evidence reviewed above indicates that CEFC officials may have targeted certain Biden family members for their connections to Joe Biden. The Biden family profited from these lucrative financial arrangements, and this raises questions about whether this money, and/or concerns that Chinese sources may release additional evidence about these business relationships with the Biden family, have had any impact on official acts performed by President Biden or United States foreign policy.

Additional information about CEFC payments can be found in the First Bank Records Memorandum and the Second Bank Records Memorandum released by the Oversight Committee.

(ii) *BHR Partners and Jonathan Li*

As outlined below, President Biden became familiar with another of Hunter Biden’s business associates in China, Jonathan Li, while he was Vice President. Jonathan Li was affiliated with a Chinese government-linked private-equity fund, Bohai Capital.¹¹² On December 16, 2013, Bohai Harvest RST (Shanghai) Equity Investment Fund Management Co., Ltd. (BHR Partners) was formed, a venture between Rosemont Seneca Thornton, a Biden-affiliated business, and Chinese entities.¹¹³

On July 31, 2023, the Oversight Committee conducted a transcribed interview of Devon Archer, who discussed Vice President Biden’s interactions with Jonathan Li.¹¹⁴ In December 2013, then-Vice President Biden and Hunter Biden traveled on Air Force Two to China.¹¹⁵ Devon Archer stated Vice President Biden had coffee with Jonathan Li in Beijing:

¹⁰⁸ *Id.* (parenthetical in original).

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ Eric Ng & Xie Yu, *China detains CEFC’s founder Ye Jianming, wiping out US \$153 million in value of stocks*, S. China Morning Post, Mar. 1, 2018, available at <https://web.archive.org/web/20180301105430/https://www.scmp.com/business/companies/article/2135238/china-detain-cefc-founder-ye-jianming-stocks> (accessed Apr. 27, 2023).

¹¹² Adam Entous, *Will Hunter Biden Jeopardize His Father’s Campaign? Joe Biden’s son is under scrutiny for his business dealings and tumultuous personal life*, *The New Yorker* (July 1, 2019); Report (September 23, 2020), S. Comm. on Homeland Security and Governmental Affairs and U.S. Senate Committee on Finance From Maj. Comm. staff to Comm. Members. Re: Hunter Biden, Burisma, and Corruption: The Impact on U.S. Government Policy and Related Concerns, at 3.

¹¹³ National Enterprise Credit Information Publicity System Records for Bohai Huamei (Shanghai) Equity Investment Fund Management Co., Ltd.

¹¹⁴ Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023).

¹¹⁵ The Vice President’s 2013 Asia Trip – Japan, China and the Republic of Korea, The White House, *available at* <https://obamawhitehouse.archives.gov/issues/foreign-policy/asia-trip-2013>.

Q: Jonathan Li –

A: Yes.

Q: – that call, was that an inbound call, an outbound call? To the extent you remember.

A: Yeah, to the extent I remember, that – I don't know, but I know there was a "hello." There was, like – you know, they ended up having coffee, I think, so he might've known him.

Q: Jonathan –

A: Jonathan Li and President Biden had coffee. So it might've been, like, after they had coffee, and he was saying hello, so there was, like, some familiarity.

Q: Where was that, that they had coffee?

A: They had coffee in Beijing.¹¹⁶

Devon Archer also stated that Vice President Biden wrote a college admission letter for Jonathan Li's daughter.¹¹⁷ The Oversight Committee has also identified an email indicating Joe Biden, after his vice presidency, wrote a recommendation letter for Jonathan Li's son to attend Brown University.¹¹⁸ Vice President Biden knew Jonathan Li, met with him, had at least one phone call with him, and wrote college recommendation letters for his children.

Additional information about BHR Partners and Jonathan Li will be released in a future Oversight Committee Bank Records Memorandum.

¹¹⁶ *Id.* at 124.

¹¹⁷ *Id.* at 125-126.

¹¹⁸ Email from Jonathan Li to Eric Schwerin copying Hunter Biden, James Bulger, and Devon Archer dated Feb. 20, 2017.

E. Obstruction of Investigation of President Biden’s Son, Including Biden Family Business Dealings, by His Own Administration

(i) *Testimony of IRS Whistleblowers*

Two whistleblowers from the IRS came forward to the Ways and Means Committee to provide protected disclosures about a sensitive, high-profile matter. That high-profile matter is an investigation into whether Hunter Biden committed tax-related crimes and other federal offenses. The investigation, which looked into Hunter Biden’s financial dealings, implicated transactions that involved foreign entities like Burisma, among others, and Hunter Biden. In addition to providing information relevant to the Oversight Committee’s investigation, the IRS whistleblowers raised grave concerns that certain people within DOJ, and potentially within the IRS, have sought to hinder, obstruct, and sabotage the investigation by David Weiss, U.S. Attorney for the District of Delaware, of the President’s son, Hunter Biden, an investigation that could implicate Joe Biden in his son’s foreign business dealings. The whistleblowers also alleged that DOJ and IRS officials have retaliated against the whistleblowers for raising these concerns to Congress. The actions by DOJ and the IRS raise concerns about whether the Biden Administration has obstructed justice and Joe Biden’s knowledge of, influence over, and/or involvement with such obstruction.

Supervisory Special Agent Gary Shapley provided this information in a transcribed interview (Shapley Interview) to the Ways and Means Committee on May 26, 2023.¹¹⁹ On June 1, 2023, an additional IRS whistleblower—the primary IRS criminal investigator on the Hunter Biden investigation, Mr. Joseph Ziegler—provided additional disclosures to the Ways and Means Committee in a separate transcribed interview (Ziegler Interview).¹²⁰ The whistleblowers made allegations of a wide range of problems with DOJ’s handling of this case. Just one of those issues includes allegations that whenever investigators sought to take an investigative step that might relate to, involve, or implicate Joe Biden, they were curtailed or prevented from taking that step. The whistleblowers provided numerous examples of the roadblocks they faced throughout the investigation. For instance, Mr. Shapley testified that in a May 3, 2021, memo he wrote: “Through interviews and review of evidence obtained, it appears there may be campaign finance criminal violations. AUSA Wolf stated on the last prosecution team meeting that she did not want any of the agents to look into the allegation.”¹²¹

Further, IRS investigators wanted to interview Hunter Biden’s adult children about payments that Hunter Biden purportedly made to them or for their benefit (e.g., clothes, tuition, etc.), which he had deducted from his taxes.¹²² However, on October 21, 2021, AUSA Wolf told investigators that they would be in “hot water” if they interviewed Hunter Biden’s adult children.¹²³ One of the whistleblowers, Special Agent Joseph Ziegler, described this restriction as “completely abnormal” because it is “part of [the] normal process” to interview people who are receiving money from the case subject.¹²⁴ Despite investigators discovering evidence that

¹¹⁹ See Transcribed interview of Gary Shapley, Internal Revenue Service (May 26, 2023).

¹²⁰ See Transcribed interview of Joseph Ziegler, Internal Revenue Service (June 1, 2023).

¹²¹ *Id.* at 22.

¹²² Ziegler Interview at 32, 129; See Reese Gorman, *Hunter Biden investigation: Agents warned against interviewing his adult children*, WASH. EXAM. (July 19, 2023).

¹²³ *Id.* at 32.

¹²⁴ *Id.* at 32.

Hunter Biden may have deducted from his taxes payments to family members for personal expenses, IRS investigators were also prohibited from interviewing other Biden family members, including Valerie Biden Owens (President Biden's sister), James Biden (President Biden's brother), Sara Biden (President Biden's sister-in-law), Hallie Biden (Beau Biden's widow), and Kathleen Buhle (Hunter Biden's ex-wife).¹²⁵

These whistleblowers provided extensive testimony, and Mr. Shapley provided several documents, that corroborate his account of events. This testimony necessitated further congressional investigation into the handling of the tax investigation of Hunter Biden by both the IRS and DOJ. The Committee on Ways and Means has conducted interviews of two additional IRS employees regarding the whistleblower allegations, and the three Committees have partnered to send numerous investigative letters requesting documents from, and interviews of, numerous Biden Administration officials.

Subsequent to the release of the two transcripts from the IRS whistleblowers, the Oversight Committee held a hearing on July 19, 2023.¹²⁶ In addition to raising serious concerns about the Biden Administration's handling of the investigation of President Biden's son, the whistleblowers' testimony corroborated the Oversight Committee's findings, including the Biden family and their associates' use of over twenty companies; their receipt of millions of dollars from countries including Ukraine, Romania, and China; and Joe Biden's participation in a meeting with CEFC.¹²⁷

(ii) *The Biden Justice Department allowed the statute of limitations to expire on certain alleged criminal conduct that could implicate President Biden.*

The Judiciary Committee has also gathered evidence that the Biden Administration has improperly influenced the course of the IRS and DOJ investigation into Hunter Biden by allowing the statute of limitations to lapse on certain charges.

According to IRS whistleblower Supervisory Special Agent Gary Shapley, the Department allowed the statute of limitations to lapse on the 2014 and 2015 tax crimes committed by Hunter Biden. Shapley testified that, up until October 7, 2022, he believed that prosecutors "were deciding whether to charge 2014 and 2015 tax violations" based on statements made by Attorney General Merrick Garland and Weiss.¹²⁸ During this time period, prosecutors and Hunter Biden's counsel entered into agreements to toll the statute of limitations for crimes pertaining to the 2014 and 2015 tax years.¹²⁹

On October 7, 2022, Weiss, in a meeting with senior managers, indicated that he was ultimately "not the deciding official on whether charges are filed."¹³⁰ Shapley later learned that the U.S. Attorney for the District of Columbia, Matthew Graves, an appointee of President

¹²⁵ *Id.* at 53, 144.

¹²⁶ *Hearing with IRS Whistleblowers About the Biden Criminal Investigation*, H. Comm. on Oversight and Accountability (July 19, 2023).

¹²⁷ *Hearing Wrap Up: IRS Whistleblowers Expose How Bidens Were Treated Differently*, H. Comm. on Oversight and Accountability (July 19, 2023).

¹²⁸ Shapley Interview at 25.

¹²⁹ *Id.* at 54.

¹³⁰ *Id.* at 28.

Biden, “would not allow [Weiss] to charge in his district.”¹³¹ As a result, Weiss went to Main Justice to request special counsel authority in the District of Columbia, which Main Justice denied.¹³² Weiss was instead told to “follow DOJ’s process.”¹³³

In November 2022, despite defense counsel’s willingness to again toll the statute of limitations again, the Department allowed the statute of limitations to lapse on the 2014 and 2015 charges.¹³⁴ As a result, no charges were ever brought.¹³⁵ The expiration of the tax charges for 2014 and 2015 is significant because during those years, Hunter Biden took on a lucrative role serving on the board of Burisma.¹³⁶ Also during that period, his father, then-Vice President Joe Biden, sought to have the Ukrainian prosecutor investigating Burisma fired.¹³⁷ That prosecutor, Viktor Shokin, “was fired after then-Vice President Joe Biden threatened to pull \$1 billion in US aid.”¹³⁸ Ultimately, the “exclusion of the 2014 and 2015 years sanitized the most substantive criminal conduct and concealed material facts” relating to Hunter Biden’s foreign income, “a scheme to evade income taxes through a partnership with a convicted felon[,]” and “potential FARA issues”—all of which implicates his father, Joe Biden.¹³⁹ Simply put, the Biden Administration’s DOJ appears to have intentionally slow-walked the investigation that potentially implicated President Biden by allowing the statute of limitations to expire.¹⁴⁰

(iii) *The Biden Justice Department afforded Hunter Biden special treatment and a lenient plea deal for which the Department could offer no comparable precedent.*

When the Department was compelled to take some prosecutorial action against Hunter Biden, it tried to push through an apparently unprecedented plea deal, which imploded in open court. In May 2023, around the time that the IRS whistleblowers initially testified to Congress about irregularities in the Department’s investigation and shortly after a meeting between Hunter Biden’s former lawyer Chris Clark, Weiss, and Associate Deputy Attorney General Bradley Weinsheimer,¹⁴¹ the Department began formally negotiating with Hunter Biden’s lawyers about potential plea and pretrial diversion agreements.¹⁴² The negotiations culminated in a plea agreement publicly announced on June 20, 2023.¹⁴³

¹³¹ *Id.*

¹³² *Id.* at 25.

¹³³ Shapley Interview at 25.

¹³⁴ *Id.* at 100.

¹³⁵ *Id.*

¹³⁶ Steven Nelson, *Ukrainian prosecutor whose ouster Biden pushed was ‘threat,’ says Devon Archer*, N.Y. POST (Aug. 4, 2023).

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ Shapley Interview at 25.

¹⁴⁰ *Id.* at 26.

¹⁴¹ See Betsy Woodruff Swan, *In talks with prosecutors, Hunter Biden’s lawyers vowed to put the president on the stand*, POLITICO (Aug. 19, 2023) (reporting that Clark, Weiss, and Weinsheimer met on April 26, 2023 to discuss the charges, but noting that it is “not clear what happened in the meeting, which came at a sensitive moment for the probe”).

¹⁴² Defendant’s Response to the U.S. Motion to Vacate the Court’s Briefing Order, *U.S. v. Robert Hunter Biden*, No. 23-mj-274-MN, No. 23-cr-61-MN (D. Del. Aug. 13, 2023). See also Jessica Lynch, *Hunter Biden began negotiating plea deal with DOJ right after IRS whistleblower first came forward, court docs show*, DAILY CALLER (Aug. 14, 2023).

¹⁴³ Swan, *supra* note 141.

However, according to public reporting, Clark began pressuring the Department to settle Hunter Biden's case as early as spring of 2022.¹⁴⁴ Specifically, Clark threatened investigators that they faced career "suicide" if they pursued the investigation,¹⁴⁵ asked for meetings "with people at the highest levels of the [] Department,"¹⁴⁶ and threatened to call President Biden to testify as a fact witness for the defense.¹⁴⁷ Clark even went so far as to tell prosecutors that they would be creating a "Constitutional crisis" by pitting the President against the Department he runs.¹⁴⁸

The deal reached by Weiss's team and Hunter Biden's lawyers would have had Hunter Biden plead guilty to two misdemeanor tax charges, plus a diversion agreement to dismiss a separate felony gun charge if Hunter Biden complied for two years with the conditions set forth in the agreement.¹⁴⁹ The one-of-its-kind agreement shifted a broad immunity provision from the plea agreement to the pretrial diversion agreement, benefiting Hunter Biden with the aim of preventing the District Court from being able to scrutinize and reject that immunity provision.¹⁵⁰ It also gave the District Court the sole power to determine whether Hunter Biden breached the pretrial diversion agreement—a prerequisite for the Department to file the diverted charges against him in the future and a provision benefitting Hunter Biden.¹⁵¹

On July 26, 2023, Hunter Biden appeared before Judge Maryellen Noreika of the U.S. District Court for the District of Delaware for a hearing on the plea deal.¹⁵² The plea deal fell apart when prosecutors and defense attorneys could not provide answers to routine questions about the agreement posed by Judge Noreika.¹⁵³ Judge Noreika described the Department's deal as "not standard" and "different from what I normally see."¹⁵⁴ Judge Noreika raised concerns about two provisions of the deal: (1) a provision of the pretrial diversion agreement for the gun charge that would prohibit the Department from bringing charges within the scope of the agreement unless and until Judge Noreika first determined that the diversion agreement had been breached,¹⁵⁵ and (2) a grant of immunity within the pretrial diversion agreement that would immunize Hunter Biden for not only the gun-related conduct, but also his unrelated tax crimes.¹⁵⁶

¹⁴⁴ *Id.*

¹⁴⁵ See Shapley Interview at 27 (stating that Clark told prosecutors that they would be committing "career suicide" if they filed criminal charges against Hunter Biden); Ziegler Interview at 122.

¹⁴⁶ Swan, *supra* note 141.

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ Josh Gerstein et al., *Hunter Biden reaches plea deal with feds to resolve tax issues, gun charge*, POLITICO (June 20, 2023).

¹⁵⁰ See Letter from Chairmen Jim Jordan, Jason Smith, and James Comer, to Merrick B. Garland, Att'y Gen., U.S. Dep't of Just. (July 31, 2023). See also Transcript of Record at 46-47, 107, *U.S. v. Robert Hunter Biden*, No. 23-mj-274-MN, No. 23-cr-61-MN (D. Del. July 26, 2023).

¹⁵¹ Transcript of Record at 95, *U.S. v. Robert Hunter Biden*, No. 23-mj-274-MN, No. 23-cr-61-MN (D. Del. July, 26, 2023).

¹⁵² See Michael S. Schmidt et al., *Inside the Collapse of Hunter Biden's Plea Deal*, N.Y. TIMES (Aug. 19, 2023) ; Swan, *supra* note 141.

¹⁵³ Schmidt, *supra* note 152; Swan, *supra* note 141.

¹⁵⁴ Transcript of Record at 10, *U.S. v. Robert Hunter Biden*, No. 23-mj-274-MN, No. 23-cr-61-MN (D. Del. July, 26, 2023).

¹⁵⁵ *Id.* at 92-93.

¹⁵⁶ *Id.* at 46-47.

When Judge Noreika asked if there was precedent for either of these provisions, prosecutors were unable to provide any.¹⁵⁷

At the conclusion of the hearing, Judge Noreika expressed discomfort with the structure of the plea and pretrial diversion agreements and the constitutionality of the provision that would prevent prosecutors from filing future charges against Hunter Biden without judicial approval.¹⁵⁸ Ultimately, Judge Noreika concluded that she could not accept the plea agreement and postponed the proceedings.¹⁵⁹ Negotiations to modify the plea agreement were abandoned before the announcement of Weiss's special counsel appointment.¹⁶⁰

(iv) *The Biden Justice Department made inconsistent and false statements to Congress about the independence of its investigations into Hunter Biden.*

The Department has made inconsistent statements to the Judiciary Committee about the independence of its investigation into Hunter Biden, raising serious concerns that political appointees of Joe Biden have obstructed the investigation.

On March 1, 2023, Attorney General Garland told the Senate Judiciary Committee that U.S. Attorney David Weiss “has full authority . . . to bring cases in other jurisdictions if he feels it’s necessary.”¹⁶¹ Then, on June 7, 2023, Weiss wrote to the Judiciary Committee, stating: “I have been granted ultimate authority over this matter, including responsibility for deciding where, when, and whether to file charges”¹⁶² On June 30, however, Weiss claimed in a second letter to the Judiciary Committee that “my charging authority is geographically limited to my home district.” He expanded:

If venue for a case lies elsewhere, common Departmental practice is to contact the United States Attorney’s Office for the district in question and determine whether it wants to partner on the case. If not, I may request Special Attorney status from the Attorney General pursuant to 28 U.S.C. § 515. Here, I have been assured that, if necessary after the above process, I would be granted § 515 Authority in the District of Columbia, the Central District of California, or any other district where charges could be brought in this matter.¹⁶³

In transcribed interviews of two senior leaders of the FBI Baltimore Field Office, however, the Judiciary Committee learned that Weiss had to follow a “cumbersome” and

¹⁵⁷ *Id.* at 46, 103.

¹⁵⁸ *Id.* 95-98.

¹⁵⁹ *Id.*; see also, Transcript of Record at 54-55, *U.S. v. Robert Hunter Biden*, No. 23-mj-274-MN, No. 23-cr-61-MN (D. Del. July 26, 2023).

¹⁶⁰ U.S. Motion to Voluntarily Dismiss Criminal Tax Information Without Prejudice so that Tax Charges Can Be Brought in a District Where Venue Lies, *U.S. v. Robert Hunter Biden*, No. 23-mj-274-MN, No. 23-cr-61-MN (D. Del. Aug. 11, 2023).

¹⁶¹ *Oversight of the Department of Justice: Hearing Before the S. Comm. on the Judiciary*, 118th Cong. (2023) (statement of Merrick Garland, Att’y Gen., U.S. Dep’t of Justice).

¹⁶² Letter from David C. Weiss, U.S. Att’y, Dist. of Del., to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (June 7, 2023).

¹⁶³ Letter from David C. Weiss, U.S. Att’y, Dist. of Del., to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (June 30, 2023).

“bureaucratic” process to bring charges against Hunter Biden outside of Delaware.¹⁶⁴ The testimony from these two FBI witnesses buttresses the existing evidence that Weiss did not have full and sole authority over the Justice Department’s Hunter Biden investigation. In addition, Shapley testified that two U.S. Attorneys denied partnering with Weiss to bring charges against Hunter Biden. According to Shapley, in March 2022, the Justice Department’s Tax Division presented the case against Hunter Biden to the U.S. Attorney’s Office in the District of Columbia.¹⁶⁵ Although the office’s First Assistant was “optimistic” about the case and willing to “assign an AUSA to assist[,]” U.S. Attorney Matthew Graves, appointed by President Biden, “personally reviewed the report and did not support it.”¹⁶⁶ Shapley testified that he learned about Graves’s decision to not partner with Weiss in the October 7, 2022 meeting during which Weiss indicated that Graves “would not allow him to charge in his district.”¹⁶⁷ At that same meeting, Weiss also stated that “he has no authority to charge in California” and if he wanted to bring charges in California, “he would have to request special counsel authority in order to charge it.”¹⁶⁸ In January 2023, Shapley learned that U.S. Attorney Martin Estrada, also appointed by President Biden, refused to partner with Weiss and “had declined to bring charges in the Central District of California.”¹⁶⁹

- (v) *President Biden has made repeated statements about Hunter Biden’s innocence and his own purported lack of involvement in his son’s business dealings, prejudicing the Department’s investigation.*

President Biden, by himself and through his staff, has prejudiced the Department’s investigation by making repeated public statements about Hunter Biden’s innocence. These statements could represent attempts to use the authority of his office to influence the Department’s actions and decision-making in the criminal investigation of his son, an investigation which could implicate the President himself.

Since becoming president, President Biden has continued to use his office to promote his and Hunter Biden’s innocence. On October 11, 2022, a reporter asked President Biden about potential charges against Hunter.¹⁷⁰ While acknowledging that Hunter Biden lied on his application to purchase a gun, President Biden stated, “I’m confident that he is—what he says and does are consistent with what happens.”¹⁷¹ President Biden then reiterated that he has “great confidence in [his] son.”¹⁷² In May 2023, President Biden again defended his son, stating, “[M]y

¹⁶⁴ Transcribed Interview of Thomas Sobocinski at 44, 68, 103 (Sept. 7, 2023).

¹⁶⁵ Shapley Interview at 24.

¹⁶⁶ *Id.*

¹⁶⁷ *Id.* at 28.

¹⁶⁸ *Id.* at 102.

¹⁶⁹ *Id.* at 31. In testimony to the Judiciary Committee on September 20, 2023, Attorney General Garland stated that Weiss had full authority over the investigation because Garland “promised” Weiss that he would have full authority. In particular, Garland testified that Weiss “had the authority because I promised that he would have the authority.” This statement—that Weiss had full authority because he *would* have full authority if he sought it—appears to be self-contradictory and inconsistent with Garland’s prior statement in March 2023 that Weiss *had* full authority at the time of the statement.

¹⁷⁰ Kevin Liptak & Evan Perez, *Biden addresses possible criminal charges against Hunter Biden and says he’s ‘proud’ of son’s fight against drug addiction*, CNN (Oct. 12, 2022).

¹⁷¹ *Id.*

¹⁷² *Id.*

son has done nothing wrong.”¹⁷³ He added, “I trust him. I have faith in him.”¹⁷⁴

In August 2023, a reporter brought up testimony that President Biden was “on speakerphone” with Hunter Biden’s former business associates “talking business,” potentially implicating President Biden in these crimes.¹⁷⁵ President Biden shot back, “I never talked business with anybody. I knew you’d have a lousy question.”¹⁷⁶ When the reporter asked President Biden to explain why the question was lousy, he responded, “Because it’s not true.”¹⁷⁷

Senior employees of the Executive Office of the President have also publicly commented on Hunter Biden’s innocence and President Biden’s purported lack of involvement in his son’s foreign business dealings. For example, former White House Chief of Staff Ron Klain stated, “Of course the president is confident that his son didn’t break the law” and that President Biden “is confident that his family did the right thing.”¹⁷⁸ Klain added, “[t]hese are actions by Hunter and his brother. They’re private matters. They don’t involve the president. And they certainly are something that no one at the White House is involved in.”¹⁷⁹ On April 5, 2022, then-White House Press Secretary Jen Psaki agreed with a reporter’s question that the President has “never spoke[n] to his son about his overseas business dealings.”¹⁸⁰ On July 24, 2023, in an exchange with a reporter, White House Press Secretary Karine Jean-Pierre stated that President Biden “was never in business with his son.”¹⁸¹ Two days later, Jean-Pierre again reiterated at a press briefing, that “nothing has changed,” again denying that President Biden had any involvement with his son’s foreign business dealings.¹⁸² Yet these statements seem flatly inconsistent with evidence that the Committee has gathered thus far.

IV. Scope of Impeachment Inquiry

The Committees’ inquiry into possible impeachable offenses committed by President Biden requires pursuing investigative leads generated by the Committees in the course of their oversight work to date. In addition to the thousands of documents the Committees have already reviewed and many interviews that the Committees have already conducted, the Committees will obtain additional evidence. Because the impeachment inquiry will go where that evidence leads, the investigation could head in directions that the Committees do not currently foresee. However, given the evidence gathered to date, the impeachment inquiry will initially focus on the following questions.

First, did Joe Biden, as Vice President and/or President, take any official action or effect any change in government policy because of money or other things of value provided to

¹⁷³ Katherine Doyle, *Biden defends son Hunter ahead of possible federal tax, gun charges*, NBC News (May 5, 2023).

¹⁷⁴ *Id.*

¹⁷⁵ Alexander Hall, *Biden scorched for response to question about talking to Hunter’s business associates: ‘Pathological liar’*, FOX NEWS (Aug. 10, 2023).

¹⁷⁶ *Id.*

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

¹⁷⁹ *Id.*

¹⁸⁰ *Press Briefing by Press Secretary Jen Psaki, April 5, 2022*, THE WHITE HOUSE (April 5, 2022).

¹⁸¹ *Press Briefing by Press Secretary Karine Jean-Pierre*, THE WHITE HOUSE (July 24, 2023).

¹⁸² *Press Briefing by Press Secretary Karine Jean-Pierre and National Security Council Coordinator for Strategic Communications John Kirby*, THE WHITE HOUSE (July 26, 2023).

his family or him from foreign interests? The Committees have uncovered that payments: (1) went to members of Joe Biden's family, and (2) occurred or began during Joe Biden's Vice Presidency; and (3) originated from certain countries in which then-Vice President Biden played an official role on behalf of the Obama-Biden Administration. Moreover, this money reached the Biden family through a layered and obfuscated payment structure, which usually involved intermediaries and incremental distributions of funds.¹⁸³ In certain countries, during or shortly after then-Vice President Biden delivered speeches and messages on behalf of the Obama-Biden Administration about fighting corruption (e.g., Romania, Ukraine), his son engaged in business deals with individuals (e.g., Gabriel Popoviciu, Mykola Zlochevsky) who were under investigation for corruption by those countries.¹⁸⁴ The Committees will investigate whether the foreign money paid to the Biden family had any impact on Joe Biden's conduct as President or Vice President, including the bribery allegations set forth in the FBI FD-1023 form. The Committees will also investigate whether any of this foreign money reached Joe Biden directly or was used to directly benefit him, such as by paying his bills.

Second, did Joe Biden, as Vice President and/or President, abuse his office of public trust by providing foreign interests with access to him and his office in exchange for payments to his family or him? During his Vice Presidency, Joe Biden spoke, met, and socialized with his son's foreign business associates. On at least two occasions—2014 and 2015—Joe Biden attended small, private dinners in Washington, D.C. with foreign individuals who had paid or would pay his son millions of dollars.¹⁸⁵ In 2014, one of the individuals who attended the dinner was Yelena Baturina—a Russian oligarch and the wealthiest woman in Russia—who around the timeframe of the dinner wired \$3.5 million to Rosemont Seneca Thornton.¹⁸⁶ In 2015, one of the individuals who attended the dinner with the Vice President—Vadym Pozharsky—was an executive of Burisma, the Ukrainian company that paid Hunter Biden \$1 million per year and whose president—Mykola Zlochevsky—was under investigation for corruption. In the spring of 2015, Hunter Biden and his business associates attended a breakfast at the Naval Observatory, where the discussion focused on who would be the next Secretary General of the United Nations; one of the participants was a lobbyist for a Kazakhstani individual who was seeking the position.¹⁸⁷ The Committees will investigate whether these foreign interests were given access to Joe Biden as a result of payments made to his family or him.

Third, did Joe Biden, as Vice President and/or President, abuse his office of public trust by knowingly participating in a scheme to enrich himself or his family by giving foreign interests the impression that they would receive access to him and his office in exchange for payments to his family or him? As reviewed above, Joe Biden called into business meetings

¹⁸³ See, Memorandum (May 10, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes; see also, Memorandum (August 9, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Third Bank Records Memorandum from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes.

¹⁸⁴ *Id.*

¹⁸⁵ See, Memorandum (August 9, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Third Bank Records Memorandum from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes.

¹⁸⁶ Memorandum (August 9, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Third Bank Records Memorandum from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes.

¹⁸⁷ Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 78-79.

held by his son and spoke to the attendees on speakerphone. He also attended dinners with Hunter Biden and his son's foreign business associates. The evidence suggests that Joe Biden knew or must have known that these interactions would give his son's foreign business associates the appearance that they would have access to him and his office if they were to make substantial payments to his son. And if this is true, then Joe Biden was using his office to enrich his family, even if he ended up not providing his son's foreign business associates with such access. The Committees will therefore investigate whether Joe Biden engaged in a scheme with his son to secure foreign money by giving foreign business interests the impression that they would be provided with access to Biden and his office if they made payments to his son.

Fourth, did Joe Biden abuse his power as President to impede, obstruct, or otherwise hinder investigations (including Congressional investigations)¹⁸⁸ or the prosecution of Hunter Biden? To answer this question, the Committees will need to obtain information regarding the federal criminal investigation of Hunter Biden, such as the failure by the Department of Justice to bring felony tax charges against Hunter Biden for tax years 2014 and 2015, despite IRS investigators' disclosures to Congress that the U.S. Attorney's Office in Delaware had ample evidence to support those charges. The Committees will also need to procure information regarding possible retaliation against those investigators. The inquiry will also review the understanding that was eventually struck by Hunter Biden's legal team and federal prosecutors (including the plea agreement and pretrial diversion agreement)¹⁸⁹ after the IRS whistleblowers' disclosures to Congress and before that understanding being questioned by a federal judge.¹⁹⁰ And it will review whether any political appointees of Joe Biden obstructed the criminal investigation of Hunter Biden and whether Joe Biden or anyone at the White House had any involvement in that obstruction directly or indirectly, such as through the issuance of public statements.

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Necessarily, the impeachment inquiry will span the time of Joe Biden's Vice Presidency to the present, including his time out of office. The impeachment inquiry will focus on whether the President has engaged in corruption, bribery, and influence peddling during his time as Vice President and President. The impeachment inquiry will simultaneously investigate whether actions have been taken by the Biden Administration to obstruct or hinder accountability for the same potential corruption, bribery, and influence peddling. Due to the existing evidence of self-dealing and personal and familial enrichment by Joe Biden through the abuse of his official roles, the impeachment inquiry will require access to records of not only President Biden but the

¹⁸⁸ For example, the Oversight Committee has requested information regarding the classified materials discovered in the President's home—where his son has resided during the time period relevant to this investigation—and personal office, but the White House has provided no information to the Committee regarding the contents of or its full approach towards those documents. The refusal to cooperate is despite growing evidence accumulated by the Oversight Committee that the White House has not been forthcoming regarding the classified materials discovered in 2022 and that such actions represent potentially a serious violation of federal law for which a former president has faced federal indictment. *See* Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability to Stuart Delery, White House Counsel (Jan. 10, 2023); *see also* Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability to Ron Klain, White House Chief of Staff (Jan. 15, 2023).

¹⁸⁹ Betsy Woodruff Swan, *Read the proposed Hunter Biden plea agreement*, POLITICO (July 26, 2023), <https://www.politico.com/news/2023/07/26/proposed-hunter-biden-plea-agreement-00108426>.

¹⁹⁰ Betsy Woodruff Swan, *Read the proposed Hunter Biden plea agreement*, POLITICO (July 26, 2023), <https://www.politico.com/news/2023/07/26/proposed-hunter-biden-plea-agreement-00108426>.

people and entities in his proximity throughout the relevant time period, including those of his family members and Obama-Biden and Biden-Harris Administration officials.

Because of the nature of the Biden family's business practices, the Committees anticipate the impeachment inquiry will require access to a variety of sources of information. In addition to bank records and other financial documents the Committees will obtain through subpoena, if necessary, the Committees anticipate the impeachment inquiry will require the production of documents by the United States Departments of State, Justice, Treasury, and Homeland Security, the National Archives, and other government agencies, as well as certain documents from state governments and international sources. The Committee will also conduct depositions or transcribed interviews of people with firsthand knowledge of the Biden family's business practices and finances, in addition to former and current Administration officials. When possible, the Committees will request that this information be provided voluntarily, but the Committees anticipate—based on statements made to the Committees during their regular oversight work—that certain individuals will require subpoenas to appear or cooperate with the Committees' impeachment inquiry in a timely manner. The Committees will use all of the tools at their disposal to conduct a thorough and needed investigation and fulfill the constitutional responsibility of determining whether articles of impeachment against President Biden should be drafted and referred to the full House.

COMMITTEE ON WAYS AND MEANS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: GARY A. SHAPLEY, JR.

Friday, May 26, 2023

Washington, D.C.

The interview in the above matter was held in 5480 O'Neill House Office Building,
commencing at 9:33 a.m.

Appearances:

For the COMMITTEE ON WAYS AND MEANS:

[REDACTED], MAJORITY COUNSEL

[REDACTED], MAJORITY COUNSEL

[REDACTED], MAJORITY COUNSEL

[REDACTED], MAJORITY STAFF

[REDACTED], MAJORITY STAFF

[REDACTED], MAJORITY COUNSEL

[REDACTED], MINORITY COUNSEL

[REDACTED], MINORITY COUNSEL

[REDACTED], MINORITY COUNSEL

For GARY A. SHAPLEY, JR.:

MARK D. LYTLE,

PARTNER,

NIXON PEABODY LLP

TRISTAN LEAVITT,

PRESIDENT,

EMPOWER OVERSIGHT

MAJORITY COUNSEL 1. Good morning. This is a transcribed interview of Internal Revenue Service Criminal Supervisory Special Agent Gary Shapley.

Chairman Jason Smith has requested this interview following a letter sent to the committee through counsel on April 19th, 2023, indicating Mr. Shapley's desire to make protected whistleblower disclosures to Congress.

This interview is being conducted as part of the committee's oversight of the Internal Revenue Code and the Internal Revenue Service.

Would the witness please state your name for the record?

Mr. Shapley. Gary Shapley.

MAJORITY COUNSEL 1. Could counsel for the witness please state your names for the record?

Mr. Lytle. Mark Lytle.

Mr. Leavitt. Tristan Leavitt.

MAJORITY COUNSEL 1. On behalf of the committee, I want to thank you for appearing here today to answer our questions and for coming forward to make these disclosures to Congress.

My name is [REDACTED]. I'm an attorney on Chairman Smith's Ways and Means Committee staff.

I'll now have everyone else from the committee who is here at the table introduce themselves as well.

MAJORITY COUNSEL 2. [REDACTED] with the majority staff.

MAJORITY COUNSEL 3. [REDACTED], majority staff.

MAJORITY STAFF. [REDACTED], majority staff.

MAJORITY COUNSEL 4. [REDACTED], majority staff.

MAJORITY STAFF. [REDACTED], majority staff.

MINORITY COUNSEL 1. [REDACTED], minority staff.

MINORITY COUNSEL 2. [REDACTED], minority staff.

MINORITY COUNSEL 3. [REDACTED], minority.

MAJORITY COUNSEL 1. Thank you.

I'd like to now go over the ground rules and guidelines we'll follow during today's interview.

Because you have come forward as a whistleblower and seek to make disclosures to Congress, we will first give you an opportunity to make an opening statement.

Following your statement, the questioning will proceed in rounds. The majority will ask questions first for one hour, and then the minority will have an opportunity to ask questions for an equal period of time if they choose. We will alternate back and forth until there are no more questions and the interview is over.

Typically, we take a short break at the end of each hour, but if you would like to take a break apart from that, please just let us know.

As you can see, there is an official court reporter taking down everything we say to make a written record, so we ask that you give verbal responses to all questions.

Do you understand?

Mr. Shapley. Yes, I do.

MAJORITY COUNSEL 1. So the court reporter can take down a clear record, we will do our best to limit the number of people directing questions at you during any given hour to just those people on staff whose turn it is.

Please try and speak clearly so the court reporter can understand and so everyone at the end of the table can hear you. It is important that we don't talk over one another or interrupt each other if we can help it, and that goes for everyone present at today's interview.

We want you to answer our questions in the most complete, truthful manner as possible, so we will take our time. If you have any questions or if you do not understand one of our questions, please let us know.

Our questions will cover a wide range of topics, so if you need clarification on any point, just say so. If you honestly don't know the answer to a question or do not remember, it is best not to guess. Please give us your best recollection.

It is okay to tell us if you learned the information from someone else. Just indicate how you came to know the information. If there are things you don't know or can't remember, just say so and please inform us who, to the best of your knowledge, might be able to provide a more complete answer to the question.

If you need to confer with counsel, we can go off the record and stop the clock until you are prepared to respond.

You should also understand that, by law, you're required to answer questions from Congress truthfully.

Do you understand?

Mr. Shapley. Yes, I do.

MAJORITY COUNSEL 1. This also applies to questions posed by congressional staff in an interview.

Do you understand?

Mr. Shapley. Yes, I do.

MAJORITY COUNSEL 1. Witnesses that knowingly provide false testimony could be subject to criminal prosecution for perjury or making a false statement under 18 U.S.C. 1001.

Do you understand?

Mr. Shapley. Yes, I do.

MAJORITY COUNSEL 1. Is there any reason you are unable to provide truthful answer to today's questions?

Mr. Shapley. There is not.

MAJORITY COUNSEL 1. Finally, I'd like to note the information discussed here today is confidential. As an IRS agent, I know you understand the significance of our tax privacy laws. Chairman Smith takes our tax privacy laws extremely seriously, and we have worked diligently to make sure that you can provide your disclosures to Congress in a legal manner and with the assistance of counsel.

As I'm sure you know, 26 U.S.C. Section 6103 makes tax returns and return information confidential, subject to specific authorizations or exceptions in the statute.

The statute anticipates and provides for whistleblowers like yourself to come forward and share information with Congress under Section 6103(f)(5).

Specifically, that statute permits a person with access to returns or return information to disclose it to a committee referred to in subsection (f)(1) or any individual authorized to receive or inspect information under paragraph (4)(A) if the whistleblower believes such return or return information may relate to possible misconduct, maladministration, or taxpayer abuse.

In your position at the IRS, do you or did you have access to return or return information covered by Section 6103 of the Internal Revenue Code?

Mr. Shapley. Yes.

MAJORITY COUNSEL 1. Have you had access to return information that you believe may relate to possible misconduct, maladministration, or taxpayer abuse?

Mr. Shapley. Yes.

MAJORITY COUNSEL 1. Do you wish to disclose such information to the committee today?

Mr. Shapley. Yes, I do.

MAJORITY COUNSEL 1. In addition to Section 6103(f)(5), the chairman of the committee on Ways and Means has authority under Section 6103(f)(4)(A) to designate agents to receive and inspect returns and return information.

To facilitate the disclosures you wish to make here today, Chairman Smith has designated the individuals in this room for the purposes of receiving the information you wish to share. The chairman considers this entire interview and the resulting transcript as protected confidential information under Section 6103.

That means that this interview can only proceed so long as everyone in the room is properly designated to receive the information. The chairman has designated the court reporter and the related individuals that provide transcription services to the House of Representatives.

I'd like to remind the witness and everyone in the room that 26 U.S.C. Section 7213 makes it unlawful to make any disclosure of returns or return information not authorized by Section 6103. Unauthorized disclosure of such information can be a felony punishable by fine or imprisonment.

Given the statutory protection for this type of information, we ask that you not speak about what we discuss in this interview to individuals not designated to receive such information.

For the same reason, the marked exhibits that we use today will remain with the court reporter so that they can go in the official transcript, and any copies of those exhibits will be returned to us when we wrap up.

We also understand that you have alleged that you have been retaliated against for seeking to blow the whistle inside your agency and to Congress. We will discuss that issue in more detail, but I will note that Chairman Smith values whistleblowers and knows

that whistleblowers take significant risks when disclosing wrongdoing. That is why there are legal protections in place for whistleblowers making disclosures to Congress, such as the protections in 5 U.S.C. Section 2302(b)(8)(C), which your counsel identified in your initial letter to the committee.

At a hearing before the Ways and Means Committee on April 27th, 2023, Chairman Smith asked IRS Commissioner Werfel to commit that there will be no retaliation against whistleblowers. The IRS Commissioner replied, quote, "I can say without hesitation, any hesitation, there will be no retaliation for anyone making an allegation," end quote.

Since that time, you have shared additional information with the committee regarding allegations of retaliation. This is very troubling, particularly given Commissioner Werfel's testimony before the committee. We will discuss your allegations in greater detail today.

That is the end of my preamble. Is there anything my colleagues from the minority would like to add?

MINORITY COUNSEL 1. Thanks, [REDACTED].

Thank you very much for appearing before us today. I personally am very happy that you were able to share with us some information in advance, because I think that helped us get prepared for this meeting today. I look forward to hearing what you have to say. Thank you for coming in.

MAJORITY COUNSEL 1. And with that, we invite you to begin with an opening statement, after which we will begin questioning.

Mr. Shapley. So thank you for having me here today.

My name is Gary Shapley. I am a supervisory special agent with the Internal Revenue Service Criminal Investigation. I have been an IRS agent since July 2009, and

have served as a supervisory special agent or acting assistant special agent in charge since April 2018.

I grew up in a little town in upstate New York and never thought that I would be in this position I am today. I was taught to be proud of this country that had afforded me so many opportunities and to always do the right thing -- the right thing, a simple philosophy that has me sitting here today. There is no reward for me for becoming a whistleblower. The only win for me is to not be fired or arrested or retaliated against.

Before October of 2022, I had received the highest awards available to me in my agency and multiple awards from DOJ. In October 2022, I was a senior leader, assistant special agent in charge of the Chicago Field Office, and received the highest performance rating available that year as an outstanding.

I was planning to transition to a new position in headquarters for an international collaboration of foreign tax organizations that I was picked to help set up and operated since 2018. I have led, planned, and executed undercover operations and/or search warrants in over a dozen countries. I have investigated and managed some of the largest cases in U.S. history and of the history of the agency, recovering over \$3.5 billion for the United States Government.

Since October 2022, IRS CI has taken every opportunity to retaliate against me and my team.

I was passed over for a promotion for which I was clearly most qualified.

The special agent in charge and assistant special agent in charge of the Washington, D.C. Field Office have sent threats to the field office, suppressing additional potential whistleblowers from coming forward.

Even after IRS CI senior leadership had been made aware on a recurring basis that the Delaware U.S. Attorney's Office and the Department of Justice was acting improperly,

they acquiesced to a DOJ request to remove the entire team from the Hunter Biden investigation, a team that had been investigating it for over 5 years. Passing the buck and deferring to others was a common theme with IRS CI leadership during this investigation.

After you hear my testimony, I believe you will understand why my conscience would not be silenced. My oath of office would have been unfulfilled if I did nothing. I went from a senior leader to a pariah, and the only thing that happened in between was that I blew the whistle.

I am blowing the whistle because the Delaware U.S. Attorney's Office, Department of Justice Tax, and Department of Justice provided preferential treatment and unchecked conflicts of interest in an important and high-profile investigation of the President's son, Hunter Biden.

The mission of IRS CI is to investigate potential criminal violations of Internal Revenue Code and related financial crimes in a manner that fosters confidence in the Code and compliance with the law.

That mission can only be met by treating every taxpayer we encounter the same. The normal process must be followed. If search warrants or witness interviews or document requests that include the actual subjects' names are not allowed, for example, that is simply a deviation from the normal process that provided preferential treatment, in this case to Hunter Biden.

The case agent on this case is one of the best agents in the entire agency. Without his knowledge and persistence, DOJ would have prevented the investigative team from collecting enough evidence to make an informed assessment, which ultimately included even DOJ agreeing on the recommended criminal charges.

I am alleging, with evidence, that DOJ provided preferential treatment,

slow-walked the investigation, did nothing to avoid obvious conflicts of interest in this investigation.

I have absolutely no political activities in my past. I vote in the general election and recently voted in the midterms because of an interest in the process for my children, who I took to witness one of the pillars of this Nation, the right to vote.

I have never given a dollar to any campaign, never attended a campaign event at any level of government, never had a campaign sign on my car, lawn, et cetera. I do not own and have never owned a tee shirt or hat with any election topic. I vote for the candidate, not the party. I have voted for Presidents with both an R and/or a D in front of their names.

I speak on this topic so I can try to head off time that might be spent on it. In the end, a fact is a fact, regardless of the political affiliation of the person who brought it to you.

I am hoping the whistleblower process will allow me to give this protected disclosure and leave it to you to make your determinations based on what my testimony and the documents say about the investigation.

I respect this institution and have faith that the issues I raise will be considered appropriately. I beg of you to protect me from the coming retaliatory storm. You are my only hope, and your actions send a message to all those out there that see wrongdoing but are terrified to bring it to light.

In this country, we believe in the rule of law, and that applies to everyone. There is not a two-track justice system depending on who you are and who you're connected to.

But the criminal tax investigation of Hunter Biden, led by the United States Attorney's Office for the District of Delaware, has been handled differently than any investigation I've ever been a part of for the past 14 years of my IRS service.

Some of the decisions seem to be influenced by politics. But whatever the motivations, at every stage decisions were made that had the effect of benefiting the subject of the investigation. These decisions included slow-walking investigative steps, not allowing enforcement actions to be executed, limiting investigators' line of questioning for witnesses, misleading investigators on charging authority, delaying any and all actions months before elections to ensure the investigation did not go overt well before policy memorandum mandated the pause. These are just only a few examples.

The investigation into Hunter Biden, code name Sportsman, was first opened in November 2018 as an offshoot of an investigation the IRS was conducting into a foreign-based amateur online pornography platform. Special Agent [REDACTED] developed the investigative lead and was assigned to be the original case agent.

In October 2019, the FBI became aware that a repair shop had a laptop allegedly belonging to Hunter Biden and that the laptop might contain evidence of a crime. The FBI verified its authenticity in November of 2019 by matching the device number against Hunter Biden's Apple iCloud ID.

When the FBI took possession of the device in December 2019, they notified the IRS that it likely contained evidence of tax crimes. Thus, Special Agent [REDACTED] drafted an affidavit for a Title 26 search warrant, which a magistrate judge approved that month.

In January 2020, I became the supervisor of the Sportsman case. The group, known as the International Tax and Financial Crimes group, or the ITFC, is comprised of 12 elite agents who were selected based on their experience and performance in the area of complex high-dollar international tax investigations.

The IRS direct investigative team, including the co-case agent, case agent, and me, were working closely with the FBI and the Delaware U.S. Attorney's Office and Department of Justice Tax in biweekly prosecution team meetings, or pros meetings.

Yet, it soon became clear to me this case was being handled differently than any I'd seen before.

As early as March 6th, 2020, I sent a sensitive case report up through my chain of command at IRS reporting that by mid-March the IRS would be ready to seek approval for physical search warrants in California, Arkansas, New York, and Washington, D.C.

Special Agent [REDACTED] drafted an April 1st, 2020, affidavit establishing probable cause for these physical search warrants. We also planned to conduct approximately 15 contemporaneous interviews at that time.

Yet, after former Vice President Joseph Biden became the presumptive Democratic nominee for President in early April 2020, career DOJ officials dragged their feet on the IRS taking these investigative steps.

By June 2020, those same career officials were already delaying overt investigative actions. This was well before the typical 60- to 90-day period when DOJ would historically stand down before an election. It was apparent that DOJ was purposely slow-walking investigative actions in this matter.

On a June 16th, 2020, call Special Agent [REDACTED] and I had with our chain of command up to the Director of Field Operations, I pointed out that if normal procedures had been followed we already would have executed search warrants, conducted interviews, and served document requests. Nevertheless, my IRS chain of command decided we would defer to DOJ.

Thus, I became the highest-ranking IRS CI leader to participate in our prosecution team calls, be up to date on specific case strategies, to discuss the investigation with DOJ and the Delaware U.S. Attorney's Office, and to address concerns as they arose.

From around October 2020 through October 2022, I was the IRS CI manager who interacted directly with the United States Attorney, David Weiss, and individuals at DOJ

Tax Division the most.

Even after investigative steps were denied, enforcement operations were rejected by DOJ, leading to the election in November 2020, we continued to obtain further leads in the Sportsman's case and prepared for when we could go overt.

For example, in August 2020, we got the results back from an iCloud search warrant. Unlike the laptop, these came to the investigative team from a third-party record keeper and included a set of messages. The messages included material we clearly needed to follow up on.

Nevertheless, prosecutors denied investigators' requests to develop a strategy to look into the messages and denied investigators' suggestion to obtain location information to see where the texts were sent from.

For example, we obtained a July 30th, 2017, WhatsApp message from Hunter Biden to Henry Zhao, where Hunter Biden wrote: "I am sitting here with my father and we would like to understand why the commitment made has not been fulfilled. Tell the director that I would like to resolve this now before it gets out of hand, and now means tonight. And, Z, if I get a call or text from anyone involved in this other than you, Zhang, or the chairman, I will make certain that between the man sitting next to me and every person he knows and my ability to forever hold a grudge that you will regret not following my direction. I am sitting here waiting for the call with my father."

Communications like these made it clear we needed to search the guest house at the Bidens' Delaware residence where Hunter Biden stayed for a time.

In a September 3rd, 2023 [2020], pros meeting, the Assistant United States Attorney, Lesley Wolf, told us there was more than enough probable cause for the physical search warrant there, but the question was whether the juice was worth the squeeze. She continued that optics were a driving factor in the decision on whether to

execute a search warrant. She said a lot of evidence in our investigation would be found in the guest house of former Vice President Biden, but said there is no way we will get that approved.

The prosecutors even wanted to remove Hunter Biden's name from electronic search warrants, 2703(d) orders, and document requests. Special Agent [REDACTED] said on the call he felt uncomfortable with removing the subject's name from those documents just based on what might or might not be approved, as that seemed unethical. But his concerns were ignored.

And Department of Justice Tax Line Attorney Jack Morgan said, doing it without Hunter Biden's name would probably still get us, in quote, "most" of the data we sought. I have never been part of an investigation where only getting most of the data was considered sufficient.

On September 3rd, 2020, the slow-walking of process continued when AUSA Wolf stated that a search warrant for the emails for Blue Star Strategies was being sat on by OEO. That's the Department of Justice Office -- actually, I'm sorry. I don't know what it means, the acronym.

She indicated it would likely not get approved. This was a significant blow to the Foreign Agents Registration Act piece of the investigation.

On September 4th, 2020, Deputy Attorney General Donoghue issued a cease and desist of all overt investigative activities due to the coming election. AUSA Wolf made several odd statements, to include that DOJ was under fire and it was self-inflicted. She stated that DOJ needed to repair their reputation.

At the next pros meeting, on September 21st, 2020, the FBI tried to dictate that we only do five of the planned interviews so FBI management could reevaluate if they wanted to continue assisting. Special Agent [REDACTED] told them it seems inappropriate for

them to dictate in an IRS investigation who should be interviewed.

Later that day, I learned the FBI case agent in Delaware had only recently moved back to his hometown of Wilmington with his wife and family and was concerned about the consequences for him and his family if they conducted these sensitive interviews and executed a search warrant of the President Biden guest house.

On October 19th, 2020, I emailed Assistant United States Attorney Wolf: "We need to talk about the computer. It appears the FBI is making certain representations about the device, and the only reason we know what is on the device is because of the IRS CI affiant search warrant that allowed access to the documents. If Durham also executed a search warrant on a device, we need to know so that my leadership is informed. My management has to be looped into whatever the FBI is doing with the laptop. It is IRS CI's responsibility to know what is happening. Let me know when I can be briefed on this issue."

My email led to a special meeting on October 22nd, 2020, with the prosecution team and the FBI's computer analysis team to discuss Hunter Biden's laptop. We once again objected that we still had not been given access to the laptop.

Special Agent [REDACTED] asked about the full filter reviewed copy of the contents of the devices. He stated he had not been provided with the data. AUSA Lesley Wolf stated that she would not have seen it because, for a variety of reasons, prosecutors decided to keep it from the investigators. This decision is unprecedented in my experience.

Investigators assigned to this investigation were obstructed from seeing all the available evidence. It is unknown if all the evidence in the laptop was reviewed by agents or by prosecutors.

Based on guidance provided by the prosecutors on a recurring basis to not look

into anything related to President Biden, there is no way of knowing if evidence of other criminal activity existed concerning Hunter Biden or President Biden.

AUSA Wolf acknowledged that there was no reason to believe that any data was manipulated on devices by any third party. She further supported this belief by mentioning that they corroborated the data with other sources of information received.

Also on an October 22nd, 2020, pros team call, AUSA Wolf stated that United States Attorney David Weiss had reviewed the affidavit for search warrant of Hunter Biden's residence and agreed that probable cause had been achieved.

Even though the legal requirements were met and the investigative team knew evidence would be in these locations, AUSA Wolf stated that they would not allow a physical search warrant on Hunter Biden.

The case agent and I raised the issue to IRS CI leadership on a continued basis, to include in a June 16th, 2020, meeting with the Director of Field Operations, where I stated: "DOJ Tax has made a concerted effort to drag their feet concerning conducting search warrants and interviewing key witnesses in an effort to push those actions to a timeframe where they can invoke the Department of Justice rule of thumb concerning affecting elections." No follow-up questions were asked and no action was taken by IRS CI senior leadership.

Because the 2020 election was contested, our original plan to go overt on or around November 17th was delayed. DOJ pushed back against the day of action date because they did not want to approach Hunter Biden while he was in Delaware, potentially collocated with President Biden.

United States Attorney Weiss stated on November 10th, 2020, that he had to delay the day of action because it was a contested election. He also stated that because there was no leak in the investigation to date, therefore not public at the time, that the

primary focus was to protect the integrity of the investigation, which meant to keep it concealed from the public.

We began preparing for what we called our day of action on December 8th, 2020. That included document requests and approximately 12 interviews around the country. The search warrant had been rejected by DOJ, and we included a possibility of a potential consent search of Hunter Biden's residence, which was a Hail Mary.

On December 3rd, 2020, we had around a 12-hour long meeting at the United States Attorney's Office in Delaware with the prosecution team. United States Attorney Weiss came in at the beginning of the meeting and jubilantly congratulated the investigative team for keeping the investigation a "secret," quote.

Weiss was in and out for the rest of the meeting, but it went downhill from there. We shared with prosecutors our outline to interview Hunter Biden's associate, Rob Walker. Among other things, we wanted to question Walker about an email that said: "Ten held by H for the big guy." We had obvious questions like who was H, who the big guy was, and why this percentage was to be held separately with the association hidden.

But AUSA Wolf interjected and said she did not want to ask about the big guy and stated she did not want to ask questions about "dad." When multiple people in the room spoke up and objected that we had to ask, she responded, there's no specific criminality to that line of questioning.

This upset the FBI too. And as I'll explain in a moment, the IRS and FBI agents conducting this interview tried to skirt AUSA Wolf's direction.

Hunter Biden was assigned Secret Service protection on or around our December 3rd meeting. So we developed a plan for the FBI Los Angeles special agent in charge to reach out at 8 a.m. on December 8th to the Secret Service Los Angeles special agent in charge and tell them that we would be coming to the residence to seek an interview with

Hunter Biden and that it was part of an official investigation.

However, the night before, December 7th, 2020, I was informed that FBI headquarters had notified Secret Service headquarters and the transition team about the planned actions the following day. This essentially tipped off a group of people very close to President Biden and Hunter Biden and gave this group an opportunity to obstruct the approach on the witnesses.

The next morning, when I saw my FBI counterpart, Supervisory Special Agent Joe Gordon, he was clearly dejected about how our plan had been interfered with. FBI SSA Gordon memorialized the new plan in an email the morning of December 8th, 2020, that stated the subject and the Secret Service protectees would be given the phone numbers of the FBI SSA Joe Gordon and I and the subject would call us if he wanted to speak with us.

SSA Gordon and I waited in the car outside of Hunter Biden's California residence waiting for a phone call. It was no surprise that the phone call SSA Gordon received was from his ASAC Alfred Watson, who informed us that Hunter Biden would contact us through his attorneys.

We received a telephone call later that morning from Hunter Biden's attorneys, who said he would accept service for any document requests, but we couldn't talk to his client. The public news of our investigation hit the press the next day.

I can't know for certain whether FBI's advance notice played a role or not, but of the 12 interviews we hoped to conduct on our day of action, we only got one substantive interview. It was with Rob Walker in Arkansas, and it was exactly the sort of interview we expected to have if the FBI hadn't tipped off Secret Service and the transition team.

In the interview, the FBI agent tried to get Rob Walker to talk about the "ten held by H" email while not directly contradicting AUSA Wolf's direction not to ask about the,

quote, "big guy." The FBI agent said, this is a quote: "The famous email that Tony was pointing out like the equity split, can you tell me your opinion of that, when it's going through like, you know, ten B dot-dot-dot held by H?"

Walker answered: "I think that maybe James was wishful thinking or maybe he was just projecting that, you know, if this was a good relationship and this was something that was going to happen, the VP was never going to run, just protecting that, you know, maybe at some point he would be a piece of it, but he was more just, you know -- it looks terrible, but it's not. I certainly never was thinking at any time the VP was a part of anything we were doing."

And yet it was clearly valuable for the investigators to ask about Hunter Biden's dad, as Walker went on to describe an instance in which the former Vice President showed up at a CEFC meeting.

Walker said: "We were at the Four Seasons and we were having lunch and he stopped in, just said hello to everybody. I don't even think he drank water. I think Hunter Biden said, 'I may be trying to start a company or try to do something with these guys and could you?' And I think he was like, if I'm around and he'd show up."

The FBI agent asked: "So you definitely got the feeling that that was orchestrated by Hunter Biden to have like an appearance by his dad at that meeting just to kind of bolster your chances at making a deal work out?"

Walker answered: "Sure."

The FBI agent continued: "Any times when he was in office, or did you hear Hunter Biden say that he was setting up a meeting with his dad with them while dad was still in office?"

Walker answered: "Yes."

And, inexplicably, the FBI agent changed the subject.

On December 10th, 2020, the prosecutorial team met again to discuss the next steps. One piece of information that came out of the day of action was that Hunter Biden vacated the Washington, D.C., office of Owasco. His documents all went into a storage unit in northern Virginia. The IRS prepared an affidavit in support of a search warrant for the unit, but AUSA Wolf once again objected.

My special agent in charge and I scheduled a call with United States Attorney Weiss on December 14th just to talk about that specific issue. United States Attorney Weiss agreed that if the storage unit wasn't accessed for 30 days we could execute a search warrant on it.

No sooner had we gotten off the call then we heard AUSA Wolf had simply reached out to Hunter Biden's defense counsel and told him about the storage unit, once again ruining our chance to get to evidence before being destroyed, manipulated, or concealed.

My special agent in charge at the time emailed that she would be informing the director of field operations and the deputy chief of IRS CI of her, quote, "frustration with the United States Attorney's Office not allowing us to go forward with a search warrant."

To this day, I have no way of knowing if the documents from that unit were among those ultimately provided to our team.

This was the second search warrant where prosecutors agreed that probable cause was achieved, but would not allow the investigators to execute a search warrant, a clear indication of preferential treatment of Hunter Biden.

In a briefing that I requested to make to Director of Field Operations Batdorf and SAC Waldon on March 2nd, 2021, investigators mentioned the possibility of blowing the whistle on how DOJ was handling this case. My special agent in charge disengaged and was minimally involved moving forward.

This same sort of unprecedented behavior continued through 2021. For example, as I wrote to my chain of command on a May 3rd, 2021, memo: "This investigation has been hampered and slowed by claims of potential election meddling. Through interviews and review of evidence obtained, it appears there may be campaign finance criminal violations. AUSA Wolf stated on the last prosecution team meeting that she did not want any of the agents to look into the allegation. She cited a need to focus on the 2014 tax year, that we could not yet prove an allegation beyond a reasonable doubt, and that she does not want to include their Public Integrity Unit because they would take authority away from her. We do not agree with her obstruction on this matter," end quote.

After we shared on August 18th, 2021, and multiple times thereafter about interviews we had planned, on September 9th, 2021, AUSA Wolf emailed us: "I do not think you are going to be able to do these interviews as planned." She told us they would require approval from the Tax Division.

These delays extended through September and into October. Then the United States Attorney's Office raised other objections. Part of what we examined were charges made with Hunter Biden's card that might conceivably have been done by his children. However, on October 21st, 2021, AUSA Wolf told us it will get us into hot water if we interview the President's grandchildren.

As a result of this behavior, I went to my Director of Field Operations in November 2021 to express how poorly DOJ was handling this case. Despite these obstacles, around this time Special Agent [REDACTED] began drafting the Special Agent Report, or SAR, which is a document in which IRS recommends what charges should be brought.

A[nother] troubling issue occurred with IRS criminal tax attorneys, commonly known as CT counsel, related to their review of the SAR [that recommended] charging

Hunter Biden that laid out the evidence for each element of each violation.

The CT Counsel Line Attorney Christine Steinbrunner worked with the case agent to get questions answered and to understand the case and the evidence. She indicated to the case agent that she was going to concur with all the recommended charges in the SAR.

On February 9th, 2022, a CT counsel attorney at the national office reached out to the co-case agent and told her that Ms. Steinbrunner had sent it forward with concur for all charges and that the five members of the review team at the national office concurred with the line attorney.

It then went to CT senior leadership Rick Lunger and Elizabeth Hadden, and direction was given to the line attorney, Ms. Steinbrunner, to change it to a nonconcur for all charges.

I informed SAC Waldon, and he telephoned Ms. Steinbrunner's supervisor, Veena Luthra. Ms. Luthra stated it had always been a nonconcur. I then communicated with SAC Waldon that CT was misrepresenting the facts.

On February 11th, 2022, CT counsel issued the memorandum nonconcurring with all counts. In a documented exchange with Ms. Steinbrunner, the case agent told her: "Did you know that they were saying that it's always been a nonconcur?"

Ms. Steinbrunner responded: "What? No, I sent them a yellow light."

I have no idea why Ms. Luthra would provide false information about this topic.

Since CT counsel's opinion is only advisory, on February 25th, 2022, the IRS sent the SAR to the Delaware U.S. Attorney's Office -- I'm sorry, that's incorrect. They sent it to the Department of Justice Tax Division.

AUSA Wolf supported charging Hunter Biden for tax evasion and false return in 2014, 2018, and 2019, and failure to file or pay for 2015, 2016, and 2017. It is my

understanding that the Tax Division then authored a 90-plus-page memo that recommended prosecution.

The proper venue for a tax case is where the subject resides or where the return is prepared or filed. That meant the proper venue for the years we were looking into would either be Washington, D.C., or California, not Delaware.

In March 2022, DOJ's Tax Division presented its prosecution memo to the United States Attorney's Office for the District of Columbia, which had venue over the 2014 and 2015 tax years. The case agent and I requested to be part of the presentation to the D.C. U.S. Attorney's Office, but were denied.

Department of Justice Tax Division Mark Daly telephoned the case agent and stated that the First Assistant at the D.C. U.S. Attorney's Office was optimistic and had stated she would assign an AUSA to assist.

Just a couple days later, Mark Daly called the case agent back and told him that the President Biden appointee to the United States Attorney for the District of Columbia, Matthew Graves, personally reviewed the report and did not support it. We in the IRS didn't realize at the time that meant there was no ability to charge there.

Attorney General Merrick Garland appeared before the Senate Appropriations Committee on April 26th, 2022. Senator Bill Hagerty asked him how the American people could be confident that the administration was conducting a serious investigation into the President's own son.

Garland testified: "Because we put the investigation in the hands of a Trump appointee from the previous administration, who is the United States Attorney for the District of Delaware, and because you have me as the Attorney General, who is committed to the independence of the Justice Department from any influence from the White House in criminal matters."

Garland said: "The Hunter Biden investigation is being run by and supervised by the United States Attorney for the District of Delaware. He is in charge of that investigation. There will not be interference of any political or improper kind."

We knew that President Biden-appointed U.S. Attorney Matthew Graves did not support the investigation, but DOJ and United States Attorney Weiss allowed us to believe that he had some special authority to charge.

From March 2022 through October 7th, 2022, I was under the impression that, based on AG Garland's testimony before Congress and statements by U.S. Attorney Weiss and prosecutors, that they were still deciding whether to charge 2014 and 2015 tax violations.

However, I would later be told by United States Attorney Weiss that the D.C. U.S. Attorney would not allow U.S. Attorney Weiss to charge those years in his district. This resulted in United States Attorney Weiss requesting special counsel authority from Main DOJ to charge in the District of Columbia. I don't know if he asked before or after the Attorney General's April 26th, 2022, statement, but Weiss said his request for that authority was denied and that he was told to follow DOJ's process.

That process meant no charges would ever be brought in the District of Columbia, where the statute of limitations on the 2014 and '15 charges would eventually expire. The years in question included foreign income from Burisma and a scheme to evade his income taxes through a partnership with a convicted felon. There were also potential FARA issues relating to 2014 and 2015. The purposeful exclusion of the 2014 and 2015 years sanitized the most substantive criminal conduct and concealed material facts.

Hunter Biden still has not reported approximately \$400,000 in income from Burisma and has not paid the tax due and owing of around \$125,000 even after being told multiple times by his partner, Eric Schwerin, that he had to amend his 2014 return to

report that income.

To make matters worse, defense counsel was willing to sign statute of limitations extensions for 2014 and 2015 and had done so several times. Because United States Attorney Weiss had no ability to charge 2014 and 2015, DOJ allowed the statute of limitations to expire. There is no mechanism available to collect the tax owed by Hunter Biden for 2014 other than in a voluntary fashion.

In the first week of May 2022, I received a call from FBI Supervisory Special Agent Joe Gordon. Gordon was preparing a briefing for FBI leadership. He told me that his field office thought they should push for this case to be given to a special counsel and said, quote: "My leadership is wondering why your leadership isn't asking for a special counsel in this investigation."

I relayed that information to my Director of Field Operations, who simply responded: "I wouldn't even know how to go about that."

But since we didn't know D.C., District of Columbia, had refused to bring charges and that United States Attorney Weiss had no authority to overrule them, we believed at that time that the case could still be prosecuted.

It is common practice for DOJ to ask for the case agents' communications in discovery, as they might have to testify in court. However, it's much more unusual to ask for management communications, because it is simply not discoverable.

In March of 2022, DOJ requested of the IRS and FBI all management-level emails and documents on this case. I didn't produce my emails, but I provided them with my sensitive case reports and memorandums that included contemporaneous documentation of DOJ's continued unethical conduct.

Much of that information was being provided up my chain of command for over 2 years on how I thought their handling of the case was unethical. I didn't hear anything

back about this at the time, leading me to believe no one read the discovery I provided.

In our July 29th, 2022, prosecution team call, AUSA Wolf told us that United States Attorney Weiss indicated that the end of September would be his goal to charge the 2014 and 2015 years, because they did not want to get any closer to a midterm election. She also said: "The X factor on timing will include any delay defense counsel has requested."

Two weeks later, I learned how defense counsel felt about the case when prosecutors told us on a pros team call that Chris Clark, Hunter Biden's counsel from Latham and Watkins, told them that if they charge Hunter Biden, they would be committing "career suicide," end quote.

Around this time, there began to be discussions of the fact that the remaining tax years, 2016, '17, '18 and '19, needed to be brought in the Central District of California. There was no explanation as to why, after being declined in D.C. for 2014 and 2015, that it took until mid-September 2022 to present the case to the Central District of California United States Attorney's Office.

Prosecutors stated that they presented the case to the Central District of California in mid-September. That happened to correspond with the confirmation of the President Biden appointee to the United States Attorney, Martin Estrada. The case agent and I asked to participate in that presentation, but it was denied.

On a September 22nd, 2022, pros team call, AUSA Wolf announced we wouldn't be taking any actions until after the midterm elections, asking: Why would we shoot ourselves in the foot by charging before the election? This was decided even though DOJ's Public Integrity Section had provided instruction that there did not need to be a cease and desist on investigative actions due to the upcoming midterms. It still appeared that decisions were being made to conceal from the public the results of the investigation.

The next meeting was in person on October 7th, 2022, and it took place in the Delaware U.S. Attorney's Office. This meeting included only senior-level managers from IRS CI, FBI, and the Delaware U.S. Attorney's Office. This ended up being my red-line meeting in our investigation for me.

United States Attorney Weiss was present for the meeting. He surprised us by telling us on the charges, quote: "I'm not the deciding official on whether charges are filed," unquote.

He then shocked us with the earth-shattering news that the Biden-appointed D.C. U.S. Attorney Matthew Graves would not allow him to charge in his district.

To add to the surprise, U.S. Attorney Weiss stated that he subsequently asked for special counsel authority from Main DOJ at that time and was denied that authority. Instead, he was told to follow the process, which was known to send U.S. Attorney Weiss through another President Biden-appointed U.S. Attorney.

This was troubling, because he stated that, if California does not support charging, he has no authority to charge in California. Because it had been denied, he informed us the government would not be bringing charges against Hunter Biden for the 2014-2015 tax years, for which the statute of limitations were set to expire in one month.

All of our years of effort getting to the bottom of the massive amounts of foreign money Hunter Biden received from Burisma and others during that period would be for nothing.

Weiss also told us that if the new United States Attorney for the Central District of California declined to support charging for the 2016 through 2019 years, he would have to request special counsel authority again from the Deputy Attorney General and/or the Attorney General.

I couldn't understand why the IRS wasn't told in the summer of 2022 that D.C. had

already declined charges. Everyone in that meeting seemed shellshocked, and I felt misled by the Delaware United States Attorney's Office.

At this point, I expressed to United States Attorney Weiss several concerns with how this case had been handled from the beginning. The meeting was very contentious and ended quite awkwardly. It would be the last in-person meeting I had with United States Attorney Weiss.

We had one more call 10 days later on October 17th, 2022. United States Attorney Weiss wasn't on this call. In response to questions about more subpoena requests, we were told there was no grand jury any longer to issue subpoena requests out of.

When we asked when the Central District of California might make its decision on the case, DOJ Tax Mark Daly responded, quote: "I'm not the boss of them."

After this call, DOJ either stopped scheduling prosecution team meetings or else just stopped inviting the IRS to them.

Disclosing our concerns to United States Attorney Weiss produced other problems too. In May, I had produced all my sensitive case reports for enforcement to date. And now suddenly 5 months later, on October 24th, 2022, DOJ started asking for all those reports since May.

They also renewed the request for all my emails on the case, saying they needed to ensure they were aware of any exculpatory or impeachment effort in the case. But their extraordinary request looked to us just like a fishing expedition to know what we'd been saying about their unethical handling of the case.

On November 7th, 2022, the FBI special agent on the case, Mike Dzielak, called me to tell me the United States Attorney's Office had requested both management- and senior management-level documents from the FBI related to the investigation. He said

that had never happened before and that he was shocked at the request. The FBI refused to provide any further discovery to the Delaware U.S. Attorney's Office.

I also shared with my leadership how inappropriate the whole situation was. On December 12th, 2022, I emailed – “the United States Attorney's Office was so eager to get my emails, which they already had 95 percent of, then surprise they might have a problem with a few of them that memorialized their conduct. If the content of what I documented in report or email is the cause of their consternation, I would direct them to consider their actions instead of who documented them.

I documented issues that I would normally have addressed as they occurred, because the United States Attorney's Office and Department of Justice Tax continued visceral reactions to any dissenting opinions or ideas. Every single day was a battle to do our jobs.

I continually reported these issues up to IRS CI leadership beginning in the summer of 2020. Now, because they realize I documented their conduct, they separate me out, cease all communication, and are now attempting to salvage their own conduct by attacking mine. This is an attempt by the U.S. Attorney's Office to tarnish my good standing and position with IRS CI, and I expect IRS CI leadership to understand that.

As recent as the October 7th meeting, the Delaware U.S. Attorney's Office had nothing but good things to say about me and the team. Then they finally read discovery items which were provided 6 months previous that are actually not discoverable, and they are beginning to defend their own unethical actions.

I have called into question the conduct of the United States Attorneys and DOJ Tax on this investigation on a recurring basis and am prepared to present these issues.

For over a year, I've had trouble sleeping and wake all hours of night thinking about this. After some time, I realized it was because I subconsciously knew they were

not doing the right thing, but I could not fathom concluding that the United States Attorney's Office or DOJ Tax were in the wrong.

After I wrapped my mind around the fact that they were not infallible, I started to sleep better. My choice was to turn a blind eye to their malfeasance and not sleep or to put myself in the crosshairs by doing the right thing. My conscience chose the latter.

I hope IRS CI applauds the incredibly difficult position I have been put into instead of entertaining United States Attorney's Office attacks. If they bring up something legitimate, I am sure we can address it, because it was not intentional. Everything I do is with the goal of furthering IRS CI's mission, protecting the fairness of our tax system, and representing IRS CI with honor."

In January of this year, I learned United States Attorney Estrada had declined to bring the charges in the Central District of California. For all intents and purposes, the case was dead, with the exception of one gun charge that could be brought in Delaware.

And yet, when Senator Chuck Grassley asked Attorney General Garland about the case on March 1st, 2023, Garland testified, quote: "The United States Attorney had been advised that he has full authority to make those referrals you're talking about or to bring cases in other districts if he needs to do that. He has been advised that he should get anything he needs. I have not heard anything from that office that suggests they are not able to do anything that the U.S. Attorney wants them to do."

I don't have any firsthand information into why Garland said that, but to all of us who have been in the October 7th meeting with Weiss, this was clearly false testimony.

On March 16th, 2023, DOJ Tax Mark Daly was overheard on his telephone by one of my agents. Mark Daly was talking to DOJ Tax Attorney Jack Morgan. Mr. Daly stated that they would give United States Attorney Weiss the approvals required if he wanted them, but that he had no idea where he planned to charge Hunter Biden.

This indicates that after the Central District of California declined to allow charges to be brought there, the only route to United States Attorney Weiss was to request special counsel authority. It appears that this case was not moving forward until Senator Grassley asked pointed questions that held AG Garland accountable.

After my attorney sent the first letter to Congress on April 19th, I started to hear rumblings that DOJ was picking the case back up again. I don't believe that would have happened were it not for me blowing the whistle.

However, on Monday, May 15th, my special agent in charge called me and told me that DOJ had requested an entirely new team from the IRS and that none of the 12 agents in my group would be able to work the case. This seems like clear retaliation for me making my disclosures.

What's worse, after Special Agent [REDACTED] emailed the Commissioner to point out the human cost of the IRS simply implementing DOJ's retaliatory direction, my assistant special agent in charge threatened him with leaking (6)(E) material.

And my special agent in charge sent me and other supervisors an email at the same time that said we had to stay within our chain of command. I interpreted this as a clear warning to me and anyone else who might be thinking of blowing the whistle.

I did not choose to sit here before you today. I was compelled by my conscience when decision after decision has been made to deviate from our normal investigative processes. I believe Congress needs to know this information. I trust you'll do the right thing, because we have nothing if I can't trust this body.

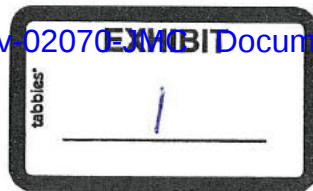
MAJORITY COUNSEL 1. Thank you very much for your thorough opening statement.

The time is 10:24. We'll start the clock with majority questions.

To start, I'd like to mark this document as exhibit 1.

[Shapley Exhibit No. 1

Was marked for identification.]



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April 19, 2023

Via Electronic Transmission

The Honorable Ron Wyden
Chairman, Committee on Finance
Co-Chair, Whistleblower Protection Caucus
United States Senate

The Honorable Jason Smith
Chairman, Committee on Ways & Means
United States House of Representatives

The Honorable Mike Crapo
Ranking Member, Committee on Finance
United States Senate

The Honorable Richard Neal
Ranking Member, Committee on Ways & Means
United States House of Representatives

The Honorable Richard Durbin
Chairman, Committee on the Judiciary
United States Senate

The Honorable Jim Jordan
Chairman, Committee on the Judiciary
United States House of Representatives

The Honorable Lindsey Graham
Ranking Member, Committee on the Judiciary
United States Senate

The Honorable Jerrold Nadler
Ranking Member, Committee on the Judiciary
United States House of Representatives

The Honorable Charles Grassley
Co-Chair, Whistleblower Protection Caucus
Member, Committee on Finance
United States Senate

Dear Chairs and Ranking Members:

I represent a career IRS Criminal Supervisory Special Agent who has been overseeing the ongoing and sensitive investigation of a high-profile, controversial subject since early 2020 and would like to make protected whistleblower disclosures to Congress. Despite serious risks of retaliation, my client is offering to provide you with information necessary to exercise your constitutional oversight function and wishes to make the disclosures in a non-partisan manner to the leadership of the relevant committees on both sides of the political aisle.

My client has already made legally protected disclosures internally at the IRS, through counsel to the U.S. Treasury Inspector General for Tax Administration, and to the Department of Justice, Office of Inspector General. The protected disclosures: (1) contradict sworn testimony to Congress by a senior political appointee, (2) involve failure to mitigate clear conflicts of interest in the ultimate disposition of the case, and (3) detail examples of preferential treatment

April 19, 2023
Page 2

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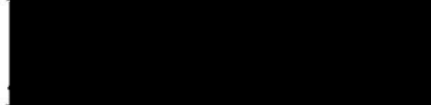
and politics improperly infecting decisions and protocols that would normally be followed by career law enforcement professionals in similar circumstances if the subject were not politically connected.

Some of the protected disclosures contain information that is restricted by statute from unauthorized disclosure to protect taxpayer and tax return information.

My client would like to share the same legally protected disclosures with Congress—pursuant to 26 U.S.C. § 6103(f)(5) and the protections afforded by 5 U.S.C. 2302(b)(8)(C)—that he has already shared with other oversight authorities. Out of an abundance of caution regarding taxpayer privacy laws, my client has refrained from sharing certain information even with me in the course of seeking legal advice. Thus, it is challenging for me to make fully informed judgments about how best to proceed.

My goal is to ensure that my client can properly share his lawfully protected disclosures with congressional committees. Thus, I respectfully request that your committees work with me to facilitate sharing this information with congress legally and with the fully informed advice of counsel. With the appropriate legal protections and in the appropriate setting, I would be happy to meet with you and provide a more detailed proffer of the testimony my client could provide to Congress.

Sincerely



Mark D. Lytle
Partner

cc: The Honorable Michael Horowitz
Inspector General, U.S. Department of Justice

The Honorable Russell George
Inspector General for Tax Administration, U.S. Department of the Treasury

EXAMINATION

BY MAJORITY COUNSEL 1:

Q Do you recognize this document?

A Yes, I do.

Q What is it?

A This is the April 19th, 2023, letter sent to the chairs and ranking members identified here by my attorneys Mark Lytle and -- oh, it's just from Mark Lytle.

Q And this is the initial reason why we're here today?

A This initiated what's happening, yes.

Q Okay. I'd like to talk a little bit about your background.

You mentioned, I believe, that you started at the IRS in 2009. Is that correct?

A Yes, that's correct.

Q And what is your educational background?

A I have an accounting and business degree from the University of Maryland, and I have a master's in business administration from the University of Baltimore.

Q And before you joined the IRS, what did you do for employment?

A I was in the Office of Inspector General with the National Security Agency.

Q And when did you begin in that position?

A 2007.

Q Did you hold any other positions prior to that?

A Internships and stuff like that.

Q What was your motivation for joining the IRS?

A I always planned on going into law enforcement and I really had a desire to serve. And that was why I went with the accounting degree and business degree and I

got my MBA, was for the purpose of getting that special agent job with the Federal Government.

Q And you talked through sort of your history at the IRS during your opening statement. Can you briefly summarize your roles and responsibilities in your current position?

A Yes. So I oversee 12 agents. They are handpicked. They sit all across the country. We work all high-dollar, complex, international cases. We work foreign financial institutions. We do undercover operations and search warrants and all that stuff in other countries and in this country.

And I'm responsible for reviewing all enforcement actions and recommendation reports and case initiations and so on and so forth. That's like my main job as the supervisory special agent of ITFC.

I'm also a representative in the Joint Chiefs of Global Tax Enforcement, working I guess directly under the Chief of IRS CI. And it works with four other partner countries in trying to collaborate and attack tax noncompliance on a global scale and share information where we can legally.

Q And who do you directly report to?

A My current report is Assistant Special Agent in Charge Lola Watson.

BY MAJORITY COUNSEL 2:

Q Where does she sit?

A Washington, D.C.

Q She sits in Washington. And your office is in Baltimore?

A Yeah. I either sit in D.C. or Baltimore. I kind of split time.

Q Okay.

BY MAJORITY COUNSEL 1:

Q In the typical situation in the criminal tax investigation, what is your understanding of the leadership and management structure at the Tax Division at the Department of Justice?

A Well, with most of our cases, because they're complex and high-dollar and they usually align with the very top priorities in the agency, we usually have Department of Justice Tax attorneys that assist on the cases with us.

That's not typical for small cases, normal cases. But in our cases and in this particular case, from the very beginning there were two Department of Justice Tax Division attorneys working side by side with us the entire time. So they worked as prosecutors alongside the AUSAs in Delaware.

And then ultimately what happens is the prosecution recommendation report that is produced by Criminal Investigation gets sent to DOJ Tax. And they absorb that report, and they usually put out a memo either approving, providing discretion, or declining. And in the normal course, it's usually a pretty quick turnaround, 30 days, 45 days.

Q You mentioned two prosecutors in this case at DOJ Tax. Who are those two individuals?

A At the beginning, it was Jason Poole and Mark Daly. And Mark Daly was definitely the lead. Jason Poole took a different position at some point and Jack Morgan took his spot.

Q And did those individuals sit in Washington, D.C.?

A I know Mark Daly does. I'm pretty sure -- yeah, Jack Morgan does as well, yes, yes.

Q In the course of this investigation, did you interact with anyone else at the DOJ Tax Division?

A I interacted with Jason Poole a lot, but in his new role, because he became

the chief of the Northern Division of the Department of Justice's Tax Division, and I had to call him on several occasions concerning issues we were having.

MAJORITY COUNSEL 2. On this case?

Mr. Shapley. Yes.

MAJORITY COUNSEL 1. Okay. And in a typical case, what is IRS CI's relationship with any given U.S. Attorney's Office?

Mr. Shapley. I'm sorry, can I add to my last question there?

MAJORITY COUNSEL 1. Please.

Mr. Shapley. So I also interacted with Stuart Goldberg, who I think is a Deputy Assistant Attorney General, I think is his title, on a few occasions.

MAJORITY COUNSEL 2. And he's the head of the Tax Division?

Mr. Shapley. I believe he's the head of the Civil Tax Division and the head of the Criminal is different, but there is not currently a person who's been confirmed there, I believe.

Usually Stuart Goldberg would not be the person overseeing the criminal tax stuff. It usually would go to the personal -- the Criminal Division.

MAJORITY COUNSEL 2. Is it fair to say he was the senior-most official in the Tax Division?

Mr. Shapley. Yes. That's fair, yes.

BY MAJORITY COUNSEL 1:

Q On this investigation?

A That's correct.

Q Okay. What in a typical case would be IRS CI's relationship with the U.S. Attorney's Office?

A On a case, we would talk strategy. We would go and get the evidence,

bring the evidence to them. We would be requesting to do, get certain document requests from them.

There are things like search warrants and undercover operations that all go through the United States Attorney's Office prosecutors. And generally, the way it works is the agents go out and they get the information, and they have to be proactive in doing so. And they bring that information to the prosecutor, and we kind of go forward from there.

Q In your opening statement, you described prosecution team meetings. In this case, individuals from which organizations participated in those meetings?

[10:32 a.m.]

Mr. Shapley. Sure, yeah. The prosecution team is the United States Attorney's Office for Delaware, Department of Justice Tax Division.

At some point in time, a Department of Justice National Security Division attorney came on.

MAJORITY COUNSEL 2. Who was that?

Mr. Shapley. McKenzie. Brian McKenzie.

And then it was FBI. And that was usually from the SSA to the case agents, and there was around four or five of them.

BY MAJORITY COUNSEL 1:

Q Sorry. What's SSA?

A I'm sorry. Supervisory special agent, SSA.

And then it was IRS. And it was me, [REDACTED], and the co-case agent, Christine Puglisi. And there was also an IRS CI agent out of the Philadelphia Field Office that was working some ancillary issues, Anthony LoPiccolo, who would also participate in those.

And United States Attorney Weiss would be on those, but it wasn't scheduled. He'd be on some -- pop in, pop out, that type of thing.

Q And is the structure of that prosecution team typical for a case of this size and profile?

A It was -- we met more often, I think, because there were so many moving parts. I wouldn't say that it's typical to have a prosecution team meeting every 2 weeks in other cases. But it was just a way to get everybody at one spot at one time to have the conversations.

Q And how did this specific investigation begin?

A So Special Agent [REDACTED] was working on another case, and during that case he found some reports that had some individuals' names in it. And it was basically a case development tool he was using, and he looked at those and was seeing if he can initiate criminal investigations on that list of people, and Hunter Biden was one of the people on that list.

Q And from that stage, how does an investigation open? What's the process around that?

A So the agent can write a PI evaluation report, and they send it to my level, the SSA, supervisory special agent. And if it's a Title 26 case, it can just be approved and put on our system.

Now, under a PI, it's kind of unique at IRS CI. There are only a few techniques you can use, and it does [not] include third-party contacts and stuff like that.

So there's a whole other effort to make a subject criminal investigation, and that's a more involved form, called the 9131, and it has a bunch of attachments. And really it's an analysis of all the steps taken in the primary investigative phase.

And that 9131, in this case, if it's -- it goes forward to Department of Justice Tax Division for approval and -- yeah, yeah. I'm sorry.

Generally. If it's generally like a 9131, if it's going to be a grand jury investigation, request a grand jury investigation, generally a 9131 goes to Department of Justice Tax Division, who approves it, and you're allowed to participate in that grand jury.

Q When a matter develops in this way, is there interaction on the civil side related to civil audits? Are audits opened in connection with this process?

A Audits aren't opened in partner with a criminal investigation. Part of the primary investigative phase, as one of the things you would do, you would request all the information from IDRS, our internal system. That would include checks for audits and

things like that in the past, but there would be no request to initiate any civil activity.

It's actually the exact opposite. A form is issued that says -- the title of the form is Suspend Civil Activity, and the subject's identifiers are included.

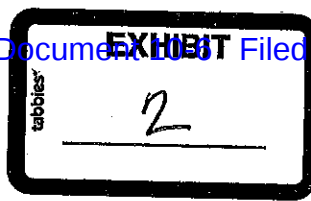
Q So in your opening statement you discussed tax years 2014 through 2019 for this particular taxpayer. Do you know whether there are any issues related to 2020 or 2021?

A No. We never included that as part of the investigation.

We did get the returns, but we didn't.

[Shapley Exhibit No. 2

Was marked for identification.]



ROBERT DOE ("RHB")

[REDACTED]
[REDACTED] : [REDACTED]
[REDACTED]

Years: 2014, 2015, 2016, 2017, 2018, 2019

Violation(s): Title 26, United States Code, Section 7201
Title 26, United States Code, Section 7206(1)
Title 26, United States Code, Section 7203

Special Agent: [REDACTED]
Revenue Agent: [REDACTED]

Supervisory Special Agent, Criminal Investigation

Cellular [REDACTED]

BY MAJORITY COUNSEL 1:

Q Okay. I'd like to talk now a little bit about the specific tax years at issue.

The document being handed to you is marked as exhibit 2.

Are you familiar with this document?

A Yes, I am.

Q What is it?

A This is the special agent report.

Q And who is the subject of this report?

A Yeah. To clarify the last response, it's an excerpt from the special agent report.

Q And who is the subject of this report?

A So it says Robert Doe. That was the name that was put into our internal system to attempt to keep anyone from revealing the name, and "RHB" stands for Robert Hunter Biden.

Q And turning to the second page of the document, this excerpt includes the "Conclusions and Recommendations" section. Can you describe the conclusions and recommendations made in this report?

A Yes, I can. The report includes itemized elements of each violation for each year up above it that I couldn't provide because of grand jury (6)(e) material.

This recommended felony tax evasion charges, that's 7201, is tax evasion, and 7206(1) is a false tax return, also a felony, for the tax years 2014, 2018, and 2019. And for Title 26 7203, which is a failure to file or pay, that is a misdemeanor charge for '15, '16, '17, '18, and '19.

Also under that is a paragraph that is common when we work directly with

Department of Justice Tax Division and AUSA so closely. We usually would give a statement saying what they wanted as well at that time.

This report was reviewed extensively with Mark Daly, and also a lot with AUSA Lesley Wolf, and each of them agreed with the recommendations as posed in this report.

Q Okay. And when was this document finalized and signed?

A It was, I believe, January 27th of 2022.

BY MAJORITY COUNSEL 2:

Q And can you just walk us through the process for this document? This is an IRS document?

A It is, yeah.

Q And it is sent to who?

A Yeah. This document is a very robust document that includes everything that we do. Internally it would go to CT counsel for their review. They provide a memo, concur or nonconcur. It's just advisory. We don't have to follow what they say.

Q Did they concur?

A They nonconcurred.

Q They did not concur?

A Yeah. There was a portion in my opening statement that described that event where the line attorney concurred with all charges and then it went to the national office to review on sensitive case.

The panel at the national office agreed with the line attorney that it was concur. And when it went up to their top two people at the CT counsel, they sent it back to the line attorney and told her to change it to nonconcur.

Q Okay.

A So I'm not even sure. That could happen on occasion. What was

incredibly outside the norm here was that they usually tell us, and we ask them to tell us if anything is going to be a nonconcur. And all along they were saying it's a concur, it's a concur -- with all charges. It was green for 2018, yellow for other years, which is all in the concur range.

And when we got the nonconcur, I went to my special agent in charge who called the line attorney's supervisor and she said, it's always been nonconcur.

And then it was really incredible that that statement was made, and maybe only IRS CI geeks care about that. But then we communicate in an instant message that's captured with the line attorney saying, "They are telling us that this has always been a nonconcur," and she's like, "What, no, no. It was a concur when I sent it up."

So for some reason, that got miscommunicated.

Q Was any feedback provided as to why?

A There's a robust document that was created by CT counsel -- I spent time rebutting it, but there was nothing that we hadn't considered in the investigative team with the prosecution team for the 3-plus years we'd been investigating.

Yeah, and this advisory. Yeah, it is, I would say, 90-plus percent of everything that I do in my international tax group is nonconcur by CT counsel, and we ignore what they say.

So then this report goes, after that, to the Department of Justice Tax Division. It's transmitted to them. And that's when they take it and they review it. And usually it's approve, discretion, or declined in a normal course. But we sent it to them on February 25th of 2022, and I have yet to see an approval, discretion, or declination.

Q And what's the U.S. Attorney's Office in Delaware's role with this particular document?

A So it's just to help advise them. After DOJ Tax, if they approve a charge,

then that's DOJ Tax saying that you have to charge it. And if the United States Attorney's Office, they can say, "We don't want to charge it here," but DOJ Tax then has to go and charge it. They have the authority to do so.

Q So did the U.S. Attorney's Office in Delaware concur with this?

A They would never have [to as part of the process, but] they did when it was written, right? They were on board with all the charges when it was written. But there would never be an official time where we requested their concur or nonconcur.

Q So did they review it before you submitted it to DOJ?

A Oh, yes, yes.

Q Okay.

A Yes.

Q And they had an opportunity to make suggestions or --

A Yes.

Q -- tell you to tweak things?

A Yes.

Q And they didn't.

A Well, we did, but --

Q The final document though --

A Yeah.

Q -- they concurred.

A The final document was a compilation of everyone's understanding of what the evidence said and what should be charged.

Just a little bit more about this document. I mean, this document is around -- it's incredibly robust. So I think it was around 85 pages, just the report, and it goes through the theory of investigation. And then it goes, like I said, into each year and each

element.

And it's each piece of evidence in each element, and it's cited to evidence. So this report, in reality, crashes my computer every time it comes up because it includes all the evidence attached to it. It's like 8-, 9-, 10,000 pages of evidence and documents. It's an incredibly robust document.

[Shapley Exhibit No. 3

Was marked for identification.]

nue Service Office of Appeals may request non-binding mediation on any issue unresolved at the conclusion of—

(A) appeals procedures; or

(B) unsuccessful attempts to enter into a closing agreement under section 7121 or a compromise under section 7122.

(2) Arbitration

The Secretary shall establish a pilot program under which a taxpayer and the Internal Revenue Service Office of Appeals may jointly request binding arbitration on any issue unresolved at the conclusion of—

(A) appeals procedures; or

(B) unsuccessful attempts to enter into a closing agreement under section 7121 or a compromise under section 7122.

(Added Pub. L. 105-206, title III, §3465(a)(1), July 22, 1998, 112 Stat. 768.)

PRIOR PROVISIONS

A prior section 7123 was renumbered section 7124 of this title.

§ 7124. Cross references

For criminal penalties for concealment of property, false statement, or falsifying and destroying records, in connection with any closing agreement, compromise, or offer of compromise, see section 7206.

(Aug. 16, 1954, ch. 736, 68A Stat. 850, §7123; Pub. L. 97-258, §3(f)(12), Sept. 13, 1982, 96 Stat. 1065; renumbered §7124, Pub. L. 105-206, title III, §3465(a)(1), July 22, 1998, 112 Stat. 767.)

AMENDMENTS

1998—Pub. L. 105-206 renumbered section 7123 of this title as this section.

1982—Subsec. (a). Pub. L. 97-258, §3(f)(12)(A), struck out heading “Criminal penalties”.

Subsec. (b). Pub. L. 97-258, §3(f)(12)(B), struck out subsec. (b) which set forth cross reference to R.S. 3469 (31 U.S.C. 194) relating to compromises after judgment.

CHAPTER 75—CRIMES, OTHER OFFENSES, AND FORFEITURES

Subchapter	Sec. ¹
A. Crimes	7201
B. Other offenses	7261
C. Forfeitures	7301
D. Miscellaneous penalty and forfeiture provisions	7341

Subchapter A—Crimes

Part	
I.	General provisions.
II.	Penalties applicable to certain taxes.

PART I—GENERAL PROVISIONS

Sec.	
7201.	Attempt to evade or defeat tax.
7202.	Willful failure to collect or pay over tax.
7203.	Willful failure to file return, supply information, or pay tax.
7204.	Fraudulent statement or failure to make statement to employees.
7205.	Fraudulent withholding exemption certificate or failure to supply information.
7206.	Fraud and false statements.

¹Section numbers editorially supplied.

Sec.	
7207.	Fraudulent returns, statements, or other documents.
7208.	Offenses relating to stamps.
7209.	Unauthorized use or sale of stamps.
7210.	Failure to obey summons.
7211.	False statements to purchasers or lessees relating to tax.
7212.	Attempts to interfere with administration of internal revenue laws.
7213.	Unauthorized disclosure of information.
7213A.	Unauthorized inspection of returns or return information.
7214.	Offenses by officers and employees of the United States.
7215.	Offenses with respect to collected taxes.
7216.	Disclosure or use of information by preparers of returns.
7217.	Prohibition on executive branch influence over taxpayer audits and other investigations.

AMENDMENTS

1998—Pub. L. 105-206, title I, §1105(b), July 22, 1998, 112 Stat. 711, added item 7217.

1997—Pub. L. 105-35, §2(b)(2), Aug. 5, 1997, 111 Stat. 1105, added item 7213A.

1982—Pub. L. 97-248, title III, §357(b)(2), Sept. 3, 1982, 96 Stat. 646, struck out item 7217 “Civil damages for unauthorized disclosure of returns and return information”.

1976—Pub. L. 94-455, title XII, §1202(e)(2), Oct. 4, 1976, 90 Stat. 1687, added item 7217.

1971—Pub. L. 92-178, title III, §316(b), Dec. 10, 1971, 85 Stat. 529, added item 7216.

1958—Pub. L. 85-321, §3(b), Feb. 11, 1958, 72 Stat. 6, added item 7215.

§ 7201. Attempt to evade or defeat tax

Any person who willfully attempts in any manner to evade or defeat any tax imposed by this title or the payment thereof shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined not more than \$100,000 (\$500,000 in the case of a corporation), or imprisoned not more than 5 years, or both, together with the costs of prosecution.

(Aug. 16, 1954, ch. 736, 68A Stat. 851; Pub. L. 97-248, title III, §329(a), Sept. 3, 1982, 96 Stat. 618.)

AMENDMENTS

1982—Pub. L. 97-248 substituted “\$100,000 (\$500,000 in the case of a corporation)” for “\$10,000”.

EFFECTIVE DATE OF 1982 AMENDMENT

Section 329(e) of Pub. L. 97-248 provided that: “The amendments made by this section [amending this section and sections 7203, 7206, and 7207 of this title] shall apply to offenses committed after the date of the enactment of this Act [Sept. 3, 1982].”

§ 7202. Willful failure to collect or pay over tax

Any person required under this title to collect, account for, and pay over any tax imposed by this title who willfully fails to collect or truthfully account for and pay over such tax shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined not more than \$10,000, or imprisoned not more than 5 years, or both, together with the costs of prosecution.

(Aug. 16, 1954, ch. 736, 68A Stat. 851.)

EXHIBIT

3

§ 7124. Cross references

For criminal penalties for concealment of property, false statement, or falsifying and destroying records, in connection with any closing agreement, compromise, or offer of compromise, see section 7206.

(Aug. 16, 1954, ch. 736, 68A Stat. 850, § 7123; Pub. L. 97-258, § 3(f)(12), Sept. 13, 1982, 96 Stat. 1065; renumbered § 7124, Pub. L. 105-206, title III, § 3466(a)(1), July 22, 1998, 112 Stat. 767.)

AMENDMENTS

1998—Pub. L. 105-206 renumbered section 7123 of this title as this section.

1982—Subsec. (a). Pub. L. 97-258, § 3(f)(12)(A), struck out heading "Criminal penalties".

Subsec. (b). Pub. L. 97-258, § 3(f)(12)(B), struck out subsec. (b) which set forth cross reference to R.S. 3469 (31 U.S.C. 194) relating to compromises after judgment.

CHAPTER 75—CRIMES, OTHER OFFENSES, AND FORFEITURES

Subchapter	Sec. ¹
A. Crimes	7201
B. Other offenses	7261
C. Forfeitures	7301
D. Miscellaneous penalty and forfeiture provisions	7341

Subchapter A—Crimes

Part	
I.	General provisions.
II.	Penalties applicable to certain taxes.

PART I—GENERAL PROVISIONS

Sec.	
7201.	Attempt to evade or defeat tax.
7202.	Willful failure to collect or pay over tax.
7203.	Willful failure to file return, supply information, or pay tax.
7204.	Fraudulent statement or failure to make statement to employees.
7205.	Fraudulent withholding exemption certificate or failure to supply information.
7206.	Fraud and false statements.
7207.	Fraudulent returns, statements, or other documents.
7208.	Offenses relating to stamps.
7209.	Unauthorized use or sale of stamps.
7210.	Failure to obey summons.
7211.	False statements to purchasers or lessees relating to tax.
7212.	Attempts to interfere with administration of internal revenue laws.
7213.	Unauthorized disclosure of information.
7213A.	Unauthorized inspection of returns or return information.
7214.	Offenses by officers and employees of the United States.
7215.	Offenses with respect to collected taxes.
7216.	Disclosure or use of information by preparers of returns.
7217.	Prohibition on executive branch influence over taxpayer audits and other investigations.

AMENDMENTS

1998—Pub. L. 105-206, title I, § 1105(b), July 22, 1998, 112 Stat. 711, added item 7217.

1997—Pub. L. 105-35, § 2(b)(2), Aug. 5, 1997, 111 Stat. 1105, added item 7213A.

1982—Pub. L. 97-248, title III, § 357(b)(2), Sept. 3, 1982, 96 Stat. 646, struck out item 7217 "Civil damages for un-

authorized disclosure of returns and return information".

1976—Pub. L. 94-455, title XII, § 1202(e)(2), Oct. 4, 1976, 90 Stat. 1687, added item 7217.

1971—Pub. L. 92-178, title III, § 316(b), Dec. 10, 1971, 85 Stat. 529, added item 7216.

1958—Pub. L. 85-321, § 3(b), Feb. 11, 1958, 72 Stat. 6, added item 7215.

§ 7201. Attempt to evade or defeat tax

Any person who willfully attempts in any manner to evade or defeat any tax imposed by this title or the payment thereof shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined not more than \$100,000 (\$500,000 in the case of a corporation), or imprisoned not more than 5 years, or both, together with the costs of prosecution.

(Aug. 16, 1954, ch. 736, 68A Stat. 851; Pub. L. 97-248, title III, § 329(a), Sept. 3, 1982, 96 Stat. 618.)

AMENDMENTS

1982—Pub. L. 97-248 substituted "\$100,000 (\$500,000 in the case of a corporation)" for "\$10,000".

EFFECTIVE DATE OF 1982 AMENDMENT

Pub. L. 97-248, title III, § 329(e), Sept. 3, 1982, 96 Stat. 619, provided that: "The amendments made by this section [amending this section and sections 7203, 7206, and 7207 of this title] shall apply to offenses committed after the date of the enactment of this Act [Sept. 3, 1982]."

§ 7202. Willful failure to collect or pay over tax

Any person required under this title to collect, account for, and pay over any tax imposed by this title who willfully fails to collect or truthfully account for and pay over such tax shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined not more than \$10,000, or imprisoned not more than 5 years, or both, together with the costs of prosecution.

(Aug. 16, 1954, ch. 736, 68A Stat. 851.)

§ 7203. Willful failure to file return, supply information, or pay tax

Any person required under this title to pay any estimated tax or tax, or required by this title or by regulations made under authority thereof to make a return, keep any records, or supply any information, who willfully fails to pay such estimated tax or tax, make such return, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$25,000 (\$100,000 in the case of a corporation), or imprisoned not more than 1 year, or both, together with the costs of prosecution. In the case of any person with respect to whom there is a failure to pay any estimated tax, this section shall not apply to such person with respect to such failure if there is no addition to tax under section 6654 or 6655 with respect to such failure. In the case of a willful violation of any provision of section 6050I, the first sentence of this section shall be applied by substituting

¹Section numbers editorially supplied.

"felony" for "misdemeanor" and "5 years" for "1 year".

(Aug. 16, 1954, ch. 736, 68A Stat. 851; Pub. L. 90-364, title I, §103(e)(5), June 28, 1968, 82 Stat. 264; Pub. L. 97-248, title III, §§327, 329(b), Sept. 3, 1982, 96 Stat. 617, 618; Pub. L. 98-369, div. A, title IV, §412(b)(9), July 18, 1984, 98 Stat. 792; Pub. L. 100-690, title VII, §7601(a)(2)(B), Nov. 18, 1988, 102 Stat. 4504; Pub. L. 101-647, title XXXIII, §3303(a), Nov. 29, 1990, 104 Stat. 4918.)

AMENDMENTS

1990—Pub. L. 101-647 substituted "substituting 'felony' for 'misdemeanor' and" for "substituting".

1988—Pub. L. 100-690 inserted at end "In the case of a willful violation of any provision of section 6050I, the first sentence of this section shall be applied by substituting '5 years' for '1 year'."

1984—Pub. L. 98-369 struck out "(other than a return required under the authority of section 6015)" after "to make a return".

1982—Pub. L. 97-248, §329(b), substituted "\$25,000 (\$100,000 in the case of a corporation)" for "\$10,000".

Pub. L. 97-248, §327, inserted last sentence providing that, in the case of any person with respect to whom there is a failure to pay any estimated tax, this section shall not apply to such person with respect to such failure if there is no addition to tax under section 6654 or 6655 with respect to such failure.

1968—Pub. L. 90-364 struck out reference to section 6016.

EFFECTIVE DATE OF 1990 AMENDMENT

Pub. L. 101-647, title XXXIII, §3303(c), Nov. 29, 1990, 104 Stat. 4918, provided that: "The amendment made by subsection (a) [amending this section] shall apply to actions, and failures to act, occurring after the date of the enactment of this Act [Nov. 29, 1990]."

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 applicable to actions after Nov. 18, 1988, see section 7601(a)(3) of Pub. L. 100-690, set out as a note under section 6050I of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-369 applicable with respect to taxable years beginning after Dec. 31, 1984, see section 414(a)(1) of Pub. L. 98-369, set out as a note under section 6654 of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by section 329(b) of Pub. L. 97-248 applicable to offenses committed after Sept. 3, 1982, see section 329(e) of Pub. L. 97-248, set out as a note under section 7201 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-364 applicable with respect to taxable years beginning after Dec. 31, 1967, except as provided by section 104 of Pub. L. 90-364, see section 103(f) of Pub. L. 90-364, set out as a note under section 243 of this title.

§ 7204. Fraudulent statement or failure to make statement to employees

In lieu of any other penalty provided by law (except the penalty provided by section 6674) any person required under the provisions of section 6051 to furnish a statement who willfully furnishes a false or fraudulent statement or who willfully fails to furnish a statement in the manner, at the time, and showing the information required under section 6051, or regulations prescribed thereunder, shall, for each such of-

fense, upon conviction thereof, be fined not more than \$1,000, or imprisoned not more than 1 year, or both.

(Aug. 16, 1954, ch. 736, 68A Stat. 852.)

§ 7205. Fraudulent withholding exemption certificate or failure to supply information

(a) Withholding on wages

Any individual required to supply information to his employer under section 3402 who willfully supplies false or fraudulent information, or who willfully fails to supply information thereunder which would require an increase in the tax to be withheld under section 3402, shall, in addition to any other penalty provided by law, upon conviction thereof, be fined not more than \$1,000, or imprisoned not more than 1 year, or both.

(b) Backup withholding on interest and dividends

If any individual willfully makes a false certification under paragraph (1) or (2)(C) of section 3406(d), then such individual shall, in addition to any other penalty provided by law, upon conviction thereof, be fined not more than \$1,000, or imprisoned not more than 1 year, or both.

(Aug. 16, 1954, ch. 736, 68A Stat. 852; Pub. L. 89-368, title I, §101(e)(5), Mar. 15, 1966, 80 Stat. 62; Pub. L. 97-34, title VII, §721(b), Aug. 13, 1981, 95 Stat. 341; Pub. L. 97-248, title III, §§306(b), 308(a), Sept. 3, 1982, 96 Stat. 588, 591; Pub. L. 98-67, title I, §§102(a), 107(b), Aug. 5, 1983, 97 Stat. 369, 382; Pub. L. 98-369, div. A, title I, §159(a), July 18, 1984, 98 Stat. 696; Pub. L. 101-239, title VII, §7711(b)(2), Dec. 19, 1989, 103 Stat. 2393.)

AMENDMENTS

1989—Subsec. (b). Pub. L. 101-239 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "If any individual willfully makes—

"(1) any false certification or affirmation on any statement required by a payor in order to meet the due diligence requirements of section 6676(b), or

"(2) a false certification under paragraph (1) or (2)(C) of section 3406(d), then such individual shall, in addition to any other penalty provided by law, upon conviction thereof, be fined not more than \$1,000, or imprisoned not more than 1 year, or both."

1984—Pub. L. 98-369 in subsecs. (a) and (b) substituted "in addition to" for "in lieu of" and struck out reference to penalty under section 6682 after "penalty provided by law".

1983—Pub. L. 98-67 designated existing provisions as subsec. (a), added subsec. (b), and repealed amendments made by Pub. L. 97-248. See 1982 Amendment note below.

1982—Pub. L. 97-248 provided that, applicable to payments of interest, dividends, and patronage dividends paid or credited after June 30, 1983, this section is amended by designating the existing provisions as subsec. (a) with a heading of "Withholding on wages", and by adding a new subsec. (b). Section 102(a), (b) of Pub. L. 98-67, title I, Aug. 5, 1983, 97 Stat. 369, repealed subtitle A (§§301-308) of title III of Pub. L. 97-248 as of the close of June 30, 1983, and provided that the Internal Revenue Code of 1954 [now 1986] [this title] shall be applied and administered (subject to certain exceptions) as if such subtitle A (and the amendments made by such subtitle A) had not been enacted. Subsec. (b), referred to above, read as follows:

"(b) Withholding of interest and dividends

"Any person who—

then such individual shall, in addition to any other penalty provided by law, upon conviction thereof, be fined not more than \$1,000, or imprisoned not more than 1 year, or both."

1984—Pub. L. 98-369 in subssecs. (a) and (b) substituted "in addition to" for "in lieu of" and struck out reference to penalty under section 6682 after "penalty provided by law".

1983—Pub. L. 98-67 designated existing provisions as subsec. (a), added subsec. (b), and repealed amendments made by Pub. L. 97-248. See 1982 Amendment note below.

1982—Pub. L. 97-248 provided that, applicable to payments of interest, dividends, and patronage dividends paid or credited after June 30, 1983, this section is amended by designating the existing provisions as subsec. (a) with a heading of "Withholding on wages", and by adding a new subsec. (b). Section 102(a), (b) of Pub. L. 98-67, title I, Aug. 5, 1983, 97 Stat. 369, repealed subtitle A (§§ 301-308) of title III of Pub. L. 97-248 as of the close of June 30, 1983, and provided that the Internal Revenue Code of 1954 [now 1986] [this title] shall be applied and administered (subject to certain exceptions) as if such subtitle A (and the amendments made by such subtitle A) had not been enacted. Subsec. (b), referred to above, read as follows:

"(b) Withholding of interest and dividends

"Any person who—

"(1) willfully files an exemption certificate with any payor under section 3452(f)(1)(A), which is known by him to be fraudulent or to be false as to any material matter, or

"(2) is required to furnish notice under section 3452(f)(1)(B), and willfully fails to furnish such notice in the manner and at the time required pursuant to section 3452(f)(1)(B) or the regulations prescribed thereunder,

shall, in lieu of any penalty otherwise provided, upon conviction thereof, be fined not more than \$500, or imprisoned not more than 1 year, or both."

1981—Pub. L. 97-34 substituted "\$1,000" for "\$500".

1966—Pub. L. 89-368 substituted "section 3402" and "any other penalty provided by law (except the penalty provided by section 6682)" for "section 3402(f)" and "any penalty otherwise provided" respectively.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-239 applicable to returns and statements the due date for which (determined without regard to extensions) is after Dec. 31, 1989, see section 7711(c) of Pub. L. 101-239, set out as a note under section 6721 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-369, div. A, title I, §169(b), July 18, 1984, 98 Stat. 696, provided that: "The amendments made by this section [amending this section] shall apply to actions and failures to act occurring after the date of the enactment of this Act [July 18, 1984]."

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by section 107(b) of Pub. L. 98-67 effective Aug. 5, 1983, see section 110(c) of Pub. L. 98-67, set out as a note under section 31 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-34 applicable to acts and failures to act after Dec. 31, 1981, see section 721(d) of Pub. L. 97-34, set out as a note under section 6682 of this title.

§ 7206. Fraud and false statements

Any person who—

(1) Declaration under penalties of perjury

Willfully makes and subscribes any return, statement, or other document, which contains

or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter; or

(2) Aid or assistance

Willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the internal revenue laws, of a return, affidavit, claim, or other document, which is fraudulent or is false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document; or

(3) Fraudulent bonds, permits, and entries

Simulates or falsely or fraudulently executes or signs any bond, permit, entry, or other document required by the provisions of the internal revenue laws, or by any regulation made in pursuance thereof, or procures the same to be falsely or fraudulently executed, or advises, aids in, or connives at such execution thereof; or

(4) Removal or concealment with intent to defraud

Removes, deposits, or conceals, or is concerned in removing, depositing, or concealing, any goods or commodities for or in respect whereof any tax is or shall be imposed, or any property upon which levy is authorized by section 6331, with intent to evade or defeat the assessment or collection of any tax imposed by this title; or

(5) Compromises and closing agreements

In connection with any compromise under section 7122, or offer of such compromise, or in connection with any closing agreement under section 7121, or offer to enter into any such agreement, willfully—

(A) Concealment of property

Conceals from any officer or employee of the United States any property belonging to the estate of a taxpayer or other person liable in respect of the tax, or

(B) Withholding, falsifying, and destroying records

Receives, withholds, destroys, mutilates, or falsifies any book, document, or record, or makes any false statement, relating to the estate or financial condition of the taxpayer or other person liable in respect of the tax;

shall be guilty of a felony and, upon conviction thereof, shall be fined not more than \$100,000 (\$500,000 in the case of a corporation), or imprisoned not more than 3 years, or both, together with the costs of prosecution.

(Aug. 16, 1954, ch. 736, 68A Stat. 852; Pub. L. 97-248, title III, §329(c), Sept. 3, 1982, 96 Stat. 618.)

Editorial Notes

AMENDMENTS

1982—Pub. L. 97-248 substituted "\$100,000 (\$500,000 in the case of a corporation)" for "\$5,000".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-248 applicable to offenses committed after Sept. 3, 1982, see section 329(e) of Pub. L. 97-248, set out as a note under section 7201 of this title.

§ 7207. Fraudulent returns, statements, or other documents

Any person who willfully delivers or discloses to the Secretary any list, return, account, statement, or other document, known by him to be fraudulent or to be false as to any material matter, shall be fined not more than \$10,000 (\$50,000 in the case of a corporation), or imprisoned not more than 1 year, or both. Any person required pursuant to section 6047(b), section 6104(d), or subsection (i) or (j) of section 527 to furnish any information to the Secretary or any other person who willfully furnishes to the Secretary or such other person any information known by him to be fraudulent or to be false as to any material matter shall be fined not more than \$10,000 (\$50,000 in the case of a corporation), or imprisoned not more than 1 year, or both.

(Aug. 16, 1954, ch. 736, 68A Stat. 853; Pub. L. 87-792, § 7(m)(3), Oct. 10, 1962, 76 Stat. 831; Pub. L. 91-172, title I, § 101(e)(5), Dec. 30, 1969, 83 Stat. 524; Pub. L. 94-455, title XIX, § 1906(b)(13)(A), Oct. 4, 1976, 90 Stat. 1834; Pub. L. 96-603, § 1(d)(5), Dec. 28, 1980, 94 Stat. 3505; Pub. L. 97-248, title III, § 329(d), Sept. 3, 1982, 96 Stat. 619; Pub. L. 98-369, div. A, title IV, § 491(d)(51), July 18, 1984, 98 Stat. 852; Pub. L. 100-203, title X, § 10704(c), Dec. 22, 1987, 101 Stat. 1330-463; Pub. L. 105-277, div. J, title I, § 1004(b)(2)(E), Oct. 21, 1998, 112 Stat. 2681-890; Pub. L. 107-276, § 6(d), Nov. 2, 2002, 116 Stat. 1933.)

Editorial Notes

AMENDMENTS

2002—Pub. L. 107-276 substituted “pursuant to section 6047(b), section 6104(d), or subsection (i) or (j) of section 527” for “pursuant to subsection (b) of section 6047 or pursuant to subsection (d) of section 6104”.

1998—Pub. L. 105-277 struck out “or (e)” after “subsection (d)”.

1987—Pub. L. 100-203 inserted reference to subsec. (e) of section 6104.

1984—Pub. L. 98-369 struck out “or (c)” after “subsection (b)”.

1982—Pub. L. 97-248 substituted “\$10,000 (\$50,000 in the case of a corporation)” for “\$1,000” wherever appearing.

1980—Pub. L. 96-603 substituted “subsection (b) or (c) of section 6047 or pursuant to subsection (d) of section 6104” for “sections 6047(b) or (c), 6056, or 6104(d)”.

1976—Pub. L. 94-455 struck out “or his delegate” after “Secretary”.

1969—Pub. L. 91-172 substituted “sections 6047(b) or (c), 6056, or 6104(d)” for “section 6047(b) or (c)”.

1962—Pub. L. 87-792 inserted sentence providing that any person required pursuant to section 6047(b) or (c) to furnish any information to the Secretary or any other person who willfully furnishes to the Secretary or such other person any information known by him to be fraudulent or to be false as to any material matter shall be fined not more than \$1,000, or imprisoned not more than 1 year, or both.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-276, § 6(h)(3), Nov. 2, 2002, 116 Stat. 1934, provided that: “The amendment made by subsection (d)

[amending this section] shall apply to reports and notices required to be filed on or after the date of the enactment of this Act [Nov. 2, 2002].”

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 applicable to requests made after the later of Dec. 31, 1998, or the 60th day after the Secretary of the Treasury first issues the regulations referred to in section 6104(d)(4) of this title, see section 1004(b)(3) of Pub. L. 105-277, set out as a note under section 6104 of this title.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-203 applicable to returns for years beginning after Dec. 31, 1986, and on and after Dec. 22, 1987, in case of applications submitted after July 15, 1987, or on or before July 15, 1987, if the organization has a copy of the application on July 15, 1987, see section 10704(d) of Pub. L. 100-203, set out as a note under section 6552 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-369 applicable to obligations issued after Dec. 31, 1983, see section 491(f)(1) of Pub. L. 98-369, set out as a note under section 62 of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-248 applicable to offenses committed after Sept. 3, 1982, see section 329(e) of Pub. L. 97-248, set out as a note under section 7201 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-603 applicable to taxable years beginning after Dec. 31, 1980, see section 1(f) of Pub. L. 96-603, set out as a note under section 6033 of this title.

EFFECTIVE DATE OF 1969 AMENDMENT

Amendment by Pub. L. 91-172 effective Jan. 1, 1970, see section 101(k)(1) of Pub. L. 91-172, set out as an Effective Date note under section 4940 of this title.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-792 applicable to taxable years beginning after Dec. 31, 1962, see section 8 of Pub. L. 87-792, set out as a note under section 22 of this title.

ANNUAL REPORTS

Pub. L. 110-428, § 2(e), Oct. 15, 2008, 122 Stat. 4840, provided that: “The Secretary of the Treasury shall annually submit to Congress and make publicly available a report on the filing of false and fraudulent returns by individuals incarcerated in Federal and State prisons. Such report shall include statistics on the number of false and fraudulent returns associated with each Federal and State prison.”

§ 7208. Offenses relating to stamps

Any person who—

(1) Counterfeiting

With intent to defraud, alters, forges, makes, or counterfeits any stamp, coupon, ticket, book, or other device prescribed under authority of this title for the collection or payment of any tax imposed by this title, or sells, lends, or has in his possession any such altered, forged, or counterfeited stamp, coupon, ticket, book, or other device, or makes, uses, sells, or has in his possession any material in imitation of the material used in the manufacture of such stamp, coupon, ticket, book, or other device; or

(2) Mutilation or removal

Fraudulently cuts, tears, or removes from any vellum, parchment, paper, instrument,

BY MAJORITY COUNSEL 1:

Q Okay. The document just handed to you is being marked exhibit 3. I'll give you a moment to look it over.

A Oh, okay, yes. Okay.

Q So this document contains the relevant statutory citations included in the special agent report document you just looked at, and I'd like to walk through each of the relevant statutes briefly.

A Okay.

Q 26 U.S.C. 7201 covers attempt to evade or defeat tax. Is that correct?

A That is.

Q What are the elements of a 7201 offense?

A So the elements are affirmative acts of evasion. They are that there's a tax due and owing and -- I'm not used to reading it in this setting, so I'm sorry. So it's willful attempts in any manner to evade or defeat any tax imposed by this title or the payment thereof. There has to be tax due and owing. And the willfulness is a voluntary, intentional violation of a known legal duty. And those are the elements.

Q And what is the statute of limitations for this offense?

A It's 6 -- this says 5 years. Did that just change? It was 6 years -- 6 years from the date. Yeah. This says 5 years.

MINORITY COUNSEL 2. No, that's the prison sentence.

Mr. Shapley. Oh, thank you very much.

Yeah, the statute of limitations is 6 years from when the return is filed or of an affirmative act of evasion that could occur after the filing of the tax returns.

BY MAJORITY COUNSEL 1:

Q Okay. And based on the conclusion in your report, the elements for that offense were met in tax years 2014, 2018, and 2019. Is that correct?

A That's correct.

Q Okay. 26 U.S.C. 7203 covers willful failure to file, to supply information, or pay tax. Is that correct?

A It is.

Q And what are the elements of a 7203 offense?

A So that's that you had a requirement to file and that you had the knowledge that you did have to file, is how I know it. I mean, would you --

Q That's okay, you don't need to read the whole thing.

BY MAJORITY COUNSEL 2:

Q Yeah, we're just giving you the statute. And this isn't a pop quiz.

A Yeah, sorry, yeah.

Q We're just trying to understand what the elements of these crimes are --

A Yeah.

Q -- what the statute of limitations is and so forth. And since this is not a pop quiz, we just thought we would provide this as a resource.

A Yeah. I never see it in this format.

BY MAJORITY COUNSEL 1:

Q Understood.

And what's the statute of limitations for this?

A It's 6 years.

Q And based on this report, elements for that offense were met in 2015, 2016, 2017, 2018, and 2019. Is that correct?

A That's correct, yes.

Q And same exercise, 26 U.S.C. 7206 (1) covers fraud or false statement. Is that correct?

A It is.

Q And what are the elements of a 7206 (1) offense as you understand it?

A So that there's a material misrepresentation of an item on that tax return, that they subscribe to that under penalties of perjury, and the willfulness and knowledge.

Q Okay. And what is the statute of limitations for that offense?

A It's 6 years.

Q And the elements for that offense were met in tax years 2014, 2018, and 2019. Is that correct?

A That's correct, yes.

Q Is the tax liability at issue here related to just the individual taxpayer or to related companies controlled or that the taxpayer's --

A These charges include related companies as well.

Q Okay. Can you tell us which companies were involved?

A Yeah. He was responsible for filing personal income tax returns as well as returns for Owasco P.C.

Q And is there anything you can tell us about Owasco P.C., as far as what is the company, what does it do?

A Oh. So Owasco P.C., through the evidence that we obtained, was basically created with his partner Eric Schwerin. And the crux of this, as I understand it, is that Hunter Biden had a history of noncompliance with his taxes, and he would often get large sums of money and wouldn't withhold.

So Owasco P.C. -- was initially for the -- the whole purpose was, Eric Schwerin came in to help him with his tax situation so it didn't continue to be a problem in the

future.

So all of his consulting fees and all that type of stuff would go into Owasco. There would be withholdings from it. So then he didn't get -- when he filed his tax returns, they had withholdings to offset the taxes that he owed for that year.

Q Okay. Were there any other companies that you looked at in connection with this investigation?

A Yes.

Q A lot?

A Yes, a lot.

Q Okay. The U.S. House Committee on Oversight and Accountability has publicly identified a series of companies, mostly LLCs, that are connected to this taxpayer. I'd like to walk through a list of those companies and just ask whether any of these companies were part of your investigative work.

Lion Hall Group, LLC?

A Yes.

Q Owasco P.C.?

A Yes.

Q Robinson Walker, LLC?

A Yes.

Q Skaneateles, LLC?

A Yes.

Q Seneca Global Advisers, LLC?

A Yes.

Q Rosemont Seneca Partners, LLC?

A Yes.

Q Rosemont Seneca Principal Investments, LLC?

A Yes.

Q Rosemont Realty, LLC?

A Yes.

Q Rosemont Seneca Technology Partners, LLC?

A Not a hundred percent sure on that one.

Q Rosemont Seneca Thornton, LLC?

A Yes.

Q Rosemont Seneca Advisors, LLC?

A Yes.

Q Rosemont Seneca Bohai, LLC?

A Yes.

Q JBB SR, Inc?

A I'm not sure of that one.

Q RSTP II Alpha Partners, LLC?

A Yes.

Q RSTP II Bravo Partners, LLC?

A Yes.

Q Owasco, LLC?

A Yes.

Q Hudson West III, LLC?

A Yes.

Yes. Sorry.

Q Hudson West V, LLC?

A I'm not sure about V.

Q CEFC Infrastructure Investment U.S., LLC?

A Yes.

Q And in your line of work, are you familiar with what a form 1023 is?

MAJORITY COUNSEL 2. FBI form 1023?

Mr. Shapley. I don't know that form.

BY MAJORITY COUNSEL 1:

Q In the course of your investigation, did any FBI agent ever make you aware of a form 1023 related to Hunter Biden or any of his family members?

A We never discussed the form.

Q Okay. I think in your opening statement you discussed the jurisdiction in which the crimes we were just discussing took place, and you stated the District of Columbia. Is that correct?

A For 2014 and 2015, yes.

Q Okay. And Central District of California? Is that correct?

A That is correct.

Q Any other jurisdictions?

A The -- no, no. I mean, there was a possibility of some, but it was always that those were the strongest, those were the ones that should be.

Q And those are the jurisdictions related to the recommendations in the special agent report excerpt that we looked at earlier?

A Yes, that's correct.

Q And are you able to share details or estimates of the scope of the liability the taxpayer had to the U.S. Government or the loss to the U.S. Government in each of these tax years?

A I probably couldn't itemize it off the top of my head, but altogether it was

around \$2.2 million.

Q Spanning 2014 through 2019 tax years?

A Yes. And that only includes tax liabilities that were determined on a filed tax return, because there's still unreported income in 2014 that there's no way to collect because the statute of limitations is gone.

Q Okay. So let's talk about that.

So you stated earlier that at the October 7th, 2022, meeting there was only 1 month remaining to collect taxes owed for tax years -- for tax year 2014. Is that correct?

A To charge.

Q To charge?

A Yes.

Q For tax year 2014?

A I believe it was '14 and '15.

Q '14 and '15. Okay.

Do you know or can you clarify whether there was a deadline for collecting those taxes?

A I don't know if I understand your question. Sorry.

Q Is the deadline for collecting taxes the same as the statute of limitations period for the crime?

A The deadline to collect, I guess, is what I'm confused about. Like when the tax return is filed, even if it's only an extension and they're going to extend it, they have to pay the tax due and owing by the due date of the return.

And then if someone was charged and there was, say, a \$2.2 million tax due and owing, it would be the courts that define when the payments are made as part of the sentencing.

Q Okay. Understood.

MAJORITY COUNSEL 2. Was the statute about to run, though? You talked about the October 7th, 2022, meeting.

Mr. Shapley. Yeah. The statute was about to blow in March of 2022. And Department of Justice Tax Division and the U.S. Attorney's Office in Delaware were saying, "Get us the report, get us the report, get us the report." They were pushing really hard to get the report to them because they wanted to go to defense counsel and say that it's been recommended, because they were hoping to initiate conversations.

Their plan was, was to go to D.C. and to charge pretty soon thereafter, which is why they requested discovery from all the agents at that time. But what happened was the defense counsel said, "Whoa, whoa, whoa, whoa, don't charge, we'll sign statute of limitations waivers."

Mr. Lytle. Extensions.

Mr. Shapley. Extensions. I'm sorry. Statute of limitation extensions. So I believe at least two of those were signed by defense counsel, and the prosecutors told us that they were willing to sign that, more of them, but they just didn't request it after the November limitation expired.

BY MAJORITY COUNSEL 2:

Q Do you know when the extensions were signed and for what tax years?

A Well, these were specific to 2014 and '15 because the statute of limitations were expiring.

Q Okay.

A And they -- didn't -- they just wanted to say, "Well, don't indict, my guy, like, we'll talk to you about it, we'll sign the extensions, and then you can --"

Q And how long were the extensions good for?

A I believe it was 6 months, each extension, but I'm not a hundred percent on that. They could -- maybe they could be defined as well. I'm not -- because I know they signed at least two, and the last one was expiring in November of 2022.

Mr. Leavitt. So they were shorter than 6 months.

Mr. Shapley. Yeah, so they might be shorter than 6 months.

MAJORITY COUNSEL 2. And ultimately the statute ran?

Mr. Shapley. It was a conscious decision by DOJ to let that run. They could've had them extend '14 and '15, but they said no.

MAJORITY COUNSEL 1. And when you say DOJ, who, in your opinion, ultimately made that decision?

Mr. Shapley. So, it had to be United States Attorney Weiss. I don't know personally, but that's how it would usually work.

BY MAJORITY COUNSEL 2:

Q It's not DOJ Tax?

A In this case no. The U.S. Attorney's Office would likely take the lead. But then again, that's just based on my experience and how it would usually work, how I've seen it work.

Q And can you give us any more information about the statute running in that particular instance?

A I mean --

Q Did you get any feedback from the U.S. Attorney's Office as to the blow-by-blow between their office and the taxpayer's lawyers?

A They weren't very transparent with the interactions with defense counsel. I just know that in March when D.C. said no we still had that belief that he had some authority, because we were doing a lot of work to try to, like, overcome whatever issues

D.C. said that they had with the report.

And we thought that he still had the authority to charge. And then October 7th meeting comes and he said we couldn't charge it there, and he requested special counsel authority. It was denied. So there was really no ability to charge it there. He had no mechanism to charge it if what he said actually happened. So they let the statute expire.

MAJORITY COUNSEL 1. Okay. I'm going to talk about specific issues in specific tax years to the extent you're able. I know you said that special agent report was a very robust document. And if you don't know or you don't recall the answers, that's totally fine.

For tax year 2014, what evidence led to the recommendation for charges for attempt to evade and false statement?

Mr. Lytle. Can we just have a sort of an understanding that he can't speak about grand jury materials and protected (6)(E) just so it's clear that way?

MAJORITY COUNSEL 1. Absolutely. And if that's an issue, we'll certainly defer to you on that, what can and can't be talked about.

Mr. Lytle. Great.

Mr. Shapley. So, is the question for specific evidence or more of a theme of evidence?

MAJORITY COUNSEL 1. Let's start with a theme.

Mr. Shapley. So concerning the Burisma income, Hunter Biden basically used a nominee organization, Rosemont Seneca Bohai -- which a convicted felon was the partner of.

MAJORITY COUNSEL 2. That's Mr. Archer?

Mr. Shapley. Yes. Yes, Devon Archer.

And so the way the money worked is there's a document which is the contract between Burisma and Hunter Biden. Those are the two parties. It was for \$1 million per year. Of course this was 2014, and it was negotiated in April, so the payments in that year were reduced by the months. So it was \$666,000, \$83,000 a month he was receiving.

What Hunter Biden did with that is he told Burisma to send that income to Rosemont Seneca Bohai. And then when the money came back to him, he booked it as a loan.

So there's all this machinations of nonsense happening over here in this nominee structure that, "Oh, this is complex, this is complex," and, well, it's not complex, because this is -- it was a taxable event as soon as the income came from Burisma to Hunter Biden. And whatever he did with it after it was really just a scheme to evade taxes for that year.

And to add to it, is that Rosemont Seneca Bohai and Archer, when the money came back to Hunter Biden, they booked that as an expense on their books. So even the two parties didn't treat it the same way.

And then Eric Schwerin realized this and looked into it, and he even told Hunter Biden on multiple occasions, multiple communications, you need to amend your 2014 return to include the Burisma income. And he never did, and the statute's gone now.

[Shapley Exhibit No. 4

Was marked for identification.]

From: Eric Schwerin [REDACTED]
Subject: Income
Date: January 16, 2017 at 3:11 PM
To: Hunter Biden [REDACTED]

E+ (4)



In 2013, your taxes reported \$833,614 in income.

In 2014, your taxes reported \$847,328 in income. (To be amended at \$1,247,328)

In 2015, your taxes reported \$2,478,208 in income.

2013 and 2014 were normal years where your income was based pretty much solely on income from Rosemont Seneca and Boies. In 2014 you joined the Burisma board and we still need to amend your 2014 returns to reflect the unreported Burisma income. That is approximately \$400,000 extra so your income in 2014 was closer to \$1,247,328.

The reason for the increased income in 2015 was that your income broke down as follows:

\$166,666 from Burnham (for RSA)
\$216,000 from Boies
\$365,403 from Owasco (for RSA)
\$300,000 one time payment from Eudora (for the 1/3 of CitizensRx)

The above represents all the cash you received directly.

In addition, you reported \$1,000,000 of income that all went to RSB and you report \$188,616 in income that also went to RSB. You didn't receive this in cash and it is in reality "phantom income".

So, of the approximately \$2.5m in income you never really received almost \$1.2m of it. (My numbers are approximate but you get the idea.)

Of the \$1,300,000 in cash you received you had to pay \$751,294 in taxes. Since you couldn't have lived on approximately \$550,000 a year you "borrowed" some money from RSB in advance of payments.

FYI, in 2014 and 2015 you also had expenses beyond the norm because you renovated the house. Across 2014 and 2015 the renovation payments totaled approx. \$200,000.

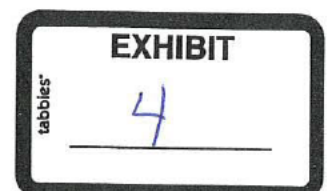
The numbers for 2016 haven't been finalized yet but you made at least the following:

\$1,295,000 from Owasco, P.C. (representing Burisma and any Romania payments)
\$216,000 from Boies Schiller

Unlike the prior years you actually received the above cash but the total income for 2016 won't be close to 2015.

Hope this makes sense.

Eric D. Schwerin
[REDACTED]





 Consider the environment before printing this email.

BY MAJORITY COUNSEL 1:

Q What's been handed to you has been marked as exhibit 4. I'll give you a moment to review it.

A Yep.

Q Have you seen this document before?

A I haven't seen it in this form, but I've seen excerpts of this document.

Q Is this one of the communications you were referencing just a moment ago?

A I believe so, yes.

Q And it looks like it's about the fourth paragraph down, it reads: "In 2014 you joined the Burisma board and we still need to amend your 2014 returns to reflect the unreported Burisma income."

Do you see that?

A Yes.

Q And is that consistent with your understanding of the issues in the 2014 return?

A Yeah, this is. This is accurate, yes.

Q Is there anything else on this document that stands out to you as significant?

A Well, what's important to note here as well is that Owasco was set up for this exact reason, was to take in these type of consulting fees and to withhold taxes from it. And Hunter Biden communicated with several folks that he wanted to keep this outside of the D.C. people, and we believe that to be Eric Schwerin and Owasco, and the purpose was to evade income taxes on that, in my understanding of the evidence. So, that's kind of like laid over this as well.

And then when Eric Schwerin realizes there's money coming in, Hunter Biden is

telling him, "No, this is a loan, it's a loan, it's a loan, it's a loan," and then eventually Eric Schwerin is talking with Momtazi, who is the accountant for Devon Archer and Rosemont Seneca Bohai, and they start talking. And that's when Eric Schwerin realizes that this is actual income, and he's like, "We're going to have to book this as income." And there's multiple communications in the evidence that talk about that.

MAJORITY COUNSEL 2. So this was an affirmative scheme by the taxpayer to avoid paying taxes?

Mr. Shapley. This is, like, textbook, I learned at basic training nominee stuff. And in all of the defenses, it was a loan, got to have a promissory note, you got to have defined interest, and you got to have repayments, and none of those were included.

And we raised that to DOJ Tax, and in one particular instance to Jack Morgan, specifically saying this is not a loan. We don't have these three things. In any case, these are the things we determine if it's a loan or not, and he said that this is not a typical case.

MAJORITY COUNSEL 2. And do you think "This is not a typical case" referred to the fact that this was the Vice President's son?

Mr. Shapley. Yeah, yeah. I think that there was -- every single time the process could be bogged down by deferring to some other approval level, they took full advantage of that.

[Shapley Exhibit No. 5

Was marked for identification.]

Ex. 5

GM

Mesires, George R.

Re: Tax Analysis - Attorney Communication

April 12, 2016 at 11:19 PM

Levinson, Kenneth S.

Eric Schwerin

Hunter Biden

MacPhail, Michael R.

Klinefeldt, Nicholas A.

I am out at those times so please proceed without me. Even if Mike or Nick can't join then, I think Ken/Eric, and ideally Hunter, should connect. George.

George R. Mesires*Partner***Direct:****Mobile:**FaegreBD.com [Download vCard](#)**FAEGRE BAKER DANIELS LLP**

Sent from my iPhone

On Apr 12, 2016, at 10:16 PM, Levinson, Kenneth S. < > wrote:

Eric, All

From my perspective, the 10 and 11:30 EDT time slots work for me tomorrow (Wednesday). I'm good with either of those, so when a critical mass is reached, please let us know and we'll have the call with whomever is available.

Thanks, and best regards.

Ken

On Apr 12, 2016, at 9:44 PM, Eric Schwerin < > wrote:

Not sure of Hunter's availability tomorrow for this call but other than a call at 10, 11:30 and 2:30 EDT tomorrow I am free. Each of those calls should take no more than 30 minutes.

Are there any times in there that work for everyone else?

I can answer pretty much all of the questions in the email.

Eric D. Schwerin

Sent from my iPhone

On Apr 12, 2016, at 7:09 PM, Mesires, George R. < > wrote:

Eric and Hunter:

Please see Ken's comments/questions attached. Please let us know when you are available for a call tomorrow to discuss this.

Thanks,

George

EXHIBIT

5

tabbles

From: Eric Schwerin [mailto: [REDACTED]]
Sent: Monday, April 11, 2016 3:50 PM
To: Hunter Biden
Cc: Mesires, George R.
Subject: Tax Analysis - Attorney Communication

Hunter-

See below for analysis of Burisma payments through RSB for 2015.

For the first 10 months of 2015, total pre-tax Burisma payments through RSB = \$606,666

RSB Agreed to Hold Back \$245,498 of the above amount to cover taxes (approx. 38%) which left you with \$361,168 in "post-tax" dollars to draw down.

For the first 10 months of 2015, you drew down approximately \$413,000 from RSB. Therefore you drew down \$51,835 more than you should have.

If RSB counts the first 10 months of Burisma payments as income to you, they should send you the \$245,498 - \$51,835 or \$193,663 which could be put towards your tax liabilities for 2015.

So, on \$606,666 in income you'll have \$193,663 to go towards taxes.

Note that for November and December of 2015, the full \$83,333 for each month was sent to Owasco, PC via RSB and you withheld the appropriate taxes yourself. It is only the first 10 months of 2015 that need to be taken care of.

The only other point to keep in mind is that while Burisma paid you \$83,333 a month for the first 10 months of 2015, for the first 8 months, a portion of that (\$27,778 a month) went to Alex as his Board Finders Fee. RSB has taken that amount as an expense and we need to figure out a way to capture that expense so that you are only paying taxes on \$55,555 a month in income through the end of August 2015 instead of the full \$83,333. I am going to assume the accountants can take care of that.


Let me know if you have questions.

Best,

Eric

Eric D. Schwerin
Rosemont Seneca Advisors, LLC



 Consider the environment before printing this email.

<mime-attachment>

MAJORITY COUNSEL 2. We've just given you exhibit 5. I think it's more email communication with Schwerin and Hunter Biden's lawyer, George Mesires, partner at the Drinker Biddle firm or whatever the firm's called now, Faegre.

Have you seen this document before?

Mr. Lytle. Can we talk to our client just briefly.

MAJORITY COUNSEL 2. Of course. We can go off the record.

[Discussion off the record.]

MAJORITY COUNSEL 2. We're back on the record.

BY MAJORITY COUNSEL 2:

Q The question is whether you've seen this document before.

A No. Anything from George Mesires was considered privileged --

Q Okay.

A -- attorney-client privilege and was not provided to us.

Q Okay. And so that was kept from you by the FBI?

A No. It would be a filter team.

Q Okay.

A When we get any information, and even from the laptop and hard drive, it went through filter reviews, and we only saw what came back as nonprivileged.

Q But who ran the filter team?

A It was different each time. We had agents assigned, groups of noninvolved agents assigned that were --

Q With IRS or FBI?

A It was a little bit of both. I think that we took turns. I remember at least two different filter teams made up of noninvolved IRS agents.

Q Okay.

A And these eventually go to the prosecutors, like after the filter review.

Q Okay.

Mr. Lytle. I'm sorry. Is there DOJ attorneys assigned to the filter team as well?

Mr. Shapley. Yes, yes.

BY MAJORITY COUNSEL 2:

Q Okay. On page 2 -- it's an email chain, so it actually starts from the last page and works forward. The communication here is Eric Schwerin to Hunter Biden, correct?

A Appears so, yes.

Q And Eric Schwerin is not Hunter Biden's lawyer, correct?

A That's correct.

Q Okay. So you think they marked this attorney-client privilege just because they cc'd Mesires?

A Absolutely.

Q Okay.

A That was one of the things, just a search term was the known legal counsel and just immediately went to --

Q So if he cc's Mesires on every communication, it's all privileged?

A That was the direction to the filter teams, and then it would go to the DOJ attorney that oversaw that, and they would make the ultimate decision.

Q Okay.

A But they basically claimed privilege on a huge amount of information to include the return preparers, Morgan Wingate, later on, and they said it was because they had a verbal Kovel agreement with them.

Q Okay.

A A Kovel agreement, do you want me to explain? So I think it's from case law and it's basically that a defense team can bring in an accountant or CPA or return preparer into the defense team to assist them, so they become covered by the attorney-client privilege.

In this case, when we were attempting to interview the CPAs on it, Hunter Biden's legal team said there's a verbal Kovel team so you can't talk to them.

And we tried to get DOJ and U.S. Attorney's Office to pierce that, because everyone, even they said it was nonsense. But they just wouldn't. It took, like, 12

months to finally get to the CPAs to actually get information from them.

Q Okay. Looking at the content on page 2, if you and your team had access to this information, would that have been helpful, direct communication from Schwerin to Hunter Biden? And you previously told us that one of Schwerin's main functions was to help ensure that Hunter Biden was paying his taxes correctly, right?

A Yeah. I'm not reading it -- I haven't read it all, but any discussions in this area, we need to know, we need to know that if it's truly a loan, then we can't include it. We need all the pieces of information that discuss income, which is why it's so important to ask about 10 percent for anybody else.

MAJORITY COUNSEL 2. Let's go off the record for a second.

[Discussion off the record.]

MAJORITY COUNSEL 2. Back on the record.

BY MAJORITY COUNSEL 2:

Q Now, was your team, were they permitted to use open-source methods for looking at the materials for this case? Like, if materials were published on the internet related to Hunter Biden or related to Hunter Biden's business concerns, were you allowed to consult that?

A No. We were directed that if there's anything from the laptop from other sources to not look at it because then it's potential for it to be tainted.

Q Okay. So if it's posted on the internet, if it's written about in the newspaper, you were not allowed to consult that open source method?

A Yeah. We were directed not to.

Q Is that customary?

A I would say yes. Yes.

Q Okay. Going back to the special agent report, after you submitted the

report recommending charges, could you just walk us through the timeline of what then happened?

A From?

Q You told us about what happened inside of IRS.

A So February 25th, 2022, forward?

Q Correct.

A So we sent it to DOJ Tax Division, and that spurred their discussions with defense counsel. We did not participate in that.

And I would say that I think it's not typical for the investigative team and the agents to never be in on proffers or reverse proffers with defense counsel. We never once were allowed to do so.

And even though some communications occur with defense counsel without agents, I've never seen it where we've never been involved.

Then it went to D.C. U.S. Attorney's Office. Department of Justice Tax Division authored a 99-page memorandum that was requested by Stuart Goldberg. And my understanding is that it was for the purpose to support recommending that they move and be opened in D.C. It was like a document to support opening up and charging in D.C. for 2014 and '15.

Q Okay. So you send what's exhibit 2, or the IRS sends it to DOJ Tax, and the result was DOJ Tax Division produced a 99-page memo to support what your memo had recommended?

A I never saw it, but my understanding was, is that we were moving -- we were going to go to D.C., and we were going to charge, and here's the discovery. That was the trajectory there. So I've never seen the document, but it's been described to me as supporting those years and charging those years.

Q Do you feel like the document was kept from you and your team?

A Yeah. I don't know there's any reason not to share it with us. I don't know why. And it's also outside the norm. When a SAR goes to DOJ Tax, it usually gets -- if there's DOJ Tax attorneys working on that case, they -- those attorneys aren't the ones that get the report. It's like a third-party supposedly objective person who looks at the report and writes up whether it's approved, discretion, whatever.

This whole 99-page report was a whole separate event, and John Kane at Department of Justice Tax Division was assigned to be the objective reviewer, and I still have never seen a report from him approving, discretion, or declining.

Q Okay. So, after receiving the 99-page memo from DOJ Tax, the U.S. attorney in Delaware initiates prosecution in the District of Columbia, correct -- or he seeks permission from --

A Yeah, they send --

Q -- U.S. Attorney Graves?

A -- at least Mark Daly and I believe AUSA Wolf as well, to meet with the first assistant in D.C., and the first meeting was Mark Daly called my case agent and said, "Hey, looks good, they're going to assign AUSA."

Q That was Special Agent [REDACTED]?

A That's correct. And then it was 2 or 3 days later, Mark Daly calls [REDACTED] and says, "No, they don't support it. So we're basically dead in the water."

Q And that was the end of it?

A Yeah. At that point it became like a void. For 2 months we were working to combat the potential defenses. And I think it was all a ruse because we didn't know at the time that he requested special counsel authority and was denied. So he had no ability to charge there whatsoever, but I feel like he just sent us on a fool's errand to try

to rebut it.

Q And when was the decision made by the U.S. attorney in the District of Columbia not to go forward?

A It was in the March time frame. Like I said, we requested to be a part of that, but they didn't allow us to.

Q And when did you learn of that decision?

A I feel like it was same day. It was a date in March, and, unfortunately, I don't know the date.

Q Okay.

[Discussion off the record.]

Mr. Shapley. Yeah. So at the time we thought that he just didn't support it. And that David Weiss would still have the ability to charge at some point. But later on, on October 7th, David Weiss tells us straight out that he didn't allow it to be charged in his district. And then he says he also requested special counsel authority, which why would he request special counsel authority if he had the authority to charge.

So, yeah, it's a little bit nuanced, but what I knew then was that he just didn't support it.

BY MAJORITY COUNSEL 2:

Q I want to call your attention to some testimony, and I believe you mentioned it in your opener. But if the decision to not bring charges in D.C. was made in March of '22 --

A Yes.

Q -- okay, a month later, roughly, in April of 2022, at the Senate Appropriations Committee Subcommittee on Commerce, Justice, Science, held a hearing, a review of the DOJ's funding request. And during the hearing under questioning from Senator

Hagerty -- and, again, I think you mentioned this -- regarding the Hunter Biden investigation, the Attorney General testified -- this is a month later -- that U.S. Attorney Weiss is supervising the investigation, is in charge of that investigation. He also testified there will not be any interference of any political or improper kind.

Did you remember hearing that at the time?

A I did not hear that at the time.

Q And did anyone on your team ever bring that to your attention subsequently?

A I learned of it on and around October 7th meeting --

Q Okay.

A -- because that's when it became substantive to me, like, because we still were misled to believe that U.S. Attorney Weiss had the ability to charge in D.C. and that we were still talking about the '14, '15 year.

And then when he tells us in the October 7th meeting that he's not the deciding official and he doesn't have the authority to decide and that he requested special counsel authority and was denied, that's when the statements of Attorney General Garland became apparent that they were not accurate.

Q Right. And subsequently -- and you mentioned this in your testimony -- Senator Grassley, on March 1st of 2023, so a whole year had gone by, asked the Attorney General about this, and the Attorney General responded -- you mentioned this -- "I promised to leave the matter of Hunter Biden in the hands of the U.S. attorney for the District of Delaware...I have pledged not to interfere with that investigation, and I have carried through on my pledge."

Is that a true statement?

A It's not accurate. No, it's not accurate.

Q And by March of 2023, you had certainly known that the U.S. attorney in Delaware did not have special counsel authorities. Is that correct?

A By what he told us, yes.

Q And when the Attorney General made that statement, that had been almost a year after the decision was made not to move forward in the district in D.C., correct?

A Yes.

Q Senator Grassley followed up: "Without special counsel authority he could need permission of another U.S. attorney in certain circumstances to bring charges outside of the District of Delaware. I'd like clarification from you," Senator Grassley said to the Attorney General, "with respect to these concerns."

And the Attorney General responded: "The U.S. attorney in Delaware has been advised that he has full authority to make those kind[s] of referrals that you are talking about or bring cases in other jurisdictions."

Okay. I'll just say it again. The Attorney General said that he, meaning U.S. Attorney Weiss, "has full authority to make those kind[s] of referrals that you are talking about or bring cases in other jurisdictions if he feels it's necessary. And I will assure that if he does, he will be able to do that."

Are you aware that the Attorney General responded in that way?

A Yes, I am.

Q Is that true?

A No, that's not. Based on what actually happened, as well as the statements provided by U.S. Attorney Weiss, those statements are false.

Q And those statements were made in March of 2023, 1 year after the case was attempted to be brought in D.C. by the United States Attorney's Office for Delaware, correct?

A That's right.

Q And it also occurred many months after you learned in October of 2022 of this happening. Is that correct?

A Of this happening? I'm sorry.

Q Of the U.S. attorney in Delaware being denied the ability --

A Oh. Yes.

Q -- to bring the case in D.C.?

A Yes, that's correct, yes.

Q Senator Grassley followed up: "Does the Delaware U.S. attorney lack independent charging authority over certain criminal allegations against the President's son outside of the District of Delaware?"

And the Attorney General responded: "He would have to bring...if it's in another district, he'd have to bring the case in another district. But as I said, I have promised to ensure that he is able to carry out his investigation and that he be able to run it. And if he needs to bring it in another jurisdiction -- again, if he needs to bring it in another jurisdiction -- he will have full authority to do that."

Did that happen?

A No.

Q Senator Grassley then said: "Has the Delaware U.S. attorney sought permission of another United States Attorney's Office, such as the District of Columbia, or" -- presumably Senator Grassley meant the Central District of "California to bring charges? If so, was it denied?"

And what's the actual answer to that question?

A That he did bring it to both of them, and they both denied it.

Q And, just remind me again, what was the timing of the Central District of

California denying?

A We were informed that they denied it in and around January of 2023.

Q Okay. So 3 months before this testimony.

A Yes.

Q Approximately.

And the Attorney General followed up, and he said: "I don't know the answer to that, and I don't want to get into the internal elements of the decision making by the U.S. attorney. But he has been advised that he is not to be denied anything he needs. And if that were to happen, it should ascend through the Department's ranks. But I have not heard anything from that office to suggest that they're not able to do everything the U.S. attorney wants to do."

Do you think it's conceivable that the DAG's office or the head of DOJ Tax kept that information from the Attorney General?

A I feel like it's my opinion that you wouldn't make statements like that if you thought that was the case.

MAJORITY COUNSEL 2. I think our hour's up. Going to have to stop there as our hour's up.

Mr. Shapley. Sure.

[Recess.]

[11:40 a.m.]

BY MINORITY COUNSEL 2:

Q Thank you again for coming in and providing your testimony before the committee. I don't think we will take the full hour allotted. Hopefully we will be able to move things along a little bit.

I actually wanted to start by just going back, way back in your initial testimony. It is something our counterparts alluded to in the beginning of their questioning. Your initial testimony that over the course of your career you worked on teams or worked on cases that collected in the neighborhood of something along the lines of \$3.2 billion of previously uncollected tax revenue. Obviously, \$2 million or thereabouts, that amount at issue is relatively small, relative to the \$3.2 billion over the course of your career you've collected. I am just sort of trying to get a sense of the scope and scale of this investigation relative to what would be a normal size of a criminal investigation of the type that you work on.

You have a team of 12. How many investigations does your team generally work on at one time?

A I have 75 investigations that I am [in charge of] right now of 12 agents.

Q And how many man-hours would you say that your team spent on this investigation?

A I would just have to multiply it, right? We have at least one agent working full-time on it for 4 years -- at least 4 years. So it's 2,000 hours a year.

Q And is it typical to assign an agent full-time for 4 years on an amount in issue of \$2 million or thereabouts?

A It would be normal with an IRS CI, right? Like, the amount of time it takes,

we don't drive that bus. So we have to work with our partners. So they have an effect on the timing as well, but the case agent also had other cases as well.

Q When you say work with your partners, do you mean work with defense counsel and work with -- who do you mean --

A Like, FBI, DOJ.

Q And presumably, though, in terms of how agents and your team and you allocate your time in terms of looking at these cases, does that all receive review in terms of allocation of resources?

A Yeah, yeah. In this particular case, we also work large cases, the initial case is a \$6 billion case. And then we also have spinoffs from these larger cases that we work, and that is the way that we do to on some other large cases we are working now. So this is an example of one of those spinoff cases that had an international nexus, so we kept it within the group.

Q Right. But presumably, there was a \$6 billion case, and then evidence came to light and that evidence was referred to a spinoff case. Presumably if the evidence, was an amount at issue of \$1,000, the IRS wouldn't put a full-time employee on that audit for 4 years?

A My agents would not spend time on \$1,000. And we are not auditors, we are criminal investigators.

Q Criminal investigators.

A Yeah, yeah, yeah, yeah. Okay.

Q So there is some sort of threshold and some sort of judgment applied to how many man-hours are applied on any given case, correct?

A I don't know if there is any application of how many man-hours around each case. I have never seen that.

Q But somebody at some point does make a decision as to how many resources, how much in terms of CI's resources they are going to devote to any given case at any given time, right? And presumably, that, at least in part, is dependent upon the amount at issue?

A It is definitely not about the amount, right? If it is a case that is approved, then if it takes 3 years or 4 years or however long it takes, they are going to let that play out. At some point, if the charges look not viable, then we discontinue the case. But that never occurred in this case.

Q Right. So the size of the tax liability is irrelevant to the resources that CI puts into the investigation?

A Like a \$2.2 million case for 95 percent of the IRS CI special agents would be a huge case for them.

Q That is relevant information.

So this is generally considered within IRS CI to be a big case.

A Yes.

Q And a case of this size would typically have 12 or, for instance, 12 simultaneous interviews in terms of its investigatory step or something along those lines?

A I mean --

Q It wouldn't be unusual?

A It's case-by-case. Yeah, it is case by case, right? We don't always do days of actions. We do lots of days of actions, but it is based on the case because you want to do them simultaneously so that the witness pool isn't tainted by each other. So that is why the simultaneous interviews occurred in this particular case.

Q So, the resources that were being devoted to this case, at the end of the day, you did receive some sort of supervisory approval and up the chain, folks understood

what kind of resources were being devoted to the investigation here?

A I guess I was confused about the resources, like, yeah, there are hours that are applied to the case.

Q Think about hours being applied to the case as resources, so man-hours.

A Okay. So could you say the question again then?

Q It was relatively understood by folks senior in CI, probably at DOJ Tax, how many man-hours were being devoted to the investigation of Hunter Biden's taxes?

A Yeah, yeah.

Mr. Leavitt. Did you want to talk about the supervisory approval process?

MINORITY COUNSEL 2. If there is a supervisory approval process for the allocation of resources like that, then sure. I am under the impression that there is not.

Mr. Leavitt. I don't mean for the resources. I just mean just for the case, the case being briefed up in terms of awareness of supervisors?

Mr. Shapley. People are aware of the hours spent on the case, yes. But it is not -- it is definitely -- DOJ would never, DOJ U.S. Attorney's Office they would never, they don't care how many hours are applied to a case, right? And we even assigned a co-case agent to assist, try[ing] to keep the sphere small. They would never know it. It would really be hours applied to a case would be on our 17A CIMIS report, 17-As, and it is really like me as a supervisor or me as the ASAC, and I don't think that they go even higher than that. I don't think that anyone -- like a special agent in charge probably wouldn't even like look at the allocation of resources on a case. They just want to know if it is viable or if it is not viable.

Mr. Leavitt. But you were briefing your supervisors about the case, in which case --

Mr. Shapley. Oh, yeah, yeah. But if we are talking about resources, that is my

answer. If we are talking about case specifics, then that is a different story.

BY MINORITY COUNSEL 2:

Q That is totally fine.

I would like to ask you a little bit about the special agent report that was discussed earlier. Your special agent report was approximately 85 pages long and it recommended charging recommendations. Could you once again, and I know you did it before, but it would be helpful for us again -- what specifically was the process by which it went to an entity that gave it a nonconcurrency?

A Sure, yes. When a special agent report is still in draft, it comes past my desk and we send it to our criminal tax attorneys, called CT counsel, and they do a review of it. They create a -- it is called a CEM, I believe it is Criminal Enforcement Memorandum. So yes, that is the process.

Then we get that and then, the management and the agent. And then we sometimes take time to answer any concerns or to provide additional evidence that maybe they didn't see to make those recommendations. But then, when it is a nonconcur from CT counsel, in order for it to go forward to the department of [Justice] Tax division, it has to be approved by the director of field operations which is -- so an IRS investigation is the chief, deputy chief, and then there is three director of field operations. So, like, the third level. So when there is a nonconcur from CT counsel, the director of field operations has to approve that to be transmitted to the Department of Justice tax division.

Q Just -- sorry. The director of op has to approve it to override the nonconcur to transmit? When you say approve, what do you mean?

A I don't think override is the correct term because CT counsel is advisory.

Q Okay.

A But I think it is an extra step in the process to ensure that more people have reviewed it and agree with the evidence since the elements were met.

Q Could you say a little more about who comprises the makeup of the CT counsel?

A Just by title or names or --

Q If you have their names or what their experience is?

A So the head, I am not sure if it is a director or chief of criminal tax is Rick Lunger. And the number two there is Elizabeth Hadden, I believe. And then there is area counsel and that is like a middle layer of management. And for me on this case it was Veena Luthra. Then my line attorney, it was Christine Steinbrunner and she went by Christy and -- I'm sorry, did I answer your whole question?

Q What are their backgrounds? Why are they designated to be in this role, which appears to be something of an advisory review role?

A The --

Q Their professional backgrounds, what lead them to be put on this CT -- on this counsel?

A I mean --

Q Are they appointed?

A Oh, no, no, no, they are internal, just internal career hires.

Mr. Lytle. Also, could you just pause your question and give him time to answer because sometimes you guys are talking over each other. But he needs time to just digest what you are asking him. Are you asking -- does he know the process of how people's qualifications are determined to serve on CT counsel?

MINORITY COUNSEL 2. That is certainly a question I could be asking, yes. If that is the question he wants to answer --

Mr. Lytle. No, no. I just wanted to clarify.

MINORITY COUNSEL 2. He can answer it either or both ways, which is to say either do we know the specific individuals and what their qualification are, or if he does not -- what would make an individual qualified to serve on this counsel?

Mr. Leavitt. Elizabeth would know more about it, wouldn't --

Mr. Shapley. I mean, the only background I know is Elizabeth Hadden was at the Department of Justice tax division up until a year or 2 years ago maybe. Like, 2 years ago. And then she came over to be the number two in CT counsel. In terms of background, that is all I know about them.

BY MINORITY COUNSEL 2:

Q But in general, is it safe to say that they are experienced criminal tax attorneys, or criminal tax agents or having a fair amount of experience in criminal tax investigations?

A They review our reports, our enforcement actions for legal sufficiency based on the Internal Revenue manual, yeah.

Yeah, well, yes, CT counsel is not a respected organization within IRS CI. Their opinion, as I alluded to before, I bet you around 90 percent of everything that we do in the international realm are not concurred with them, and we just simply ignore them. I have heard AUSA's and prosecutors in the past when the agent will be, like, Well, you know, CT counsel nonconcurred, I have heard them say, I don't care anything of what they are saying. And then in this particular case -- it was either the August 16, 2022 meeting, or the October 7, 2022 meeting and -- Shawn Weede, who was the number two, I believe, at the U.S. Attorney's Office at Delaware actually had CT counsel's nonconcur memorandum, which, that is the first time I have ever seen a U.S. Attorney's office ever even interested in that document. And they ostensibly laughed at the legal reasonings

in that document.

Q Can you describe the legal reasonings?

A I couldn't with specificity. I really want to. So --

Mr. Lytle. If you recall.

Mr. Shapley. I don't recall. But internationally, there are things that they just in every single CEM they write, right? Like, availability of foreign witnesses, one. Admissibility of foreign evidence, two, right? There are these things, like, if a guy's 70-years-old, then they make some statement about how he could die before trial. So, I don't remember the specific items in their memorandum, but those are the types of things that I see like consistent in their reviews of the international work.

Mr. Leavitt. So you are saying it covers not just legal sufficiency but as a practical matter in success of trial for the ability to get to prosecution.

Mr. Shapley. Yeah, it could.

BY MINORITY COUNSEL 2:

Q Do charging decisions also depend on the practicality of success at trial as a general matter?

A From?

Q From the DOJ?

A Yeah.

Q If legal sufficiency is not solely the basis by which CT counsel makes its recommendations, then is that also true of the Department of Justice?

A Reasonable likelihood of prosecution is the statement, as I understand it, but I am also not an attorney.

Q Fair enough.

I want to go back to something you testified to -- you mentioned green light,

yellow light, red light on various [occasions] -- and I kind of wanted to flesh that out a little bit more. I think you testified that the line attorney had suggested that for every tax year other than 2018, she had a yellow light, and then for 2018, it was a green light. Can you describe to me what you view as a distinction between a yellow light and a green light?

A Sure, yeah. And this was described to me by CT counsel Christy Steinbrunner where a yellow and green [is a] concur and red is that she did not concur. Some of the reasons to be in yellow are that, like, I said before would be admissibility of foreign evidence, and availability of foreign witnesses and things of that nature. But to be yellow, the elements of the crimes and the minimum legal requirements have to be met.

Q But again, just for clarity, yellow indicates that notwithstanding [that] the legality of a crime has been met, there may be other considerations regarding the likelihood of success at trial?

A I don't know if it pertains to the likelihood of success, but it is definitely like maybe there's complexities, like, international type issues in there.

Q Do you have any indication of what, for instance, you described 2014 and you described a payment disguised as a loan, what would cause an evaluation of that year [to] impact your chances of being yellow as opposed to green?

A I don't recall what she said specifically. I could opine if you wanted me to.

Q If you had to guess, what would it be? If you had to venture your best professional judgment as to why it might be yellow?

A Sure. So, as I described the income flows, that is how I would see it presented to a jury, right? Because you have got to consider the jury might be a 20-year-old auto mechanic, right? As soon as a contract between the two parties

identified occurs and payments from that contract begin, that is the taxable path. For instance you can't send your paycheck to someone else, and then them send you money and tell you to say it is a loan and then you not pay taxes on it.

So if you go into the other side, this construct, this scheme to evade, of course it is incredibly complex and confusing because it is made up. So, that is an example of how that might work for 2014 as CT counsel's opinion.

Q Then sort of continuing along with the special agent report, we discussed before I guess the nonconcur was over[ridden] -- but it was passed on to DOJ as a result of concurrence by who exactly?

A Director of field operations.

Q Director of field operations. And then that went to DOJ tax. And then DOJ tax authored a 99-page memo?

A I don't want to commit to a timing of that memo, but it is around that time. And that was separate and distinct from the path of the SAR. That SAR would never be reviewed [for approval] by the DOJ tax attorneys who are working the case. It always would go to a separate person. And in this particular instance, it was DOJ tax John Kane is his name. So the 99 page [memo], I am sure it was being authored or maybe it was authored or it was said to author around that time. But it was in process because we knew since at least June of 2021, there was no venue in Delaware. So we knew that it had to go to D.C., it had to go to California. So, I think this document, which was outside the norm, but maybe -- I am not saying that it is wrong, right, it is just outside the norm -- maybe it was for the purpose of helping them present it to the D.C. U.S. Attorney's Office, and eventually to CDCA, the Central District of California.

Q Okay. So this was a memo that was I would say not written necessarily in the normal course of an investigation, and it would not normally be something that was

produced in response to an SAR?

A Yes.

Q Have you ever seen a DOJ tax memo?

A The 99-page memo?

Q The 99-page memo.

A I have not. I have seen excerpts in a presentation.

Q And did those excerpts give you a sense of whether or not DOJ tax was recommending charges?

A I don't think I could conclude from those excerpts that that happened. But I have worked with Mark Daly for 10 years and I talked to him almost daily, it was called the "daily Daly," that was extra. But you see all the action up until March, right? And you see the SAR being sent over on February 25, you see the discovery request. They anticipated it was going to go to D.C. and it was going to be opened in D.C. and it was going to be charged in D.C. So if they produced a 99-page memorandum that said something other than that, would be surprised but I have not read that document.

Q But you don't have any reason to believe that, or knowledge one way or the other of whether or not the DOJ tax memo contained information about litigation risk for instance?

A I did not see that. I wouldn't know that.

MINORITY COUNSEL 2. [REDACTED], that is all I have.

BY MINORITY COUNSEL 1:

Q Thank you for being here today. I appreciate it. I am going to go back over some of the things you said that I probably just missed in my notes. I just want to make sure that I have a clear record.

I think one of my colleagues had asked you when did this case begin. And you

noted that it started on another case, and then it had basically spun off of that and he was on a list of individuals. Do you have a date as to when the case started, like a year?

A So 2018, internally, the IRS CI, yes. And it went through like that PI, that primary investigation phase. And then it went through the 9131 process to go to the U.S. Attorney's Office, the DOJ tax approval to go to the U.S. Attorney's Office.

Q This was another question that I had. I think it is exhibit 2, and it is just the list of the tax years and the conclusion. On the front of it, it has a special agent and that person is redacted and the revenue agent is also redacted. Are you able to provide the names or are you one of these individuals? I just can't tell who wrote it.

A Sure. So special agent -- this report was written by [REDACTED]. He is the case agent on this.

Q Okay.

A The revenue agent -- he had zero input into the authoring of this document. What a revenue agent's traditional responsibilities are as a special agent we might get all these income streams and get a compilation of what we believe to be income. And we give it to these revenue agents -- and they are super educated in Tax Code and everything. And they put it into a RAR, Revenue Agent Report, and it basically spits out for each year what the additional tax due and owing, taking into account additional income, maybe additional expenses that would lower that tax income, the tax due and owing. But that is the role in it. So -- I don't know why he's on the front of --

Q Is that --

A I don't know why he's on the front of the report, but I think it is kind of to throw him a bone because --

Q Okay, okay. Do you know if that person, the revenue agent, do they review the final document, the draft before it comes across your desk?

A No.

Q Or it is just really you are using their numbers and that is why they --

A It's only numbers -- appendix A to every SAR is an additional tax [due] and owing for criminal purposes, that would be the revenue agent's -- that would be the only thing that they would create exhibits that populate that document, that document says all these years, this is how much they owe for criminal purposes. That would be the extent of their interaction with this document.

Q Okay. So I am going to come back to exhibit 1 in a minute, but I wanted to look at exhibit 4 and 5. So I want to start with exhibit 4. Did you provide this email to the committee?

A No.

Q Okay. Do you know where this email came from?

A As part of the investigation I wouldn't be able to answer that question, unless you are asking me like literally where it came from on the document.

Q Well, I am asking two things. I was going to get to the person. We have never seen these two documents on my side, and so I just don't know where they came from. And the documents that I have been provided are the ones that you gave to the committee. So I am just wondering if this is some second set of documents that we didn't receive, or where these documents actually came from?

A No, I'm --

Mr. Lytle. So two questions there.

MINORITY COUNSEL 1. Yes.

Mr. Lytle. Does he know how they were obtained?

MINORITY COUNSEL 1. Yes.

Mr. Lytle. Is a question. Do you know that?

Mr. Shapley. No, I don't.

Mr. Lytle. Okay. Second question, did you deliver Exhibit 4 to the committee?

Mr. Shapley. No, I did not.

MINORITY COUNSEL 1. Okay.

Mr. Leavitt. Or 5.

BY MINORITY COUNSEL 1:

Q Did you deliver exhibit 5 to the committee?

A I did not.

Q Because I did actually read the documents that you provided, so I was surprised by these two documents. Where they came from, I don't know, maybe the internet. I don't know.

Can we talk about the individuals that are listed in exhibit 4?

A Sure.

Q Do you know who Eric Schwerin is?

A Yes, I know who Eric Schwerin is, yes.

Q And is he an attorney, a person, an accountant? Do you know anything about his background or what is his relationship here? I guess I am trying to understand why we have an email from Eric here.

A Okay. So I don't know if he's an attorney or CPA, but he is a very close friend of the family of the Bidens and a close friend of Hunter Biden. And he is known to just be a very diligent guy. And he was brought in and helped create OWASCO P.C. Based on the documents that I have read and understand to -- for the sole purpose of getting Hunter Biden into tax compliance. Because in the early 2000s, he often had these large taxes due and owing, and then he couldn't pay them. And he used to have problems and that stuff. So he was brought in to help bring Hunter Biden into tax

compliance.

Q Okay. And this was back in 2017. Okay.

And then on exhibit 5, it's the same question, George Mesires, and I think you might have mentioned him earlier, do you know his relationship?

A Yeah. I know him to be a personal, quote, unquote attorney to Hunter Biden. And if I wasn't taken off the case, I would have been tainted by this document.

Q And do you know who Eric is? Eric is the same guy from exhibit 4, I guess.

A Yeah, Eric Schwerin.

Q And do you know if there is -- and maybe I missed it, do you see any response on here from Hunter Biden to these emails?

A I don't. This is the first time I have seen this so I don't see an email from Hunter Biden, or at least what this document shows.

Q And then it appears in the top in the header, right after the date there a number of names. But it also appears that there is a number of names that have been redacted. The first one is Eric Schwerin, and then Hunter Biden, Michael McPhail and then Nicholas Klinefeldt. But it seems some names that are missing. Would you happen to know who those names might be?

A I think they are there, but they are just grayed out.

Q Oh.

A I think it is email addresses.

Q Oh, okay.

A Yeah. That is why I looked to see if it was a bleed-through, or yeah, they are just very faint. So it looks like the email address is to those individuals.

Q Okay. Thank you.

Now I would like to go to exhibit 1. This is a letter that was sent, and these are

some basic questions. I want to make sure that I have my notes clear so that I remember what I am doing when I go back to look at this. Okay.

Mr. Leavitt. What was your question before whether there was an email from Hunter Biden or whether he was the recipient?

MINORITY COUNSEL 1. Oh, no. My question was I thought that there were names that had been redacted out. But it turns out that they were actually the email addresses of those individuals?

Mr. Leavitt. But prior to that you were asking about whether Hunter Biden was on this.

MINORITY COUNSEL 1. No, whether there was a response from him.

Mr. Shapley. That's how I understood it.

MINORITY COUNSEL 1. And he said there was no response.

BY MINORITY COUNSEL 1:

Q On the first letter which is dated April 19th, and is exhibit 1, it is mentioned in here that my client has already made legally protected disclosures internally at the IRS. I wanted to ask a little bit about those disclosures, when they were made and to whom they were made, and whether you made them by letter or email -- I know you can make them by phone call as well -- and if you received any acknowledgment.

So, we can break those down, but that is essentially it. I want to know a little bit more about the line with the disclosures within the IRS.

A I don't think I will be able to be all inclusive, but I will give you examples.

Q That is fine.

A I think that the first disclosure that I made that something was far outside the norm was a June 16th of 2020 memorandum. That memorialized a meeting with the director of field operations and down, so it would be the SAC, the ASAC, me, case

agent. I can't remember exact dates for some of these.

Q That is okay.

A It was something that the SCRs, these sensitive case reports, that went up to supposedly to the chief, they are authored for the chief. And there is only a finite number of sensitive case reports produced in CI, because they are there for the purpose of informing the chief on these more sensitive cases. And so, those were monthly on this case. There were multiple of those where I raised various concerns to the chief.

Q Do you know who the chief was at the time or maybe the chief changed over time, but --

A So Don Fort was the chief through December 31st of 2020 and since then, the chief is Jim Lee.

There were briefings, there were meetings, at least, like once a year those occurred, sometimes twice a year. And then as we got to 2022, we had those conversations more frequently, and they were surrounding bigger meetings, like a June 15th, 2022 meeting at Main DOJ, an October 7th, 2022 meeting.

Q That is good, yeah. Thank you.

At any time, did you make any disclosures outside of CI? Did you make any disclosures out of the chain to, I don't know, the deputy commissioner of services and enforcement, or anyone outside of CI?

Mr. Lytle. This is outside of CI, right?

MINORITY COUNSEL 1. Yeah.

Mr. Lytle. But within the IRS?

MINORITY COUNSEL 1. Within the IRS.

Mr. Shapley. So the chief would be, you know, that is the highest, right, like that we would usually go to unless of course I thought the chief was not doing something that

they should be doing. I raise these issues to the U.S. Attorney's Office in Delaware, and often to DOJ tax attorneys, but outside, I --

BY MINORITY COUNSEL 1:

Q But no one at Treasury?

A Oh, no.

Q No one at IRS above -- other than CI, no deputy commissioners, no commissioner?

A That is correct. And, there was a common theme that [REDACTED] and the co-case agent Christine Puglisi would -- after all these pros team calls we would have a follow-up call. And sometimes FBI agents would be on there as well. And it was basically talking about the strategy and it often became like, Wow, they are not letting us do this. Can you believe they said that? Like that type of thing.

And we -- in order to protect the record of the investigation basically it was me that could only document that, right? Because we wanted to make sure that the agents weren't documenting things that would eventually be turned over in discovery and could somehow affect the viability of the case.

So that is something that I documented moving forward. And each time we were, like, Wow, they didn't let us do the search warrant. Like she said -- to overcome probable cause with a search warrant is, like, that is it, right? That is really, like, okay, well, you are going to go do it, because we want evidence that is unfiltered, right? But the whole point is we were like, well, there is no way they are not going to charge us. The evidence is there. They say the evidence is there. And we just really couldn't believe that they would be doing something wrong. It was a very heavy burden to overcome from my experience and training to be, like, wow, there is something going on here.

So it got to the point where we are like, well, they are just going to charge and all the things that they didn't do were just going to go away, right, and it is not going to matter. But it just didn't happen. And then the October 7th meeting, you know, changed everything for me and I could no longer stay silent. And the case agent is also willing to come forward as well.

Q Do you know if the chief reports to anyone on, like your SCRs? Does that go anywhere up the chain at IRS, or does it just go to chief, so Mr. Fort at the time, and that is kind of the end of it. Did he ever give you an acknowledgement that he read the SCR?

A No, no. Well, the first question is I don't know if goes above the chief. The second question is, you know, there is -- they never told me they read the document. It is for the chiefs, but I don't know if they read it.

Q So no one gives you any feedback like, we need more information on this particular bullet point or something like that?

A You know, that was a common theme along the investigation as well is that we would be raising these issues, right and my senior leadership was never, like, okay explain that to me. Oh, okay, we disagree with you. So we are not going to do anything. In fact, there is multiple correspondence that basically show that they are, like, wow, yeah. And then we understand and we support you and whatever. And then even the prosecution recommendation, right? So finally, when we heard that '14 -- they were kind of leaning toward -- we thought they were still deciding on '14 and '15 in August, and that they were leaning toward a no to charge those. My DFO responds that he is going to go and talk to the deputy chief and tell him to call over to Stuart Goldberg and tell him that IRS CI supports 2014 and 2015. It was kind of, like, I hate to be too colloquial but it was like literally burying their heads in the sand. But

when it popped up, they even agreed, they even were able to say that they agreed with some of these charges that eventually were not charged.

Q Okay.

Mr. Leavitt. Could I just clear something up?

MINORITY COUNSEL 1. Yes.

Mr. Leavitt. When you asked about Treasury, are you just talking about Main Treasury or the inspector general there as well?

MINORITY COUNSEL 1. I was really talking about Main Treasury.

Mr. Leavitt. Okay. Thank you.

MINORITY COUNSEL 1. But if you'd like to answer about the inspector general that is fine, too, but I was asking about Main Treasury.

Mr. Lytle. Just to clarify, his attorneys have made some disclosures to all of these entities so --

MINORITY COUNSEL 1. That is fine. But I am not asking about those. I was asking more at the time --

Mr. Lytle. Got it.

MINORITY COUNSEL 1. -- whether there were any other channels or avenues for reporting up through the IRS beyond the chief, or someone else that he might have emailed. I don't know [maybe] the chief counsel, or if there is someone else that is in that chain of command that we did not ask about. My question was really just what he answered, which is did he or anyone else in that chain do anything within main Treasury.

Mr. Shapley. I was a little confused by it, but -- okay, good.

MINORITY COUNSEL 1. Okay, that is correct.

You guys have any other questions? We're done.

Thank you very much.

MAJORITY COUNSEL 1. Off the record.

[Discussion off the record.]

BY MAJORITY COUNSEL 3:

Q We were surprised to learn that prosecutors walked away from a tax assessment of hundreds of thousands of dollars. In a typical IRS audit there will be an examination of taxpayers records, either in person or via mail. If the IRS determines that additional tax is owed, IRS exam will make a formal adjustment to tax liability. Interest and penalties may apply being an underpayment of tax. And if there is no agreement between the taxpayer and the revenue agents on the amount of tax owed, there is an assessment, and the taxpayer has 30 days to consider their next course of action. Again, this is in a civil case. The taxpayer may choose to appeal the assessment administratively within the IRS, or to the Federal courts. But the taxpayer owes that tax plus any interest and penalties. If left unpaid, that can lead to criminal prosecution. It is our sense that it would be rare for the IRS to simply walk away from a six-figure tax assessment on the civil side. But based on your testimony, this case started within IRS CI. Can you confirm?

A Yeah, that is correct.

Q So your team went through the course of this investigation. You mentioned that there was \$400,000 in underreported income for 2014 or 2015 or both. Can you confirm?

A 2014 was the \$400,000.

Q Thank you. And that amount was reflected on an SAR?

A Yes.

Q Thank you. Then as we discussed in 2022 the U.S. Attorney allowed the statute of limitations to expire with respect to that amount. Can you confirm?

A With respect to that tax year, which included --

Q The 2014 tax year.

A Yes. That is correct.

Q Is it typical for IRS CI to make an assessment of additional taxes owed, and then see the IRS and prosecutors simply allow the statute of limitations to run out?

A So assessment is a civil term and assessment means that like that dollar amount goes on that taxpayer's account and then they owe that, right? So assessment is kind of used a little bit outside of what I am used to. So --

Q I understand. On an SAR, there will be a number, an assessed amount, or a deficiency in tax. Is that correct?

A Tax due and owing for criminal purposes, yes.

Q Criminal purposes. And is it typical for IRS and prosecutors to simply allow the statute of limitations to run out from the amounts shown on an SAR? Is that a typical practice with cases that you have dealt with?

A Letting a statute of limitations expire in an active criminal investigation is not normal.

Q Thank you.

I would also add it seems that if Hunter Biden had been audited like any normal American, he definitely would not have received a free pass on a six-figure tax bill for 2014. That would have been an assessment, that would have gone potentially through the courts. It is not something that IRS on the civil side would have just walked away from.

A I mean, based on my understanding of civil, yeah. That is correct.

Q Thank you.

Mr. Leavitt. 2015 is also when the statute of limitations --

Mr. Shapley. Yeah, 2015 the statute of limitations also expired. I mean, I just -- that particular year and that particular charge, I could see some issues with that that would preclude it being charged.

BY MAJORITY COUNSEL 1:

Q When you say that particular year?

A 2015.

Q 2015.

A Yeah, so, 2014 is -- the elements are met, absolutely should have been charged, any other case I ever worked with similar fact patterns, similar acts of evasion and similar tax due and owing. 2015 was a lower -- was a much lower amount. And, you know, I don't -- I am not -- I wouldn't argue that 2015 should have been -- that if they didn't charge it that was a huge problem.

BY MAJORITY COUNSEL 2:

Q And why was that? What was the number in 2015?

A It was lower it was like \$23,000, \$25,000. It was really low. And there were like, diamonds given, and it was like gifts and stuff -- so it was a little bit less straightforward. 2014 was just solid straightforward.

Q And what was the number in 2014, if you know?

A The tax -- again --

Q So of unassessed -- per the report was, what was that? I want to say it was \$220,000 but I don't remember off the top of my head, 2014. I do know that there is still that \$125,000 of unreported that cannot be collected through civil or criminal means.

BY MAJORITY COUNSEL 1:

Q And just to clarify that point, because of the way this played out on the criminal side, civil actions were suspended during the course of your investigation. Is

that correct?

A Yes, that is correct.

Q And now that the statute was allowed to run for 2014, there is no mechanism by which the IRS can force the taxpayer to pay the amounts you believe are due?

A That is correct.

Q Okay, we just talked about tax year 2015. We have talked a lot about tax year 2014. I would like to just run through the other relevant years here. For tax year 2016, what was the amount at issue, if you recall?

A You know, I don't want to say individual tax years and the tax charges, just because I am just not -- I had that chart in my head and I am not confident enough to say -- I mean, it is 2.2 over those years so --

Q Understood, understood.

BY MAJORITY COUNSEL 2:

Q Just going back to 2014 and 2015, do you know if he was paying taxes on his Burisma? He was paid \$1 million or so basically for nothing. Do you know if he was paying taxes on that, the \$80,000 a month coming in through the Rosemont Seneca Bohai, I believe?

A So for 2014, the \$400,000 of unreported income today is the Burisma income.

Q Correct.

A It was not reported, and no taxes were paid on that.

Q Okay. And you believe it's \$400,000, not \$1 million?

A Well, the number was \$666,000, because it was in April, right?

Q Okay.

A So it was \$1 million per year.

Q Okay.

A So the beginning was \$666,000. And then we gave -- in criminal investigation we are very conservative with those numbers. So in theory, it really should be -- that number should be \$666,000 of tax due and owing. And then the tax loss associated with that. But we gave him the benefit of the doubt on anything -- on the amount between 666 and 400.

Q And then in 2015 is he paying his tax on the Burisma money?

A Not at the time, but he -- it does wind up because Eric Schwerin --

MAJORITY COUNSEL 1. Let's go off record for one second.

I'm sorry, go ahead. Back on the record.

Mr. Shapley. Because Eric Schwerin is now involved in that whole process so he made sure that things are --

BY MAJORITY COUNSEL 2:

Q And is there anything about 2016 that you remember, or stands out -- because you mentioned in 2014 it was Burisma, and 2015 you said it was complicated, there were some diamonds and some other hard-to-value assets that were provided to him as income. Do you remember anything about 2016?

A 2016 was a failure to file [and] pay year so it wasn't -- it wasn't a position of unreported income and acts of evasion, it was just that he didn't file and/or pay what he was supposed to.

Mr. Lytle. Can I just confer briefly to refresh his recollection?

MAJORITY COUNSEL 2. Sure. Of course.

MAJORITY COUNSEL 2. We can go off the record while they are conferring.

[Discussion off the record.]

BY MAJORITY COUNSEL 2:

Q So I was asking if anything about 2016 stuck out to you. And you said it was a failure to file, failure to pay case. And I think that is when we went off the record.

A Yeah, yeah. I mean, in terms of the actual conduct, I don't think I can get into it right now -- I don't want to mix up tax years. And ultimately, the case agent on those things getting into each -- I mean, it will be very dissected and very --

Q Okay. How about 2017, anything that stands out to you?

A It was a bigger dollar amount, right? It was around \$500,000 taxed and owing.

Mr. Lytle. Are you asking the conduct that resulted in that income?

MAJORITY COUNSEL 2. I am asking him about both. I am asking if he's aware of roughly the dollar figure and what the dollar figure is for. Like he mentioned in 2015, it related to some diamonds. 2014 it related to Burisma. So I am just asking if he has any recollection about -- each year, now we are at 2017.

Mr. Shapley. Yeah, no. That was a failure to file pay year as well. And the tax loss was around \$500,000.

BY MAJORITY COUNSEL 2:

Q And 2018?

A Yeah, 2018 was -- yeah, there is a lot of -- 2018 was like said to be -- that was at green light year from even CT, like, from a low level. There was -- even DOJ tax and U.S. Attorney's Office in Delaware was, like, this is a slam dunk case. So what occurred in 2018 was -- it wasn't a tax return that was prepared until 2020 mind you so it was, like, late and stuff. But he was expensing personal expenses, his business expenses. So, I mean, everything, there was a payment that -- there was a \$25,000 to one of his girlfriends and it said, "golf membership." And then we went out and followed that

money it was for a sex club membership in LA.

And there were off-the-book employees. So Lunden Roberts was -- she is the mother of one of his children in Arkansas. And she was an off-the-book employee that he was giving her healthcare benefits, she wasn't working, you know. All that was expensed. There were multiple examples of prostitutes that were ordered basically, and we have all the communications between that where he would pay for these prostitutes, would book them a flight where even the flight ticket showed their name. And then he expensed those.

Mr. Lytle. First class?

Mr. Shapley. I don't recall if it was first -- I think it was first class on some of them, but some of them was, like, Frontier, I don't think they were a first class.

So the worst part about 2018 is that Hunter Biden's accountants are sitting there with him at a table, and they have all the numbers in front of them, right? The bank accounts in front of them and they are saying that, you know, you need to circle what are business expenses so that we know what to deduct. So it becomes apparent to the accountants during this interaction that he's putting things on here that aren't expenses, that aren't true business expenses. So the accountants create a representation letter that basically they said they have never done before. And they had him sign this document, and it was basically because they didn't believe what he was saying, but they didn't -- if they were going to prepare his return, they had to listen to what he was saying. I mean, I guess they could have just chosen not to prepare his tax return would have been their only out. But that was the type of conduct in 2018.

[12:49 p.m.]

BY MAJORITY COUNSEL 2:

Q What do you think happened between 2014 and 2018? You told us that he had utilized this Eric Schwerin fellow to try to get his taxes in order so he pays his taxes, but we get to 2018, and he's trying to expense prostitutes and whatnot.

A Yeah, and --

Q And for purposes of his tax returns, he's expensing them to what business?

A To Owasco P.C., I believe.

Q Okay.

A Yeah, I believe it was Owasco. So I don't have the date in front of me, but Eric Schwerin and Hunter Biden have a falling-out.

Q Okay.

A Yeah. And so Eric Schwerin leaves and stops working with and for Hunter Biden. And I think that's where -- it was in that timeframe where Schwerin was no longer participating.

Q Okay. Was the Owasco concern conducting any legitimate business that would need to expense anything?

A I mean, they're a company that brought in his consulting fees. So, if they were truly consulting fees and he was traveling to get his consulting fees, or some legitimate expenses can happen, like the office, and things like that.

Q Do you know if they had an office?

A Yeah. Oh, yeah, at one point it did because --

Q So Owasco had a separate office from Rosemont Seneca?

A I don't know if it was separate because -- I don't know the answer to that.

Q And then now we're at 2019. Is there anything that stands out about that tax year, either an amount or procedurally?

A No. It's a -- no, not a whole lot for me.

Q And as I understand it, at some point, the 2014, '15 and '16, was that -- Mr. Leavitt. Sorry, if I could confer for a second.

MAJORITY COUNSEL 2. Of course. Off the record.

[Discussion held off the record.]

MAJORITY COUNSEL 2. Back on the record.

Mr. Shapley. So, you know, these tax debts were outstanding, and there was only 1 year there was a payment plan where he paid \$10,000.

BY MAJORITY COUNSEL 2:

Q Do you remember what year that was?

A I think it was 2016, I believe. But he paid it a few times, and then he stopped paying it. And, then ultimately, in late 2019-2020, a Kevin Patrick Morris comes into the picture. And he was described as meeting Hunter Biden at a campaign finance event. And he paid off several different tranches of tax due and owing, to include Federal and D.C. tax due and owing.

And when they prepared some of these returns, they wrote that Kevin Patrick Morris gave him a loan for these. So that's also not taxable. So that was one of the points of -- that was a compilation of all the tax due and owing, so --

Q Some of these years, they tried to file in D.C., and then in the Central District of California? Do you know where the breakdown was?

Where the U.S. Attorney's Office for Delaware tried to bring a case in D.C., and then they also tried to bring it in the Central District of California, do you know the breakdown in years?

A Yeah. So, the venue for 2014 and 2015 was D.C., and the venue for 2016 through 2019 was Central District of California.

Q So D.C. was only 2014 and 2015?

A That is correct.

Q And when was the statute supposed to run for 2014 to 2015 after the extensions? And we probably covered that before. I apologize for asking again.

A After all the extensions, it was November of 2022.

Q So when they learned in March of 2022 that the D.C. U.S. Attorney is not bringing that case, they had April, May through November of that year to do something about that tax liability, correct?

A Yes.

Q And they did not do anything?

A They did not, no.

Q They could have tolled the statute of limitations? They could have shifted it over to the Civil Division to pursue it civilly, correct?

A Yes to the first question. To the civil statute, I don't know if it would have still been open.

Q Okay.

A So I don't know that. But, I mean, one thing that they did do is he did request special counsel authority in that time, right? He was denied so -- and that's a big point that I want to make.

So it's not just -- I've worked cases for a long time and very big cases. And yes, there -- investigators sometimes have disagreements with prosecutors.

But if you look at this, you can see -- they brought the case to D.C. Like, they're not bringing the case to D.C. because they don't support it and they don't think it should

be charged. And then I don't know -- it just wouldn't make any sense to me that David Weiss requested special counsel authority if he didn't also think that those years should be charged.

So that's just kind of, some of the things that were happening in that time period.

Q And you said that the Central District of California, that case was brought out there in January of 2023, you said?

A No, September of 2022.

Q September of 2022 is when they brought the case in California?

A They brought the case to California.

Q To California.

A It was the same week that Martin Estrada was confirmed.

Q Okay.

A So, after 6 months, we're kind of in limbo, and we don't know why it took 6 months to then take the next step. And, maybe it's coincidence, but it went there at the same time that --

Q Okay.

Mr. Lytle. Can we go off the record for a moment?

MAJORITY COUNSEL 2. Off the record.

[Discussion held off the record.]

MAJORITY COUNSEL 2. Back on the record.

BY MAJORITY COUNSEL 2:

Q I know you're not sure of when the U.S. Attorney for Delaware asked for special counsel status, but do you have a timeframe? Sometime between March of 2022 and January of 2023? Is that fair?

A My understanding was that it was right in March after he was told by

Matthew Graves that they didn't support it.

Q And do you know if he asked for special counsel status at any time before he brought the case to the Central District of California?

A For California?

Q Yes.

A I don't know that. But in the October 7th meeting, he did say that if California tells him no, he has no authority to charge in California, and that he would have to request special counsel authority in order to charge it.

Q And you don't know if he did ask for special counsel authority a second time?

A I do not know.

Mr. Lytle COUNSEL 1_ Can we go off the record a moment?

MAJORITY COUNSEL 2_ Sure.

[Discussion held off the record.]

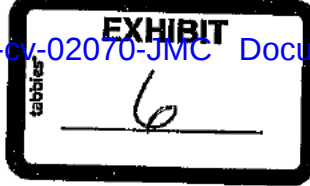
[Recess.]

[1:32 p.m.]

MAJORITY COUNSEL 2. Back on the record. It's 1:32.

[Shapley Exhibit No. 6

Was marked for identification.]



Laptop and Hard Drive Timeline
10/22/2020 – 1000am

1. 3 laptops to the shop
2. Financial records show Sportsman was around Wilmington DE shop at a cigar shop on the same day
3. Other intelligence shows Sportsman was in the area
4. computer shop calls Sportsman to tell him to bring in an external hard drive to put recovered data on to. Sportsman returned to the shop with the external hard drive
 - a. Phone records show shop called Sportsman and sportsman called the shop around this time
5. During data recovery effort (could not fix the computer so was just recovering any data he could recover)
6. At this point there was the laptop, external hard drive, and a hard drive at the computer shop (3 devices)-computer shop always kept a copy of the customers data for a period of time before purging the data off his system
7. October 16, 2019 – Richard Steven McKissack reported to the FBI office in Albuquerque "his son is in possession of a sportsman computer that had not been retrieved and was not paid for...said it contains evidence of white collar crime...he did not view this data personally"
8. FBI Albuquerque generated a lead that went to Baltimore FBI.
9. FBI Baltimore received the lead on 10/17/2019.
10. Discussions began on what to do with the computer.
11. Reached out to Richard on 11/3/2019 and got John Paul's contact information
12. 11/6/2019 – Josh Wilson called John Paul
 - a. Provided device number and FBI determined that device was registered to Sportsman via apple ID account/iCloud account
 - b. Verification of device -
13. 11/7/2019 – FBI interviewed John Paul at his residence near Trolley Square right around the corner from the shop on Delaware Ave.
14. FBI produced a 302 and Dillon looked at the 302 to determine if there was any privileged information – produced because John Paul was providing statements about what he saw on the laptop
 - a. Determined no taint items in 302 – but not being shared with prosecution team
15. 11/21/2019 – telephonic interview to clarify the steps taken to notify sportsman of completion of service request, request of payment and pick up of the item.
16. 12/9/2019
 - a. Took property of laptop, external hard drive and copy of receipt signed by sportsmans
 - b. [REDACTED] provided copy of [REDACTED] and fbi receipt of property
17. SA [REDACTED] began drafting search warrant affidavit for the computer on 12/3/2019

18. 12/13/2019 – obtained T26 SW signed by SA [REDACTED] for laptop and external hard drive – presented a filter protocol to the magistrate with the SW
19. 12/12/2019 – OEO approval came concerning the search warrant for the laptop and hard drive
20. FBI determined in order to do a full forensic review a replacement laptop had to be purchased so the hard drive could be installed, booted and imaged.
21. Eric Overly, CART agent, imaged the external hard drive in Delaware.
22. 12/19/2019 – Image of hard drive is provided to RCFL. Went to Philadelphia so it stayed in Delaware district.
23. 1/6/2020 – forensic computer people at FBI started analysis
24. After forensics there were some initial emails about what computer analyst was seeing – many pictures with many body parts, file names, and things similar to this
25. SA [REDACTED] never saw a forensic report of actual hard drive or laptop – they had to actually go to the device – no cellabright report of hard drive showing the analysis in pdf format.
26. 1/15/2020 – Josh sent an email that some information was put on a shared drive with various file extensions
27. LTFC – various emails around 1/23/2020 talking about data imaging, etc.
28. 1/27/2020 - DE1 and DE2 -exported file extensions - were first pieces of evidence that were provided by computer forensics that included some files sorted by extension – was provided on a USB drive
29. SA [REDACTED] asked if all information on the hard drive had been reviewed...the answer is that they did not look at all of that...SA [REDACTED] questions if Dillon reviewed all iMessage's that were relevant and not privileged. They would find the answer.
30. 2/27/2020 – DE3 with all messages from the hard drive were provided by computer forensics – via USB Drive
31. 2/10/2020 – Filter review completed – relevancy review began for the hard drive
32. 227 Productions
 - a. DE3 – USB containing exported messages (ipad and macbook messages) No iphone messages
33. 3/31/2020 – email about quality and completeness of imaged/recovered information from the hard drive. (SA [REDACTED] said he had no seen it. USAO said that he would not have seen it because for a variety of reasons they thought they needed to keep it from the agents – they were going to give a redacted version at some point in time to the agents – Stephanie takes what comes from Dillon ...)

Laptop – iphone messages were on the hard drive but encrypted they didn't get those messages until they looked at laptop and found a business card with the password on it so they were able to get into the iphone messages

- 34. [REDACTED] and [REDACTED] – is related to the ipad backup
- 35. 3/6/2020 – FBI received the image of the laptop
- 36. 3/10/2020 – went to RCFL in philly to facilitate the forensic exam
- 37. 4/7/2020 – First evidence produced DE4 from laptop – less than what was provide in DE1,2,3
 - a. Because de-duped
 - b. Josh Wilson accepted this personally
- 38. 4/10/2020 – thumb drive to LTFC
- 39. 4/17/2020 – Uploaded documents to USAFx but got an error – talked about all the various types of files that were provided; voicemials, messages, videos, etc.
- 40. 4/20/2020 – Dillon sent to AUSA's only
 - a. Zip files with Pdf and html version of cell phone reports via usafx\
 - b. Redacted cellabright file but 5gb so can upload separately if you want—contain wise it is identical to other productions
 - c. SA [REDACTED] does not believe he ever received that cellabright file – Lesley said, "OK."
- 41. 5/11/2020 - The cellabright file was sent on thumb drive and uploaded at some point—timing is not exact
- 42. SA [REDACTED] – For items not seen by agents shouldn't they see everything because if they have to testify to it they need to see it
 - a. Lesley response is that this is a historical review and we can discuss that later
- 43. Someone asked if we could tell if files had been added by the computer shop
 - a. The computer guy said they could do a csv list that shows when everything was created
 - b. He said that the laptop was "returned to original"
 - c. Lesley said (while laughing) that because a lot of people are going to be asking for the laptop
 - d. Josh Wilson stated that (while laughing) so whoever they are they are going to have to buy a laptop to put the hard drive in so they can read it.
 - e. Lesley stated that this team trying to determine if anything was added to the computer by a third party which are allegations being made by people who are not the defendant in this case is not a priority. We have no reason to believe there is anything fabricated nefariously on the computer and or hard drive. There are emails and other items that corroborate the items on the laptop and hard drive.

Ended around 1258

BY MAJORITY COUNSEL 2:

Q We just marked exhibit 6, and this is a document titled "Laptop and Hard Drive Timeline" dated October 22, 2020, 10 a.m.

Can you tell us about this document, who prepared it, and why?

A Yes, I prepared this document. It was to memorialize a meeting that we had with the prosecution team, plus the FBI CART team, which were the computer analysis team.

One of the things that prompted this was an email that I had sent a couple days earlier that basically asked AUSA Wolf to have a discussion about the laptop, because IRS CI was the affiant that actually allowed to get the contents of that laptop and devices. When I say laptops, there's a couple devices.

So then this occurred, and it was almost 4 hours, I think. It was a long -- no. Yeah. Three hours. It was long and it was very detailed, and I just documented it here.

Q Do you know what warrant the FBI used to obtain these devices?

A It wasn't a warrant for the FBI to physically take custody of it. They determined, because it was abandoned property, that it could be turned over via a document request.

[Witness confers with counsel.]

[Discussion held off the record.]

MAJORITY COUNSEL 2. Back on the record.

BY MAJORITY COUNSEL 2:

Q Who obtained the devices?

A FBI did.

Q Okay. And could you tell us, you know, anything else about this document

that is worth knowing about?

A So would you like me to go through the document for high points or --

Q Just the significant parts.

A Yes. So there are a couple significant parts of this. One was that, at this time, the laptop was a very big story, so we were just making sure that everything was being handled appropriately.

So we wanted to go through the timeline of what happened with the laptop and devices. I thought one of the most important first parts was that on November 6 of 2019, the FBI case agent, Josh Wilson, called up the computer shop owner, John Paul, and basically got the device numbers from him.

And then we bounced those device numbers off third-party records, and it showed that it was, in fact, Hunter Biden's device. So it was a very first important step.

And then it's a lot of minutia with what they did with the information -- or with the analysis of the computers. But what was important here was that [REDACTED], the IRS case agent, pointed out a couple different times how he had not seen -- he was not given a cellabright report, which is just what they call the output of the FBI CART team analysis, and was questioning whether or not the investigators were provided everything.

And when it came down to item number 33 on page 2, Special Agent [REDACTED] is saying like, well, I haven't seen this information. And AUSA Lesley Wolf says, well, you haven't seen it because, for a variety of reasons, they kept it from the agents. And she said that at some point they were going to give a redacted version, but we don't even think we got a full -- even a redacted version. We only got piecemeal items.

So it was an example of pertinent, relevant evidence that a prosecutor kept from an agent, and I --

Q You're supposed to be on the same team, correct?

A Yes. And it had already gone through a filter review, right? So there was no attorney-client privilege. So that couldn't be an excuse.

A prosecutor, in my experience, would never want that, right? Because they want the agents to go through the evidence and the agents to spend that time. So, you know, we don't really know what the full contents of that laptop ever had on it.

Q And was it the U.S. Attorney's Office that was withholding the documents from the investigative agents?

A AUSA Wolf was the one who communicated it. I don't know if they confer with DOJ Tax or not, but AUSA Wolf's the one that made the statement.

Q And flipping over to the last page, number 42, Special Agent [REDACTED], you have listed here: "For items not seen by agents, shouldn't they see everything because if they have to testify, they need to see it."

And what was the response from the U.S. Attorney's Office, Assistant U.S. Attorney Wolf?

A It was a nonsensical response. It was just something about historical review. But, you know, this 42 is an example of like -- this should have been such a mundane task, right? Like, after the analysis was complete, here you go, agents. You know, there was no attorney-client privileged information. Agents, do your analysis.

This is such a -- this is an example of Special Agent [REDACTED] saying like, Look, like shouldn't -- we got to see this. I don't know how, as an IRS agent, if someone is getting 10 percent of the income, when I do a tax comp for criminal purposes for Hunter Biden, I can't include the 10 percent if he's not getting that. So we need to know where all the 10 percent is going, right?

Q So if the 10 percent was going to the proverbial big guy?

A Yeah. So, I mean, this is just a very small example. This is every -- like this

happened all the time. Number 42 happened all the time where even on the smallest items, for example, like the subpoenas that I alluded to in my opening statement it was a time period in late summer 2021 where we had prioritized these interviews.

And we were to the point where we needed to go out to all these prostitutes, because these were expensed. So we had, it was probably four or five different weeks where, [REDACTED] would give the -- or I can't say that -- attachment for the document request and have it, you know, ready to go the next week.

So I had to call Jason Poole multiple times, because they wouldn't give those document requests without Stuart Goldberg personally approving them. And, you know, there were a couple different times he was on vacation 1 week. So he just didn't approve them. So we had to move these trips.

But that's the side story. But 42 is kind of like a microcosm of like many other events that occurred similar to that.

Q Okay. And turning to 43, item C, Ms. Wolf said, while laughing, "that because a lot of people are going to be asking for the laptop."

What did you take that to mean? Was that just a nervous laughter that she was suppressing something that needed to be addressed?

A I think -- it was in the media a lot, a lot of talk about the laptop. So I guess I didn't take from it that it was nefarious. It was really just that they were like joking about how everyone wanted the laptop.

Q Okay.

A And then it was right after that that FBI --

Q Including the IRS criminal investigators, correct?

A Yes. We would have also liked to have seen that, unfiltered and unmanipulated by the prosecutors.

Q Item E, Ms. Wolf stated: "This team trying to determine if anything was added to the computer by a third party which are allegations being made by people who are not the defendant in this case, is not a priority. We have no reason to believe there is anything fabricated nefariously on the computer and/or the hard drive."

So this is Ms. Wolf, the Assistant United States Attorney, stating, according to your contemporaneous notes, that we, meaning DOJ, and the prosecution team have no reason to believe there is anything fabricated nefariously on the computer and/or hard drive. Is that correct?

A That is correct.

Q There are emails and other items that corroborate the items on the laptop and the hard drive. Is that further evidence from Ms. Wolf that the items on the laptop are authentic?

A That is correct.

Q And are you aware of any point in time ever that Hunter Biden or his lawyers have asserted that anything on the laptop is not accurate or not legitimate or not authentic?

A Like news reports? Like, you know --

Q Has it just come to your attention? Has anyone made an allegation that knows anything about the laptop that it's not authentic, that they would have a reason to know?

A Anyone in --

Q Hunter Biden, his lawyers, anyone from the Biden camp?

A Oh, I don't know. I don't recall who was making what statements. I mean, I --

Mr. Lytle. You're not aware of them?

Mr. Shapley. Yeah, I'm not aware of it.

BY MAJORITY COUNSEL 2:

Q If you're not aware -- I'm not either -- of anyone, Hunter Biden or his lawyers saying that anything on the laptop is fraudulent, doctored.

A Yeah. I don't know of that, no.

Q Okay. And that never came up in the prosecution team discussions?

A No, no.

Q And if there was a question that there was doctored material or inauthentic material on the laptop, that would be something that the prosecution team would discuss, correct?

A They were -- we were discussing it.

Q Okay.

A I think that there's even another bullet point here where they're talking about looking back to see if documents have been -- or if files have been manipulated. Yeah. So A is: The computer guy said that they could do a CSV list that shows when everything was created, and that the laptop was returned to original when they -- yes.

So, I mean, the whole discussion was about can we rely on this information on the laptop, is it Hunter Biden's? And their opinion was, it was, and it was not manipulated in any way.

Q It was reliable evidence?

A That is correct.

Q Okay.

I want to mark another document that you produced. It will be number 7.

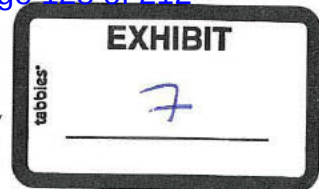
[Shapley Exhibit No. 7

Was marked for identification.]

Ex. 7



DEPARTMENT OF THE TREASURY
Internal Revenue Service
Criminal Investigation



Memorandum of Conversation

Investigation #: [REDACTED] **Location:**
Investigation Name: Doe, Robert
Date: September 3, 2020
Time: Approx 1300-1415
Participant(s): See Below,

1. The following individuals participated on this call or were invited to this call:
 - a. [REDACTED] – IRS-CI Special Agent
 - b. Anthony Lopicolo – IRS-CI Special Agent
 - c. Christine Puglisi – IRS-CI Special Agent
 - d. Gary Shapley – IRS-CI Supervisory Special Agent (Author)
 - e. Lesley Wolf – AUSA Delaware
 - f. Carley Hudson – USAO Delaware
 - g. Stefania Roca – USAO Delaware
 - h. Jack Morgan – DOJ Tax
 - i. Mark Daly – DOJ Tax
 - j. FBI Agents with the following email addresses: [REDACTED] [REDACTED]
 [REDACTED] [REDACTED] [REDACTED]
2. AUSA Wolf stated that probable cause was not a question in determining if a physical search warrant was legally viable. She stated that there is more than enough probable cause. She stated that the decision was whether the “juice was worth the squeeze...” concerning whether the prosecution team thought that OEO and/or public integrity would approve these types of action.
3. AUSA Wolf stated that it is likely that a lot of the evidence sought in the T26 investigation would be found in the guest house of Joe Biden's residence and she stated, “...there is no way we will get that approved...” SA [REDACTED] interjected that there were several emails talking about the records stored at the guest house and that those communications stated that key evidence the prosecution team would seek would be sent to the subjects' California residence.
4. There was a discussion with prosecutors about removing the subjects name from several electronic search warrants, 2703-D orders and [REDACTED] attachments. The theme was that with the subjects name in the document it would not be approved by “...people way above them...” SA [REDACTED] stated that he did not agree with removing the subjects name and instead said that we should not be changing the document to fit in

with what may or may not be approved. SA [REDACTED] said he was not comfortable with that as it would appear that the change was made for unethical purposes. AUSA Wolf basically disregarded SA [REDACTED] concerns and DOJ Tax Jack Morgan interjected stating that the removal of the subjects name would still ensure we received "most" of the data the team sought. AUSA Wolf moved to the next topic.

5. AUSA Wolf discussed the Blue Star Google email search warrant they authored and sent forward for approvals. She said that public integrity had approved it but that OEO was sitting on it. It appeared that behind the scenes she received communications that indicated that warrant would not be approved.

*****Follow on call requested by AUSA Wolf on 9/4/2020 at 0945.*****

6. United States Attorney Weiss talked to Deputy Attorney General Donahue. They determined that the prosecution team can no longer issue any external requests (outside of government) whether search warrants, [REDACTED] 2703-D orders, preservation letters etc. Everything needs to be vetted with USA Weiss and DAG Donahue. This is because it is 60 days out of the election even though it is not technically inside any parameters. AUSA Wolf said that DOJ has zero tolerance for risk that any of these requests somehow tip off someone who would leak this to the media.
7. SA [REDACTED] asked if the team would still be planning to go overt in November. AUSA Wolf said that the possibility of ballots still being counted and concerning the hand over of power that she cannot determine if that would happen.
8. AUSA Wolf said that DOJ is under fire and that it was self-inflicted. She said that DOJ needs to repair their reputation. AUSA Wolf said we should assume we would continue after the election.
9. AUSA Wolf said that the DAG's office is the one who made the decision.

I prepared this memorandum on September 3, 2020 and September 4, 2020, immediately after the conversation with see list above.

[REDACTED]

Gary Shapley
Supervisory Special Agent



Double click here to sign
Witness

BY MAJORITY COUNSEL 2:

Q It's a memorandum of conversation regarding the Robert Doe investigation. This is a two-page document, two pages of content -- the document is three pages, the third page doesn't have anything on it -- prepared by yourself dated September 3, 2020.

A Yes.

Q And you wrote this document?

A I did.

Q Can you describe the significance of this document?

A Yes. So this was a pros team meeting September 3rd, 2020. And we were having a discussion about being able to do the physical search warrants on Hunter Biden's residence and/or the guest house of President Biden's residence in Delaware.

And we had already established -- well, herein too this is when AUSA Wolf is stating that the probable cause had been achieved and that there was more than enough evidence and that there was likely evidence to be seized relevant to the investigation that could be found at these locations.

So she stated, "The decision was whether the juice was worth the squeeze." And also a statement made here was that she said that, well, we had to consider the optics of doing a search warrant on, you know, Hunter Biden's residence and/or the guest house of President Biden.

She further states about the guest house of Joe Biden that there was no way we'd get that approved. And here's another example of Case Agent [REDACTED] interjecting, talking about that there were other documents that said that there was information that would be in the guest house and in the subject's California residence in Venice Beach at the time.

And further, there was another discussion about moving forward on these external document requests. So we did multiple electronic search warrants, D orders, you know, document requests.

And prosecutors were pushing to remove the subject's name from those. And the reasoning behind that was that they were worried that it would -- someone would -- out there that received these documents, these document requests, would leak the information, and that if it just had the entity that it would be less -- it would be more difficult to link it to Hunter Biden. So, I mean, of course, the issue is that she said that it would not be approved way above them, right, which -- and I could talk about that in a moment.

And then we're having a long conversation about it and every one of the investigators are like, look, like this is not normal. There is no way we'd ever send out -- how do you do a thorough investigation of a subject without the subject's name on it? It's just -- it was absolutely absurd.

And then even Jack Morgan from DOJ Tax said, well, we'll receive most of the information. And in my experience with working with prosecutors who might be going toward a trial, most is never going to -- never going to be good enough for them.

Q Was there any overt discussion at these meetings that we're dealing with the son of a Presidential candidate? Was that ever discussed explicitly?

A I mean, they were careful. They tried to be careful. You know, that's why, you know, there's not a lot of emails, there's not a lot of documents they produced, right? There were discussions that were obvious that they were talking about the issues with investigating a Presidential nominee at that time.

Q When AUSA stated that the juice was -- whether the juice was worth the squeeze, what do you think she was referring to? Whether the effort expended to get a

physical search warrant would be worth it? It takes a lot of hard work and effort on the side of the investigative team to obtain a T-3 warrant, correct?

A Well, it wasn't a T-3.

Q Not a T-3.

A A physical search warrant.

Q A physical search warrant.

A I think that she wasn't worried about that part. She was worried about blow-back from doing a search warrant that was related to Hunter Biden. I think all of these things that they didn't allow us to do, even back in June of 2020, was because their primary goal was to keep this investigation secret, right?

And even on December 3rd of 2020, when we're in Delaware U.S. Attorney's Office prepping for the day of action on December 8, Weiss came in and was like -- congratulations for keeping it secret. And I was like, well, I thought that we were conducting an investigation here. I didn't think that what we were doing was trying to keep a secret.

But there were multiple things like this that occurred -- and this wasn't specific to the upcoming election, right? Like, we hadn't got the cease -- this was on September 3rd, 2020 -- we hadn't got a cease and desist from DOJ Public Integrity to stop.

So this was generally just that they wanted to remove the subject's name because they were so worried that some company got a document request and that they would give it to the media and that it would somehow out the investigation.

BY MAJORITY COUNSEL 1:

Q When you said that AUSA Wolf was worried about blow-back, from who do you think she was worried about blow-back?

A I think it was worried about, that there's going to be, suggestions of election

meddling, or that you're targeting targeting -- Hunter Biden.

I think -- all of her -- all of the reluctance to do all this I believe was related to that. Like, when she says, there's no way we'll get that approved, so at the time, right, like this is September 3rd of 2020. So Bill Barr is the Attorney General, right? So I would assume this would -- I don't know, but would this go to his level? I don't know who's not approving it, right?

But I think that this was an excuse to not even send it up. So I would -- I don't know 100 percent, but I'm almost positive that they just said, Well, we're not going to get that approved so we're not even going to send it up. And that was always kind of an excuse, to use the process to slow it down and to kind of hide behind.

BY MAJORITY COUNSEL 2:

Q And your belief, based on your experience, was they were afraid that maybe it would be approved?

A Yes, yes.

Q And so they wanted to stop it right there in Delaware, in the U.S. Attorney's Office in Delaware?

A That is correct. And even the storage unit search warrant. I mean, that was after the election. And there was no -- it was a storage unit in northern Virginia. No one would have known that was connected to Hunter Biden.

But we had information that there was -- the clean-out of the Owasco office was located in this storage unit in northern Virginia. And after the day of action, we got a little bit more information about it, so we wanted to do it.

And the night of the day of action, [REDACTED] sends a search warrant affidavit to Lesley Wolf saying, let's do it, right? Now, there's not even an election issue, right? And it's in a storage unit. It's not on someone's residence.

And still, AUSA Wolf and the prosecutors wouldn't allow us to do it, so much so that I set up a call with Weiss and my Special Agent in Charge at the time, and we said, Look, we got to do this. We can't just rely on a document request for them to give us whatever. We need unfettered access to this evidence. We don't know what they're going to give us eventually.

And he agreed that -- look, if it's not -- Weiss agreed on that call that if it is not accessed, that storage unit, within 30 days that he would allow us to do a search warrant on that.

I'm feeling great, right? So hang up the phone, an hour later I find out that AUSA Wolf and the other prosecutors told defense counsel about the storage unit. So it was off the table. And that was even after the election.

So there's many things. Any other case I ever worked, if they were like there's a storage unit with documents from the business and personal documents in relation to the years under investigation -- the risk was zero, because it's on a storage unit, it's not on a residence -- there's no prosecutor I've ever worked with that wouldn't say, go get those documents.

Q Do you think these decisions were made by Ms. Wolf, the AUSA, or do you think these decisions were made by the U.S. Attorney?

A I don't know the answer to that. Based on what I was led to believe that Weiss was in charge, right? And that the prosecutors often use that as an excuse. Well, that's a great idea, we're going to go talk to Weiss about it.

Q From some of your testimony, though, in the last few minutes, it seems that the AUSA Wolf may have been curtailing parts of the investigation, but the U.S. Attorney had expressed, at least overtly, that he was interested in moving forward, at least with the search warrant for the storage unit.

A Yes. That particular item, yeah. I mean, Weiss -- I mean, I think Weiss didn't have an opportunity to talk to Wolf, right? And maybe they didn't communicate that Weiss had agreed to that.

But the whole point is, is that December 8th, there's emails where Weiss and -- or, I'm sorry, Wolf is asking for a search warrant affidavit. Like, let's go do a search warrant, right?

And then [REDACTED] gets the search warrant affidavit forward. And then all of a sudden they're like, we don't want to do that. And they knew we were talking to Weiss about the physical search warrant. So I don't know why they would call the defense counsel at the same time without speaking to Weiss about what came out of that meeting about the physical storage unit.

BY MAJORITY COUNSEL 1:

Q From an investigation process perspective, is it typical for prosecutors to notify defense counsel before executing a search warrant?

A No. No, that wouldn't happen.

BY MAJORITY COUNSEL 2:

Q Is that inappropriate?

A Absolutely. I mean, officer safety. I mean, it's just incredible. You know, there's destruction of evidence. I mean, you go into a door and they know you're coming. It's terrifying.

Q So it's not just for the integrity of the investigation, there are safety issues?

A Absolutely, yes.

Q Let's talk about the day of action, which occurred a couple months later.

This memorandum of conversation we were discussing was September 3, 2020. And the day of action was going to be -- it turned out it wasn't very action-packed. Is that

correct?

A Yeah. There was only one successful interview that day, but there were lots of document requests.

Q What other agencies were you coordinating with for the day of action?

A FBI.

Q Is that the only one?

A Yes.

Q And what was the original plan for the day of action? I know you mentioned 12 interviews, some in Arkansas, some in California. But maybe you can just walk us through, again, at a high level, what was planned for the day of action.

A So the plan on how to execute that day?

Q Yes.

A All right. So the plan that we discussed and agreed upon on that December 3rd meeting, and it might have morphed in a couple days after just to finalize some things, was that for Hunter Biden, who now had a Secret Service detail, that we were going to have the FBI Special Agent in Charge call the Secret Service Special Agent in Charge the night before to just say, hey, I'm calling you at 8 a.m. It's important.

And then 8 a.m. call. FBI SSA Joe Gordon and I were the ones tasked with interviewing Hunter Biden.

Q So you're in California?

A In California, yes. So the night before -- so that was the plan. I went to FBI L.A. Field Office with the FBI SSA. We talked to their management. That's the plan. We're going home, right?

Now it's December 7th, the night before the day of action. And I'm prepping for interviews, because I'm interviewing Hunter Biden and Kevin Patrick Morris, right? So

I'm prepping. I'm prepping.

I get a phone call from my Assistant Special Agent in Charge, George Murphy, who tells me that FBI headquarters notified Secret Service headquarters and the transition team that the day of action was occurring the next day. And that the new plan became --

Q Can I just stop you there? Why did they tell the political officials?

A I have no -- I have no idea, no idea.

Q That certainly sounds strange to you, correct?

A All of it is strange.

Q It's one thing to tell the subject, but to tell the political officials introduces a whole range of topics of concern. Isn't that correct?

A Yeah. All of it -- yes. Yes to your answer, but all of it was incredible. There's also another officer safety issue, because these people close to him are going to know that we have agents out there out and about trying to do interviews and try to get information.

And then just, tampering with witnesses, right? Now you're telling the witnesses that agents might be knocking on your door tomorrow, don't say anything. And ultimately, we got one guy that talked.

Q Right. So of the 12 witnesses, do you remember who was on that list other than Hunter Biden and --

A I generally know it was Joan Mayer, Eric Schwerin, Rob Walker. It was Kathleen Buhle, Kevin Morris.

Q These people are located in the United States?

A Yes.

Q Eric Schwerin, where is he located?

A D.C., I think.

Q And Rob Walker is in Arkansas?

A That is correct, yes. There were a few more, but I don't recall.

Q And for the day of action, were you given any instructions -- and I think you mentioned this in your opening statement -- about what the agents could and could not ask?

A Yes, we did.

Q And could you tell us a little bit more about that, again?

A Yes. So on December 3rd, 2020, in the Delaware U.S. Attorney's Office, we were going over -- it was a very, very long day, because we had -- there were a group of like 12 or 15 people in the room. Weiss was coming in and out. And we were prepping for each individual witness.

So the agents that were going to conduct those interviews were Zooming into this meeting. So we're going over each outline. There were multiple times where Lesley Wolf said that she didn't want to ask questions about dad. And dad was kind of how we referred to him. We referred to Hunter Biden's father, you know, as dad.

Q That's Joe Biden?

A Yes. James Biden as uncle.

Q You were not allowed to refer to James Biden either?

A We called him uncle. I think it was so that we could speak more openly without, yelling, President Biden or James Biden. I don't think that was nefarious, but -- she said, I don't want questions about dad.

So now we're in the Rob Walker, and the interview outline is eight, nine, 10 pages, and we're on page 4. So we're not on priority items, but we're kind of gaining that rapport, getting him used to the interview, just like we do a lot of things. Now we're

going to ask him substantive things that we really want to know.

So in there, it said: "10 held by H for the big guy." And it just said how -- what we were going to ask on that topic. And Lesley Wolf stops and says, we're not asking -- I don't want to ask about the big guy. And everyone -- basically, everyone in the room except for the prosecutors had a big problem with that. There was a large debate about it. And, she said, I don't want to talk about big guy. I don't want to -- I don't want to ask about dad. So you see in the --

Q Do you know why?

A I think that she was trying to limit where the investigation could go.

Q And do you know what her motivation was?

A I don't know what her motivation is, no.

Q And did anyone on the team give her any feedback about what are you doing, this is crazy?

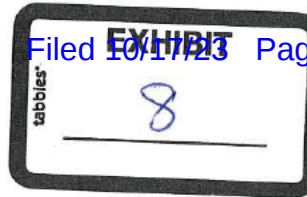
A Everyone there -- the prosecutors are generally pretty silent. So Lesley Wolf was the main voice, and the other ones were very subordinate and kind of only talked when they were asked to talk.

So FBI raised concerns. [REDACTED] raised concerns. I raised concerns about it. She's like I don't want to talk about the big guy. Don't ask about the big guy. So you see in the Rob Walker interview --

MAJORITY COUNSEL 2. And we can mark that. It's No. 8.

[Shapley Exhibit No. 8

Was marked for identification.]



272D-BA-3065729

JJW:glwm

H Drive

Date of Conversation: December 8, 2020

(Transcribed from WAV file copy)

Participants:

1. SA Joshua J. Wilson, Federal Bureau of Investigation (FBI)	=	Wilson
2. SA Adam Soline, Internal Revenue Service (IRS), Criminal Investigations	=	Soline
3. John Robinson Walker, aka: Rob	=	Walker

Betsy (Walker?), wife of John Robinson Walker, aka: Rob = Betsy

A male voice in background (Unknown Male?) = Male

Unknown Female = Female (Wait Staff)

Unknown Male = Male (Wait Staff)

Type of Conversation: Taped Interview

A transcription of the above-described conversation is as follows:

Preamble by

Wilson: Okay, this is Special Agent Joshua Wilson with the FBI accompanied by...

Soline: Special Agent Adam Soline, IRS, CI.

Wilson: Okay, today's date is December 8th of 2020. The local time in Little Rock, Arkansas is 10:03 a.m. Ah, the following will be an attempted interview with John Robinson Walker at his residence, [REDACTED] also in Little Rock.

(Background Noise. Exit vehicle and slams car door. Walking noise).

(Pause).

(Counter #: 04:08:43/00:00:58):

Wilson: I wonder if this..., anybody saw us coming through?

Soline: Hmph, hmph, hmph.

(Background Noise).

Soline: I'm gonna (Unintelligible).

(Background Noise).

Wilson: Um., as far as the., the failed joint venture that was gonna be Sinohawk which involved Tony and James and you...

Walker: Hmph hmph.

Wilson: ...and., and Hunter...,

Walker: Hmph hmph.

Wilson: ...um., you know, it was kind of the, um, the famous email that Tony was pointing out like the., the equity split.

Soline: (Whispers). Uh huh.

Wilson: Um...

Walker: Sure.

Wilson: Who... Like can you tell me your opinion of that? Like ah... Ah, did you... I mean are you familiar with what I'm talking about., that email., when it's going through like, you know, ten b., held by "H," you know, like...

Walker: Yeah.

Wilson: ...so you...

Walker: Yeah, I saw that on Twitter or somethin'...

Wilson: Okay. (Laughs). Right.

Walker: ...or maybe., maybe when Tucker Carlson...

Wilson: Yeah.

Walker: ...talks about it on his show.

Wilson: So what., w... Like can you tell me about that?

Walker: It was an email. I think that maybe James was ah., wishful thinking that ah., or maybe he was ah, projecting that, you know, if this was a good relationship and if this was something that was gonna happen, that ah., ah., and if the., the V. P. was never gonna run...,

Soline: Hmph hmph.

Walker: ...just projecting that, you know, maybe at some point, he would be a piece of it but he was more just, you know, ah, you know, it., it., it looks terrible but it's not.

Wilson: Right. It was more of a "unicorns and rainbows" type email?

Walker: Yeah..., and..., and..., and fuck Tony for..., for trying to..., I mean for taking little pieces of...,

Soline: Uh huh.

Walker: ...of emails or..., or, you know, and not showing it the..., the structure of a..., of an LLC or taking pieces of conversation that he recorded of me that ah..., to try to do that. I don't know what's in it for Tony but..., but that email looks...

Soline: Hmph hmph.

Walker: ...bad and it's ah..., probably hard to explain for ah..., James. Do I remember it? No. Does it look real? Yeah. And ah..., ah..., you know, I certainly never was thinking at any time that ah..., the V. P. was a part of anything we were doin'.

Wilson: Okay. Have you met the V. P.?

Walker: Yes.

Wilson: How many times roughly?

Walker: Oh, I...my wife used to...(Unintelligible)...

Wilson: Yeah, that's right.

Walker: ...so...,

Wilson: That's right.

Walker: ...so...

Wilson: Yeah.

Walker: ...I mean I would get called and I'd..., I'd play golf with him probably eight to twelve times and...

Wilson: Okay.

Walker: ...ah..., um...

Wilson: In Delaware or...

Walker: Ah, I played with him at um..., ah..., Bully Rock in Havre de Grace with ah..., Beau and Hunter one time.

Wilson: Okay.

Walker: That's probably the first time and then um.,

Soline: Hmph hmph.

Walker: ...played with 'em in D. C. probably ten times or so...

Wilson: Okay.

Walker: ...and it was really um., more of ah., hey, my dad's gonna go play golf..., you're..., you've gotta come with me., and I'm like at work.

Wilson: Yeah.

Walker: Too bad.

Wilson: (Laughs). Gotcha.

Walker: Yeah.

Wilson: Okay.

Walker: So...

Wilson: Um...

Walker: And, you know, I guess and in that., ah., you know, if., if Mazie was havin' a birthday party, I may be there...

Soline: Hmph hmph.

Walker: ...and he would stop by the Vietnam restaurant somewhere, somethin', or...

Soline: (Sighs).

Walker: ...if ah., um., you know, they're., they're., you know, Christmas things but even... I mean I'm sure he knows who I am. He knows I'm...

Wilson: Okay.

Walker: But he doesn't know me

Wilson: Okay. Did um., did the V. P. ever show up at any CEFC meeting or anything like that., even once he was out of office?

Walker: Yes.

Wilson: Okay.

Walker: It was out-of-office. Ah, we were in ah..., D. C. at the Four Seasons...

Soline: Hmph hmph.

Walker: ...and ah..., we were having lunch and he..., he stopped in...

Soline: Hmph hmph.

Walker: ...then he'd ah, leave.

Wilson: Okay.

Walker: That was it.

Wilson: Just said hello to everybody and then...

Walker: Yes.

Wilson: ...took off?

Walker: He literally sat down. I don't even think he drank water. I think Hunter said um..., I may be tryin' to start a company, ah, or tried to do something with these guys and could you..., and think he was like "if I'm around"....and he'd show up.

Wilson: Okay. So I mean you definitely got the feeling that, that was orchestrated by Hunter to..., to have like a..., an appearance by his Dad at that meeting just to kind of.,

Walker: Hmph hmph.

Wilson: ...bolster your chances at...

Walker: Hmph hmph.

Wilson: ...makin' a deal work out.

Walker: Sure.

Wilson: Okay. Um..., any other... So that was the..., ah..., Four Seasons in D. C. after he was out of office?

Walker: Yeah.

Wilson: Um, where... Any times when he was in office or did you hear Hunter say that he was settin' up a meeting with his dad with them while dad was still in office?

Walker: Yeah.

Wilson: Okay. All right. Um., when you started to learn about like you were going your separate ways as far as um., splittin' off., you and James were not gonna., but you know that Hunter was continuing on and was...,

Walker: Hmph hmph.

Wilson: ...you know, involved with Hudson West...,

Walker: Hmph hmph.

Wilson: They... I mean first of all, did you even know that or did you read that Senate report., the Hudson West stuff?

Walker: Um, I had ah., I think .., specific things no. Did I think that ah..., they...

Wilson: He was still working with them?

Walker: Did I think he was still working with them and then ah., did I think that he had ah.....received the money, sure, I was questioning that.

Wilson: Uh huh.

Walker: Um., ah., did I... I never questioned him about it. I was ah., happy to be out. If ah..., ah., I read in the Senate Report where he received five or ten million dollars...

Wilson: Okay.

Walker: ...and ah..., ah..., I had ah., always suspected it and I think ah., Tony had suspected it also but ah., I., just at that point, I wasn't, you know, I didn't know anything for a fact. I wasn't gonna divulge anything to Tony who would probably try to do something about it.

Wilson: Right.

Walker: Yeah.

Wilson: And you probably heard it from Eric too 'cause Eric was still working with...

Soline: Hmph hmph.

Wilson: ...Hunter during that time.

Walker: I'll say Eric didn't say anything directly but he alluded to it...,

Wilson: Okay.

Walker: ...to me at one point.

BY MAJORITY COUNSEL 2:

Q This is a document of a December 8, 2020, interview by Special Agent Wilson of the FBI and Rob Walker.

And just as I understand this document, this is a transcript of a recording?

A Yeah. This is an excerpt of a transcript of a recording. That is correct.

Q And so was Special Agent Wilson wearing a -- or recording it on his phone, or how did it get recorded, to your knowledge?

A Yes. Mr. Walker was consensually monitored.

Q Okay. So he agreed to have the interview recorded?

A No. The agents were the consenting people to monitor.

Q Okay. So it's like a one-party State or --

A Yeah, yeah. Well, law enforcement, we have the consensual monitoring rules.

Q Okay.

A And we got approvals to do consensual monitoring for these things. So the agents are the consensual.

Q All right. Now, are they wearing a wire or are they just using an iPhone, or how does that happen?

A It's different. We have different tech. Key fobs, coffee mugs, iPhones. There's lots of different things. I haven't seen a physical like what you think of as like taped to your chest.

Q Well, I used the term "wire," but what I mean is a specific device for purposes of recording, not just an iPhone.

A That is correct. And this was to be able to be inserted into evidence at trial

transcript of that recording, excerpt of a transcript.

Q Maybe you could draw our attention to the significant parts of this document.

A Sure. So, right up to the time when Special Agent Josh Wilson or Special Agent Adam Soline, who is an IRS agent, one of my agents, was going up to this door, they were deliberating. They were basically debating about Lesley Wolf's directives.

And they were like, how can we not ask? Like, that was wrong. We got to ask. We got to ask. And so they basically decided that they would ask the question without saying the words "big guy," and that then they would somehow be doing what they were asked to do.

So, as you can see in here, page 79, it's about right in the middle of the page where it says "Wilson" and it begins "who." So this -- Wilson's question and -- do you want me to read it or --

Q I can read it.

A Okay.

Q It says: "Who...Like can you tell me your opinion of that? Like" -- I won't read the ahs and the -- "I mean are you familiar with what I'm talking about..., that email., when it's going through like, you know, ten b., held by "H"? And Walker responds in the affirmative.

A Yeah.

Q And then Walker further says: "Yeah, I saw that on Twitter."

A Yes.

Q And so what else is significant about this back-and-forth between Special Agent Wilson --

A Sure. So this just shows the lengths at which we had to do to -- and how it

affected actually our jobs and conducting these interviews. But then you go --

Q Because Walker was a business partner of Hunter Biden, correct?

A That is correct, yeah.

Q And so he was especially positioned to know what 10 for the big guy meant, right?

A Yes, yes.

Q And so by not asking directly about that, you're giving away a legitimate investigative lead, correct?

A Definitely could be, yes. So, as I kind of stated about -- I'll say it a little more directly. They were debating about this, right? But they were struggling to come to grips.

Even, you know, what is it, 5 days later when they're headed to do that interview and they know that it's wrong but they were agents and they did the best that they could.

So if you move down into this -- this couple pages, you can see that they're saying VP, VP, page 80.

Q Okay.

A They're calling him VP, and that was because they weren't supposed to call him dad.

Q Okay.

A Not call him dad. So that's the --

Q So VP wasn't on the list. It was don't mention the big guy, don't mention dad?

A Yeah.

Q But VP wasn't on the list of barred terms?

A It was a little bit of a protest, I guess, to say that we're asking it, but, we'll ask

it in a way that maybe she's not mad.

Q Do you think she would have been mad, though, because clearly she was trying to steer the investigation away from Joe Biden, correct?

A I mean -- yeah, of course. She would have been -- she was the type of person that did not like dissenting opinions, and what she said went.

Q Do you think at this point in this -- maybe you don't know, but I'm going to ask it anyway -- whether she was angling for some sort of position in the administration in the Justice Department?

A I have no idea.

Q Was there ever any chatter among your colleagues about that, if that was her motivation?

A No, I've never heard that.

Q Did you or any of her colleagues have any speculation about her motives, or was it just that she was trying to keep this case from moving forward?

A Her motives are just difficult to assess, right? We're just thinking about the investigation and how we have prosecutors on the case that are obstructing our efforts to get all the evidence. That's really, eventually, the reason why we went a couple years of this type of conduct was because we just -- we have to do it. We have to suck it up. We got to work this case.

I got a prosecutor that's not great to work with. That happens sometimes. We just got to move forward, right? So that's what we did for a year, 2 years, 3 years. So she was not pleasant to work with. She was -- I don't want to belabor that point, but it was her way, right?

And if there was big guy in the transcript, she was either going to directly berate you, or she was probably going to give you the silent treatment, which was one of her

tactics, for a couple weeks and talk behind your back.

MAJORITY COUNSEL 2. Okay. Our hour is up, so pivot to our colleagues.

Mr. Shapley. We can come back to that, right? There's more on that.

MAJORITY COUNSEL 2. Correct.

MAJORITY COUNSEL 1. Go off the record.

[Recess.]

MAJORITY COUNSEL 2. We are back on the record. It's 2:20.

BY MINORITY COUNSEL 2:

Q Thanks again. I think on our side, we have sort of a smattering of clarifying questions and the like.

First, I'd like to go back to a discussion we were having before regarding the relationship between civil tax investigations and civil tax liability and criminal tax liability.

And I think I'd like to start with questions about something that you alluded to that I have not heard before. I just wanted to get clarity on it.

You said in the discussions of the various tax years, when we got to, I believe it was 2016, or maybe my notes are a little bit fuzzy, there was a point where you said that Hunter Biden was paying off tax debts in installments.

Could you describe a little more about what that was, what those payments were for exactly?

A Yes. So he was assessed a civil tax assessment at some point, and he entered into a payment agreement with IRS civil side to pay \$10,000 a month, I believe.

Q Do you know for what year that liability was assessed?

A I don't.

Q But not for any of the years in question?

A No. They would have been prior.

Q Prior, okay. And then who is responsible or what is the process at IRS CI for, let's say, hypothetically, there's a case that comes before CI, and they review it and they decide that it doesn't necessarily meet the standard for criminal prosecution, but there's, nonetheless, tax liability.

Is there a process for referral to the civil?

A Yes. It's called just that, civil referral.

Q Civil referral. And did that occur in this case at all after -- after prosecution was declined, or the statute ran, the criminal statute ran?

A No, it didn't, because the civil statutes had run. The statute of limitations had run. I'm sorry.

Q The civil statute of limitations on fraud are infinite under IRS 6501(c). And, similarly, the statute for failure to file also does not run if you don't file a return.

Was that thought of and acknowledged by Criminal Investigation when deciding whether to refer the case?

A Are you asking about the civil fraud penalty?

Q No, not the civil -- if there's fraud under 6501(c) -- if the IRS can demonstrate fraud, then the statute of 6 years does not apply, correct?

A The civil fraud penalty which you are referring to -- it can only be assessed with a criminal conviction. That's the standard for civil to be able to make that fraud assessment. And there are some jurisdictions where it has to even be 7201, an evasion case, in order for the civil fraud penalty to be able to be assessed.

Q 6501 is the civil fraud penalty or -- maybe I'm mixed up, because I was under the impression that that was the limitation on assessment. So put it aside. I don't have my Code with me.

But I was pretty sure that the limitation on assessment -- in the case of fraud,

simply did not run. But --

A I think you are partly correct, but the way that the precedence for proving fraud, for the civil fraud penalty, is a criminal conviction or guilty plea.

Q That could -- we'll have to look.

A That's my understanding, and that's the way that I've seen it done in the past.

Q Okay. Fair enough.

Skipping around, can we go back to AUSA Wolf for a moment? If I recall, AUSA Wolf was among the individuals who, at the end of the day, were in favor of charging Hunter Biden in their recommendations to, for instance, the D.C. office of the DOJ?

A They were supportive of the charges in the SAR --

Q Yes.

A -- and moving forward to the D.C. U.S. Attorney's Office, and presumably to the California U.S. Attorney's Office, yes.

Q Right. So, when all was said and done, AUSA Wolf and Mr. Weiss as well -- they didn't appear to be impartial -- to be biased in their conclusion as to whether or not to charge Hunter Biden?

A I don't think that's an accurate statement. There were -- during the investigation, we have no way to know if we have all the evidence. We were obstructed from approaching certain witnesses. We were obstructed from asking certain questions. We limited the names that were on document requests.

So we have no idea what's out there that could have linked us to one bank account that opened up a whole other slew of evidence for us. Just the search warrants not being allowed after they've agreed that probable cause has been achieved.

I look at it as is that there was all these obstructions, and at the end of the day,

the evidence was still strong enough to support them charging. That's how I look at it.

Was that your question? I'm sorry.

Q It is my question. But there's still a point where nonetheless they have discretion to agree or disagree with your recommendations, and they chose to agree with them.

A Officially, and -- there's two different things you're talking about, right? There's the SAR that we give to them and they review. And we've been working with them every single day. They know every single piece of evidence. They know more evidence than we do, because they withheld some from us.

So when that SAR went forward, we talked with them constantly about these are the charges that we're looking to recommend. Is everyone on the same page, right? So we don't want to recommend something and then have some huge argument over it, right? So everyone was on board then with the SAR.

Afterwards, with what happened at D.C., or happened at California, or if any charges have been approved officially yet or -- I don't know the answer to that.

Q But nonetheless, they still supported your conclusion in the SAR at the end of the day?

A That's accurate, yes.

Q And that was despite what you perceived as obstructing various steps of evidentiary gathering along the way?

Mr. Leavitt. Can we go off the record for a second?

MINORITY COUNSEL 2. Of course.

[Discussion off the record.]

MAJORITY COUNSEL 1. Back on the record.

MINORITY COUNSEL 2. Back on the record.

BY MINORITY COUNSEL 2:

Q I was just clarifying that they agreed with your conclusions in the SAR, and I said that was despite what were your perceptions of those obstructing the obtaining of evidentiary material along the way and reaching those conclusions.

A That is correct. But I just want to go back to the fact that it could have been much more. It could have been much bigger. There could have been income streams, more income streams, to other people associated with it, to include the President.

So, that's my answer.

Q And is it your opinion, not necessarily your professional opinion, but your opinion as a citizen that the FBI in 2016 and after the 2016 election took something of a reputational hit?

A I don't really have a lot of opinion about that. I don't --

Q You're familiar with the Jim Comey memo and the like, presumably?

A Yeah. I'm not a big guy that reads a lot of news and stuff. Obviously, you hear things. And my NBC News app, I see once in a while stuff on that. But, working with the FBI, it didn't seem like there was -- I don't -- is some factions of the media saying that there's a problem, but I didn't sense it. I still -- I didn't sense it doing the work.

[2:28 p.m.]

BY MINORITY COUNSEL 2:

Q That's fair, you're in the trenches and you're working closely with the things, but, obviously, the FBI was very much in the public eye as a result of the 2016 election and the Comey memo and the potential for interference there.

And, do you think, in general, in organizations that have sort of tiers of authority and tiers of responsibility, where, you have workers at a lower level and reporting up the chain to higher up, that those up the higher chain might have a different prudential outlook on the reputational concerns of an organization?

Mr. Shapley. Yeah.

MINORITY COUNSEL 2. Okay. That's all I have.

MINORITY COUNSEL 1. Thanks.

BY MINORITY COUNSEL 1:

Q Okay. I have a couple questions, and a lot of these are like my former questions. I just want to go back and make sure that I have the record right and correct.

So earlier you had mentioned that, in 2015, there were some issues that were different. You mentioned the diamonds, you mentioned the low amount for 2015, that maybe the case was less straightforward, I guess in the case of the loan.

Was there anything else in 2015 that made it, you think, different than 2014, other than the amount? Were there any other issues that you can think of that maybe we haven't listed or talked about yet?

A The conduct in 2015 and 2014 was entirely different. So, there was a scheme to evade in 2014 by using Rosemont Seneca Bohai to divert income from Burisma under Devon Archer's entity. In 2015, that was kind of sifted out through Eric Schwerin.

He became aware of that in 2015. You got to think, 2015, the tax return's due in 2016, and if an extension is filed April 15th of 2016, then the return is not due until October 15, 2016.

So Eric Schwerin had become aware of the income, and that's kind of how that whole thing changed --

Q And so maybe that's why the amount was lower in 2015, maybe he actually helped. Okay.

A Can I --

Q Yeah, sure.

A So, initially when the SAR was written, the amount of taxes owing was around \$160,000 for that year.

Q For 2015?

A For 2015.

Q Okay.

A But, we were battling to get information from accountants and so on and so forth, right? And we're trying to be as conservative as possible to give every benefit to the subject in terms of the actual tax due and owing. So ultimately, 2015 just became something where it was -- to be conservative, it was not an issue. I had no issue with that.

Mr. Leavitt. And you're saying that was after the SAR had already gone forth. Is that right?

Mr. Shapley. Yeah. So more information was received after that SAR went forward.

[Shapley Exhibit No. 6

Was marked for identification.]

BY MINORITY COUNSEL 1:

Q Great, thanks.

Okay. Now I want to talk about exhibit 6, which is your memo about the laptop and the hard drive. Was this memo provided to anyone?

A This memo was discussed in length with the case agent and co-case agent, but to protect the record, these I couldn't send to them.

Q Okay.

A So after each time we had calls like this, I would have conversations with them. There was even a document that I produced where they were like, well, there was this problem, this problem, this problem. So I was like, I'll record it, because we don't want this to potentially be discoverable and have any issues in the future.

So this is an example of that, where if there are at least two people that will say that we talked about this right after, and most of the conversation is to discuss what happened during that, to make sure that it was accurate.

Q But you don't provide a copy to your supervisor or Mr. Fort or anyone else in your chain of command?

A No.

Q It just stays with you?

A That's correct.

Q Okay. That's my question.

A Yeah.

Q And then in this exhibit 6, there's two items that are redacted -- it says December 9, 2019, and there's two redactions. Why are those redactions there?

A It was just a potential 6E type situation.

[Shapley Exhibit No. 7

Was marked for identification.]

Q Okay.

Thank you.

Now I'm going to look at exhibit 7. And the question is the same as the one before it. Was this memorandum provided to anyone or copied to anybody?

A It was not. Just to reiterate again, that this was discussed right after -- I can't even think of a time when we didn't have a discussion immediately after these meetings with just me, case agent, co-case agent, and sometimes with FBI agents on the phone to discuss this.

Mr. Leavitt. Let me just clarify, to discuss your documentation of the meeting, which did include other parties?

Mr. Shapley. That's correct.

MINORITY COUNSEL 1. I thought that's what he was saying, but thank you.

BY MINORITY COUNSEL 1:

Q Okay. When we were talking about this exhibit 7, you mentioned that, at the time, Bill Barr was the AG. Why did you not take your concerns up the chain in 2020 at that time?

A Well, as I said before, there is a healthy tension between investigators and prosecutors, right? And there are sometimes when I don't agree with a prosecutor, but every time I don't agree with a prosecutor, I'm not going to run to Bill Barr or to senior leadership to -- to blow the whistle or make a protected disclosure. The whole focus was to do what we had to do, even if it meant dealing with obstructions from prosecutors to get this case across the finish line, if it was worthy of it.

And, that's what we did. Every single time something happened wrong in this investigation, I couldn't bring it to Bill Barr or anyone else, so --

Q And did you think about, in 2020 at all, coming to the committee at that point in time? Because I know that you mentioned that there were irregularities that you saw in the summer of 2020. Did you think about coming to the committee or coming forward at that time or making a report to TIGTA in 2020?

A Like I said, we are trained and we work with these prosecutors hours and hours, trips, and spend all this time. We are just trained to trust them, and it was an incredibly high burden. If I wasn't in the October 7th meeting, my red line might not have been crossed.

But the things in that meeting -- it solidified a lot of things that had happened previously and explained a lot of things that happened previously. And it just got to the point where, okay, now all of these things that happened that might be investigator versus prosecutor-type thing, I just, I thought it got to the point where -- this is not a small thing. I'm not coming to the House Ways and Means Committee when a prosecutor says we can't do one search warrant. That's just not -- I'm not going to do -- I'm never going to do that, right? This is a series of events over 3 years where every single thing was to obstruct the investigation. Every single thing limited evidence that we were able to obtain. And, so -- if I was in the wrong for not coming to House Ways and Means Committee, I don't know.

Q I wasn't saying -- I wasn't implying that.

A Okay.

Q I was just asking, was that something that you considered in 2020, because it seems like a lot of things happened in 2020, especially at the end, and so hence my question.

A Well, I had the exact opposite feeling right then, right, because we were going over -- we thought that the evidence we had so far -- we were going to get a bunch

of new evidence. We thought the evidence we had so far would maybe lead to an early resolution of the case.

So there was a lot of excitement because we, for a year or so -- or a year for me, because I came on in January 2020, but longer than that from others, we couldn't do a drive-by of his residence without Stuart Goldberg approving it.

So, no -- we just wanted to move the investigation forward, and now we were finally doing that. And so we were hoping that we'd get what we need and keep moving forward.

Q And then, you just mentioned when you were talking, that you don't normally make it a routine to come to House Ways and Means Committee. How many times, just generally so we get a sense, do you disagree maybe with something that a prosecutor says in a case? Is it regularly? Is it most cases? Some cases? Sometimes? This is the first time? Can you give us some sense as to that interaction and how often they don't agree in your cases?

A How many times have I disagreed with a prosecutor on a case?

Q Yeah. Just generally.

A I mean --

Q Is it every case there's always something or what's a general sense?

A It's always a professional relationship where everyone is moving forward toward the common goal. The mission of the agency, and their agency, right? So if every -- I challenge prosecutors all the time. They challenge me. It's fantastic. And then we go and everything's great, and we come in the next day and talk about our families. It happens but, in this particular instance, it wasn't jovial. It was just, this is the way it is. And then even when we try to get support to go -- for example, to get my SAC involved, to bring her to Weiss, to try to get this search warrant and this physical

stores [storage] location, we still got the end around, so -- I don't know. Did I answer your question? I'm sorry.

Q No, that answers my question. That's what I wanted to know. I just wanted to get some context. Like, if you were to tell me that most of the time we all agree a hundred percent and this is the first time that we didn't agree, that would obviously be different than, well, there's normally give and take in a case, and so this is what we're seeing here.

Okay. Moving to exhibit 8.

A Well, I don't think that's what we're seeing here. I don't think that -- that's not what I saw here. Maybe you're just speaking generally.

Q I am.

A Okay.

Q Yeah, I am.

Mr. Lytle. Well, what did you want to say?

Mr. Shapley. No. I think I've said it, that this is not the norm. This is -- I've worked with some great guys, some great prosecutors that went on to be U.S. attorneys and went on to be the deputy attorney general and, I think I have experience enough to where it means something.

And I can't even count a time -- I don't even think I can come up with a time where a prosecutor made a decision that I didn't agree with, that they didn't take the time to explain to me and I didn't walk away being like, I disagree, but that makes sense. And that just did not -- countless things did not -- that did not happen here.

BY MINORITY COUNSEL 1:

Q So do you think it was this prosecutor, is that what you're saying essentially, that's who your dealings were with?

A I don't know what the ultimate motive was, right? I only know what I know. I know what the evidence said, I know what precedent is, I know what my experience is. I know all of the things that happened in the investigation.

It just appears to me that based on taking all those factors into account, that there was some type of nefarious motive here, and I don't know what it is. I don't know.

Q At the beginning when you were giving your opening statement, you had mentioned that the committee was your last hope, last sort of chance. And so, obviously, we're not a law enforcement body. What are you hoping to get from the committee? What is your outcome that you're looking for? Is it a process change at IRS? Is there something that you're hoping to get with your last hope, which was the way you described it?

A So I'm just here to give the documents and give my testimony, and I can steer you to others that have documents and who can give testimony. And the whole thing was that I have faith in the committee and this country, in general, to do the right thing. And, ultimately, if you guys at the end of the day don't agree, that's not for me to say. But, in terms of corrective actions or recommendations -- that's for you all to decide.

Q Okay. I was just making sure that there wasn't something that you wanted in this particular case. That's what I was asking.

[Shapley Exhibit No. 8

Was marked for identification.]

BY MINORITY COUNSEL 1:

Q Okay. Looking at exhibit 8, which is the interview.

A Yeah.

Q As I'm reading this interview, it was held in a restaurant or some place,

because I notice here that it says "unknown female," and then it says "female, wait staff."

Where did the interview take place?

A It was at his residence.

And I also noticed what you said, but at one point they were outside, and I couldn't tell by the transcript if they were mowing the lawn or if there was lawn maintenance -- I don't know what it was.

Q Okay.

A But they were in his residence. They went to his residence.

Q Okay.

A And his wife was there as well.

Q I did see the wife, and so that's why I wasn't sure. It seemed like maybe they were in a restaurant or something. That's why I asked the question.

A No, no. I don't think so, no.

Q Okay. And you said that the consent was given by the IRS agents for the recording of the interview.

Did he know that he was being recorded? Do you tell the interviewee that they're being recorded?

A We do not have to tell the interviewee that they're being recorded, and I don't know the answer as to whether we did tell him, because people can ask, right, if they're being recorded, and I don't have the answer to that side. But we don't need to inform them that they're being recorded.

Q Okay. And then I was looking at the top of the transcript. And I know that you gave us some excerpts, and we're on a couple pages, and then the total looks like 214 pages. What else was discussed? Was there anything else discussed in the other pages that we don't have that go to the tax, I guess, liabilities from 2014 to 2018?

I'm trying to get context on the other things that were discussed during this 214 pages that we only have a couple of these pages.

A Sure, yeah. So, I can't make a representation to all 214 pages, but the reason why I thought this was pertinent was because this was basically showing the outcome of the obstruction from the direction to not ask witnesses certain things. And that's what brought this in. So, that's why this section's included -- and I can't really remember -- if you're asking if there's dollars and cents in there for tax liabilities, I would say I don't think that there is. But is there a different thing that you wanted me --

Q No. I was just wondering, in these types of interviews, and this one in particular, do you talk to him about some of the questions that you had? I know, like 2015, you mentioned diamonds or other items. When you're doing an interview with this person, Mr. Walker, would you talk to him about all the tax years and any issues that you might have in any of the years, or is it just limited to a single scope? I'm trying to understand how the interview would work with him.

A It's by witness. So say Eric Schwerin would have been, and Joan Mayer, those are like every single year: income, work, what's going on, expenses, in-depth type of things. The accountant, CPA, return preparer, same thing.

This is a witness that was a business partner that was involved in a deal with CEFC, so most of the questions were kind of geared toward that and SinoHawk and some of these other things. So this one in particular likely wouldn't even have broached the topic of how would Rob Walker know what Hunter Biden's tax situation is. He wasn't involved in the preparation of stuff --

Q Okay.

A -- of it, so --

Q Okay, that's fair.

And then the entire transcript, the whole 214 pages -- who does that go to? Would it go to AUSA Wolf? You mentioned that she didn't want you to use the words "big guy" and other things. So would she have seen that "VP" was used, and would she have commented on this transcript -- what happens to the transcript once you receive it?

A So the evidence in a case should be available to everybody in the case -- prosecutors and investigators -- unless there's some type of confidential, classified type thing that could be partitioned into some SCIF or so and so forth, but everyone should have this. And I would have to say that she read it. I don't know directly that she read it, but it was 214 pages, so, maybe she had someone else read it. I don't know, but --

Q But it's available --

A Absolutely.

Q -- to the entire team?

A Absolutely.

Q Okay. Okay. And then I just noticed -- this is just a basic question. I noticed through here there's a lot of these words like the "hmp," like h-m-p-h. You see, that's kind of all throughout this interview. What was that? Was it like, hmp, like I'm agreeing with you, or, like, hmp, like, maybe that's a fact, or, hmp, that's not a fact, it's a question? I don't know how to read the "hmp." Do you recall anything from that interview that would help us with this phrase?

A So, I wasn't in the interview, but I did chastise my agent from stop saying hmp hmp in the middle of it. I did argue -- so I think you're absolutely right, and I think that if you listen to segments of the actual recording, you would almost have to -- when you read it in context, it makes sense, he's like, uh-huh, hmp, hmp, like, and then you can tell by the line of questioning that he responded in the affirmative. But I

think it might require you to listen to that little section in the recording.

Q Yeah. Okay.

BY MINORITY COUNSEL 1: I think that's all that I have. Do you have anything else?

That's all that we have for now. Thank you.

MAJORITY COUNSEL 1. You're welcome.

[Discussion off the record.]

MAJORITY COUNSEL 2. Back on the record. It's 2:50.

Do you want to go first, [REDACTED], or do you want me to?

MAJORITY COUNSEL 1. I have just a couple quick follow-ups.

MAJORITY COUNSEL 2. Okay.

BY MAJORITY COUNSEL 1:

Q I'd like to bring your attention back to exhibit 2, what we've been referring to as the SAR, which is the special agent report. Is that correct?

A This is the excerpt from that, yes.

Q And you were discussing earlier the idea about whether U.S. Attorney Weiss and AUSA Wolf appeared impartial because they approved your recommendation in the SAR.

Only AUSA Wolf is mentioned in this document. Is that correct?

A That is correct, yes.

Q Okay. And the reference in this document that AUSA Wolf agrees with the prosecution recommendation, did you take that to include the endorsement of the U.S. Attorney Weiss or just AUSA Wolf?

A Well, I did take it to include him, but there are also other events that led me to believe that he also concurred with it. There were -- I can think of one specific time,

on that 6-15-2022 meeting at Main DOJ, Stuart Goldberg, Weiss, and everyone underneath is there, every level of everyone underneath is there.

And this was when DOJ Tax was kind of giving a presentation about potential problems with '14, '15. Now they've already tried to bring it to D.C. They already requested special counsel and got denied. So now they're kind of trying to make this evidential issue for those years.

So on the side of that, in a break, Weiss comes up and he's talking to me on the side, and [REDACTED] comes up, the case agent. And Weiss was like, you guys always convince me, I agree with this, and then DOJ Tax tells me something else.

So I know that Weiss agreed with these charges, and -- I don't know. At the end of the day, they should've been charged. I offered to give prosecution recommendation reports from previous cases to show precedent, to show specific examples of this loan issue and how this would follow a precedent in other cases being charged, and it just kind of fell on deaf ears.

Q Based on your knowledge, do you have an opinion of whether U.S. Attorney Weiss did everything -- took all appropriate steps to pursue charges that you just testified that you believe he concurred with?

A Like with D.C., with Main Justice, with all that stuff?

Q Yes.

A As he described it, his process was go to D.C. and try to charge there, but he needed permission from the U.S. attorney there. When that got denied, he requested special counsel authority. Then in the October 7th meeting, he's basically explaining what happens in California, right, if he -- if he recom -- he's going to recommend to California -- well, it had already gone to California, right, but there was no answer yet.

He's like, well, if they say no, then I'm going to have to request special counsel

authority from the DAG or the AG. All I know is what he told me he did, and that's all I can say, I think, to that.

Q Just a clarifying point on the earlier discussion about sort of your decision to make protected disclosures, right? You testified that the October 7th, 2022, meeting was the breaking point. Is that correct?

A Yes, it was.

Q Okay. And would it be correct to say that you sought to state your opinion and impact decision making short of protected disclosures before the October 7th meeting?

A Well, I think I reached a level of protected disclosure internally to IRS senior leadership before that.

Q And at what point was that first protected disclosure?

A I believe it was June of 2020. You got to understand, at the time, I wasn't making a protected disclosure. I was just working a case raising issues, right? It's not until we're down the road a hundred miles that that was a protect[ed disclosure] -- you know?

Q Yeah. Understood.

A But it seems like the October 7th meeting, after that, after I raised issues directly to them, I explained to them the risk of not charging '14, '15. I explained to them how we had no mechanism to ever recoup that money, and I went like kind of like point by point how the elements were met.

And, it was that meeting where I think DOJ started to look into the discovery that I had provided back to March, because I was like, this is not right, there's a big, huge problem here. And it switched from me raising just concerns, hoping that they'd be remedied, to now I'm like, no, this is a problem. And I think because of that, they went

and looked at all my documents that I contemporaneously documented over the years. And then I think they started attacking me. And I think I read a part in my opening statement, the email that I sent to my director of field operations exactly on that topic.

Q And who was the director of field operations that you sent that email to?

A Mike Batdorf.

[Shapley Exhibit No. 9

Was marked for identification.]

Ex 9

From: Batdorf Michael T
To: Shapley Gary A Jr; Waldon Darrell J
Subject: RE: Shapley - Manager - Discovery Update
Date: Tuesday, December 13, 2022 7:47:36 AM
Attachments: [image004.png](#)
[image001.png](#)

Gary. Good Morning.

I have not reviewed the emails that were provided to the U.S. Attorney's Office nor had conversation with the prosecuting team regarding them. I plan to do both in the coming weeks. I understand through your emails that you believe the prosecuting team may have not conducted themselves in an ethical or proper manner to include prosecutorial misconduct. I am not the reviewing official, deciding official or expert on such matters. However, there are routes that you could take if you truly believe there are violations of ethical conduct or prosecutorial misconduct. Either way you choose, Darrell, Kareem, and I (along with the Chief and Deputy Chief) will continue to work through any potential issues on this investigation.

Enjoy your use of lose annual leave and the holidays with your family and friends.



From: Shapley Gary A Jr <[REDACTED]>
Sent: Monday, December 12, 2022 1:32 PM
To: Waldon Darrell J <[REDACTED]>
Cc: Batdorf Michael T <[REDACTED]>
Subject: RE: Shapley - Manager - Discovery Update

Darrell/Mike,

I am on use or lose beginning Wednesday, 12/14, returning 1/3/2023. I am off line most of tomorrow traveling to Alexandria, VA to do my annual medical exam.

If you have questions about any emails I would ask you share it in advance so I can look at them and be prepared to put them into context. The USAO was so eager to get my emails (which they already had 95% of)...then surprise...they "might" have a problem with a few of them that memorialized their conduct. If the content of what I documented, in report or email, is the cause of their consternation I would direct them to consider their actions instead of who documented them.



I have done nothing wrong. Instead of constant battles with the USAO/DOJ Tax, I chose to be politically savvy. I documented issues, that I would have normally addressed as they occurred, because of the USAO and DOJ Tax's continued visceral reactions to any dissenting opinions or ideas. Every single day was a battle to do our job. I continually reported these issues up to IRS-CI leadership beginning in the summer of 2020. Now, because they realized I documented their conduct they separate me out, cease all communication and are now attempting to salvage their own conduct by attacking mine. This is an attempt by the USAO to tarnish my good standing and position within IRS-CI...and I expect IRS-CI leadership to understand that. As recent as the October 7 meeting, the Delaware USAO had nothing but good things to say about me/us. Then they finally read "discovery" items (provided 6 months previous - that are not discoverable) and they are beginning to defend their own unethical actions.

Consider the below:

1. I am not a witness – therefore Jencks/Impeachment is not an issue.
2. I am not the receiver of original evidence nor engaged in any negative exculpatory language against the subject (Brady material is evidence the prosecution is required to disclose that involves any evidence favorable to the accused – evidence that goes towards negating a defendant's guilt, that would reduce a defendant's potential sentence, or evidence going to the credibility of a witness) – therefore no Brady/Exculpatory information exists. My documentation only shows the USAO/DOJ Tax's preferential treatment of this subject.
3. I have called into question the conduct of the USAO and DOJ Tax on this investigation on a recurring basis and am prepared to present these issues.

For over a year I have had trouble sleeping; awake all hours of the night thinking about this. After some time, I realized it was because I subconsciously knew they were not doing the right thing. But I could not fathom concluding that the USAO/DOJ Tax were in the wrong. After I wrapped my mind around the fact that they are not infallible, I started to sleep better. My choice was to turn a blind eye to their malfeasance, and not sleep, or to put myself in the crosshairs by doing the right thing. My conscience chose the latter.

I hope IRS-CI applauds the incredibly difficult position I have been put into instead of entertaining the USAO's attacks. If they bring up something legitimate; I am sure we can address it because it was not intentional. Everything I do is with the goal of furthering IRS-CI's mission, protecting the fairness of our tax system and representing IRS-CI with honor.

I look forward to presenting these issues to you. I do have some obligations during my UoRL, but will forfeit some leave if it is to protect my reputation and the agency's interests.

Thanks.

BY MAJORITY COUNSEL 1:

Q Okay. I've just marked as exhibit 9 the email you just referred to. Just to confirm, can you describe this document?

A Sure, yeah. This is the email that I sent to Mike Batdorf, the director of field operations, and cc'd -- oh, I'm sorry -- I sent to Darrell Waldon, the SAC, and cc'd Mike Batdorf, the DFO. And this was the culmination of an October 24th communication from Delaware U.S. Attorney's Office and -- well, it was really Lesley Wolf and Mark Daly who called the case agent, [REDACTED], on the telephone and said, hey, we need -- we need Shapley's emails and his -- these sensitive case reports that he's authored back to May.

And they didn't ask for discovery for anybody else. They didn't ask for, from the -- mind you, the agents had provided discovery March-April timeframe, so there was 6 months or so of additional discovery, and they're not asking for that, right? They're only asking for mine.

So [REDACTED] sends me an email with Wolf and Daly on it that says, hey, you know, they asked for this, you got to talk to Shapley. I respond, hey, yeah, I'm available 9:15, let's chat. And she sends that, she forwards my email to Shawn Weede, number [two] -- a senior level at Delaware U.S. Attorney's Office.

And then he contacts me about this discovery, and he's kind of putting a lot of pressure on me. So even Weiss called up, the deputy chief, to complain about timing of the emails that got turned over from me at that request. But, basically, I think that they understood that it was a serious issue, what they had told me on October 7th, and that I had a huge problem with it, so I think that they started looking into what I had done for 2 or 3 years. And then they specifically targeted me, because there was an SCR in my

original discovery that went to the chief that said that these people are doing the wrong thing, and this is specific, not general, specific things that they're doing that are wrong.

So they wanted to get the universe of everything that I produced -- and then they eventually started attacking me on it. And so October 17th was the last time we had an actual call together. And then they cancel -- then there was -- and the next call was scheduled, and then there's an awkward cancellation right before. And then they didn't -- they wouldn't talk to us anymore, and it was because they knew that I had documented their malfeasance contemporaneously over the years.

Q Do you know whether those prosecution team's meetings continued after October 17th?

A If they did, we were not invited. IRS was not invited. This is an email that kind of toward the end where I had turned over the documents. The documents were easy, but I'm not going to get into why the emails, we had to create PST files, and, [I] don't want to get into it. But it was like a 25-, 30-day process.

Q Complicated?

A I had to get computer people on my computer to remote in to get it. I was actually in San Diego assisting with execution of search warrants on other cases, and I have computer people chiming in to try to get my emails, because Weiss is calling my deputy chief, who knows what they're saying. So --

Q And at what time was that all taking place?

A It was right around Thanksgiving time.

Q 2022?

A Yes, thank you, 2022. And when the request came in -- it was like the next week I was in Australia for search warrants, and then I was traveling somewhere else for a week, Los Angeles, and then it was Thanksgiving. And then I was in San Diego for search

warrants. I had zero time to do this. So that's why I was like, I can't get this done right now. And so, they were bothered by that, so they called my deputy chief and God knows what they said. I don't know.

Q Okay.

A But this email was basically, I sent to these guys to say, this is just completely unacceptable. And I laid out to them Jencks and Brady, and why a manager's information would never be discoverable.

Now, if I had had a successful interview of Hunter Biden, that changes things, right? I might be a witness, I could be impeached, et cetera, et cetera. But other than that, because that didn't occur, they never ask for -- they never ask for discovery from my level or above. Never.

Q Okay. And I was a little inartful before about protected disclosures. I was trying to get at the point that the October 7th, 2022, meeting, is it accurate that that would've been -- after that that is when you started to, or sometime after that, started to consider the possibility of making a protected disclosure to Congress?

A Yes.

Q Okay.

A That's when I became -- looked into the process and read 6103, you guys and Senate Finance, right, that's when that occurred, and that's when I sought counsel.

Q Okay.

A Did you want to finish document 8?

MAJORITY COUNSEL 2_ Sorry, sir.

Mr. Shapley. Just a reminder, document 8, there are still things that we --

MAJORITY COUNSEL 2_ We are going to come back to that, right.

We're marking exhibit 10.

[Shapley Exhibit No. 10

Was marked for identification.]

Ex 10

From: [Waldon Darrell J](#)
 To: [Shapley Gary A Jr](#); [Batdorf Michael T](#)
 Subject: RE: Sportsman Meeting Update
 Date: Tuesday, October 11, 2022 7:27:14 AM
 Attachments: [image001.png](#)

Good morning, all –

Thanks, Gary. You covered it all. I am taking care of referral to TIGTA.

Mike – let me know if you have any questions.
 Darrell

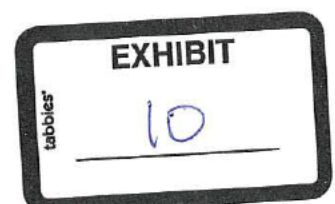
Darrell J. Waldon
Special Agent in Charge
Washington, D.C. Field Office
 (C) [REDACTED]

From: Shapley Gary A Jr <[REDACTED]>
 Sent: Friday, October 07, 2022 6:09 PM
 To: Batdorf Michael T <[REDACTED]>
 Cc: Waldon Darrell J <[REDACTED]>
 Subject: Sportsman Meeting Update

Mike,

Darrell asked me to shoot an update from today's meeting. Darrell – feel free to comment if I miss something.

1. Discussion about the agent leak – requested the sphere stay as small as possible
 - a. DOJ IG will be notified
 - b. FBI – HQ is notified and they refer it to their Counter Intelligence squad in a field office for investigation
 - c. IRS-CI – We need to make a referral to TIGTA – What do you need from me on this action item?
2. Weiss stated that he is not the deciding person on whether charges are filed
 - a. I believe this to be a huge problem – inconsistent with DOJ public position and Merrick Garland testimony
 - b. Process for decision:
 - i. Needs DOJ Tax approval first – stated that DOJ Tax will give “discretion” (We explained what that means and why that is problematic)
 - ii. No venue in Delaware has been known since at least June 2021
 - iii. Went to D.C. USAO in early summer to request to charge there – Biden appointed USA said they could not charge in his district
 1. USA Weiss requested Special counsel authority when it was sent to D.C and Main DOJ denied his request and told him to follow the process



- iv. Mid-September they sent the case to the central district of California – coinciding with the confirmation of the new Biden appointed USA – decision is still pending
- v. If CA does not support charging USA Weiss has no authority to charge in CA –
 - 1. He would have to request permission to bring charges in CA from the Deputy Attorney General/Attorney General (unclear on which he said)
- vi. With DOJ Tax only giving “discretion” they are not bound to bring the charges in CA and **this case could end up without any charges**
- 3. They are not going to charge 2014/2015 tax years
 - a. I stated, for the record, that I did not concur with that decision and put on the record that IRS will have a lot of risk associated with this decision because there is still a large amount of unreported income in that year from Burisma that we have no mechanism to recover.
 - b. Their reason not to charge it does not overcome the scheme and affirmative acts – in my opinion
- 4. FBI SAC asked the room if anyone thought the case had been politicized – we can discuss this is you prefer
- 5. No major investigative actions remain
- 6. Both us and the FBI brought up some general issues to include:
 - a. Communication issues
 - b. Update issues
 - c. **These issues were surprisingly contentious**

Always available to discuss. Have a great weekend!

Text Description automatically generated



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BY MAJORITY COUNSEL 2:

Q This is an email chain that starts on October 7th, 2022. Presumably this is after the meeting, correct?

A That's correct.

Q And you send this to Mr. Batdorf and Mr. Waldon. And what is the upshot of this document? Are you just giving a readout of the October 7th meeting?

A Yeah. I realized the gravity of what I just witnessed, so I didn't want it to be a memo to file that didn't go anywhere else. So I did this to ensure that my information was corroborated right then, right there.

Q Right.

A So that people couldn't --

Q Right. So this is essentially your contemporaneous notes from that business meeting, correct?

A Yeah.

Q And at the top, Mr. Waldon indicates that this is an accurate reflection of what happened in the meeting?

A That's correct.

Q And he was in the meeting?

A He was.

Q Did you have any discussions with him outside of this doc -- did you tell him you were preparing the document?

A Yes, I did. I told him that I would be the one that would summarize it for Mike, the DFO, Batdorf, and I said that I'd cc you so that you can confirm.

Q Okay. So your email says: "Mike, Darrell asked me to shoot an update from

today's meeting."

Did Mr. Waldon ask you to prepare this?

A I put it in front of him and he said sure, that sounds great.

Q Okay.

A So --

Q And you're just trying to explain why you're sending the email, correct?

A I'm trying to play nice because I was -- I'm trying to play nice.

Q In No. 1 on this email you prepared, says: "Discussion about the agent leak -- requested the sphere stay as small as possible...DOJ IG will be notified. FBI -- HQ is notified."

What was the specific leak?

A So there was a leak, I'm not sure what outlet, on October 6th of 2022 -- it appeared to come from the agent's level, who was critical of the prosecutors for not charging the case.

Q Okay. Talking about the Hunter Biden case?

A Yes, not charging the Hunter Biden case.

So, obviously that was part of the discussion at the beginning. And there have been multiple leaks in this case going back, and this one was handled a lot differently because I guess it was purportedly from the agent's level.

So this drastic -- you know, they used that as an excuse to kind of -- to do what they were doing to us after this meeting on the 7th, they kind of used that leak as an excuse to exclude us.

Q And then the second item in the memo -- or the document you prepared, this summary of the meeting, AUSA "Weiss stated that he is not the deciding person on whether charges are filed...I believe this to be a huge problem -- inconsistent with DOJ

public position and Merrick Garland testimony.”

It's pretty remarkable that the U.S. attorney on October 7th said he is not the deciding official. Did he say it in those words?

A Yeah. He said, I am not the deciding person on whether charges are filed.

Q So there's no ambiguity, he was crystal clear in what he was saying?

A It was how I understood it, and it was also how the special agent in charge understood it.

Q Okay. Is there anything else in this document that is worth bringing to our attention?

A Yeah. So if you go down to 2 b ii, that's kind of the acknowledgement that it's been kept in Delaware since June, even though the venue is known or was in Delaware since 2021, which not -- it is what it is. But that describes the reason why we run into these conflicts now in the political interference here.

So he says that when he went to D.C. U.S. Attorney's Office in early summer to request charge there, Biden-appointed U.S. attorney said they could not charge in his district. So it said they could not charge. So up to that point, I thought that he had just said we don't support this.

Q Right.

A And we thought that Weiss was still deciding. And when he said this that said he could not charge, okay. So that's a big difference -- that's a material difference in what was occurring.

And then he further says that he requested special counsel authority when it was sent to D.C. and the Main DOJ denied his request, told him to follow the process.

Now, following the process, as they would've only have known, was to go through another -- a non-Weiss-appointed U.S. attorney -- or not Weiss. They were going to go

through somebody else. And when AG Garland's first defense of why everything's okay here, he immediately goes to because is Weiss a Trump appointee. So the materiality of this being a decision outside of Weiss is pretty significant, in my opinion.

So then it goes on to page 2. So at the bottom of page 1, that's when Weiss requested special counsel authority. That's the first time we'd heard that, and that he was denied.

And then he said that they went to Central District of California mid-September, and it was the same week that the Biden-appointed U.S. attorney was confirmed. And then he says, if California does not support charging, Weiss has no authority to charge in California, which is obviously contrary to what Merrick Garland said. Then he said that he would have to request permission to bring charges in California from the DAG or AG.

Q Right. And earlier this morning when we were talking about Senator Grassley and the Attorney General, and maybe my notes are wrong, but I thought we had discussed that the effort to bring the case to the Central District of California was in January of 2023, and this here seems that it was -- or a little bit earlier?

A No, it was September.

Q It was September.

A September 2023?

Q Okay. I probably have it wrong.

A Yeah.

Mr. Shapley. September 2022.

Oh, in January 2023, we learned from SAC Waldon that California had declined to --

MAJORITY COUNSEL 2. Okay.

Mr. Shapley. -- declined the case.

BY MAJORITY COUNSEL 2:

Q Oh, okay. I understand. So in September of 2022, the materials are presented to the Central District of California?

A That's correct.

Q And it wasn't until January of 2023 that a resolution on that was determined?

A It's when we learned of it. I don't know if it had already been decided.

Q Okay. And along similar lines, is it fair to say that in March of 2022, the case was brought to the U.S. attorney for D.C.?

A That's correct.

Q And then in the early summer of 2022 is when you learned that the U.S. attorney in D.C. had declined to move that forward?

A No. It was right in March, because that was when Mark Daly was calling my case agent.

Q Okay.

A The one call was, hey, things kind of look good here. Call a couple days later was, they said no.

Q Okay. So that was in March?

A That was in March.

Q And that was right away. There was no delay or there was no --

A There was very little delay. We weren't involved in the presentation in D.C., so I don't know the exact date that it went over. But it was right there at the end of March that it was declined.

Q So in your notes on page 1, 2 b iii, went to D.C. U.S. attorney in early summer, is that Weiss sort of getting the dates --

A Yeah, I think he was just --

Q -- incorrect?

A -- kind of being --

Q Okay.

A Yeah.

Q But it should read March of 2022, correct?

A He would've been more accurate to say spring than early summer.

Q Okay. And then flipping back to the second page, No. 3, this is what you stated for the record, that if they're not going to charge 2014 and 2015, they're just letting this Burisma income go untaxed, correct?

A Yeah.

Q And this is just a gift to the taxpayer, right?

A It significantly reduced the egregiousness of his conduct if that wasn't included.

Q Right. And I think we had established that he was getting paid about a million bucks per year in 2014, and it started in April, so it was two-thirds of the million.

A Yeah.

Q So that was just going completely tax-free to the taxpayer Hunter Biden, correct?

A That's correct.

Q Did you get any feedback when you stated that for the record?

A There was just some general discussion.

Q Okay.

A It wasn't anything reportable, I guess.

Q So nobody said, Gary, whoa, whoa, whoa, there's a mix-up here, the reason

we can't do this is because of X reason?

A No. No. There's an August email that maybe I alluded to before from DFO Batdorf that says that we support 2014 and '15, and we're going to have the deputy chief call over to Stuart Goldberg at DOJ Tax to tell him we support it. And then SAC Waldon is in this meeting, right, FBI SAC Sobocinski and FBI ASAC Holley are there as well. It was just that was their decision.

Q Okay.

A But the funny thing is that now that he said he requested special counsel authority in D.C. and was denied back then, him saying that he decided not to charge '14 and '15 at that point in time was moot, because he had no ability to charge it. So maybe that's a nuance that only I think is important.

Q Right.

A But, he's saying that he made the decision not to charge it, but he didn't make the decision not to charge it. The D.C. U.S. Attorney's Office made the decision not to charge it. And then when he was denied special counsel authority, he had no ability to charge it.

Q Okay.

A And that's my understanding.

MAJORITY COUNSEL 2. Off the record a second.

[Discussion off the record.]

MAJORITY COUNSEL 2. Back on the record.

BY MAJORITY COUNSEL 2:

Q We'll go back to exhibit 8. There's a discussion at the bottom of page 81, where the Special Agent Wilson asked whether the VP, meaning now President Biden, ever showed up at any CEFC meeting.

Is it fair to say that the question is whether the President, the now President, ever showed up at his son's meetings to support his son, to give it some legitimacy? Is that a fair reading of the question?

A Yes.

Q And the answer was "yes" from Rob Walker, correct?

A Yes. And this question was specific to out of office, and his request was yes.

Q Right. And did they also ask whether the President, when he was the VP, appeared at any meetings on behalf of his son, when he was in office?

A Yes. So the bottom of 82, FBI Agent Wilson, "Any times when he was in office or did you hear Hunter say that he was settin' up a meeting with his dad with them while dad was still in office," and Walker's response was "Yeah."

Q And then flipping to the next page, Special Agent Wilson said: "Okay. All right. Um., when you started to learn about like you were going your separate ways as far as um.,splittin' off., you and James were not gonna., but you know that Hunter was continuing on and was...,"

Is James a reference to James Biden?

A Yes.

Q And do you know what's going on in that exchange right there about James going his separate ways with Rob Walker?

A I don't know anything too specific about that.

Q Okay. And there's also a reference to Tony in this document.

A Yes.

Q A little bit further down on page 83. And Tony I think appears on page 80 as well. I was just wondering, for the record, who Tony is, if you know.

A That's Tony Bobulinski.

Q Okay. Tony Bobulinski.

A So if I could add -- it was page 81 or 82, right in the middle. And Walker basically describes that the VP "literally sat down. I don't even think he drank water. I think" -- and then he's basically saying Hunter told him about the company he's trying to start --

Q Right.

A -- with these guys. And basically saying, well, if you're going to be around, Dad, can you like, stop by? And, he'd show up, it said. So then Wilson asks him, "so...you definitely got the feeling that, that was orchestrated by Hunter...to have...an appearance by his Dad at that meeting, just to kind of...bolster your chances at...makin' a deal work out." And Walker said "sure."

Q Walker agrees, but of course he agrees. Why else would Hunter bring his dad into these meetings, correct? He's trying to trade on the family name, and if he brings his dad to the meetings, it gives him a lot more credibility, correct?

A It would make sense, yes.

Q Is there anything else on this exhibit that we have not discussed that we ought to?

A Yeah. That was 82. Yeah. So he asked a question about when he was out of office, did he ever meet with him, but then he also said, well, when he was in office, did he --

Q Right.

A -- he responded that, yes.

Q Right. Okay.

A Yeah.

Q Next exhibit we're going to mark is the WhatsApp document. This is number 11.

[Shapley Exhibit No. 11

Was marked for identification.]

7/30/2017	<p>WA message with SM and Zhao, SM says, "Z- Please have the director call me- not James or Tony or Jim- have him call me tonight. I am sitting here with my father and we would like to understand why the commitment made has not been fulfilled. I am very concerned that the Chairman has either changed his mind and broken our deal without telling me or that he is unaware of the promises and assurances that have been made have not been kept. Tell the director that I would like to resolve this now before it gets out of hand. And now means tonight. And Z if I get a call or text from anyone involved in this other than you, Zhang or the Chairman I will make certain that between the man sitting next to me and every person he knows and my ability to forever hold a grudge that you will regret not following my direction. All too often people mistake kindness for weakness --- and all too often I am standing over top of them saying I warned you. From this moment until whenever he reaches me. It 1 9:45 AM here and i assume 9:45 PM there so his night is running out."</p> <p>Zhao responds, "Copy. I will call you on Whatsapp."</p> <p>SM says, "Ok my friend - I am sitting here waiting for the call with my father. I sure hope whatever it is you are doing is very very very important."</p> <p>Zhao says, "Hi Hunter, is it good time to call now? Hi Hunter, director did not answer my call. But he got the message you just mentioned."</p>
7/31/2017	WA message with SM and Dong, SM says, "Kevin I was told by the Director through Zhao that we were to speak tonight. If there is some extraordinary reason you can not do so please let me know. I assume that you know that this is highly confidential and time sensitive."
7/31/2017	WA message with SM and Vuk Jeremic, SM says, "Call u in a minute I'm on w/ director"
7/31/2017	WA message with SM and Zhao, Zhao sends Kevin Dong's foreign phone number.
7/31/2017	<p>WA message with SM and Zhao, SM says, "Z - i reached out to K and he declined my call and has not returned my text. I assume he knows that our plan to speak is highly confidential. I just hope he isn't talking to Tony or J -- if he is we have a real problem. If I can reshape this partnership to what the chairman intended then James and Rob will be well taken care of but I will not have Tony dictating to me nor the director what we can and cannot do."</p> <p>Zhao responds, "I don't think he is talking to Tony or the other guys, mostly with the director. I just sent an email to you and cc to Kevin. He has your phone number now. Hi Hunter, did you see the email from Kevin? The director would like to suggest you and Kevin have a meeting. CEFC is willing to cooperate with the family. He thinks now the priority is to solve the problem mentioned last night."</p>
7/31/2017	WA message with SM and Zhao, Zhao sends SM an image of a message which reads, "Raymond (believed to be Zhao), many thanks for the introduction. Hunter I am based in New York and my US phone is [REDACTED] Let's talk tomorrow? Kevin"
8/1/2017	WA message with SM and Fran Persons, SM says, "Ok- want to talk Hong Kong and whether Bo intends to do 100 or understandable -- done his part"
8/2/2017	<p>WA message with SM and Zhao, Zhao says, "Hi Hunter, director asked me to extend to you that Kevin has reported to him about your discussion. He supports your proposition and will act correspondingly."</p> <p>SM responds, "That is a great relief and very welcome news my friend - let My friend know that I'm looking forward to his arrival here with great anticipation- we will do extraordinary things together and I am happy to have him as a brother in this endeavor- and my family sends their best wishes and looks forward to playing some golf when the director has time."</p>
8/3/2017	<p>WA message with SM and Dong, Dong says, "I received the following and thought we were finished Hi Hunter, sorry to ping you at late hours. I am texting to convey some info from director Zang:</p> <ol style="list-style-type: none"> 1) His best regards to you, Jim and VP; 2) He fully supports cooperatino with you and the proposition provided by you. Chairman also agrees upon you idea; 3) Kevin is designated by director Zang to discuss with you on technical matters. The fund will be wired to the jointly administrated account in a timely manner. <p>Thanks!"</p> <p>Dong asks, "From Zhao" and SM responds "Yes".</p>
8/3/2017	<p>WA Message with SM and Dong, SM says, "K- Very simple:</p> <ol style="list-style-type: none"> 1. 10 M per annum budget to use to further the interst of the JV. This move to 5M is completely new to me and is not acceptable obviously. 2. All expenditures/ expenses salaries will be agreed to by board. My (Biden's) expenses and determination of how BIDEN (loan 5M) capital will be determined by Owasco in consultation with Hudson. The Hudson capital will be utilized for expenses beyond those Biden/Owasco has committed to Monochromes business. (K we won't break 5 and the additional 5 can roll to next year if the Chairman and CEFC review is favorable. It all has to agreed to by Board - but if the Chairman doesn't value this relationship is being worth at leas 5M then I'm just baffled. 3. You saw minor clarification of exclusivity. 4. We are all saying the same thing I hope . Please let's put this to bed tonight sign officially tomorrow (or anytime as late tonight as you want) and get to work. I am tired of this Kevin. I can make \$5M in salary at any law firm in America. If you think this is about money it's not. The Biden's are the best I know at doing exactly what the Chairman wants from this partnership . Please let's not quibble over peanuts." <p>and Dong responds, "Do you want me to talk to Zang or you want to have a call together?"</p>

EXHIBIT

tabbles

11

BY MAJORITY COUNSEL 2:

Q Could you tell us about this document, what is it, and how was it obtained --

A Sure. So there was an electronic search warrant for iCloud backup, and these messages were in that backup and provided --

Q Okay.

A -- from a third party, from iCloud.

Q Okay. Who was it provided to?

A The -- the investigative team from --

Q Okay.

A It would go through all the same processes of -- since it's electronic, it would go to one of the computer analysis folks, and then they would put it in a readable format, and then it would go through filter review.

Q Okay. And these aren't WhatsApp messages, these are summaries of WhatsApp messages, correct?

A Yeah, that's correct. Because it was something about the readability of the actual piece, right? It was easier to summarize in a spreadsheet.

Q Okay. And who did the summary? Who prepared this document?

A It was either the computer analysis guy or [REDACTED], one or the other.

Q And you referenced some of this document in your opening statement. And if you can draw our attention to the parts that you referenced in your opener.

A Oh. Do -- would you like me to --

Q Well, you can just flag it --

A Yeah. So --

Q -- by date -- or some of the dates are multiple dates, so --

A The first one, July -- the top one, July 30 of 2017, and this is Hunter Biden emailing Zhao, who is one of the executives at CEFC. He's basically saying have the director call him, and he's demanding that he doesn't call James Biden or Tony or Jim Bulger (ph). Have him call me. And it says, I'm sitting here with my father, and he would like to understand why the commitment made has not been fulfilled.

Mr. Leavitt. Sorry. You said "he." "We" would like to understand.

Mr. Shapley. Oh, sorry.

And we would like to understand why the commitment made was not fulfilled.

So I mean, I'm just looking down.

So it says, "And Z, if I get a call or text from anyone involved in this other than you, Zhang or the Chairman I will make certain that between the man sitting next to me and every person he knows and my ability to forever hold a grudge that you will regret not following my direction."

So then there's, a little bit going on. And then Hunter Biden responds, "Okay, my friend -- I am sitting here waiting for the call with my father. I sure hope whatever it is you are doing is very very very important."

BY MAJORITY COUNSEL 2:

Q That seems pretty threatening, doesn't it?

A Yeah, yeah. And there are other excerpts, some that are pretty pertinent where --

Q And just for the record, SM stands for Sportsman?

A That's correct.

Q Which is Hunter Biden?

A That's correct.

Q Is it unusual to use a code name like that or code initials? If you were just

investigating somebody who didn't have national prominence, would you make up a name like Sportsman?

A We do use code names now and again. FBI is really heavy in them.

Q Okay.

A So this code name did come from FBI --

Q Okay.

A -- on this particular one. We probably would've went with Robert Doe.

Q Okay.

A But it does happen occasionally.

Q Okay.

A So some of the other pertinent things in here are just talking about, CEFC is willing to cooperate with the family.

Q And what date was that?

A That is 7-31-20- -- well, it's one, two, three, four, the fifth message --

Q Okay.

A -- second line from the bottom, go all the way over.

Q Got it.

"The director would like to suggest you and Kevin have a meeting. CEFC is willing to cooperate with the family."

And the family is the Biden family, correct?

A Yeah. And he even alludes to that later on, all the way in the very bottom of No. 4, of the last part of that message where --

Q Who is Kevin Dong?

A So he's like the CEFC spokesperson kind of in -- he's Gon Win Dong (ph), and he goes by Kevin.

Q Okay.

A So he's just connected with CEFC. He's kind of the runner.

So that No. 4, fourth line up from the very bottom, "put this to bed tonight...I can make \$5 [million] in salary at any law firm in America. If you think this is about money it's not. The Bidens are the best I know at doing exactly what the Chairman wants from this partnership...let's not quibble over peanuts."

But, you know, he alludes to "the Bidens are the best I know at" again here.

Q And who is saying "the Bidens are the best I know"?

A Hunter Biden is saying that.

Q Okay. So Hunter Biden is referring to sort of his family here, "the Bidens are the best I know"?

A Yep.

Q So he's self-identifying that his family is good at doing this?

A At doing what the chairman wants from this partnership. Chairman Ye is who he's speaking about.

Q Okay.

A And --

[Discussion off the record.]

Mr. Shapley. Yeah. I just flagged the third message to Vuk Jeremic.

MAJORITY COUNSEL 2. Okay.

Mr. Shapley. And that's from Hunter Biden to Vuk Jeremic. And it says, "Call u in a minute I'm on w/ director."

So Vuk Jeremic is that former Serbian politician and former -- I don't know what his title was but of the U.N. Assembly. And so because of something like that in this, let alone the rest of it, we wanted to look into this.

And the reason why this was included in here was because that when agents saw this in late August, September of 2020, we went to the prosecutors. We said, we got to ask questions about this, we got to figure this out, we got to -- like, what's going on with this? And the response was, No. No, we're not going to do it.

You want to know why? And it makes a little bit of sense, right? Well, we don't know if he was lying that his father was sitting next to him, right?

So then we said, well, let's get the location data for the messages, and if they're co-located, then we're on better ground here, right?

MAJORITY COUNSEL 2. Right.

Mr. Shapley. And they, no, we're not going to do that. And we even brought that up in a pros-team meeting because [REDACTED] created an agenda for every single meeting, and the agenda item number, like, 2 or 3, or whatever it was, location data, and that was specific to this, and they didn't allow us to do it.

[3:29 p.m.]

BY MAJORITY COUNSEL 2:

Q And the reason you wanted to look into this is because there could have been a lot of money coming in from CEFC that was untaxed, correct?

A Yeah. We're talking about a lot of things there. There's FARA in play. And the FBI is considering a lot of national security type issues here. And we were precluded from doing anything.

Q Is there anything else from this exhibit 11 that we haven't covered that we should?

Mr. Lytle. Can we confer for a second?

MAJORITY COUNSEL 2. Excuse me?

Mr. Lytle. Can we confer for a second?

MAJORITY COUNSEL 2. Of course.

MAJORITY COUNSEL 1. Off the record.

MAJORITY COUNSEL 2. Go off the record, please.

[Discussion off the record.]

Mr. Shapley. I had alluded to FARA and some other things there. But, some of these people in here, Chairman Ye, Gon Win Dong (ph), Zhao, are believed to be connected to the Chinese Communist Party.

BY MAJORITY COUNSEL 2:

Q Okay. So there could be national security implications with communications with those officials, correct?

A That is correct.

Q And was that sentiment also shared by the FBI?

A Yes.

Q And despite those concerns that the FBI had and that the rest of the team had, that was not looked into. Is that correct?

A The prosecutors said don't do it. And then we asked for location, they said, no, we're not going to do that. And if FBI did something at some level, I'm not privy to it.

Q So you don't know if FBI CT went off and --

A You would almost hope that they did, but I don't know if they did.

Q Okay. We're going to turn our attention to some of the retaliation you have faced.

BY MAJORITY COUNSEL 1:

Q We talked about the email you sent up to Mr. Waldon, talking to Michael Batdorf. And you read a portion of that in your opening statement as well.

Subsequent to that and in other material that you have shared with the committee, you referenced a failure to select situation. Can you explain what happened with that situation?

A Sure, yeah. So I was selected in 2018 to help stand up the Joint Chiefs of

Global Tax Enforcement called the J5. It's an assembly of Australia, U.K., Canada, Netherlands, and United States. And because of my reputation working on international cases and working with other countries, and my experience, Chief Don Fort at the time selected me. It wasn't something where it was even a job announcement. It was all of a sudden you are a member of the J5, and I had to ask what the J5 was.

So I helped stand up the group. My agents worked a vast majority of the operational cases that are considered J5 cases. And ultimately there was a J5 lead. It was an IR-1 position, like a deputy director level position at headquarters. She was retiring. And, everyone thought that that was the job that I was going to get, right, and I wanted that job. And I was already an IR-1 because I was the assistant special agent in charge at the Chicago field office during that time. And I received an outstanding rating during that rating period and everything. So I applied for that job.

There were two people that were original members of the J5. I was one of them. And ultimately, I didn't get that job. The interview was one day after this email, and --

Q That interview was on December 14th?

A That's correct. And this email was December 13th. Well -- I'm sorry. The bottom one is December 12, 2022, top one is December 13, 2022.

So, being that J5 lead, they work directly with the chief, because they're basically a spokesman for the chief in J5 matters. So -- ultimately I interviewed. And then on January 3rd, 2023, in senior staff meeting they announced the other person, Oleg, had gotten the position.

I'm friends with a lot of people on senior staff, and they called me and said, what's going on here. And it wasn't till the next day that Scott Goodlin, the director of IO, called me and told me that I wasn't selected for the job. And I'm the one that had to brief Scott Goodlin when he got that job about what the J5 was.

So -- the person selected -- he hadn't been an ASAC. I'd been an ASAC for 16 months at two different SES field offices, New York and Chicago. I wasn't --

Q So you believe you were qualified for the position?

A Yes, I do.

Q And you believe you had qualifications superior to the individual selected?

A Yes.

Q And why do you believe you were not selected?

A Because I'm raising these issues. And I think that -- Weiss calling my deputy chief, and right before this, right around this time, and who knows what he said, but I think it tainted me. I think that they retaliated against me because of that. There's really no other explanation for it. Even what was explained to me by Scott Goodlin as to why Oleg got it, it almost -- it made no -- I don't even know if Scott Goodlin understands it made no sense, but it made no sense, right? So yeah.

Q Did you hear from colleagues after that decision was made about the fact that you hadn't gotten the position?

A Yeah. Several of our foreign partners, one of them is like the deputy chief of the Australian taxation office, basically was dejected and was like how -- I don't even know -- it was twofold; one, because I told them I was going to resign from my J5 duties, which I did do. And they were like, well, number one, what are they going to do without you? But I was in charge of a vast majority of operational stuff. And I had the institutional knowledge since it stood up, many of the things I helped stand up. So -- I'm sorry.

So after I resigned to the director of global ops Kareem Carter, who is actually now the SAC of Washington, D.C. field office. It was Lola Watson ASAC, Kareem Carter SAC. He was the director of global ops. And I sent him an email, and said, I'm resigning my J5

duties. And they had no idea what to do. And then I'm talking to some of the analysts there. Are there any discussions? They are like, no, we don't know what's going on -- obviously they had one chief brief -- monthly I briefed the chief and the top executives on the J5 stuff.

So I wasn't on the first call after I resigned. And they were like, there were no questions answered because I wasn't there. And -- sorry, I just lost my train of thought.

Q It's okay. Is it fair to say that there are others inside the agency that would share your opinion that you were more qualified than the person selected?

A Oh, absolutely, yes. There were even times when the person who got selected, he couldn't do what he needed to do, so he had to call me in to do it. One was a trip to Australia in February timeframe to go and represent in the intelligence group there and the J5. And he just simply would have added no value, so I had to go. And then there was a briefing to, it's called a JSEIT, it's joint strategic -- JSEIT, it's J-S-E-I-T, it's a joint strategic emerging issues task -- I don't know what T is for. I apologize.

So I presented on three of the J5 cases within my group at this JSEIT meeting, which is basically a bunch of executives from all over the different business operating divisions within IRS. And I presented three cases that we are working on J5. And when they asked for someone to speak to that group, it came through Kareem Carter to Scott Goodlin, director of IO, to Oleg. And Oleg responds with, well, the only person that can give this presentation is Shapley.

So then I give the briefing, and now I'm the lead of one of the working groups out of there. And I was just asked to be the lead of a second working group, which I asked them, please, I don't have the time.

Q Understood. Okay. Moving forward to May 15th, 2023, the committee received the letter from your counsel noting that you and your entire investigative team

were removed from an ongoing investigation of a high-profile controversial subject, who we've been discussing is Hunter Biden. Is that correct?

A That is correct.

Q How long had you been working on this investigation when you were removed?

A Since January 2020.

Q Who informed you that you and your team were being removed from the investigation?

A SAC Kareem Carter.

Q How were you informed?

A The ASAC Lola Watson put a meeting on my calendar, and it was a telephone call, conference call. And the subject was Sportsman update. [REDACTED] wasn't invited, but I had him on the line anyway, and he witnessed the telephone call. We produced a memo which both of us signed, because [REDACTED] was taken off the investigation as well, so he can see and sign all documents.

Q Okay. And remind me -- I know you covered this earlier, but just for the record, when you say the whole team was removed, how many people was that?

A Sure. Yeah. So it was me, Case Agent [REDACTED], Co-Case Agent Christine Puglisi, and the rest of my team, which is 12 in total, were not allowed to take the investigation. So they basically ensured that it was not under my supervision anymore.

Q Were you given a reason on that phone call as to why the team was removed?

A I specifically asked and he said, no, didn't give a reason. To which I said, how could you possibly make a decision like that in a case like this without being given a reason? So then I said, well, if you were given a reason and you can't tell me, okay, just

don't tell me, but don't tell me they didn't give you a reason -- so I challenged him on it.

Q And was the case closed at this point?

A It was not closed, no.

Q Were other IRS employees assigned to the case? Was your team replaced?

A After, yes.

Q So to the best of your knowledge, the investigation remains open and the team has been replaced by other IRS personnel?

A Yes.

MAJORITY COUNSEL 2. And did we indicate who made that decision? Was it at DOJ or --

Mr. Shapley. I don't know if it was asked, but yes, Kareem Carter told me that DOJ had requested that change.

MAJORITY COUNSEL 2. And do we know who at DOJ? Was it the Tax Division? Was it the U.S. Attorney's Office in Delaware?

Mr. Shapley. He said DOJ, is my recollection.

MAJORITY COUNSEL 2. Okay.

BY MAJORITY COUNSEL 1:

Q In your career at the IRS, have you ever been removed from an active investigation like this?

A No, no. And we even saw testimony from Don Fort, the former chief of IRS CI. And I don't remember the context or who was asking the question, but he was asked about this issue and said, in your 30 years, had you ever seen a team removed like that? And his response was, no, I've never seen that.

Q And this was recent testimony before Congress?

A It was May 16th.

Q What is your understanding about who has decision making authority about what IRS personnel work on any given investigation?

A IRS personnel should be managed by IRS, not by DOJ.

Q In this context of IRS working on cases with a different department, different agency, Department of Justice, are you aware of any formal documentation about how that relationship is managed, a memorandum of understanding, any kind of agreement about who has decision making authority on an issue like this?

A I don't think I know of a memorandum, no. No.

Q And why do you believe you and your team were removed from the case?

A I think the DOJ, because we were raising protected disclosures, that they wanted to get rid of us. And it was twofold because we were making disclosures, but also because they knew that our disclosures were valid.

Q Moving forward, only a week, May 22nd, the committee received another communication from your counsel. It included an attachment that was a letter to the IRS commissioner, Daniel Werfel, regarding additional retaliation.

Can you talk about what happened in that instance?

A Yeah. So after being removed from -- my red line was October 7, 2022.

██████████ case agent's red line was being removed from the case without cause. And he decided to make that disclosure to the IRS commissioner because he thought that the people who were retaliating were at the highest levels of IRS CI, so he went to the next two levels, which is the deputy commissioner and commissioner of IRS.

Q And how did IRS respond to that communication?

A So ASAC Lola Watson sent him an email basically threatening him that he could have violated 6(e) with the communication with someone who's not on the 6(e) list. I only could assume that that's the commissioner, because our 6(e) lists are incredibly

robust. I mean, the commissioner is on it now. So, I would imagine Lola Watson is not on the 6(e) list and she's an ASAC, right? Because ASACs come in, ASACs come out, and it's really the position.

So they threatened a 6(e) violation, which there was no 6(e) in there. And also told him that there is no -- no information should be shared at any time outside of his chain. It was like 2 minutes later, Kareem Carter, the SAC, sends an email to all the managers in the D.C. field office saying that you are to follow the chain of command, in no instances are you to provide information outside of that chain of command without their permission.

Q Why is that problematic?

A It was a direct threat. Other people, like the co-case agent that is going to make her decision on what she wants to do, that is a shot across her bow, and anyone else that ever wants to comes forward, and it's just plain and simple.

Q And did that communication about discussions not leaving the chain of command, did that include any language acknowledging exceptions for whistleblowers?

A It did not. There was a follow-up email from Deputy Commissioner O'Donnell yesterday where he sent out to everyone in the IRS basically -- it seemed as though they realized that they had done something wrong and they were trying to cleanse their error. And they sent an email that had language about how to blow the whistle of 6103 and 6(e). I believe that -- 6103 issues or 6(e) issues. And my understanding is that's also deficient, because it did not have language in there that you can go to Congress and that there are ways that you can go to --

Q So it did not include any reference or any language about individuals being able to contact Congress or communicate with Congress about allegations of wrongdoing?

A That's correct. Even in their attempt to cleanse, they still fell short. It was an email from deputy commissioner of services enforcement is what it says, but that's Douglas O'Donnell. And it was yesterday, May 25th, at 4:53 p.m. And yes, there's no language of being able to make those disclosures to Congress.

Q Okay. Other than the items that we've just been discussing, have there been any other issues of potential retaliation that you would like us to know about?

A I think that there is. Can I have a second?

MAJORITY COUNSEL 1. Go off the record.

[Discussion off the record.]

MAJORITY COUNSEL 1. Back on the record.

Mr. Shapley. So this is emerging now. We have a really large case, and it's actually [REDACTED]'s case, just the best agent. And this huge case, nationwide, with around 30 to 40 spinoff investigations. And we required the director of field operations to buy on to the strategy. And it was in January where I presented the strategy to them, and all three DFOs agreed to the strategy. And then it was in February, I don't have the dates in front of me, DFO Mike Batdorf sends an email to all people across the country who were working this case saying that we're going to pause on it. So that was in February.

And now we're still trying to work it. We're still trying to push it forward. We have all these meetings, and they keep giving us -- they keep telling us ways that they would approve it moving forward, but we can't move forward that way because there's already grand jury material in it and because I'm not speaking about the Hunter Biden case, I can say that.

BY MAJORITY COUNSEL 1:

Q This case is different --

A Different --

Q Totally unrelated case?

A Totally unrelated case.

Q I'm sorry. You're describing a totally unrelated case. Is that right?

A That is correct. Yeah.

So even today I don't know -- what's the date? The 26th of May, we're still on a pause. And I think that it's directly related to coming forward and making these disclosures, because Mike Batdorf was the one that I initially called and said, with advice of counsel, to say, hey, I've retained counsel and I'm going down the road to blow the whistle, and then all this stuff starts happening.

Q So you believe he may be retaliating by slowing down or impacting your duties and responsibilities on totally unrelated matters?

A Absolutely. And all three DFOs agreed to this strategy and then he paused it. And the effect is now they can say, oh, well, you screwed this up or you didn't do something right or something happened, and it can ultimately affect me.

Q And for the record, what does DFO stand for?

A Director of field operations.

Q Okay.

MAJORITY COUNSEL 1. Our hour is up.

[Recess.]

BY MINORITY COUNSEL 2:

Q Just really these are clarifying questions. The letter you wrote to the committee regarding your being removed from the Hunter Biden audit was on May 15th. On what date did the Sportsman update meeting occur?

A Sure. So, my lawyer sent that letter. And also, it wasn't an audit. It's a

criminal investigation, just to clarify. But that meeting was 1:30 on May 15th.

Q Okay.

A And the letter went the same day. Yes.

Q Okay. And could you clarify or explain what the IRS' response was with the [REDACTED] disclosure up the chain? Who exactly is Lola Watson and what is her role, and how does she fit into that disclosure?

A Sure. Yeah. So [REDACTED], one of my agents; me, SSA supervisor; ASAC, assistant special agent in charge Lola Watson; then SAC Kareem Carter.

Q Okay.

A So he sent the email to ASAC and above. So ASAC, SAC, DFO, deputy chief, chief, deputy commissioner, commissioner. And she, the ASAC Lola Watson was the one who responded directly to him about following the chain of command which just a small nuance is that she didn't send it to me, which would have been the chain of command, so --

Q I see. So she was someone who was on the original email, along with the commissioner, the deputy commissioner, all the way down. In her response, did she also cc the commissioner, cc the deputy commissioner, or was that just sent directly to him?

A The only address we could see was his, so we don't know if there was bcc.

Q And presumably, since the meeting was on May 15th, that email to the commissioner was also May 15th or May 16th or sometime close thereafter?

A I think it was the 12th, May 12th. I think -- was it a Friday?

Q Well, if the meeting didn't occur until the 15th, I'm trying to figure out --

A Oh, no, no. Oh, no. Okay. I'm sorry. I wasn't following your question.

Q So when was [REDACTED]'s email to the commissioner, et cetera?

A Okay. Okay. I'm sorry. I totally missed your question.

Q Yeah.

A So it was -- is the 15th a Monday or a Tuesday? It was Monday or Tuesday was when that happened. And then he sent the email either Thursday or Friday of the same week.

MINORITY COUNSEL 1. 15th is Monday.

Mr. Shapley. Monday, yes. So that's when I got the call that the team was removed, and he sent that email Thursday or Friday.

Mr. Leavitt. Just to clarify, you received our letter, right, that had it as an attachment?

MINORITY COUNSEL 1. Yes, we have the May 15 letter.

MINORITY COUNSEL 2. Do we have the email with the [REDACTED] attachment? I can't remember.

Mr. Leavitt. May 22nd, I think, is the date we sent our letter.

MINORITY COUNSEL 1. Yeah, we have that.

MINORITY COUNSEL 2. We have it in our files.

And then I guess my only other question is, as far as personnel decisions go in terms of who assigns who to a case or who would remove someone from a case, is there any reason in the normal course of business that the commissioner of the IRS would be asked or have to approve any kind of movements at that level?

Mr. Shapley. I don't know of that occurring before, so I don't know who would approve it.

MINORITY COUNSEL 2. Okay. I'm good.

MINORITY COUNSEL 1. Thanks. And I'm going to make mine brief, so I think we're almost done here. That gives everybody hope.

BY MINORITY COUNSEL 1:

Q I want to go back to exhibit 11. That's [where] the WhatsApp messages were summarized. I had a couple of clarifying questions on that.

Who is WA? There's a WA --

A That means WhatsApp.

Q Oh, WhatsApp. Okay. That's not a person.

A No.

Q I was wondering how you guys knew it was WhatsApp.

Okay. And then you mentioned when you were providing some explanation about these WhatsApp messages that Chairman Ye was talking about a partnership. What is that partnership? And that was in connection with the July 31, 2017, message or so. I know you were talking about that.

A Sure. Yeah, yeah. I'm just --

Mr. Lytle. Which message is it? Can you direct him to it?

MINORITY COUNSEL 1. I have written down here in my notes that it's the fifth message, July 31, 2017. It talks about, "Will work with family." That one.

MINORITY COUNSEL 2. "If I can reshape this partnership to what the chairman intended."

Mr. Shapley. Oh, oh. Okay. Yes. Oh, I'm sorry.

BY MINORITY COUNSEL 1:

Q What is the partnership? Do you know what it does or what it's supposed to do?

A In all of my review of the evidence in this case, I'm not exactly sure what Hunter Biden is doing for this money. So the partnership, I'm not really sure what services he's providing as part of that partnership.

Was that your question?

Q Yeah. I was trying to see, if this is some sort of a real estate partnership or a -- I have no idea. We don't know.

A This particular CEFC deal is not a real estate deal. No, it's not. There are some dollar amounts in the last message, but I didn't really go into that too much.

Q Okay.

MINORITY COUNSEL 1. Okay. We don't have anything else.

MAJORITY COUNSEL 1. Okay. Well, we want to thank you for --

Mr. Lytle. Can we just have a follow-up?

MAJORITY COUNSEL 1. Oh, sure.

Mr. Lytle. I just have a couple of follow-up questions, if that's okay.

MAJORITY COUNSEL 2. This is on the record?

Mr. Lytle. Yes.

MAJORITY COUNSEL 2. Okay.

BY MR. LYTLE:

Q So, October 7, 2022, the meeting with Weiss where Weiss proclaimed he didn't have the authority to make charges. You know that meeting, right?

A Yep.

Q Could you just name the people that were in attendance at that meeting, to the best of your recollection?

A Sure. Yeah. So from the FBI it was SAC Tom Sobocinski, ASAC Ryeshia Holley. IRS SAC Darryl Waldon. I was ASAC at the time, and I was there. And it was U.S. Attorney David Weiss and then Shawn Weede. And Shannon Hanson.

So I don't know what Shawn Weede and Shannon Hanson's titles are, but they were like David Weiss' one and two type person. Probably crim chief, first assistant, that

area.

Q And so if someone wanted to just check with those folks, they could tell what they heard Weiss say at the same meeting that you were at.

A Yep.

Q Fair to say?

A Yep.

Mr. Lytle. Okay. I don't have anything else.

MAJORITY COUNSEL 2. I'm sure they're going to be eager to come in and speak with us.

MAJORITY COUNSEL 1. Is there anything else that you would like to mention before we conclude today that we haven't already covered?

Mr. Shapley. No. Just thanks for listening. My life's on the line here, so do what you can.

MAJORITY COUNSEL 1. Thank you very much for your time and for a long day on a Friday before a holiday weekend. We greatly appreciate it. Have a good afternoon.

Mr. Shapley. Thank you.

Mr. Lytle. Off the record.

[Whereupon, at 4:11 p.m., the interview was adjourned.]

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date

1

2

3

4 COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY,

5 U.S. HOUSE OF REPRESENTATIVES,

6 WASHINGTON, D.C.

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11 INTERVIEW OF: DEVON ARCHER

12

13

14

15 Monday, July 31, 2023

16

17 Washington, D.C.

18

19

20 The interview in the above matter was held in room 6480, O'Neill House Office
21 Building, commencing at 10:27 a.m.

22 Present: Representatives Jordan, Biggs, Goldman.

1

2 Appearances:

3

4 For the COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY:

5

6 CLARK ABOURISK, COUNSEL

7 JESSICA DONLON, DEPUTY STAFF DIRECTOR

8 ASHLII DYER, LEGAL COUNSEL

9 JAKE GREENBERG, DEPUTY CHIEF COUNSEL FOR INVESTIGATIONS

10 JAMES MANDOLFO, GENERAL COUNSEL AND CHIEF COUNSEL FOR INVESTIGATIONS

11 MARK MARIN, STAFF DIRECTOR

12 [REDACTED] MINORITY CHIEF COUNSEL

13 [REDACTED] MINORITY SENIOR COUNSEL

14 [REDACTED] MINORITY COUNSEL

15 [REDACTED] MINORITY COUNSEL

16 [REDACTED] MINORITY DIRECTOR FOR OVERSIGHT AND POLICY

17

18

19 For DEVON ARCHER:

20

21 MATTHEW L. SCHWARTZ, MANAGING PARTNER

22 [REDACTED] SUMMER ASSOCIATE

23 BOIES SCHILLER FLEXNER LLP

24 55 HUDSON YARDS, 20TH FLOOR

25 NEW YORK, NY 10001

1

2 Mr. Mandolfo. This is a transcribed interview of Devon Archer. Chairman
3 Comer has requested this interview as part of the committee's investigation into the
4 Biden family's influence peddling and extensive receipt of money from foreign nationals
5 and foreign companies.

6 Would the witness please state your name for the record?

7 Mr. Archer. Devon Archer.

8 Mr. Mandolfo. On behalf of the Committee on Oversight and Accountability, I
9 want to thank you, Mr. Archer, for your appearing here today. The committee
10 appreciates your willingness to appear here voluntarily.

11 My name is James Mandolfo, and I am general counsel and chief of investigations
12 for the Committee on Oversight and Accountability.

13 I will now ask everyone else on the majority and the minority, including the
14 Members, to please introduce yourselves around the table. We can start with the
15 Members.

16 Mr. Jordan. Jim Jordan, Ohio.

17 Mr. Biggs. Andy Biggs, Arizona.

18 Mr. Goldman. Dan Goldman, New York.

19 Mr. Mandolfo. Go with the majority.

20 Mr. Greenberg. Jacob Greenberg, majority counsel.

21 Mr. Abourisk. Clark Abourisk, majority counsel.

22 Ms. Donlon. Jessica Donlon, majority.

23 Ms. Dyer. Ashlii Dyer, majority.

24 Mr. Mandolfo. Now for the minority.

25 [REDACTED] [REDACTED] Democratic staff.

1 [REDACTED] [REDACTED] Democratic staff.

2 [REDACTED] [REDACTED] Democratic staff.

3 [REDACTED] [REDACTED] Democratic staff.

4 [REDACTED] [REDACTED] Democratic staff.

5 Mr. Mandolfo. Thank you, everyone.

6 I'd like to go over a few ground rules and guidelines that we will follow during the
7 interview that I previously discussed with your lawyer.

8 First, our questioning today will occur in one round. The majority will ask
9 questions for up to 2 hours, and then the minority staff will have an opportunity to ask
10 questions for an equal period of time, if they choose.

11 These are accommodations that we've made at your attorney's request, and they
12 are contingent upon your attorney's representations to the committee that you will be
13 accurate and complete in your testimony here today.

14 We have also made additional accommodations at your attorney's request, which
15 is scoping the topics, and we provided our documents in advance of this interview.
16 Again, we made these accommodations with the understanding that you would give
17 complete and accurate testimony.

18 Typically, we take a short break at the end of each hour, but if you would like to
19 take a break apart from that, please just let us know.

20 As you can see, there is an official reporter taking down everything we say to
21 make a written record. So we ask that you give verbal responses to all questions.

22 Do you understand everything so far?

23 Mr. Archer. I do.

24 Mr. Mandolfo. To ensure the court reporter can make a clear record, we will do
25 our best to limit the number of people directing questions at you during any given round

1 to just those people on the staff whose turn it is.

2 It's also important that we don't talk over one another or interrupt each other if
3 we can help it. And that goes for everybody else who's present at today's interview.

4 We encourage witnesses who appear before the committee to freely consult with
5 counsel if they so choose. It's my understanding that you are accompanied by counsel
6 here today.

7 If counsel could please state your name and your law firm for the record.

8 Mr. Schwartz. Good morning. Matthew Schwartz from Boies Schiller Flexner
9 for the witness, and I'm accompanied by my colleague, [REDACTED].

10 Mr. Mandolfo. Thank you.

11 Mr. Archer, we want you to answer our questions in the most complete and
12 truthful manner possible. If you have any questions or if you do not understand one of
13 our questions, please just let us know and we're happy to repeat the question.

14 Mr. Archer. Okay.

15 Mr. Mandolfo. If you honestly don't know the answer to a question or do not
16 remember, it is best not to guess. This is not the place to speculate. We are seeking
17 facts.

18 Please just give us your best recollection, and it's okay to tell us if you learned
19 information from someone else. Just indicate how you came to know the information.

20 If there are things you don't know or can't remember, just say so and please
21 inform us who, to the best of your knowledge, might be able to provide a more complete
22 answer to the questions.

23 You should also understand that, although this interview is not under oath, that by
24 law you are required to answer questions from Congress truthfully.

25 Do you understand that?

1 Mr. Archer. I do.

2 Mr. Mandolfo. This also applies to questions posed by congressional staff during
3 interviews.

4 Do you understand that?

5 Mr. Archer. I do.

6 Mr. Mandolfo. Witnesses who knowingly provide false testimony could be
7 subject to criminal prosecution for perjury or making false statements.

8 Do you understand?

9 Mr. Archer. I do.

10 Mr. Mandolfo. Furthermore, you cannot tell half-truths or exclude information
11 that would be necessary to make the statements accurate. You are required to provide
12 all information that would make your response truthful. A deliberate failure to disclose
13 information can constitute a false statement.

14 Do you understand?

15 Mr. Archer. I do.

16 Mr. Mandolfo. Is there any reason you are unable to provide truthful answers to
17 the committee here today?

18 Mr. Archer. There is not.

19 Mr. Mandolfo. Additionally, we have agreed to 2-hour rounds, but if there are
20 any interruptions or interjections -- for instance, from your attorney or from the
21 minority -- the majority's time will be paused for that duration of those interruptions and
22 then we will recommence once the issue has been resolved.

23 Mr. Archer. Okay.

24 Mr. Mandolfo. I'd like to give you the opportunity, if you want to, to make an
25 opening statement. You're not required to make an opening statement, but we give

1 that opportunity oftentimes.

2 Mr. Archer. Yes. Thank you.

3 Mr. Mandolfo. So if you would like to, please go ahead.

4 Mr. Archer. Yeah. I would just -- I would like to say -- and, again,
5 nothing -- nothing formal -- but I would like to thank, obviously, the senior officials here.
6 Thanks for joining us. I am -- it's an honor for -- you know, to be part of this.

7 And I appreciate, you know, you letting me take the time to do -- the only thing
8 I'm going to do is just speak the truth, answer as honestly and as completely as I can, and
9 want to just move through this process.

10 It's been a long -- it's been a long decade. My forties have been kind of, you
11 know, mired in fighting the government. So I want to be cooperative now and maybe
12 we can all be friends. So let's take it from there.

13 But I'm, you know, I'm an open book. So please -- please let me know what you
14 need to know and I'll do my best.

15 Mr. Mandolfo. Thank you.

16 This is the end of my preamble.

17 Is there anything the minority would like to add before we begin?

18 [REDACTED] Sure.

19 On June 12th, committee Democrats received notice of a subpoena to Mr. Archer
20 setting a deposition just 4 days later, on June 16th, just minutes after Chairman Comer
21 issued a press release about the subpoena.

22 Since then, committee Democrats have had to learn about Mr. Archer's
23 appearance mainly from press statements from Chairman Comer and leaks to press
24 outlets.

25 On Friday afternoon, just 3 days ago, committee Republicans provided committee

1 Democrats with a six-page letter from Mr. Archer's counsel that set forth the extensive
2 negotiations and agreements between committee Republicans and the witness regarding
3 today's interview.

4 The letter sets out limitations on the subjects to be covered, which are set out in
5 the six-page letter in three different appendices.

6 It also limits the documents to be used in this transcribed interview to, quote, "24
7 pages of documents," end quote, that Republicans provided to Archer's counsel on June
8 28th, as well as, quote, "highlighted transactions on the 260 pages of RSB LLC bank
9 records," end quote, that Republicans sent Archer's counsel on July 11th.

10 Committee Republicans provided committee Democrats with the, quote, "24
11 pages of documents" last night, Sunday, at 6 in the evening. The vast majority of these
12 appear to be emails, which are not part of any committee records previously provided to
13 committee Democrats.

14 Committee Republicans have not provided committee Democrats with the, quote,
15 "highlighted transactions on the 260 pages of RSB LLC records" -- "bank records."

16 Committee Democrats have been excluded from all these discussions and
17 negotiations conducted by committee Republicans, and we have not agreed to any of
18 these limitations.

19 We now find ourselves in a transcribed interview with scopes and limits we had no
20 input in, and an attempt to limit the scope of exhibits to documents handpicked by
21 Republicans, which they have failed to provide in advance to Democrats.

22 This obviously raises strong concerns that committee Republicans are once again
23 attempting to cherry-pick facts, which has been an ongoing issue in this probe.

24 Mr. Mandolfo. Thank you.

25 We disagree with the substance of what you just provided. The RSB accounts

1 have been subpoenaed and provided to you much earlier.

2 In addition to that, these are scoping that Mr. Archer's attorney has requested and
3 for that reason he came in voluntarily.

4 Now we may begin. The time is showing --

5 Mr. Goldman. What about the 24 documents?

6 Mr. Mandolfo. Excuse me?

7 Mr. Goldman. What about the 24 documents?

8 Mr. Mandolfo. We picked out the 24 documents.

9 Mr. Goldman. Are they -- were they among documents that were in the
10 possession of committee Democrats?

11 Mr. Mandolfo. They are documents that are either publicly available or
12 documents that are available through the Hunter Biden laptop. So yes.

13 We're going to now begin. It's 10:30 --

14 Mr. Goldman. That's a no, though. We don't have the hard drive that you
15 have, right?

16 Mr. Mandolfo. The documents are available online. The emails are available
17 online.

18 Mr. Goldman. So you are -- your evidence is derived from online sources
19 of -- from a hard drive?

20 Mr. Mandolfo. Our evidence is from several sources. One is from the Hunter
21 Biden laptop, and that is available to Democrats.

22 Mr. Goldman. You have the hard drive, right?

23 Mr. Mandolfo. It's from the hard drive from the laptop, yes.

24 We're going to now begin. 10 --

25 Mr. Schwartz. Can I just say one thing first?

1 Mr. Mandolfo. Yes.

2 Mr. Schwartz. So as both of you have made reference to, we are here today
3 voluntarily and pursuant to a variety of agreements that are reflected in my letter to you,
4 Mr. Mandolfo, of July 24th. I understand that will be made an exhibit to this interview.
5 And, as you say, subject to that scope, it is Mr. Archer's intention to testify completely
6 and accurately today.

7 I will tell you, however, I received over the weekend correspondence from Mr.
8 Biden's lawyer raising the possibility of Mazars-type issues in the questioning today.
9 You're familiar with those issues.

10 I obviously don't know what questions you all are going to ask. It is our intention
11 to answer all your questions. I have an obligation to protect Mr. Archer, though. And
12 so I may, if the questioning seems to stray, ask you to articulate the legislative purpose
13 behind questioning so that Mr. Archer has a predicate for answering those questions in
14 the face of the Mazars-type of claims that have been raised.

15 Mr. Mandolfo. And if you need a legislative purpose, I would refer you -- the
16 committee has put out extensively our legislative purpose in our bank records
17 memorandum. And so we are -- I will rely on that for our legislative purpose. It spells
18 it out in great detail.

19 Mr. Schwartz. I understand that. As to the general proceedings here, as I say, if
20 the questioning seems to stray, I may interject.

21 Mr. Mandolfo. Understood.

22 So right now it is 10:36, and we will begin.

23 EXAMINATION

24 BY MR. MANDOLFO:

25 Q Mr. Archer, if you could please tell the committee your educational

1 background.

2 A I attended North Shore Day School in Long Island, Glen Cove. I went to
3 Glenwood Landing Elementary. I went to North Shore High School. I went to Yale
4 University. And then started at Citibank and got most of my kind of credit and finance
5 training through Citibank Management Associates Program.

6 Q And could you give a little bit more detail on what you did for Citibank?

7 A I was a management associate in Asia. I was headquartered in Vietnam. I
8 ended up -- I started out as basically a junior position. It was called a management
9 associate.

10 And then I moved into Citicorp Asia Capital Limited, which was at the time the
11 kind of Asian -- the theater was Asia. Obviously, it was ex-China at the time, Southeast
12 Asia primarily, Hong Kong, focused on private equity.

13 Q How did you come to know Hunter Biden and the Biden family?

14 A I came to know Hunter Biden -- I -- there's a rumor that we overlapped and
15 met when he was at law school and I was at undergrad, but I -- somehow I just keep
16 reading that, but I don't think that was the case.

17 I think we met at probably -- we met in L.A. I can't name the year but a
18 Democratic convention in L.A. probably -- what was that, 2000? Maybe you wouldn't
19 know, but some of these guys might. It was in -- I forgot. It was L.A., Boston, 2004.
20 So it was one of those. It was just a handshake.

21 And then I was introduced to him by his attorney, Marc LoPresti, at some point.
22 And then my partner at the time, Chris Heinz, and Hunter had known each other casually,
23 again. And that's where -- that was really where we, you know, kind of generated a
24 relationship. That was probably in 2008-ish.

25 Q I'm going to direct your attention now to Burisma.

1 I want to first get a sense of how you became involved with Burisma --

2 A Sure.

3 Q -- and when you joined the board in approximately, I believe, 2014.

4 A Okay. With Burisma, the genesis of the relationship started when
5 Zlochevsky, Mykola Zlochevsky, and Vadym -- I'm going to abuse the name, but Vadym P.
6 was -- you guys are very --

7 Q Pozharskyi?

8 A Exactly. Very familiar with. Were -- they were on kind of a target list of
9 potential investors in Rosemont Real Estate Acquisition Fund One. Okay. It was called
10 RREAF. That's -- and, essentially, there was a cap-intro company that, you know,
11 had -- had basically created a list.

12 And they came through New York. I was in China. They came through New
13 York in the early -- I'm just trying to place the year. You know, if I get the years wrong, I
14 don't want to speculate.

15 Q Approximately.

16 A Approximately the early -- that had to be the early like -- like 2010 to '15 at
17 some point, in that time. Or not to 2015. 2010 to 2014. I don't know exactly, but I
18 could probably figure it out.

19 They came through. I was not in town. The cap-intro company was called Tri
20 Global. Tri Global did the kind of pitch kind of on behalf of Rosemont Realty to them.
21 And I don't think they were very interested.

22 But that was kind of the first that I heard of Burisma, Zlochevsky, the individual,
23 and that he would be a potential investor.

24 And then I then -- I was reintroduced -- I mean, you can't make this stuff up -- but I
25 was -- I was -- we were doing a large deal with an Eastern European bank to basically

1 invest in and be like an anchor investor on the debt side for Rosemont Realty for
2 Rosemont Real Estate Acquisition Fund Two. And that meeting happened to be on
3 March -- it was like -- it was March 4th, 2014, which was in Moscow, which was also the
4 day that Putin invaded Crimea. So that deal fell through, as you can imagine.

5 So that started this entire process. He was in -- he was in Moscow. We were
6 like, okay, well, now we got to get back on the fundraising trip. And I met with him.

7 And -- and that was -- that was -- that was basically -- met with him. That was
8 like a follow-up meeting to pitching him, and then that was the relationship. We asked
9 him -- or I was -- it was just me meeting.

10 Q Zlochevsky, is that who you --

11 A Zlochevsky and no Vadym, one of the Tri Global kind of translator guys,
12 cap-intro guys, and myself. Pitched him. He told me at the time that -- that he
13 had -- Kwasniewski had joined -- the President of Poland had joined the board, just kind of
14 in passing. And there was no like board discussion or anything like that.

15 And basically, the next day they called -- they -- they called me -- the Tri Global guy
16 called me back and said, would you be -- you know, I don't know if they're going to be
17 interested in Rosemont Realty, but President Kwasniewski wants to meet with you.

18 So I was like, okay, this is an, you know, an interesting honor, right? And I
19 basically -- so I literally within days, I flew to Warsaw for the day. And Kwasniewski
20 asked me, it's like, I just joined this board, this is energy independence, yada, yada, yada.
21 It was all the stuff around it.

22 He was like, would you be interested in joining the board? And so that's really
23 how -- that's how the Burisma relationship started.

24 Q And that was approximately March or April of 2014?

25 A March, March. Probably that -- it was the first week of March or, you

1 know, into the March 10th-ish.

2 I don't -- you know, I'm sure I could -- there's -- you could find when I went to
3 Warsaw or -- it was the first week of March.

4 Q And I know you've discussed their names, but Mykola Zlochevsky was the
5 owner of Burisma?

6 A Correct.

7 Q And Vadym Pozharskyi would have been the CFO?

8 A He was the corporate secretary. He was not the CFO. Another -- another
9 guy was the CFO.

10 Q And have you heard of Karina Zlochevsky?

11 A The daughter.

12 Q Of?

13 A Mykola.

14 Q And who is Aleksander Kwasniewski?

15 A He's the former President of Poland.

16 [Archer Exhibit No. 1

17 Was marked for identification.]

18 BY MR. MANDOLFO:

19 Q And now I want to show you exhibit 1. If you can please pull that big
20 binder.

21 What I'm showing you now, this is the Rosemont Seneca Bohai account.

22 A Yeah.

23 Q According to public records, Rosemont Seneca Bohai was started on
24 February 13th of 2014.

25 What was Rosemont Seneca Bohai?

1 A Rosemont Seneca Bohai was set up to hold the equity of BHR, which is Bohai
2 Harvest Rosemont Partners or some -- Equity Partners, I believe, which was a -- which was
3 a private equity fund that was started between Harvest, which is like the -- I would say
4 like the Fidelity of China. Bohai Sea Industrial Fund, which is a -- which was like a
5 government-owned private equity fund that wanted to go private. So basically, the
6 three letters of the acronym, Bohai Harvest Rosemont.

7 And this was just set up to -- to essentially own that equity and operate the, you
8 know, what we thought was going to be a successful fund, which it ended up not being.
9 That was -- that was the reason for it.

10 Q And if you could go to tab 1, please. Thank you.

11 In addition to what you just described, was the RSB account also used to receive
12 money from Burisma?

13 A Yes.

14 Q And looking at the tab there, do you see a payment for approximately
15 \$83,000?

16 A Correct.

17 Q And that's on April 15th of 2014?

18 A Uh-huh.

19 Q Would that be, to your knowledge, one of the first payments from Burisma
20 that you received?

21 A Yes. Yes, to my knowledge. Unless there was one before on the page.

22 Q No. No, there is not.

23 And there's another payment underneath for approximately \$29,000, correct?

24 A Uh-huh.

25 Q In addition --

1 A That's probably like travel or something like that, Warsaw maybe. I don't
2 know.

3 Q In addition to you receiving funds into this account from Burisma, I want to
4 turn your attention to exhibit 3.

5 Mr. Schwartz. Tab 3?

6 Mr. Mandolfo. Tab 3, thank you.

7 BY MR. MANDOLFO:

8 Q Exhibit 1, tab 3.

9 A Yes.

10 Q Is it correct that Hunter Biden also received his share of the board payment
11 into the Rosemont Seneca Bohai account?

12 A Yes, that's correct.

13 Q And if we look at the top of the page and kind of in the header here, it has
14 "Rosemont Seneca Bohai, LLC, C/O Devon Archer."

15 A Uh-huh.

16 Q Hunter Biden was not on this account, correct?

17 A He was not -- he was not on -- no, he was not on the account.

18 Q How is it that Hunter Biden became a board member of Burisma?

19 A The -- Hunter Biden became a board member because, when I came back
20 from -- when I -- I started my tenure there and I -- we hired him as a -- as counsel, quite
21 frankly. And then he was counsel and we -- that went on for, I don't know, maybe 2
22 months.

23 And he developed a relationship with Vadym and Mykola, and they -- I think they
24 had a different design. There was a meeting in Lake Como at an economic conference.

25 Q What do you know about that meeting?

1 A That meeting -- I was there. I was there at the conference. I was not -- I
2 was not involved in the conversation that they had. But out of that -- that meeting, it
3 was decided that he was going to move into a board role.

4 Q Did Hunter Biden ever tell you about that conversation?

5 A No, he did not. He did not tell me. Well, I mean the outcome was that he
6 was going to join the board. So yes, in a sense, he told me that, but it wasn't like a
7 detailed -- I mean, I know exactly where I had the conversation and I remember it vividly
8 though I wasn't part of it. They were in a different part of the conference than me.

9 Q When you and Hunter Biden first joined the board of Burisma, were there
10 service agreements that you signed as far as your -- what your roles would be at Burisma?

11 A My role was -- my role at Burisma when I joined was to go out and find
12 external financing for expansion, for global expansion. First, it was find expansion into
13 the United States, and then things got a little dicey. But then it was -- it was to basically
14 find outside financing for global expansion, which we were very successful in.

15 We opened Burisma Geothermal, bought wells in Italy, because obviously drilling
16 was like a, you know, a core competency, which was kind of a renewables tilt which we
17 thought would be, you know, looked favorably upon.

18 And we -- we opened up Burisma Eurasia, which we, you know, had a successful
19 servicing contract in Kazakhstan with Kazmu -- what was it? KazMunayGas, yeah.

20 KazMunayGas. We had 50 employees, employed a lot of other folks. We
21 bought drills in Texas and, you know, brand-new equipment, and went kind of deeper and
22 more efficiently and cleaner than they'd ever done, you know, in that part of the world.

23 And so it was -- it was, you know, I hate to say a great success, that would be
24 too -- but it was a great success. And --

25 Q Just to stop you. Do you remember the name of that company in Texas

1 that you just referenced?

2 A The drilling company?

3 Q Yes.

4 A I don't know the name, but I could find out.

5 Q You could find out for us?

6 A Yeah, yeah. It was -- we transported all of that equipment via sea and then
7 over land through Ukraine into Kazakhstan, which I'd have to go through another area.
8 But it was pretty wild. We pulled off a lot.

9 But that was my main purpose of -- was international expansion, which I think,
10 you know, in a very short time I had exceptional execution.

11 Q The payments appear to be approximately \$83,000 per month that were
12 deposited into the Rosemont Seneca Bohai account from Burisma Holdings.

13 Was that what you were to be paid? Was it a million dollars per year?

14 A It was -- so, from a board perspective, it was a million dollars per year on the
15 board contracts, but the -- which was -- again, it was more than -- you know, there's
16 associated work. It wasn't just sitting there and, you know, going to board meetings.
17 But there was a lot of work that was done.

18 It was actually split. During my tenure, Tri Global was the cap-intro group. It
19 was actually split three ways. I don't know, you know, where it went after my time.

20 But that's -- initially, it was the sum total, kind of a take-home for, you know, the
21 company, excluding expenses, just gross, was 666 per year.

22 And then that obviously changed. I was, you know, kicked off or asked to resign
23 from the board when I got into my next issue.

24 Q Was Hunter Biden's agreement also that he would receive \$83,000 per
25 month --

1 A Yes.

2 Q -- from Burisma?

3 A Yes. That's what I'm saying. So two -- 83 in two different -- once a month
4 was 666 annualized, divided by three.

5 [Archer Exhibit No. 7

6 Was marked for identification.]

7 BY MR. MANDOLFO:

8 Q And I'd like to turn your attention now to exhibit 7 in that binder.

9 A Sure. This one? Oh, sorry.

10 Q This is an email from you to Hunter Biden. It's dated May 7th of 2014. So
11 this is about the beginning of when he's joining the board.

12 A Uh-huh.

13 Q The subject is "Re: Notes from the 13 hr" -- meaning "hour" -- "plane ride."
14 And I want to direct your attention to paragraph 6.

15 A Uh-huh.

16 Q My understanding of this email is that Hunter Biden has -- is the lower case
17 statement and your response is the caps, all caps statement.

18 Mr. Schwartz. Well, these emails don't come from Mr. Archer, so I don't think
19 we're going to be able to authenticate the emails or tell you who wrote what. But
20 you're certainly welcome to ask about the content of these.

21 Mr. Mandolfo. Well, do you recognize this email?

22 [REDACTED] Sorry to interrupt. Can we know where this document comes
23 from?

24 Mr. Abourisk. It comes from the hard drive.

25 [REDACTED] The hard drive that is in the possession of committee

1 Republicans?

2 Mr. Mandolfo. Yes.

3 [REDACTED] So there's --

4 Mr. Goldman. Where did you get that hard drive?

5 Mr. Mandolfo. Go off the record for a second.

6 [Discussion off the record.]

7 Mr. Mandolfo. Showing you exhibit 7, paragraph 6. I'll read it out loud. It's
8 from you to Hunter Biden.

9 "Need to determine what we consider expenses to be deducted from potential
10 Burisma 'pay'" -- "pay" in quotations -- "before we determine true split number with
11 Alex."

12 Mr. Schwartz. I don't know to whom, but I object to your characterization as
13 that's "from you to Hunter Biden."

14 Mr. Archer. Yeah, I --

15 Mr. Goldman. Can we just clarify on the record, I want to clarify on the record.

16 Mr. Mandolfo. Off the record.

17 Mr. Goldman. No, no, no.

18 Ms. Donlon. You're using the majority time. You negotiated the time --

19 Mr. Goldman. Pause the time. I don't care.

20 Mr. Schwartz. I care. I care. We negotiated the time because we wanted to
21 leave, not because we wanted 2 hours of questioning.

22 Mr. Goldman. Well, we didn't agree to your negotiated time. So we'll sit here
23 for 5 more seconds.

24 Ms. Donlon. This is the chairman's transcribed interview, so he has the authority
25 to negotiate, and this is what's been negotiated.

1 Mr. Goldman. That is fine. You take whatever time you need. I just want the
2 witness, maybe aided by counsel, on the record --

3 Ms. Donlon. Sir, you can do this during your time.

4 Mr. Goldman. No, you're introducing --

5 Ms. Donlon. No, you can do it during your time.

6 Mr. Biggs. This is not a court of law. First of all, this is not a court of law. Quit
7 talking over people. He can answer. He's got counsel there that can say, "It's outside
8 the scope, we think it's dubious," whatever he wants to say about it.

9 You have to let the witness answer this, because we're not sitting in a court of law.
10 This is a transcribed voluntary interview, for Pete's sakes. If you have an objection,
11 you've stated your objection. You get to make it.

12 Mr. Goldman. But not on the record.

13 Mr. Biggs. You can get to it when it's your 2 hours.

14 Mr. Goldman. You know how depositions work, but carry on.

15 Mr. Biggs. This is a deposition. This is not in court. Yeah, this is very different
16 than that when I practiced law. But this is Congress. A little bit different. Press on.
17 Press on.

18 Mr. Schwartz. Back on the record.

19 Mr. Mandolfo. Paragraph 6. If I misspoke before, it's our understanding that
20 the lower case is Hunter Biden. The caps, all caps, would be your response. But I'm
21 just going to read it again.

22 "Need to determine what we consider expenses to be deducted from potential
23 Burisma 'pay'" -- in quotes -- "before we determine true split number with Alex."

24 And then in parentheses, "(i.e., 5-.75/3 = 1.42 million apiece.) Is 750K
25 reasonable expense number btw Washington, D.C. office?" All caps, "TAX LIABILITY AND

1 SOMETHING LIKE THAT SEEMS FAIR."

2 Do you recall having a conversation with Hunter Biden regarding that you and him
3 would receive approximately -- consistent with this email -- approximately 4.85 million
4 jointly from Burisma?

5 Mr. Schwartz. So now he's not asking about the email. He's asking if you had
6 such a conversation.

7 A Uh-huh. No. That -- that -- that one is -- I don't know what that 4.5. As I
8 explained just before, it was 83, 33, 33, and it only went to one account, which we have
9 all the stuff for.

10 And theoretically -- I don't know what we were talking about here. But it was
11 like -- so 666 -- it looks like that says 750. But that -- this one seems like there's some
12 math that we were -- that's him writing to me.

13 BY MR. MANDOLFO:

14 Q That's Hunter Biden writing to you?

15 A I think. Theoretically, it would be.

16 Q In the small caps is what you're saying?

17 A Yeah.

18 Q So that would bring us to roughly 4.85 million jointly from Burisma. That
19 would be from Hunter Biden.

20 Mr. Schwartz. No. We can't -- we can't --

21 Mr. Archer. Yeah.

22 Mr. Schwartz. We can't confirm this email is from anyone. He's reading the
23 text to the document, and in the format of an email that's the way it looks.

24 So he can confirm that you accurately read it, which you accurately read; and he
25 can confirm, as he did, the conversations that he had with Mr. Biden.

1 Mr. Archer. Yes. And I would also add that any money that came from Burisma
2 is all here, all documented here. There was no -- or no money that I -- I can speak for
3 only myself -- there was no money that was ever received.

4 Basically, this was the -- because we had set it up for BHR, we took in this here.
5 Hunter was the corporate secretary of RSB. So there was a COO who managed it. So
6 that was -- that was -- I don't know where that number is from.

7 Mr. Biggs. Can I ask a question about that?

8 Mr. Archer. Sure.

9 Mr. Biggs. First of all, thanks for being here. I appreciate it.

10 Maybe this would help solve the question. Do you remember ever seeing this
11 document at all? I mean, I get it's 10 years ago --

12 Mr. Archer. The email?

13 Mr. Biggs. Yeah. I just wonder if you recall. Does it look familiar? Is it
14 something that you might recall?

15 Mr. Archer. The -- no, I don't -- I can't authenticate it. But I -- you know,
16 I -- those conversations are all around what we were speaking about.

17 Like, obviously, I voluntarily just talked about the -- there was this Tri Global split.
18 I don't know exact -- those numbers. And, I mean, I've seen a lot of speculation.

19 I don't -- again, I can only speak for myself. I don't know any other money that
20 went beyond RSB Morgan Stanley account.

21 Mr. Biggs. Thank you.

22 BY MR. MANDOLFO:

23 Q At some point, though, when you ran into Federal troubles, Hunter Biden
24 started to receive his money in a different account, correct?

25 A Correct. Yes, because this got shut down. So it must have been.

1 Q And I want to show you exhibit 4, tab 1 -- excuse me, exhibit 1, tab 4.

2 A Got it.

3 Q And on this page, it's August of 2015, and you'll see on August 19th there are
4 two Burisma payments for \$83,000 each, one to you and one to Hunter Biden, correct?

5 A Correct.

6 Q And above that, you'll see that there --

7 A Actually, let me just clarify. It was -- we were running it as a business, so it
8 was -- it was to Rosemont Seneca Bohai for -- there were other investments that were
9 made. There were, you know, investments on behalf of the business. So, you know, as
10 the business was capitalized, we did other things with it.

11 So though kind of contractually it was a -- it was a, you know, a fee-for-service at
12 the end of the day, it was like -- we took it as revenue of the company. I don't know if
13 that makes any difference but -- so -- but yes.

14 Q But during this time, Hunter Biden had his own bank accounts, correct?
15 You'll see on this page he has an OWASCO PC, which received a transfer of \$5,000, and
16 you'll also see that there was a transfer to Robert Biden for \$19,000.

17 Is that correct?

18 A Yes.

19 Q And so if we take into account that Hunter Biden is receiving approximately
20 \$1 million a year, and I know that he started towards the third or fourth month in 2014,
21 but how long did he work for Burisma, to your knowledge?

22 A To my knowledge, I can go as far as, you know, May, May-July. Like
23 summer of 2016. And then I'm, you know, obviously aware that he worked for Burisma.
24 I don't know when the end of his tenure was. It was years later, I believe.

25 [Archer Exhibit No. 2

1 Was marked for identification.]

2 BY MR. MANDOLFO:

3 Q All right. Now, I want to direct your attention to April 2014 timeline, and
4 I'd like to show you exhibit 2.

5 A Sure.

6 Q And this is an email. It states from Robert Biden, who's Hunter Biden, to
7 you, Devon Archer, dated April 12th of 2014, with a subject line "Tmrw."

8 And I'd like to turn your attention to paragraph 18 on the second page. I'm going
9 to read it.

10 A Sure.

11 Q "The announcement of my guy's upcoming travels should be characterized
12 as part of our advice and thinking -- but what he will say and do is out of our hands. In
13 other words, it could be a really good thing or it could end up creating too great an
14 expectation. We need to temper expectations regarding that visit."

15 Do you recall Hunter Biden referring to his dad as "my guy"?

16 A I believe, yes.

17 Q Given that he's referring to his dad, the average person would refer to their
18 dad as "dad" or "father" or maybe there's another nickname, but not many people would
19 refer to their dad as "my guy."

20 And so, in reading this, can you tell me what you believe Hunter Biden was getting
21 at when he's referring to his dad, "My guy's upcoming travel should be characterized as
22 part of our advice and thinking"?

23 Mr. Schwartz. You're asking him to speculate what someone else meant if that
24 person wrote this?

25 Mr. Mandolfo. I'm asking him what his interpretation of that when Hunter Biden

1 was telling him this. He just said that Hunter Biden told him, did use that phrase.

2 So when he would use that phrase, what did you interpret that to mean?

3 Mr. Schwartz. When he used the phrase "my guy" --

4 Mr. Mandolfo. When he used --

5 Mr. Schwartz. -- what did that mean?

6 Mr. Mandolfo. Yeah.

7 Mr. Archer. What I think, you know, it -- my speculation would be that he
8 was -- he's saying that, you know, we can't -- I can't guide my guy, you know, I can't guide
9 my father in what he's going to do on this trip, but let's get credit for it. I think that's
10 what it's saying here.

11 BY MR. MANDOLFO:

12 Q But if he --

13 A Yeah, reframe the question.

14 Q If he's counsel, why would he get credit for his dad going to the Ukraine?

15 A Well, yeah. Why would he get credit?

16 Q Yeah. What kind of credit was Hunter Biden trying to get?

17 A Speculating, I think he was getting --

18 Mr. Schwartz. He said at the beginning don't speculate. If you don't know, you
19 don't know.

20 Mr. Archer. He was getting paid a lot of money, and I think, you know, he
21 wanted to show value.

22 BY MR. MANDOLFO:

23 Q And was part of that value him bringing his dad to the Ukraine?

24 A I think in here it's clear that he's not bringing his dad, but he's saying, you
25 know, "I'm going to get credit for it."

1 Q But when you say "get credit" --

2 A He's not -- he was not determining -- he wasn't setting his dad's schedule to
3 bring him to Ukraine, I don't think.

4 Q Right. But when his dad's traveling to Ukraine, he's trying to have the
5 Burisma officials recognize that he should get credit, "he", being Hunter Biden, should get
6 credit for his dad traveling to Ukraine.

7 Would you agree with that?

8 A I would say that that's -- that's what that says. And if that's -- if that comes
9 accurately, that's what he's saying. I think it's pretty obvious.

10 Q And what do you think is obvious about it?

11 A He's saying -- again, I can't speculate, because I don't know if the email -- I'm
12 just reading that email.

13 Q But you've had other conversations with Hunter Biden. You were his
14 business partner for a long time.

15 A Uh-huh.

16 Q Did he talk about how bringing his dad either to Ukraine or using his dad as
17 Vice President would add value in the eyes of Burisma officials?

18 A Yes.

19 Q And how would that come up?

20 A I just think it's almost -- it's pretty obvious if you're, you know, you're the son
21 of a Vice President.

22 Mr. Schwartz. He's asking about specific conversations.

23 Mr. Archer. Yeah. Specific conversations, no. He would -- we would not talk
24 specifically about -- you know, he would not be so overt. And I think that's, you know, I
25 think that's another obvious point, that he would not say, okay, we're

1 going to -- we're -- you know, I'm overtly -- we're going to use my dad for this.

2 But I think he would -- you know, given the brand, I think he would look to, you
3 know, to get the leverage from it.

4 Q What kind of leverage was he trying to get by using his dad?

5 A I think it's more defensive, you know, defensive leverage that that the value
6 is there in his work.

7 Q I want to now show you, back to exhibit 1, tab 1, which is going to be the
8 payment.

9 A Sure.

10 Q And we just talked about this, so I'm just going to rehash it. But this email
11 happens on April 12th, 2014, where Hunter Biden talks about adding value.

12 And then, on April 15th of 2014, there's the first payment that comes in to
13 Rosemont Seneca Bohai.

14 And then are you aware -- I'll go to exhibit 3.

15 [Archer Exhibit No. 3

16 Was marked for identification.]

17 Mr. Archer. Uh-huh.

18 Mr. Mandolfo. We'll start from the bottom.

19 On April -- this is from Hunter Biden to Devon Archer dated April 22nd of 2014.

20 The subject is "Re: JRB in UKR." And I'll let you review it.

21 But, essentially, Hunter Biden copies and pastes what appears to be a quote from
22 his father's speech while Vice President Biden was in the Ukraine.

23 You then respond, "Wow. We need to make sure this ragtag temporary
24 government in the Ukraine understands the value of Burisma to its very existence."

25 Hunter Biden then said, "You should send to Vadym" -- and who is Vadym again?

1 Mr. Archer. Vadym is the corporate secretary of Burisma.

2 Mr. Mandolfo. "It makes it look like we are adding value."

3 This is in the beginning stages of when you're joining the board. And would you
4 agree with me this isn't legal advice that's adding value here that Hunter Biden is giving,
5 the value add that Hunter Biden brings to Burisma is Vice President Biden?

6 Mr. Schwartz. Was the question --

7 Mr. Archer. Yes.

8 Mr. Schwartz. -- what was the value that Hunter Biden brought to Burisma?

9 Mr. Archer. The value was -- the value that Hunter Biden brought to it was
10 having -- you know, there was -- the theoretical was corporate governance, but obviously,
11 given the brand, that was a large part of the value. I don't think it was the sole value,
12 but I do think that was a key component of the value.

13 Mr. Mandolfo. You keep saying "the brand," but by "brand" you mean the Biden
14 family, correct?

15 Mr. Archer. Correct.

16 Mr. Mandolfo. And that brand is what, in your opinion, was the majority of what
17 the value that was delivered from Hunter Biden to Burisma?

18 Mr. Archer. I didn't say majority, but I wouldn't speculate on percentages. But
19 I do think that that was an element of it.

20 Mr. Biggs. When you say "Biden family" -- sorry to cut in here. I just want to
21 get a clarification.

22 You aren't talking about Dr. Jill or anybody else. You're talking about Joe Biden.
23 Is that fair to say?

24 Mr. Archer. Yeah, that's fair to say. Listen, I think it's -- I don't think about it as,
25 you know, Joe directly, but it's fair. That's fair to say. Obviously, that brought the

1 most value to the brand.

2 Mr. Biggs. Thank you.

3 Mr. Mandolfo. I want to go back to another point you said earlier. You said
4 Hunter Biden didn't overtly talk about how he would use his -- and if I'm
5 mischaracterizing this or getting it incorrect, please correct me -- but that he wouldn't use
6 overtly that he's going to use his father or his father's name in order to add value or
7 maximize what he could get from others.

8 So how did you know that that's one of the ways that Hunter Biden was, like,
9 meeting with officials from Burisma or getting access to officials with Burisma or getting a
10 job that paid a million dollars? What is -- how did you know that?

11 Mr. Schwartz. Know what?

12 Mr. Archer. Yeah, say it again.

13 Mr. Mandolfo. That Hunter Biden was adding value. His value that he was
14 adding was, in part, as you said, his family.

15 Mr. Archer. Uh-huh.

16 Mr. Mandolfo. And so what is your basis for knowing that?

17 Mr. Archer. My basis for knowing that? Well, I think there was -- there are
18 particular, you know, objectives that Burisma was trying to accomplish.

19 And a lot of it's about opening doors, you know, globally in D.C. And I think that,
20 you know, that was the, you know -- and then obviously having those doors opened, you
21 know, sent the right signals, you know, for Burisma to, you know, carry on its business
22 and be successful.

23 Obviously, that all backfired, you know, terribly for them, and I think Mykola is in
24 hiding in Cypress right now.

25 But, yeah, I think -- how did I know? It's just -- I mean, it's a lot -- it's how this

1 town works as an outsider looking in.

2 [Archer Exhibit No. 4

3 Was marked for identification.]

4 BY MR. MANDOLFO:

5 Q And I now want to turn your attention to exhibit 4. And this is an email
6 from you to Vadym Pozharskyi.

7 A Saying, "This works for me"?

8 Q I'm just going to put everyone else who's on it too. Copying Hunter Biden,
9 Sebastian Momtazi, and Joan Peugh.

10 A Uh-huh.

11 Q Dated October 5th of 2015, with the subject "Re: Next BoD meeting."
12 And then starting at the bottom, it appears to be an email from Mr. Pozharskyi, and it
13 describes a board of directors meeting in the first week of December in Dubai, and that
14 people would fly in on December 3rd, and then there would be a board of directors
15 meeting midday of December 4th.

16 And then your response, as you just said, was, "This works for me," correct?

17 A Uh-huh. Correct.

18 Q Do you recall the board of directors meeting in Dubai?

19 A Yes.

20 Q Before going to Dubai, do you remember going to Kyiv in Ukraine?

21 A I don't remember. Like right on that same trip?

22 Q Yes.

23 A Did I?

24 Q If you don't remember, you don't remember.

25 A I don't remember.

1 Q It's not a trick question.

2 A I don't -- on that particular trip in December? You know, I've been to Kyiv,
3 but I don't remember it being connected with that trip. It was December what year?

4 Q Of 2015.

5 Mr. Schwartz. If you don't remember, it's okay.

6 Mr. Archer. I'm sorry. I don't remember. I'm not -- I don't remember if we
7 stopped there.

8 BY MR. MANDOLFO:

9 Q And do you remember going to the board of directors meetings in Dubai?

10 A Yes.

11 Q And do you remember who was at that meeting?

12 A Yes. Alan Apter, Aleksander Kwasniewski, Mykola Zlochevsky, Vadym P.,
13 Hunter Biden, and then some other -- some other executives. And then there were two
14 Cypress board members that I can't remember their names.

15 Q And who is Alan Apter?

16 A He was a board member. He was a -- he's a London banker.

17 Q Do you remember what was discussed at the board meeting?

18 A December 2015?

19 Q Yes.

20 A We were -- we were in the -- Burisma Eurasia was in high gear, and we set up
21 a big office there. That was kind of my content like piece. As well as Burisma
22 Geothermal had been set up. I just came from a Geothermal conference in Reno, I
23 think, right before that. I just remember that because my brother joined.

24 So those are like my content. And the rest of it would have been, you know,
25 reviewing the financials and production and et cetera, et cetera.

1 Q And do you recall if Hunter Biden went on this trip?

2 A He did.

3 Q After the board of directors meeting, do you recall at any point going to
4 dinner with any other individuals afterwards?

5 A Yes. We had a board dinner.

6 Q And did you commonly have board dinners?

7 A Yes.

8 Q And who would attend the board dinners?

9 A Generally, everyone from the -- or some smaller subset. It wasn't limited,
10 but it would be -- I don't, like, remember the particular table or restaurant. I know we
11 stayed at the -- you know, the Burj Khalifa, the sail-looking structure in Dubai. So I think
12 we had dinner there.

13 Q And after dinner, did you and Hunter Biden go out for drinks?

14 A We did not. We did not go out for drinks. We were -- we -- I met him at
15 the Four Seasons or -- yeah, the Four Seasons. He stayed at the Four Seasons.

16 Q And what happened at the Four Seasons?

17 A We had -- we had coffee. I don't know if we had drinks. But we
18 were -- we met at the Four Seasons.

19 Q Did Hunter Biden during that time ever get a call from Mykola Zlochevsky or
20 Vadym Pozharskyi?

21 A Vadym and they both joined us at the Four Seasons.

22 Q Why did they join you?

23 A It was -- I mean, basically, after all -- that was normal course. Like after
24 all -- we kind of spent the 3 days together.

25 Q Did -- during that I'll say after dinner at the Four Seasons, did Mykola

1 Zlochevsky or Vadym ask Hunter Biden to make any phone calls?

2 A Yes, though I was not party to that phone call.

3 Q What was the request?

4 A The request was I think they were getting pressure and they requested
5 Hunter, you know, help them with some of that pressure.

6 Q What pressure?

7 A Government. Government pressure on their -- you know, government
8 pressure from Ukrainian Government investigations into Mykola, et cetera.

9 But it was -- it was not -- it wasn't like a specific -- not a specific request. It was
10 just we were sitting there at the Four Seasons having, you know, coffee and there
11 was -- there was Mykola, there was one of the managers for the Four Seasons who
12 managed that property, Vadym. So it wasn't like a closed -- it was not like a specific
13 meeting.

14 Q When you say pressure from the government, at this time were you aware
15 that Viktor Shokin was investigating Burisma?

16 A To the best, I vaguely -- whether it was Shokin, I vague -- there was a lot of
17 pressure initially. There was -- there was several pressure issues. It was kind of a
18 theme of Burisma.

19 There was capital tied up in London, 23 million pounds. There was, you know, a
20 U.S. visa denied and then a Mexico visa denied. And then there was -- so Shokin wasn't
21 specifically on my radar as being an individual that was -- that was targeting him. But
22 yes, there was constant pressure. And it was like -- it was like whack-a-mole in regards
23 to the pressures that had to resolve.

24 Mr. Jordan. The request from Mr. -- from Mykola Zlochevsky and Vadym to Mr.
25 Biden and/or if you said it was to you, the request for help from whom to deal with what

1 pressure?

2 Mr. Archer. The request -- you know, basically the request is like, can D.C. help?
3 But there were not -- you know, I'm not going to -- there were not -- it wasn't like -- there
4 weren't specific, you know, can the big guy help? It was -- it's always this amorphous,
5 can we get help in D.C.?

6 Mr. Jordan. The request was help from the United States Government to deal
7 with the pressure they were under from their prosecutor, and that entailed the freezing
8 of assets at the London bank and other things that were going on in Ukraine?

9 Mr. Archer. Correct.

10 Mr. Jordan. Okay.

11 Mr. Biggs. I just -- I think you might have just clarified. I just want to make
12 sure.

13 Mr. Archer. Sure.

14 Mr. Biggs. When you say D.C. help, like they said, we could use some D.C. help,
15 I'm not asking what you think they -- I'm asking what you interpreted that to mean?

16 Mr. Archer. Well, I'm still learning about it, but it seems like -- really a lot like at
17 the end of the day lobbying, you know, soft lobbying help, firm lobbying help.

18 I mean, there was constant, you know, constant pressure on them, and there
19 were various service providers hired and people working on, you know, help in D.C. A
20 lot of power is obviously flexed here. So that was a -- that was a constant, you know,
21 whether it was putting out fires or helping expand.

22 Mr. Biggs. So why do you think they were asking Mr. Biden for D.C. help if they
23 had -- I'm assuming what you're saying is they might have had some kind of lobbying
24 group on retainer, perhaps.

25 Mr. Archer. Yes.

1 Mr. Biggs. So why do you think they were asking Hunter Biden for D.C. help?

2 Mr. Archer. I mean, why?

3 Mr. Biggs. I mean, what did you take away from that?

4 Mr. Archer. Well, I mean, he was a lobbyist and an expert and obviously he
5 carried, you know, a very powerful name. So I think it was -- that's what they were
6 asking for.

7 They had -- they also -- you know, there was a firm, Blue Star Strategies, that was
8 hired to be, you know, kind of the -- I don't know if they were a lobbying firm or just
9 strategic advisory. It's still unclear what the difference is. But, you know, that was
10 part of the mix.

11 But it was -- yeah, it was a high-pressure environment, and there was -- there was
12 constant requests for help.

13 BY MR. MANDOLFO:

14 Q What did Hunter Biden do after he was given that request?

15 A Listen, I did not hear this phone call, but he -- he called his dad.

16 Q How do you know that?

17 A Because he -- because I think Vadym told me. But, again, it's unclear. I
18 just know that there was a call that happened there and I was not privy to it.

19 Q What did Vadym tell you about the call?

20 A Just that -- just that they -- "We called D.C." But he didn't -- you know,
21 again, it's not like the -- there was not a -- there was not, "Oh, we've got all our problems
22 solved" kind of, you know, revelation. I was -- I was not on that side of the equation and
23 kind of working on the lobbying side of the business.

24 Q When Vadym told you this, where were you?

25 A I was -- you know, basically what -- then we drove back to the hotel I was

1 staying at.

2 Q Who's "we"?

3 A Me, Vadym, and Mykola.

4 Q Was it during that drive back that Vadym told you that Hunter Biden had
5 called VP Biden at that time?

6 A It would have been at some point there or after. You know, maybe the
7 next day. Again, we spent -- you know, on a board trip where you travel with people
8 from all over the world, we spent 3 days together.

9 So the exact time I can't say, but that was the -- that was the -- that was -- that's
10 what happened.

11 Mr. Schwartz. He told you expressly he called his father or that he called D.C.?

12 Mr. Archer. D.C., D.C.

13 BY MR. MANDOLFO:

14 Q When he told you this, did you confront Hunter Biden about it at any point?

15 A No. I wouldn't have done that. Like confront him for what reason?

16 Q Well, if they -- "they" being Burisma -- are facing government pressure.

17 A Uh-huh.

18 Q And Vadym comes or Mykola comes to Hunter Biden and says, "We're facing
19 pressure, we need you to do something," and then Hunter Biden calls the Vice President
20 of the United States to do something, that could cause off some serious alarm bells for
21 influence peddling, conflicts of interest.

22 A Right.

23 Q I mean, Hunter Biden at this time is supposedly acting as the corporate
24 governance.

25 A Right.

1 Q But he's calling his father about --

2 A I think that it's even more reason that I was left out of these, you know,
3 black box D.C. types of -- types of conversations. I was working on the ground to build
4 the business.

5 Q What do you mean by that?

6 A Like, it was not -- I wasn't -- the pressures were -- were -- the pressures that
7 were exerted, I was -- that was a kind of a Blue Star, you know, the resources of
8 Rosemont Seneca Advisors or whatever the subsidiary in D.C. partners, that was like
9 that -- that world.

10 Q Are you aware that Vadym had told Blue Star that one of the
11 issues/pressures that he was facing was related to Shokin and the investigation into
12 Burisma?

13 A So -- yes. I was -- the narrative that was spun to me, quite frankly, just to
14 be -- and I remember this because, obviously, it's -- the narrative that was spun to me was
15 that Shokin was under control and that whoever the next person that was brought in
16 was -- you know, the fact that he was -- this is the total, this is the narrative spun to me,
17 that Shokin being fired was a -- was not good, because he was like under control as
18 relates to Mykola.

19 I have no way to verify that. And that was spun to me from various folks in D.C.,
20 not Hunter specifically, but that was what I was led to believe. Whether it's true or not,
21 I cannot speculate.

22 Q With that said, though, are you aware that Vadym specifically told Blue Star
23 Strategies that one of the issues that he wanted resolved was resolving Viktor Shokin's
24 investigation into Burisma?

25 A I don't recall Vadym saying that specifically. I don't -- but, again, I was spun

1 a narrative that was quite the opposite of that.

2 Q But not from Hunter Biden or Vadym, correct?

3 A Correct.

4 Q And not from Zlochevsky?

5 A No. Zlochevsky spoke very little English.

6 Q In addition to this phone call to -- that Hunter Biden made --

7 A Uh-huh.

8 Q -- have you ever been privy to Hunter Biden calling his father around other
9 either potential business investors or other foreign nationals who Hunter Biden or you
10 may have been trying to work with or were working with?

11 A Yes.

12 Q Can you please tell the committee about that?

13 A Again, it's -- as far as specifics, we can talk about it. But, you know, Hunter
14 spoke to his dad every day, right?

15 And so in certain circumstances, when you're in -- you know, if his dad calls him at
16 dinner and he picks up the phone, then there's a conversation. And the, you know, the
17 conversation is generally about the weather and, you know, what it's like in Norway or
18 Paris or wherever he may be. But that was -- yeah, that happened.

1

2 [11:30 a.m.]

3 BY MR. MANDOLFO:

4 Q Are you aware of Hunter Biden putting his -- or have been told that Hunter
5 Biden put his father on speakerphone during any of these interactions that you're just
6 describing now?

7 A Yes.

8 Q Can you please tell us about that?

9 A He put him on speakerphone, again, occasionally. Specifics, like, you know,
10 dinner -- you know, dinners occasionally.

11 Q Can you tell us about those dinners?

12 A Yeah. I remember a dinner in Paris with a French energy company that
13 was -- we were speaking to an advisor, and then -- we were speaking to. And it was
14 really a Rosemont Seneca Advisors type of -- a Rosemont Seneca Advisors kind of a pitch,
15 at the end of the day. And there was a talk, and he said that we're at this -- you know,
16 we're at this restaurant in Paris, and he put him on the speaker. So that did happen.
17 There were other people there.

18 Q Who else was there?

19 A There was me, myself; Hunter; Eric Schwerin; and then the executives from
20 the French energy company.

21 Q Do you remember the name of that company?

22 A I'm sure you could find it. It was probably, like, a 2011, you know, trip
23 planning. But it was a very large French energy company.

24 Q Are there other --

25 A And I believe they didn't -- they also didn't get the work, by the way, just an

1 FYI, so there's not much about it.

2 Q Do you recall other times where Hunter Biden placed his dad on
3 speakerphone?

4 A In you know, a dinner -- a dinner in -- with BHR, with Jonathan Li.

5 Q Where was that dinner?

6 A In Beijing, at, you know, some restaurant -- or Chengdu or something like
7 that. I don't remember the -- I don't remember specifics. This was just -- it was
8 not -- it was like a, you know -- especially with the time zone difference, there was -- you
9 know, there were meetings where his dad would call and he would be talking to him or
10 put him on speaker. I'm not going to -- you know, that's -- that happened.

11 Q And with the phone call with Jonathan Li, do you recall what was said while
12 VP Biden --

13 A Yeah.

14 Q -- was on the call?

15 A I mean, on any of the specifics, like, from a blanket perspective, it was
16 always, you know, what's the -- you know, not necessarily the weather, but, you know,
17 there's no -- there was no -- and I think you have to understand that there was no
18 business conversation about a cap table or a fee or anything like that. It was, you know,
19 just general niceties and, you know, conversation in general, you know, about the
20 geography, about the weather, whatever it may be.

21 But just on -- as far as, like, a blanket for all of them, let's just go with the -- there
22 was not a specific time that I witnessed a, you know, specific business deal or business
23 dealings or, you know, specifics about any kind of financial stuff.

24 Mr. Jordan. Would he just say, like, "Hey, guys, my dad's on the phone. Dad,
25 can you say hi to" --

1 Mr. Archer. Yeah.

2 Mr. Jordan. -- you know --

3 Mr. Archer. There you go. See? Politician.

4 Mr. Jordan. Well, I'm sure that that took place in addition to just talking about
5 the weather.

6 Mr. Archer. Yeah.

7 Mr. Jordan. So let me go back to -- so you're in Dubai in this December meeting.

8 And you and Zlochevsky and Vadym Pozharskyi are staying at the one hotel where the
9 board meeting's at. After the board meeting, you go to the --

10 Mr. Archer. Four Seasons.

11 Mr. Jordan. You go to the Four Seasons for dinner. And then you stay for
12 drinks later.

13 Mr. Archer. No. We -- just on that night of the -- I believe we had dinner at the
14 Burj -- the Burj -- not the tall -- the sail. Burj Khalifa or Burj Al Arab? Burj Al Arab.

15 Mr. Jordan. Did you ride with -- did you all three ride together from the one
16 hotel? Did you take a cab or --

17 Mr. Archer. No. Hunter -- Hunter went before us.

18 Mr. Jordan. No, the three of you who were staying there --

19 Mr. Archer. Yeah, we --

20 Mr. Jordan. -- Vadym, you, and --

21 Mr. Archer. We did. We took a --

22 Mr. Jordan. -- Zlochevsky.

23 Mr. Archer. Uh-huh. We took a --

24 Mr. Jordan. Okay. So you get there; you have dinner. Sometime during
25 dinner, Zlochevsky requests help with the U.S. Government to deal with Ukrainian

1 prosecution situation. Is that right?

2 Mr. Archer. Not -- that's a -- that's a little bit -- that's a little bit of -- that's
3 speculation. "We're under pressure. We need to go -- we want to talk to Hunter."

4 So I think -- and let me back up there. I think how you just rehashed that -- we
5 all had dinner, like a board dinner, at the Burj Al Arab --

6 Mr. Jordan. Then you go for drinks afterward.

7 Mr. Archer. Then -- then Hunter went to the Four Seasons. That was -- and he
8 met his -- you know, one of his friends was a manager and used to be in Georgetown.

9 And then we -- you know, later in the evening, we went over there, you know, not,
10 like -- whatever. I don't know the time. And then Vadym, Zlochevsky, and myself
11 went --

12 Mr. Jordan. Right.

13 Mr. Archer. -- later.

14 Mr. Jordan. Okay.

15 Mr. Archer. So that's when we met up. And they were -- you know, they
16 were -- it was this, you know, specifically under -- you know, they were feeling the heat or
17 whatever. And they were like, okay, can we -- can we call D.C.

18 And, again, I can't -- on that particular -- you know, there were conference calls
19 where we talked around the table. On that call, I was not in the earshot of that -- of
20 that. But I know that there was -- you know, there was a call made.

21 Mr. Jordan. Okay.

22 Mr. Archer. But that was the sequence of events.

23 BY MR. MANDOLFO:

24 Q And that call that was made, that was on December 4th of 2015?

25 A On or around.

1 Q And then just 5 days later, Vice President Biden has a trip to the Ukraine, and
2 he makes a statement: "It's not enough to set up a new anti-corruption bureau and
3 establish a special prosecutor fighting corruption. The Office of the General Prosecutor
4 desperately needs reform."

5 I know you've talked about these different pressures, but when VP Biden comes
6 on December 9th of 2015, he talks about the specific pressure of the Office of the General
7 Prosecutor.

8 And so, based upon that, is it your testimony here that Hunter Biden, Viktor
9 Shokin never -- excuse me -- Hunter Biden and Vadym never discussed the investigation
10 by Shokin into Burisma?

11 Mr. Schwartz. You're asking --

12 Mr. Archer. I can't --

13 Mr. Schwartz. -- what conversation he was personally privy to?

14 Mr. Mandolfo. Yes.

15 Mr. Schwartz. I think he answered that already.

16 Mr. Archer. Yeah. I was --

17 BY MR. MANDOLFO:

18 Q Ever?

19 A Yeah. I was -- and I answered it before. I was spun a narrative that
20 Shokin was good for Burisma from --

21 Q But that was not from Hunter Biden or --

22 A No --

23 Q -- Vadym?

24 A -- it wasn't from Hunter. I can't say it was from Hunter. So --

25 Mr. Schwartz. The answer --

1 Mr. Archer. Yeah, no.

2 Mr. Schwartz. -- is, no, no such conversation happened.

3 Mr. Archer. Right. No, that didn't happen. But, again, I was left out of
4 everything.

5 BY MR. MANDOLFO:

6 Q I want to turn your attention now -- how much time do we have left for the
7 first hour?

8 Mr. Abourisk. About 6 minutes, 5-1/2 minutes.

9 Mr. Mandolfo. Okay.

10 BY MR. MANDOLFO:

11 Q -- turn your attention now to spring of 2015, dinner at Cafe Milano, where I
12 believe Vice President Biden attended as well.

13 Can you tell us about that dinner? Who was there?

14 A Okay. Could you repeat the date?

15 Q It's the spring or April of 2015, around --

16 A April 2015.

17 Mr. Schwartz. The second one.

18 Mr. Archer. Oh, the second -- there you go.

19 Yes, Vice President Biden did attend.

20 BY MR. MANDOLFO:

21 Q And who else was there?

22 A There was two dinners.

23 At that diner, it was Vadym, Karim Massimov -- so Vadym P. from Burisma; Karim
24 Massimov; a Greek priest, Orthodox priest; I think -- I believe someone from the World
25 Food Programme. I think that was the -- and then there -- do you have others?

1 Q What about Kenes Rakishev?

2 A No, he was not there at the second dinner.

3 Q Was he at the first dinner?

4 A Yes.

5 Q And for the second dinner, was Yelena Baturina there?

6 A I believe -- I believe she was at the first dinner. Yeah.

7 Q What about the --

8 A She was at the first dinner, yes.

9 Q We can start with the first dinner.

10 A Yeah, why don't we do that.

11 Q Why don't we start with the first dinner. Who was at the first dinner?

12 A So the first dinner was Karim Massimov, who's -- he's a friend of mine,
13 unfortunately for him.

14 Karim. Yelena Baturina. Kenes Rakishev. It's revisionist history. I believe
15 Yury, her husband, was there. I can't -- because I see in the emails, but I can't -- he
16 didn't make much of an impact, because I don't remember -- I don't have that, like, visual,
17 but he very well could've been there -- the late Yury. And Joe Biden. Hunter Biden.
18 Possibly Eric Schwerin, possibly not.

19 But that was -- that was -- that was generally it. There might be some others, if
20 you -- you guys have the information closer to -- I haven't thought about this in a while.

21 Q Who was Kenes Rakishev?

22 A He was a -- he's a businessman from -- he's a Kazakh
23 native -- Europe -- Europe and Kazakhstan.

24 Q And, then, who was Yelena Baturina?

25 A She was the -- she was the CEO, chairman, founder, owner of Inteco, which

1 is one of the largest -- or was the largest real estate company in Russia, Eastern Europe.

2 And she was the wife of Yury -- last name escapes me right this second, but --

3 Q Luzhkov?

4 A Yeah, who was the mayor of Moscow.

5 Q When did Joe Biden arrive at the dinner, if you can recall?

6 A He arrived somewhere -- you know, sometime after we had started, but
7 not -- I don't think we had eaten yet, but at some point he arrived. It was dark.

8 Q And do you remember, when he arrived, what he did, who he talked to?

9 A Yeah. He entered the room and shook everybody's hand. And, you know,
10 the conversation -- you know, again, I don't want to be -- it's important that I'm accurate.
11 I don't really remember it. You know, I don't -- not really. I don't remember the
12 conversation. I just remember that he was -- he came to dinner, and we ate and kind of
13 talked about the world, I guess, and the weather, and then everybody -- everybody left.

14 As far as -- I know you're probably going to ask, you know, how much time. I
15 don't -- it wasn't 5 minutes; it wasn't 3 hours.

16 Mr. Mandolfo. How much time do we have?

17 Mr. Abourisk. We're about at the hour.

18 Mr. Mandolfo. Okay. We're at about the hour, so we'll take a 10-minute break
19 for the bathroom, and then we'll come back. Thank you.

20 Off the record.

21 Mr. Archer. Off the record.

22 [Recess.]

1

2 [11:56 a.m.]

3 Mr. Mandolfo. We'll go back on the record.

4 Mr. Schwartz. Before you resume, I just want to clarify something from before
5 the break.

6 Mr. Mandolfo. Okay.

7 Mr. Schwartz. And I'll ask the question so you get his testimony.

8 So, Mr. Archer, you talked before about a meeting and a subsequent phone call
9 that occurred in Dubai. Do you recall that?

10 Mr. Archer. Yes.

11 Mr. Schwartz. All right. So, just to clarify, before Hunter Biden made a phone
12 call, there was a reference to making a call to D.C.?

13 Mr. Archer. Correct.

14 Mr. Schwartz. And, afterwards, Vadym told you that they had called D.C.?

15 Mr. Archer. Correct.

16 Mr. Schwartz. You did not hear that phone call?

17 Mr. Archer. I did not hear that phone call.

18 Mr. Schwartz. Did anyone ever tell you that that call was to Vice President
19 Biden?

20 Mr. Archer. No, they did not tell me that.

21 Mr. Schwartz. Do you know to whom they made the phone call?

22 Mr. Archer. I don't know who they made the phone call to.

23 Mr. Schwartz. So you don't know one way or the other whether it was to Vice
24 President Biden?

25 Mr. Archer. I do not know one way or the other whether it was to him. "D.C."

1 BY MR. MANDOLFO:

2 Q When Hunter Biden would travel internationally, do you know what phones
3 he would use?

4 A He would use I think generally his iPhone. I don't think he had other
5 phones. The iPhone. No burners.

6 Q And are you aware that he used the same --

7 Mr. Schwartz. You've got to let him ask all the questions.

8 Mr. Archer. Sorry.

9 Mr. Schwartz. Now they have you saying that word first, when he was going to
10 ask you about it.

11 Mr. Archer. I know, but I just have seen it so many times.

12 BY MR. MANDOLFO:

13 Q Are you aware if he used the same phone number then that he has now?
14 In the sense that have been referenced in these emails, is it that same phone number?

15 A I'm -- yeah, I'm fair- -- I could speculate that he used the same phone
16 generally.

17 Q The same phone number? You didn't see him using different phone
18 numbers?

19 A I didn't, no, to be honest.

20 Q And I want to go back to Dubai during that meeting.

21 A Uh-huh.

22 Q There was a request, as I understand it, to release pressure and Hunter
23 Biden to call D.C., is how you understand it, correct?

24 A Correct.

25 Q Where were you when the phone call took place?

1 A I was on the -- I was on, like, an outside deck of the Four Seasons in Dubai,
2 which is kind of on the water, next to a pier.

3 Q Where was Vadym and Hunter Biden at that time?

4 A More inland, on another deck.

5 Q Why were you away from them if you were all there together?

6 A I was -- why was I away from -- I don't have a -- I think I was speaking -- I
7 believe I was in conversation with the manager of the hotel.

8 Q Did they ask you to leave at any point?

9 A No. They left me.

10 Q And when you say they left you, they were at the same spot where you were
11 with the manager --

12 A Uh-huh. Yes.

13 Q -- and then Vadym and Hunter Biden then left where you were?

14 A Correct.

15 Q And that's when you believe the phone call was made?

16 A Correct.

17 Mr. Greenberg. And Mykola Zlochevsky also accompanied them?

18 Mr. Archer. Yes.

19 Mr. Greenberg. Did they tell you why they were stepping away?

20 Mr. Archer. Did they tell -- I can't recall. It was more of an organic situation.
21 You know, it wasn't like, "We're getting up to call." It was just, as I -- as we -- just went
22 over.

23 BY MR. MANDOLFO:

24 Q How long did the phone call take place for?

25 A That I can't recall. It wasn't 2 hours, and it wasn't 5 minutes.

1 Q So you think the call was longer than 5 minutes?

2 A I don't --

3 Mr. Schwartz. Well, when you say "the call," you mean the time period --

4 Mr. Archer. The time period -- yeah.

5 Mr. Schwartz. -- that they stepped away from --

6 Mr. Archer. Yeah. Let me clarify.

7 The time period that they stepped away from me for was probably -- was longer
8 than 5 and shorter than an hour. But I just -- it's a long time ago.

9 BY MR. MANDOLFO:

10 Q How many times would you say that Hunter Biden put his father on
11 speakerphone or referenced his father being on the phone in front of others who were
12 either foreign investors or foreign nationals who he was soliciting business with or
13 working with, approximately?

14 A Approximately? The differentiation between investor and normal course
15 of day -- you know, that's a very hard thing to speculate on. But he -- they spoke every
16 day. He acknowledged that they spoke every day. And he would -- you know, he
17 would sometimes make it apparent that he spoke to his dad, and sometimes he put him
18 on speaker.

19 But as far as quantifying the number, you know, relative to investors, I don't know.

20 Q Not necessarily investors but with people who Hunter Biden was trying to
21 either get business with or make contacts with or add value to?

22 A In my 10 -- in my whole partnership, maybe 20 times.

23 Q And during those 20 times, did Hunter Biden ever place his dad on
24 speakerphone?

25 A Yes.

1 Q And, before, you had said that they would talk about what, when he was on
2 speakerphone?

3 A Say, where are you, how's the weather, how's the fishing, how's
4 the -- whatever it may be, whatever -- but -- you know, it was very, you know, casual
5 conversations about -- you know, not about cap tables or financials or anything like that.

6 Q But the purpose wasn't for Vice President Biden to do cap tables or to break
7 down the different business deals. Would you agree with me that the purpose was that
8 that was Hunter Biden's value-add? That's what he would bring, in part at least, to the
9 table if the foreign nationals or businesses were to retain him?

10 Mr. Schwartz. So you're asking him to speculate about the purpose --

11 Mr. Mandolfo. I'm asking his opinion, not his speculation.

12 Mr. Schwartz. Well, first of all, you haven't asked him if these phone calls
13 occurred when they were not with business associates, when they were not talking to
14 investors.

15 Did he behave differently when he was with friends?

16 Mr. Archer. No, that's -- no, he did not behave differently. It was the same
17 course of action. Phone calls.

18 BY MR. MANDOLFO:

19 Q But if I were to just call my dad right now and put him on speakerphone and
20 we're in a professional business meeting here, would that be odd to you?

21 A Would that be odd to me?

22 Q Yes.

23 A That would be odd, if you called your dad right now.

24 Q So there is a time and a place when it's professional to do -- excuse
25 me -- where you're in a personal meeting and you may call your dad or a family member

1 if you're with family. But if you're in a professional meeting and you're meeting foreign
2 business leaders or whoever it may be and you just place your dad on speakerphone on
3 the table, that's a little odd, isn't it?

4 A That is a little odd. I mean, it's not odd -- I mean, it's quite obvious what
5 we're talking around.

6 Q So what are we talking about? You are talking around it, and so I'd like to
7 get out, what are we talking about here?

8 A That, I think, at the end of the day, part of what was delivered is the brand.
9 I mean, it's like anything, you know, if you're Jamie Dimon's son or any CEO. You know, I
10 think that that's what we're talking about, is that there was brand being delivered along
11 with other capabilities and reach.

12 Mr. Biggs. Could I ask --

13 Mr. Archer. I think "brand" is the best way to describe it.

14 Mr. Biggs. Yeah. So a couple questions with regard to that. I appreciate
15 saying "brand." You and I talked about that earlier, and we talked about how the main
16 brand is Joe Biden -- not the Biden family, but Joe Biden.

17 So I'm going to ask you just a couple questions along that, based on what you just
18 said --

19 Mr. Archer. Sure.

20 Mr. Biggs. -- what you just answered.

21 Did you or your partners ever design or discuss that you were going to use political
22 influence to try to raise capital or to further the business?

23 Mr. Archer. So --

24 Mr. Schwartz. Did you have discussions --

25 Mr. Archer. Yeah, did we have discussions --

1 Mr. Biggs. I didn't ask if you had discussions. I just said, did you and your
2 partners --

3 Mr. Schwartz. Discuss.

4 Mr. Biggs. -- ever talk about it?

5 Mr. Archer. No. How we would -- How I would characterize that is that we,
6 you know --

7 Mr. Schwartz. He asked you a "yes" or "no" question. Did you have discussions
8 with your business partners --

9 Mr. Biggs. Well, let me rephrase, because I think you're not quite getting the
10 essence.

11 So I'll ask the question again, and then you can answer "yes" or "no," and then we
12 can elaborate, if we want to, at that point, okay?

13 Mr. Archer. Uh-huh.

14 Mr. Biggs. Did you or your partners design or seek to use political influence to
15 help you raise capital or further your business?

16 Mr. Archer. I would -- can I answer it with a --

17 Mr. Biggs. Yes. Of course.

18 Mr. Archer. We would discuss having, you know, an understanding of D.C., and
19 that was a differentiating component of us being able to raise capital.

20 So we would -- it wasn't as, you know, specific as, okay, you know, just down to
21 individuals or, you know, the Vice President's son. But, obviously, the brand carried.
22 Because we'd say, you know, what gives you a unique advantage to start up Rosemont
23 Seneca Technology Partners or Rosemont Realty? And that was just, you know, you're
24 in a competitive environment out there trying to raise capital for various investment
25 initiatives, and you would say, "Okay, well, we have a D.C. office." I mean, I think a lot

1 of -- pretty much every, you know, bank and --

2 Mr. Biggs. Did you -- did you --

3 Mr. Archer. -- firm would do the same.

4 Mr. Biggs. I'm sorry. I didn't want to cut you short.

5 Mr. Archer. Yeah, no worries.

6 Mr. Biggs. Did you intimate ever that that would give you some kind of unique
7 access, as you were meeting with clients or businesses, unique access because of the
8 familial relationship that Hunter Biden had with his father, at that time the Vice
9 President?

10 Mr. Archer. Yeah, again, I think I answered that in the same -- in -- before. Yes,
11 we would say we had unique understanding of D.C. and how it operates and how that,
12 you know, could positively reflect on the terms of our business. So, yes.

13 Mr. Biggs. Thank you.

14 Did Hunter Biden ever indicate to you that soliciting Chinese
15 investments -- Chinese investments -- was important to his family, and particularly with
16 reference to his father?

17 Mr. Archer. Soliciting Chinese investments in what regards? Raising capital
18 for --

19 Mr. Biggs. Yeah.

20 Mr. Archer. So, with BHR, we weren't responsible -- we didn't have a fundraising
21 capacity. We were out -- we were deal-sourcing for the initial -- that's what we're
22 talking about generally, BHR? Or -- I don't have much -- I don't have anything --

23 Mr. Biggs. Yeah, I would say BHR.

24 Mr. Archer. Yeah. So BHR Partners, it was a cross-border fund -- you know,
25 Bohai Sea Industrial Fund, Harvest. They were setting up a private equity fund, and they

1 wanted to go out and buy -- you know, basically buy assets outside of China.

2 Mr. Biggs. But did --

3 Mr. Archer. So we didn't raise capital from the Chinese.

4 Mr. Biggs. Okay, but the crux of the question is, did Hunter Biden ever talk to
5 you about how important that relationship with China was to his family, particularly to his
6 father?

7 Mr. Archer. No, not -- not -- not specifically. No.

8 Mr. Biggs. And did Hunter ever indicate to you that the Chinese anticipated that
9 after his father was out of office he might join their company with -- one of their
10 companies as a paid advisor?

11 Mr. Archer. Did he intimate that --

12 Mr. Biggs. Did he indicate that to you?

13 Mr. Archer. I don't recall, but potentially.

14 Mr. Biggs. You don't recall, but it's not new to you, is what you're saying.

15 Mr. Archer. It's not new to me.

16 Mr. Biggs. Thank you.

17 I yield back to you.

18 Thank you for -- thanks for answering my questions.

19 Mr. Archer. Yeah.

20 BY MR. MANDOLFO:

21 Q Going back to the calls that Hunter Biden would put on speakerphone with
22 his father and others, can you describe what the other people would say, if you can recall,
23 after Hunter Biden did that?

24 Because I'll tell you, just from an everyday American, if someone were to put the
25 Vice President of the United States on the phone right in front of you, it'd be pretty

1 impressive --

2 A Absolutely.

3 Q -- and I would think there would be some sort of reaction from those people.

4 A Yeah, I think everybody -- I think everybody remains, you know, cool and
5 calm like it was, you know -- and then probably called their friends and family and said
6 that they spoke to him. But, you know, the reaction -- I don't have any specifics of, like,
7 people jumping up and giving high-fives, but I think it was, you know, a signal that, you
8 know, they respected and thought was of value.

9 Q And I want to talk about the value. Going back to this, it would be, spring
10 of 2014 Cafe Milano dinner --

11 A Uh-huh. The spring of '14, yeah, the first one.

12 Q And since we talked about it before the break, if you could just recap. Can
13 you just say again who was there?

14 A Sure. Kenes Rakishev, Karim Massimov, Yelena Baturina, possibly Yury,
15 Hunter Biden, Joe Biden, possibly Eric Schwerin.

16 Q The duration of time that Joe Biden stayed there you said you couldn't recall.
17 But do you recall whether he had dinner or whether --

18 A He had dinner, yeah. I recall that he had dinner. It was a regular -- not a
19 long dinner, but dinner.

20 Q And so this dinner takes place in spring of 2014, approximately. But then
21 do you recall getting a wire on February 14th of 2014 from Yelena Baturina for
22 \$3.5 million to Rosemont Seneca Thornton?

23 A To Rosemont Seneca Thornton?

24 Q Yes.

25 A Yes. And why I remember that is from the -- from other testimony. Yes.

1 Mr. Schwartz. Yes. In other words, his memory has been refreshed. He
2 doesn't remember that it happened.

3 Mr. Archer. Exactly. My memory has been refreshed.

4 BY MR. MANDOLFO:

5 Q And, also, there was a wire from a company related to Kenes Rakishev
6 for -- and it's in tab 1 -- for \$142,300?

7 A Yes. Again, I've been refreshed. Very familiar.

8 Q So, leading up to this dinner at spring 2014 at Cafe Milano, the -- I'm going to
9 call it the RST account --

10 A Uh-huh.

11 Q -- and the RSB account had received wires from both Yelena Baturina as well
12 as --

13 A Yeah.

14 Q -- Kenes Rakishev?

15 A Yes. This is -- let me just explain that.

16 So, with Yelena Baturina, it was from Inteco. And Inteco invested -- we're really
17 not sure why that 3.5 went to RST. Inteco invested close to \$120 million with us in
18 Rosemont Realty. So, you know, on that particular wire, there was some commission
19 element. There was a -- two warehouses in Brooklyn. I don't know what the specifics
20 of the wire were, but it was -- quite frankly, it was not supposed to go there, but that's
21 where it went.

22 And RST was set up to be the equity shareholder of BHR. So Rosemont Seneca
23 Bohai ends up being the shareholder of BHR, the "R" -- you know, so -- but we'd set up
24 RST with this group called Thornton, which was once the group that introduced us to
25 Bohai. And because their regulation to own 30 percent -- so I think RST was in existence

1 for about 30 days. Because to own -- so there's three -- there was three partners: RSB,
2 which was Hunter and myself, and then Thornton, and 30 percent broke a threshold of
3 owning BHR.

4 So you had this, like -- I mean, it's -- you know, because, obviously, it's gone over
5 and over -- that was, like, really -- like, it was a mistake, because it didn't meet the
6 regulatory hurdles of BHR to be below 24.9 percent. Otherwise, you have to register
7 with their equivalent of the SEC as a shareholder. So that was a little bit of an anomaly.

8 But the 3.5 was a Rosemont Realty component of a \$118 million, \$120 million
9 investment.

10 Q The "T" in RST, Rosemont Seneca --

11 A Thornton.

12 Q -- Thornton, is Bulger, correct?

13 A Yes.

14 [Archer Exhibit No. 6

15 Was marked for identification.]

16 BY MR. MANDOLFO:

17 Q And I want to show you exhibit 6.

18 We've looked over and subpoenaed the Rosemont Seneca Thornton documents,
19 and one of the beneficiaries for Rosemont Seneca Thornton is Rosemont Seneca Partners.

20 And so I just want to see that -- who was the chairman of Rosemont Seneca Partners?

21 A Hunter.

22 Mr. Schwartz. Is that accurate, or you're just reading this?

23 Mr. Archer. I was just --

24 Mr. Schwartz. His question is, who was the chairman of Rosemont Seneca
25 Partners?

1 Mr. Archer. Rosemont Seneca Partners, yes, that is -- that's accurate.

2 But RST was, like, kind of a mistake, at the end of the day. Not -- it wasn't a
3 mistake; it was just, like, a regulatory thing that we set up mistakenly, basically.

4 BY MR. MANDOLFO:

5 Q We've also traced the money, the \$3.5 million, that came from Yelena
6 Baturina, and over \$2 million of that travels into Rosemont Seneca Bohai.

7 A Right.

8 Q Do you know why over \$2 million of that was going to Rosemont Seneca
9 Bohai, which was the same account also where Hunter Biden was receiving his money?

10 Mr. Schwartz. So I'm going to let him answer this question, but Yelena Baturina
11 is not within scope of this interview. It's not one of the names that you gave us, it's
12 not --

13 Mr. Mandolfo. Well, it's one of the wires that I highlighted.

14 Mr. Schwartz. But, again, the letter which I sent you makes clear that everything
15 is limited by the scope.

16 There's all sorts of stuff in those documents that is in scope and out of scope.
17 The documents are ones that you might use. I don't know for what purpose you were
18 going to use them. Only you knew your questions. But we had negotiated a scope
19 that included very specific people and entities, and --

20 Mr. Mandolfo. But Rosemont Seneca --

21 Mr. Schwartz. -- she was not one of them.

22 Mr. Mandolfo. -- Thornton was negotiated.

23 Mr. Schwartz. So that's why I said I'm not going to stop you from asking this
24 question. But we should move off of Yelena Baturina, in part because he's not prepared
25 to testify, so you're going to get less accurate answers.

1 Mr. Archer. Yeah, and I would -- the scope -- Yelena Baturina, just to get -- is a
2 total Rosemont Realty -- she's a Rosemont Realty -- so whether it was, like, an accounting
3 that was owed or not --

4 Mr. Schwartz. All right. His question is, why did that money go from Thornton
5 to Bohai?

6 Mr. Archer. Thornton to Bohai. Probably because it was owed --

7 Mr. Schwartz. Because they're representing it did.

8 Mr. Archer. Yeah. I'm not -- I can't answer that.

9 But the Rosemont Realty relationship, though he met her once, was -- it is --

10 BY MR. MANDOLFO:

11 Q "He met her." Who is --

12 A Hunter met Yelena once, at that same Lake Como meeting. But there was
13 no -- he was not involved. I think we put him on the advisory board for a minute. And
14 he was really -- Rosemont Realty was completely out of his, kind of, portfolio.

15 Q When was that Lake Como meeting?

16 A That was the meeting I referred to earlier, was probably in May of 2014.
17 That was the transition from legal representation to board member.

18 Q And I want to turn to tab 1.

19 A Sure.

20 Q And, for the record, Kenes Rakishev is in Appendix B.

21 A Uh-huh.

22 Q There's a wire, an incoming wire, to the Rosemont Seneca Bohai account for
23 April 22nd of 2014 for \$142,300.

24 Soon thereafter, there's an outgoing wire, which appears to be the next day, to a
25 beneficiary of Schneider Nelson Motor for this exact same amount.

1 What was -- first off, our understanding is that Novitas Holdings, PTE Ltd. is
2 associated Kenes Rakishev.

3 A That's my understanding.

4 Q Why did Rosemont Seneca Bohai receive this \$142,000 payment from
5 Rakishev?

6 A It was for a car.

7 Q Whose car?

8 A Also, let me clarify. I didn't do -- I didn't, like, do the actual banking, so --

9 Q Who did?

10 A Sebastian Momtazi.

11 Q And Sebastian --

12 A So, like, I wouldn't have sent these wires or received these wires or, like,
13 pressed "go" or -- he would have some rubber stamp, you know, and do it. Hunter
14 interfaced with him. But I know this was for a car.

15 Q Did Sebastian work for Rosemont? One of --

16 A Yeah.

17 Q -- the Rosemonts?

18 A He worked for one of them. I don't know -- I forget --

19 Q Do you remember which one?

20 A Rosemont Realty. First Rosemont Capital, then transitioned to Rosemont
21 Realty.

22 Q What was purpose of this wire?

23 A It was for a car.

24 Q For whose car?

25 A For Hunter's car.

1 Q Was this a Porsche?

2 A It gets a little foggy here. I believe it was a Fisker first and then a Porsche.
3 But it was -- yes, it --

4 Q For an expensive car.

5 A For an expensive car, yes. It gets a little -- yes.

6 Q And you talked earlier about Kenes Rakishev. Do you know his
7 relationship -- and I don't mean familial; I just mean business relationship -- with Prime
8 Minister Karim Massimov?

9 A Do I -- yeah, his relationship? They knew each other.

10 Q How?

11 A Kenes is a prominent -- you know, is a prominent businessman in
12 Kazakhstan, in Europe. He also has a prominent family. So that -- they -- Karim was
13 the Prime Minister, and therefore they knew each other.

14 Q And now I'm going to take you back --

15 A Sure.

16 Q -- to the spring 2014 dinner, where two of the attendees, would you agree
17 with me, one had sent a wire to RSB account for \$142,000 and another one of the
18 attendees had sent a wire to RST for \$3.5 million? Is that correct?

19 A It is not completely correct, because the RST transfer was part of a much
20 bigger investment program, but the first part is correct.

21 Q But these are people who you and Hunter Biden are in business with,
22 correct?

23 A Correct. Well, with Kenes, no -- I mean, I don't think he ever -- Kenes was
24 pitched -- was pitched to Rosemont Realty, but I don't think he ever -- he never -- the only
25 thing that I think ever transacted was a car.

1 Q Well, why did he send --

2 Mr. Schwartz. And what was Hunter's connection to Rosemont Realty?

3 Mr. Archer. Minimal.

4 Mr. Schwartz. Right. So was he in business with --

5 Mr. Archer. He was not --

6 Mr. Schwartz. -- investors in Rosemont Realty?

7 Mr. Archer. No. Hunter we put on the board of Rosemont Realty for a very
8 short period of time.

9 Mr. Greenberg. Did Hunter receive a distribution when Rosemont Realty was
10 sold?

11 Mr. Archer. I believe so, I believe a very low amount of distribution for his
12 tenure on the board of advisors. But I don't -- I can't confirm it.

13 Mr. Greenberg. Was it over a \$100,000?

14 Mr. Archer. I don't know. And that would've been associated with capital
15 raised, not equity.

16 BY MR. MANDOLFO:

17 Q So then what was the purpose of the Porsche payment?

18 A It was -- that's a business matter between them.

19 Q "Them" being who?

20 A Hunter and Kenes.

21 Q So --

22 A That's why I clarified the point, like, I wasn't, like, doing this banking.

23 Hunter was a corporate secretary of RSB. We had a handshake 50-50 ownership. And
24 he conducted, you know, banking business with the COO.

25 Q So you're telling us here today that you don't know why this expensive car

1 was purchased through Rakishev.

2 A No, I don't know why. I was jealous -- no, I'm just kidding.

3 Mr. Mandolfo. Go ahead.

4 Mr. Abourisk. Yeah. Just a point of clarification.

5 Mr. Archer. Sure.

6 Mr. Abourisk. When the \$3.5 million comes into Rosemont Seneca Thornton, an
7 entity with a beneficiary of Rosemont Seneca Partners, I understand your testimony
8 today is that that wire was supposed to go to Rosemont Realty.

9 Mr. Archer. Uh-huh.

10 Mr. Abourisk. But it's correct that that money, that \$3.5 million, roughly
11 \$2.5 million of that was not wired to Rosemont Realty, it was wired to Rosemont Seneca
12 Bohai, right?

13 Mr. Schwartz. If you know.

14 Mr. Archer. Is that -- I don't know, but if it -- you're saying that's the case.

15 Mr. Abourisk. And Rosemont Seneca Bohai, like you just said, was a 50-50
16 handshake between you and Hunter Biden, right?

17 Mr. Archer. Correct.

18 Mr. Abourisk. Okay.

19 BY MR. MANDOLFO:

20 Q And to finish up this spring 2014 Cafe Milano dinner, is there anything else
21 you remember about VP Biden saying during that dinner?

22 A No, not -- this is the first dinner? No.

23 Q Yes.

24 All right. Let's move on to the second dinner --

25 A The second dinner.

1 Q -- the spring 2015 Cafe Milano. Who was there?

2 A That dinner was -- I think we went over it before, but it was Vadym, Hunter,
3 Joe, myself, Karim Massimov, a Greek Orthodox priest, maybe someone from World Food
4 Programme.

5 Q And what did Joe do at that dinner? Did he have dinner? How long was
6 he there?

7 A He had dinner. He had dinner. And there was -- on that one, I believe the
8 first one was, like, a birthday dinner, and then the second was -- I think we were
9 supposed to talk about the World Food Programme. So there was some talk about that.

10 Mr. Goldman. Did you say when the first one was? I'm sorry, I didn't hear.

11 Mr. Archer. The first?

12 Mr. Schwartz. Dinner.

13 Mr. Archer. Oh, the first one was a birthday dinner.

14 Mr. Goldman. When?

15 Mr. Archer. That was the spring of --

16 Mr. Mandolfo. 2014.

17 Mr. Archer. -- 2014.

18 Mr. Goldman. All right.

19 [Discussion off the record.]

20 Mr. Schwartz. Yeah. Let's just clean that up.

21 Mr. Archer. Okay.

22 Mr. Schwartz. I think you said it a second ago, that Hunter Biden was the
23 corporate secretary of RSB. Do you know that to be true, or are you recalling a
24 document you have been shown after the fact?

25 Mr. Archer. I was shown a document after the fact.

1 Mr. Schwartz. And you hadn't seen that document before?

2 Mr. Archer. I had not seen that document before.

3 Mr. Schwartz. To your independent knowledge, did Hunter Biden ever have any
4 official position with RSB?

5 Mr. Archer. Just -- no. Just equity.

6 Mr. Schwartz. Handshake equity.

7 Mr. Archer. Handshake equity.

8 BY MR. MANDOLFO:

9 Q So you're saying there's no -- he had no -- "he" being Hunter Biden -- had no
10 position with RSB, Rosemont Seneca Bohai?

11 A Right.

12 Q So Hunter Biden at this time, he has -- at least for part of the RSB account, he
13 has an Owasco account, he has other bank accounts.

14 A Uh-huh.

15 Q What is the purpose in Hunter Biden receiving all of this money into the RSB
16 account? Because if I am partners with you and we have a split, you have access to the
17 entire account.

18 A Right.

19 Q You would be -- I would be -- not have access to my money.

20 So why was Hunter Biden not receiving this money in his Owasco account, where
21 his name would be affiliated with?

22 A I don't have an answer to that. I actually don't know.

23 Mr. Schwartz. Well, you answered that in part before. Did you view these
24 payments as personal payments to you and Hunter, or was that revenue for --

25 Mr. Archer. Revenue for our business.

1 But, at the end of the day, that was how we set it up. There were investments
2 made from it. You know, it's all -- I see all -- you know, in here. And it just kind of
3 happened from there. I don't -- that's all I -- that's all I know.

4 BY MR. MANDOLFO:

5 Q One of the phone calls that you discussed with Vice President Biden on was
6 with an individual by the name of Jonathan Li.

7 A Yes.

8 Q Who is Jonathan Li?

9 A He is the CEO of BHR.

10 Q When was that phone call?

11 A That I don't recall. Just --

12 Q Do you remember the year?

13 A I don't. It would be before, you know, spring of '16 and after spring of
14 2013.

15 Q What is Jonathan Li's role with that company?

16 A CEO.

17 Q And --

18 A He was also kind of the -- you know, the founder.

19 He left -- he was the CEO of Bohai Sea Industrial Fund, and he wanted to get out
20 of, you know, kind of a government private equity fund. And so he had the
21 entrepreneurial spirit to, you know, come to the States. I actually took him on a tour
22 of -- we met with Blackstone, with, you know -- I don't know -- Apollo, Franklin
23 Templeton, some other large sponsors.

24 And, in the meantime, we became -- Rosemont Realty got enough scale in, you
25 know, size of portfolio that we had a -- you know, we had a meeting, and he was like,

1 "Well, you guys are over 2 billion in AUM now. Why don't you just be the partner?"

2 And that was -- that's how -- how it was -- I was literally taking him on a roadshow
3 with all these -- with a lot of other firms that they were going to do JV with, and then he
4 suggested it to me, actually here in New York -- we're not in New York, but -- in New York.

5 Q Why did Hunter Biden put VP Biden on the phone, on the speakerphone,
6 when Jonathan Li was at the meeting?

7 Mr. Schwartz. You're asking him to speculate?

8 Mr. Mandolfo. No. I'm asking if they discussed it.

9 Mr. Schwartz. Okay.

10 Mr. Archer. Oh, no, no, they didn't discuss -- same answer for -- you know, I
11 never had a specific business discussion --

12 Mr. Schwartz. He's asking if you and Hunter discussed why Hunter put his dad
13 on the phone.

14 Mr. Archer. No.

15 BY MR. MANDOLFO:

16 Q What were Jonathan Li, you, and Hunter talking about at the time that
17 Hunter Biden put his dad on the phone?

18 A Beijing, how great Beijing is -- or Chengdu, whichever city we were in. But,
19 you know, same answers -- non-specifics relative to business and just, you know, an
20 expression of hellos, I guess.

21 Mr. Mandolfo. Do you want to ask your --

22 Mr. Abourisk. Yeah.

23 BY MR. ABOURISK:

24 Q I just have a couple followups --

25 A Sure.

1 Q -- on BHR. So you previously talked about -- you kind of went through the
2 30 percent --

3 A Threshold.

4 Q -- ownership that you needed for BHR.

5 A Uh-huh.

6 Q So I want to take you back to -- when did you -- that 30 percent. And it
7 was -- who were the partners of that 30 percent on the --

8 A Thornton?

9 Q -- American side? Which is who?

10 A James Bulger and Michael Lin.

11 Q Okay. And then who was the other --

12 A It was Hunter and myself.

13 Q Okay. So it was the four of you?

14 A Yes.

15 Q That owned the 30 percent?

16 A Yeah.

17 Q Okay. And when did you guys get ownership of BHR, that 30 percent that
18 we're talking about? Was that at the beginning, in 2014?

19 A That was in, yeah, the beginning.

20 Q Like, January or February of 2014?

21 A Yup.

22 Q Okay. And do you remember how much you all, the four of those partners,
23 initially invested in BHR at the beginning part of 2014?

24 A I'm sure it's in here, but maybe in the \$400,000 range.

25 Q Ballpark, \$420,000?

1 A There you go.

2 Q And later in 2014, did you invest again -- did the four of you invest again in
3 BHR?

4 A In '14?

5 Q Yeah, later, in December of 2014 there was another cap -- was there another
6 capital contribution requirement?

7 A Yeah. Registered capital contribution.

8 Q And how much did the four of you all put in December --

9 A A lesser --

10 Q -- of 2014?

11 A -- amount, I believe.

12 Q Was it \$480,000 in December of 2014? Does that sound about right?

13 A Yeah, it sounds about right.

14 Q Okay. So, if you added up the total, we're at about \$900,000 --

15 A Yeah.

16 Q -- that the four of you invested --

17 A Correct.

18 Q -- in BHR? Was that the total --

19 A And there was an additional capital call.

20 Q Okay, yeah. When was that?

21 A It was a couple years later. Like, a year later? I don't know.

22 Q Okay. Maybe 2015?

23 A Maybe. Yep.

24 Q Okay. And how much?

25 A I'm sure it's all right there.

1 Q How much was that capital contribution requirement?

2 Mr. Schwartz. He knows the answers to all these questions.

3 Mr. Archer. Yeah, I realize that. Help me out.

4 What?

5 BY MR. ABOURISK:

6 Q How much was the capital contribution for --

7 A The final?

8 Q -- the third one? Yeah, the final one.

9 A Let me guess. 3-? 4-? 5-?

10 Mr. Schwartz. Don't guess.

11 BY MR. ABOURISK:

12 Q Yeah, I don't want you to guess.

13 A I don't know. I know it's in here, but I would say, you know, probably
14 in the -- it probably all, you know, totaled out to a million and a half from the RSB side.

15 Q Okay. And for that million and a half dollars that was invested in BHR --

16 A Uh-huh.

17 Q -- that got the four of you, it got you two board seats on BHR? Or how
18 many board seats did it get you?

19 A That was two board seats.

20 Q Okay. And so you sat on the board of BHR?

21 A I did.

22 Q From when to when?

23 A I sat on the board from the beginning -- I was the vice chairman -- until I had
24 my legal issues.

25 Q Okay. So that was early 2014 to mid-2016?

1 A I think -- well, it was under -- yeah. May 31st, my birthday. May 31, 2016.

2 Mr. Schwartz. That is not the date that you stepped --

3 Mr. Archer. That was the indictment.

4 Mr. Schwartz. -- down from BHR.

5 Mr. Archer. No, no, that's the --

6 Mr. Schwartz. It wasn't that day.

7 Mr. Archer. Okay.

8 He knows better.

9 BY MR. ABOURISK:

10 Q Got it.

11 And when did Hunter sit on the board of BHR, to your knowledge?

12 A When did he sit on the board? I don't -- to my knowledge, I know he was
13 on the board at some point, but I don't know if it was before or after. That's a little
14 fuzzy.

15 Q Was it 2014 when you sat on the board?

16 A Perhaps. I don't know the answer to when he was on the board. I'm sure
17 that's easily discoverable.

18 Mr. Schwartz. It's okay to say you don't remember.

19 Mr. Archer. Yeah, I just don't remember.

20 Mr. Abourisk. Okay.

21 Mr. Archer. Because I know it was on and off, but he was definitely on the board
22 at some point.

23 BY MR. ABOURISK:

24 Q When was he on and off?

25 A I don't have the answer to that.

1 Q Okay. You were on the board of BHR and didn't know why a fellow board
2 member was taken -- was on or off?

3 A I just -- if you can give me the times that he was on and off? Do we know
4 the times?

5 Q No, no, I'm asking you. When you were on the board in 2014 at BHR, was
6 Hunter on the board? I mean, he was invested in the company with you, right, in 2014?

7 A I think initially was on the board, yes.

8 Q Okay.

9 A And I think he stepped off at some point, probably after Schweizer's book.
10 It's true.

11 Q Okay.

12 A I think it was "Secret Empires"?

13 Q Got it.

14 A That might have been the catalyst.

15 Q Okay. Thanks.

16 BY MR. GREENBERG:

17 Q You mentioned earlier in the interview that there was pressure coming from
18 all, kind of, several different angles regarding Mykola Zlochevsky --

19 A Uh-huh.

20 Q -- that he was facing. And you mentioned that one of those angles was his
21 difficulty in receiving a visa.

22 A Correct.

23 Q Do you know why he was having difficulty receiving a visa?

24 Mr. Schwartz. Do you know?

25 Mr. Archer. I don't know. I know he was having difficulty receiving a visa.

1 BY MR. GREENBERG:

2 Q Did anybody speak to you about why?

3 A Did anybody speak to me about why he was -- no. I just know that he was
4 very upset about it.

5 Q And that's for an American visa?

6 A Correct.

7 Q And then he --

8 A And the Mexican visa.

9 Q And a Mexican visa.

10 A Which I think reciprocal, so -- yeah. He was unable to receive either.

11 [Archer Exhibit No. 10

12 Was marked for identification.]

13 BY MR. GREENBERG:

14 Q If we can look at exhibit 10, this is an email from, at the bottom, Vadym
15 Pozharski on October 20, 2014, to Devon Archer, subject: "visa update." It says,
16 "Hello, mate. Are there any news re the visa issue? Vadym."

17 And then you wrote to Hunter Biden, "Any progress with DHS?"

18 Is that correct?

19 Mr. Schwartz. That -- you read it correctly.

20 BY MR. GREENBERG:

21 Q Do you have any -- do you remember writing --

22 A I don't remember writing this specifically, but I acknowledge that there was
23 an issue with the visa, and I -- but --

24 Mr. Schwartz. Let him ask the questions.

25 Mr. Archer. Yeah.

1 BY MR. GREENBERG:

2 Q What was your understanding of Hunter Biden's knowledge of progress
3 within DHS?

4 A I don't know. I don't know. I know that he never got a visa.

5 Q Do you know -- do you remember why you thought Hunter Biden had any
6 kind of connection to the Department of Homeland Security?

7 A I believe he had a -- you know, lobbyist that they worked with.

8 Q And do you remember any discussions regarding Hunter Biden with any
9 board member or executive in Burisma regarding the visa issue?

10 A Yes, it was -- yes. Was Hunter -- did Hunter know about the visa issue?

11 Q Yes.

12 A Yes.

13 Q And what were those conversations?

14 A He got rejected when he had got his visa; can you guys help us with
15 someone? And they spoke to a former DHS lobbyist lawyer-type person, which -- the
16 name escapes me, but I'm sure it's somewhere in the laptop.

17 Q Was one of the people that you spoke to Amos Hochstein?

18 A I know that name. I feel like it's a different person for this particular issue,
19 but maybe.

20 Mr. Schwartz. You've been asked about a lot of names. Do you --

21 Mr. Archer. Yeah, a lot --

22 Mr. Schwartz. Do you remember that --

23 Mr. Archer. No.

24 Mr. Schwartz. -- name in connection with this issue?

25 Mr. Archer. I remember that name, but not in connection with this. I think it

1 was a more -- there was basically -- like, essentially -- not "essentially." There's a
2 lobbyist that the D.C. team would call for, like, visa issues, and that was the guy that was
3 engaged.

4 BY MR. GREENBERG:

5 Q Amos Hochstein was the guy who was engaged?

6 A Oh, no. I don't know if it's Amos Hochstein. That doesn't sound familiar.
7 I think it was a more -- less exotic name.

8 Q All right.

9 BY MR. MANDOLFO:

10 Q Let's talk about some of the other times that you've interacted with Vice
11 President Biden.

12 A Uh-huh.

13 Q You went to the -- I believe it was the "visit Vice President Joe Biden" in April
14 of 2014. What was -- why did you go visit him then, if you can recall?

15 A Is this with my son?

16 Q I don't -- I don't know.

17 A April of 2014. Can you frame it a little bit more?

18 Q Well, it would've been around the same time that you had just joined the
19 board of Burisma. You got your payment from Burisma on April 15th of 2014.

20 Mr. Schwartz. You're taking about a meeting at the White House?

21 Mr. Mandolfo. Yes.

22 Mr. Archer. Yeah. Yes. That's what I was looking for. Yeah, the --

23 Mr. Schwartz. I know.

24 Mr. Archer. The, yes, meeting -- I met with Vice President -- then-Vice President
25 Biden in the office next to the White House, the Vice President's office, like that formal

1 office.

2 And it was -- I brought my son. We went into -- we did -- like, went into the
3 armored cars and did some things -- you know, showed him the thick glass. And
4 we -- this -- I mean, I think we have video that was, like, on Twitter, but basically we were
5 talking about his paper-mache White House project for second or third grade.

6 And then Hunter joined us for some portion, I think the formal White House
7 portion of that.

8 BY MR. MANDOLFO:

9 Q And then in the spring of 2015 you attended a breakfast at the Naval
10 Observatory where the U.N. Secretary-General was present?

11 A No --

12 Q Do you remember that?

13 A No, the U.N. Secretary-General was not present at that breakfast. But it
14 was, like, a U.N.-related conversation.

15 Q Who was present?

16 A A gentleman named Mark Holtzman, myself, Hunter, and the Vice
17 President -- Vice President.

18 Q And what was the discussion about?

19 A It was about who was going to be the next U.N. Secretary-General.

20 Q Why were you involved in that?

21 A Because Mark Holtzman was lobbying for Karim Massimov. But it
22 was -- obviously, that didn't happen.

23 Q Did there come a time when you ever met with the Prime Minister, Karim
24 Massimov, of Kazakhstan?

25 A Did I -- that I ever met --

1 Q Yes.

2 A Yeah. I'm friends with him. I'm a friend, a good friend.

3 Q And did you meet with him with Kenes Rakishev at any point?

4 A Yes.

5 Q What was the purpose of that meeting?

6 A The purpose of meeting -- well, I was -- I was trying to raise capital for
7 Rosemont Realty.

8 Q Did it have anything to do with the Chinese National Offshore Oil
9 Corporation, CNOOC?

10 A CNOOC. I mean, that could've come up, but I don't -- I don't remember
11 specifically. Certainly never -- nothing ever materialized from that.

12 The other reason for Massimov were Burisma Eurasia, because he was the Prime
13 Minister, and Burisma was trying to expand its businesses, so I leveraged the relationship
14 to introduce him to the company -- the country and new equipment and technology and
15 clean drilling.

16 So that was -- that was probably some of the effort. But, initially, it was the
17 Rosemont Realty pitch.

18 Q Are there any other dinners with Vice President Biden that we have not
19 discussed that you recall where he was present?

20 A With other -- with other people? I think I've -- or just me?

21 Q No, where you were present, with other people, either.

22 A Well, I think we had Vietnamese food in Georgetown once with just Hunter.
23 I don't know. Are there any that I --

24 Q No, I'm asking.

25 A I can't recall right now. But I think that those were, like, the extent of

1 the -- it's been pored over pretty well.

2 Q What about golfing?

3 A Golf, yes. I think everybody's well aware that I've golfed with the Vice
4 President.

5 Q And who else has been on those golfing trips?

6 A Hunter. And in one of them, we played with, you know, three different
7 people and the owner of the club.

8 Q Anybody else that was present for those?

9 A A lot of Secret Service. Yeah, I don't think anyone else was present on the
10 golfing.

11 Q Leading up to today's interview, has anyone contacted you regarding -- and
12 I'm not asking about any communication between you and your attorney -- outside of
13 your attorney, about you testifying here today with the committee in order to try and get
14 you to not testify or to meet with us?

15 Mr. Schwartz. He's received a lot of anonymous --

16 Mr. Archer. Yeah.

17 Mr. Schwartz. -- threats or whatever.

18 BY MR. MANDOLFO:

19 Q People who you know. How about that? People who you know.

20 A People who I know? Like, from a legal -- I mean, it's a lot.

21 Q No --

22 A I have so many opinions, it's -- I wouldn't even be -- it's mind-numbing, the
23 amount of --

24 Mr. Schwartz. He's not asking for your advice. He's asking if anyone was
25 passing a message to you not to testify, on behalf of the family or the administration.

1 Mr. Archer. No, not directly.

2 BY MR. MANDOLFO:

3 Q What indirectly?

4 A No, just, you know, death threats and my parents' death threats and all that
5 kind of stuff.

6 Q When was the last time you spoke with Hunter Biden?

7 A I had a Signal message exchange when his book was published. I can't put
8 a date on that, but years ago.

1

2 [12:43 p.m.]

3 BY MR. MANDOLFO:

4 Q Did Hunter Biden ever use encrypted apps when he talked with you?

5 A Signal.

6 Q How frequently would you talk on Signal?

7 A I mean, quite frankly, in the scope of what we're talking about, that was, like,
8 all post my issues. So not often, not often. Here, you know, here and there.

9 Q I believe you've mentioned this person before. But who's Eric Schwerin?

10 A Eric is -- he was the, you know -- you know, for lack of a better term,
11 Hunter's kind of COO at Rosemont Seneca Advisors and Seneca before that, I think the
12 lobbying firm before that.

13 Q And who is Jeffrey Cooper?

14 A He was -- he was the founder of Eudora Global, which was a firm that Hunter
15 Biden had some equity.

16 Q When was the last time you talked with Jeff Cooper?

17 A Jeff Cooper is a dear friend of mine.

18 Q And so when was the last time you talked with him?

19 Mr. Schwartz. After April 2016.

20 BY MR. MANDOLFO:

21 Q I want to get into some documents to see if you have them in your
22 possession or if you know who may have the documents.

23 A Sure.

24 Q Were there any -- related to Burisma -- were there any documents created in
25 relation to the board, such as board minutes, related to board appointments, resolutions,

1 notes? Are you aware of any of those documents?

2 A Am I aware?

3 Q Were those documents --

4 A Do I know where they are? No.

5 Q Were they created, first? That's my first question.

6 A Yes.

7 Q And your answer to the second question is you don't know where they are at
8 the moment.

9 A Correct.

10 Q Do you have any text messages or emails with any Burisma associates or
11 Hunter Biden or any other Biden associates in your possession?

12 A No.

13 Q Where are they?

14 A They would be easily found in my discovery from my case.

15 Q What about related to Rosemont Seneca Partners? Are all of your -- are all
16 of the materials related to Rosemont --

17 A Yeah, I don't have -- like, as far as documents, I don't have any -- I don't
18 have -- I barely have email.

19 Q Is there any --

20 A I don't have a computer.

21 Q Excuse me?

22 A I don't have a computer.

23 Q Is there anyone holding any of your documents that you're aware of at the
24 moment?

25 A AlixPartners.

1 Q What documents are they holding?

2 Mr. Schwartz. Sorry. They are retained through counsel. So that's us.

3 Mr. Mandolfo. So you have the documents. Boies Schiller has --

4 Mr. Schwartz. We have some documents. I'm not saying responsive to your
5 specific question. We have some documents.

6 BY MR. MANDOLFO:

7 Q If you can go to exhibit 1, tab 7. If you go to the line item that's August
8 26th of 2015.

9 A Yes. Sorry.

10 Q There's a beneficiary?

11 A Uh-huh.

12 Q MFTCG Holdings, LLC, Biden.

13 A Uh-huh.

14 Q For \$150,000. What is that?

15 A I'm assuming it's an account of Hunter's.

16 Mr. Schwartz. You're assuming?

17 Mr. Archer. Right. I'm assuming. MFTCG Holdings. Is that -- the account
18 name is -- I'm just reading it. It says

19 Biden. Is that a note, or is that the actual account?

20 Mr. Mandolfo. This is the bank records. This is the record that was created by
21 the bank, and I'm just asking if you know that company.

22 Mr. Archer. I don't offhand.

23 Mr. Greenberg. Who is Rob Walker?

24 Mr. Archer. Rob Walker was another Rosemont Seneca Advisor partner.

25 Mr. Greenberg. In 2015, Rob Walker used his company, Robison Walker, LLC, to

1 take in money from Gabriel Popoviciu.

2 Do you know who Gabriel Popoviciu is?

3 Mr. Schwartz. None of this is within scope. Don't answer that.

4 Mr. Biggs. Thank you. Thanks.

5 I know you're going to think I sound like a one-note piano, but I've got to keep
6 coming back because I want to make sure that I fully understand.

7 As you call it, you talked about the brand. Okay?

8 Mr. Archer. Uh-huh.

9 Mr. Biggs. I've got to understand the brand if I can -- so I can understand all of
10 this.

11 You're in Dubai and you're told that there's pressure coming on and going to make
12 a phone call to D.C., and, if I understand it right, they excuse themselves to go make this
13 call, right?

14 In the meantime, one thing you've said is that you guys had -- you worked with
15 some -- I think Blue Star? Is that the name of it?

16 Mr. Archer. Correct. Blue Star Strategies.

17 Mr. Biggs. Blue Star Strategies. And they took care of some of the lobbying
18 and internal D.C. mechanisms.

19 Mr. Archer. Correct.

20 Mr. Biggs. Okay. And -- but you've also testified that President -- excuse
21 me -- then Vice President Biden would make phone calls and actually made some -- went
22 to dinner at Cafe Milano.

23 And he might just say, "Hey, how's it going, take care of my boy" -- I don't know if
24 he said, "Take care of my boy" or not. I don't know. But he was giving some
25 glad-handing types of comments when he would call in. I think you testified about 20

1 times that he called in. Is that fair?

2 Mr. Schwartz. Is the question did Hunter Biden and his father speak 20 times in
3 front of Mr. Archer?

4 Mr. Biggs. No, no, in these conference calls, whether it was a dinner meeting or
5 meeting in front of clients or personal. Is that fair?

6 Mr. Archer. That is fair.

7 Mr. Biggs. Okay. And so what I'm trying to understand here is you had Blue
8 Star and other D.C. reps.

9 Mr. Archer. Uh-huh.

10 Mr. Biggs. You had Vice President Biden. Vice President Biden either attended
11 or made phone calls. But I assume that nobody from Blue Star Strategies was calling in
12 and getting put on a conference call with potential clients or business people. Is that a
13 fair assumption?

14 Mr. Archer. No, not necessarily. Blue Star was working very hard for their -- so
15 they were -- they were very well engaged with Burisma. They had a lot of problems.
16 There was a lot of work to do.

17 Mr. Biggs. They had a lot of problems, but they weren't being called in to recruit
18 or to --

19 Mr. Archer. To recruit?

20 Mr. Schwartz. Let him finish the question.

21 Mr. Archer. Yeah.

22 Mr. Biggs. To recruit or to basically be a PR face for your partnership like Joe
23 Biden was.

24 Mr. Archer. I disagree. They were brought in and -- and, you know, brought in
25 for other meetings. They were brought in to, you know, have meetings with State

1 Department people.

2 And, you know, they were -- Blue Star was very active with kind of dealing with
3 lower-level, you know, government folks to help advance whatever Burisma was trying to
4 solve for. There was --

5 Mr. Biggs. But they weren't the brand.

6 Mr. Archer. They were not the brand.

7 Mr. Biggs. The brand was really Joe Biden.

8 Mr. Archer. U.S. -- U.S. -- D.C. was the brand.

9 Mr. Biggs. D.C. But earlier in your response to me you said it was really the
10 Biden -- the Biden family. And then we got to it wasn't anybody else but Joe Biden.

11 Mr. Archer. In the context of the Biden family.

12 Mr. Biggs. Right. So that leads to the next question.

13 Did anybody else from the Biden family, as part of the Biden brand, ever show up
14 at these dinners or phone calls -- have phone calls -- or was it just the Vice President?

15 Mr. Archer. Not during my tenure.

16 Mr. Biggs. And did Vice President Biden ever call in to Burisma board of director
17 meetings while you were on the board or Hunter was on the board to your knowledge?

18 Mr. Archer. Not to my knowledge. I was on the board. I would say no, not to
19 the board, actual board meetings.

20 Mr. Biggs. Then that leads me to ask this follow-up question. What do you
21 mean when you say not to the actual board meetings? Was there some other way he
22 was contacting the Burisma board members?

23 Mr. Archer. No, not -- not that I know of.

24 Mr. Biggs. Okay. And so I just want to see if I can --

25 Mr. Archer. Uh-huh.

1 Mr. Biggs. -- put this square peg in the round hole again.

2 Mr. Archer. Sure.

3 Mr. Biggs. Is what I understand you to be testifying to, you don't have to
4 comment about what my understanding -- what my understanding. You just say I've got
5 it all screwed up or I'm with you.

6 And that is you had this group of individuals, Blue Star management, whatever
7 they were, that were working actively as problem solvers for, say, Burisma, right?

8 Mr. Archer. Right.

9 Mr. Biggs. And on the other hand, you had what you call D.C., and it became the
10 name brand, which we all agree is Joe -- Vice President Joe Biden. He's over here. And
11 he's making calls to all kinds of folks, 20 of them that you had mentioned. Fair to say?

12 Mr. Goldman. Who's making calls?

13 Mr. Schwartz. What is fair to say?

14 Mr. Goldman. Who's making calls?

15 Mr. Biggs. The Vice President made 20 calls. That's what you said.

16 Mr. Archer. Let's clarify. He did not -- whether it was Joe calling --

17 Mr. Biggs. Or Hunter Biden calling.

18 Mr. Archer. -- there was a call. And that also is over, you know, 10-year
19 partnership. So --

20 Mr. Biggs. But he was the brand, face of the brand, not anybody else?

21 Mr. Archer. Yes.

22 Mr. Biggs. Not anybody else in the Biden family?

23 Mr. Archer. No one else in the Biden family. It was Hunter Biden and him.

24 Mr. Biggs. And not the D.C., what do you call them, the machine or, you know,
25 the machine manipulators, Blue Star agency, right? That was not --

1 Mr. Archer. That was complementary to the brand. That was the operational
2 elements.

3 Mr. Biggs. Sure.

4 Mr. Schwartz. You guys have 2 minutes left on the clock.

5 Mr. Biggs. Back to you guys.

6 Mr. Mandolfo. I just have one question about Jeff Cooper. It falls within, even
7 though it's April 2016, he's a Biden associate. Whether any Biden associates, including
8 Jeff Cooper or anyone from the Biden administration, has communicated in any manner
9 with you regarding the committee's investigation.

10 Mr. Archer. No. No. No.

11 Mr. Mandolfo. Clark, anything you want to add? You've got 1 minute.

12 Mr. Schwartz. You don't have to use every last second.

13 Mr. Biggs. This may never happen again.

14 Mr. Schwartz. This won't happen again but it still --

15 Mr. Biggs. It may never happen again. Never say never.

16 Mr. Mandolfo. That's not in the letter.

17 Thank you. We'll take a break.

18 Mr. Greenberg. We're off the record.

19 [Recess.]

20  Back on the record at 1:36.

21 EXAMINATION

22 

23 Q Good afternoon, Mr. Archer.

24 A Thank you.

25 Q Before I start with my questions, I want to come back to documents you

1 were shown during the Republicans' round of questioning. You were shown various
2 documents that appear to be emails.

3 A Uh-huh.

4 Q The majority staff has represented -- the Republican staff has represented
5 that they come either from the internet or from a hard drive in their possession that they
6 have refused to date to provide to committee Democrats.

7 Mr. Archer, I want to be clear. You are unable to authenticate these emails. Is
8 that correct?

9 A I am unable to authenticate. That is correct.

10 Q You don't have a personal memory or recollection that would allow you to
11 determine whether these emails are, in fact, authentic.

12 A I don't -- I don't know if they're authentic. They're kind of in the genre of
13 what we talked about.

14 Q I'd like to start off by coming back to Burisma, which we've talked about a
15 lot.

16 You mentioned during the Republicans' round of questioning that you were
17 invited to come join the board of Burisma by former Polish President Kwasniewski.

18 Is that right?

19 A Correct.

20 Q And Kwasniewski has a reputation internationally of being a reformer --

21 A Uh-huh.

22 Q -- in Poland.

23 A Uh-huh.

24 Q Did you have an understanding of why he joined the board of Burisma?

25 A Do I have an understanding? I think -- I think he enjoyed the

1 compensation. I think that he also had some -- there was some messaging about energy
2 independence from Russia kind of thing.

3 Q And was that something that Mr. Kwasniewski felt important about?

4 A I think so.

5 Q And that's Burisma's role in being a bulwark on behalf of Ukraine against
6 Russia.

7 A Right.

8 Q And is that a pitch that he made to you when he was trying to recruit you to
9 the board of Burisma?

10 A Yes.

11 Q There's been public reporting that at the time in recruiting board members
12 Mr. Zlochevsky, the owner of Burisma, explained that he wanted his company to adapt to
13 Western standards of transparency.

14 Do you recollect whether that's something Mr. Zlochevsky would say?

15 A Yes.

16 Q And can you explain kind of what expertise you brought to the board of
17 Burisma?

18 A So what I brought -- the initial -- the initial engagement, it was really
19 about -- around me raising additional, you know, outside capital, possibly debt capital,
20 expansion capital, from, you know, European, Western, Singapore, U.S. markets, for them
21 to -- I think the initial idea was expansion into the U.S. by a small U.S. company.

22 But as things got, you know, hotter, it was -- it was by, you know, by
23 another -- expand it to other countries that were less sensitive to kind of the -- the public,
24 you know, press and what have you in regards to the company.

25 So I think the first was raise capital.

1 The second, when the capital window kind of closed based on really, you know,
2 based on Hunter joining the board, When the capital window closed, it became, "Okay,
3 Devon, repurpose your efforts on expanding internationally."

4 Q And you explained that you had a background in finance and private equity --

5 A Uh-huh.

6 Q -- in Asia?

7 A I did, yeah. I started in Asia.

8 Q So is it fair to say that, you know, you had a lot of business connections --

9 A Yes.

10 Q -- throughout Asia?

11 A Uh-huh, globally.

12 Q But particularly in Asia.

13 A Particularly in Asia, yes.

14 Q And do you remember talking about Burisma to Hunter Biden?

15 A Yes.

16 Q And what --

17 A Just in general.

18 Q And what was -- what was your -- what were your conversations with Hunter
19 Biden about joining Burisma -- about doing work with Burisma?

20 A I don't recall directly. I do know it started under the guise of legal
21 representation and then evolved outside of my -- well, it was in my purview but outside
22 of my direction into a board membership.

23 Q And by that you mean at the time Hunter Biden was of counsel at the law
24 firm Boies Schiller. Is that right?

25 A That is correct.

1 Q And is it fair that you talked to Hunter Biden about corporate governance
2 issues that Burisma was facing?

3 A Yes.

4 Q And is it fair that you thought that he and the firm of Boies Schiller might be
5 able to help Burisma with that?

6 A Yes.

7 Q Is that something that you --

8 A We went so far we commissioned a report where the initial reading was,
9 like, a Crowell Report. Then we commissioned a report from Nardello, which still sits in
10 my office -- it's about ten binders wide -- to, you know, to dig into the governance and,
11 you know, vision forward and set new ground rules and all that kind of stuff.

12 So, yeah, it was very -- we were very active. That took quite some time.

13 Mr. Goldman. And he, Hunter Biden, was involved in that process?

14 Mr. Archer. Yes.

15 [REDACTED] And Boies Schiller, where he was of counsel, is an international
16 law firm with, you know --

17 Mr. Archer. They're all right. No, I'm just kidding.

18 [REDACTED] It's an international law firm with a very good reputation. Is
19 that fair?

20 Mr. Schwartz. He'll stipulate it's the greatest law firm ever.

21 Mr. Archer. That's great.

22 [REDACTED] And Mr. Biden, who was an attorney at that law firm, is it fair to
23 say that he had some expertise in issues of corporate governance from a legal
24 perspective?

25 Mr. Archer. Yep. Yes.

1 [REDACTED] I want to turn to --

2 Mr. Goldman. Just on that subject.

3 You said you met Hunter Biden at one of the conventions and then were
4 reconnected to him through your mutual friend, Chris Heinz, in around 2008.

5 Mr. Archer. No. It was Marc LoPresti.

6 Mr. Goldman. Marc LoPresti. Okay.

7 Mr. Archer. Yeah, so I would have met him with Chris Heinz at the convention.

8 Mr. Goldman. I see.

9 Mr. Archer. And then this attorney, LoPresti, introduced us, Marc LoPresti.

10 Mr. Goldman. At that time what did you know Hunter Biden's profession to be?

11 Mr. Archer. Well, he introduced himself as a, you know, a -- he was in the D.C.
12 advisory business, that he had -- he was going to have to leave lobbying or he left
13 lobbying -- I forget at the time -- and shifted from lobbying to advisory, and that he was
14 the -- obviously, he was then interested in private equity. So he was, "Why don't we
15 combine forces?" and blah, blah, blah.

16 Mr. Goldman. You said initially that there were some rumblings that you
17 overlapped --

18 Mr. Archer. At Yale.

19 Mr. Goldman. -- at Yale.

20 Mr. Archer. Yes.

21 Mr. Goldman. Where was he at Yale?

22 Mr. Archer. He was at law school I guess --

23 Mr. Goldman. So he graduated from Yale Law School.

24 Mr. Archer. He graduated from Yale Law School. Two of the years he was -- I
25 think he transferred from somewhere. But two of the years he was there and lived very

1 close to me.

2 Mr. Goldman. Okay. So by the mid-two thousand teens he was of counsel at
3 Boies Schiller after having a career in lobbying, advising, consulting, and some business
4 ventures?

5 Mr. Archer. Yes, some business ventures. But, yeah, it was all in the legal.
6 And I think he worked for a credit card company, as well.

7 

8 Q And we talked about how President Kwasniewski felt that Burisma had a role
9 to play in helping as a bulwark against Russia --

10 A Uh-huh.

11 Q -- which was being aggressive toward Ukraine at the time.

12 Is it fair to say that Hunter Biden kind of shared that thought? He was quoted,
13 for example, in the press as saying that: Helping out a domestic Ukrainian gas producer
14 as a bulwark against Russia -- Russian aggression -- seems like I was on the side of angels.

15 A Right. I think that was the belief.

16 Q So is it fair to say that there was kind of an idealistic fiber to Hunter Biden's
17 interest in Burisma, in part?

18 A In part.

19 Q I want to turn to exhibit 2, which is one of the exhibits your counsel and
20 Republican -- committee Republicans agreed to as one of the exhibits in this TI. I want
21 to turn to point 8 in here.

22 "Burisma has an opportunity here to play the hero if it ignores the artificial market
23 value of their product and plays to the national interest."

24 And so I just -- is that kind of a continuation of that theme of Burisma's role in
25 Ukraine's energy independence?

1 A I don't -- I don't really understand that comment. "Opportunity here to
2 play hero if it ignores the artificial market value of their product"?

3 Q I think above it says, "There would be enormous pressure on Burisma to
4 lower prices for the national good."

5 A Oh, oh, I see. I see.

6 Mr. Schwartz. It's okay if you don't understand.

7 Mr. Archer. Yeah, I don't know what that means.

8 [REDACTED]

9 Q I'd like to point you to point 16 --

10 A Uh-huh.

11 Q -- where in this email it says, "We can actually be of real value here.

12 Developing relationships, bringing U.S. expertise to the company, supplying strategic
13 advice on politics and geopolitical risk assessment."

14 Do you see that sentence?

15 A Yep.

16 Q Does that coincide with your recollection of the value that Hunter Biden felt
17 he could add to the firm Burisma?

18 A That is -- I felt like that was -- yeah, I think collectively we probably felt that.

19 Mr. Goldman. Burisma, as well.

20 Mr. Archer. Yeah, I think that's the -- that was kind of the spirit of it.

21 [REDACTED]

22 Q I want to point you now to point 20 in this email --

23 A Uh-huh.

24 Q -- where it says, "To that end, they" -- and I believe "they" is a reference to
25 Burisma here -- "need to know in no uncertain terms that we will not and cannot

1 intervene directly with domestic policymakers, and that we need to abide by FARA and
2 any other U.S. laws in the strictest sense across the board."

3 Do you see that sentence?

4 A I do.

5 Q And do you understand FARA to be a reference to the Foreign Agents
6 Registration Act?

7 A I do.

8 Mr. Schwartz. You're asking him his current understanding.

9 Mr. Archer. Yes, current understanding, yes. At the time I don't think I was
10 familiar with FARA.

11 But, yes, I am very aware of it.

12

13 Q Is it your understanding that Hunter Biden felt that it was important that his
14 role -- in his role in Burisma he comply with U.S. laws?

15 A Did he -- did I --

16 Q Yes.

17 A I could speculate that he would think that, yes.

18 Q Based on your interactions with him.

19 A Based on interactions, and I don't think he was looking to break any laws.

20 Mr. Goldman. Well, on this, does this refresh your recollection, this email, as to
21 whether or not you heard him say that to you either in writing or verbally as you look at
22 this document?

23 Mr. Archer. Yeah. He -- yes, he was -- he was very -- he was cognizant of his
24 name and his brand and would talk about it, yeah.

25 Mr. Goldman. This doesn't talk about the name and the brand. This just talks

1 about his -- making sure that Burisma understands --

2 Mr. Archer. Yes.

3 Mr. Goldman. -- the scope of what he can and cannot do and that he cannot
4 intervene directly with domestic policymakers and need to abide by FARA and any other
5 U.S. laws in the strictest sense across the board.

6 Was that your understanding of both his approach and Burisma's understanding,
7 as well?

8 Mr. Archer. I would say -- I would say yes to the first part of the question. The
9 first part of the statement, yes, I think Burisma was constantly looking for more.

10 And it kind of speaks a little bit to that other email that we used as an exhibit
11 earlier where it's, like, we're going to use my dad's thing and take credit for it. There
12 was an element that he was always trying to avoid that but at the same time trying to
13 prove value. So it was this element of, like, signals.

14 [REDACTED] Well, we'll return to that --

15 Mr. Schwartz. Your reference to the name and the brand, what you mean is he
16 had to be scrupulous about not violating the law because that would --

17 Mr. Archer. Right. That's why I refer to the brand.

18 Mr. Schwartz. -- reflect on the name and the brand.

19 Mr. Goldman. All right. So when you were talking about the name and the
20 brand, that because of that --

21 Mr. Archer. Because of that --

22 Mr. Goldman. -- it was your understanding that he was even more fastidious
23 about following the law --

24 Mr. Archer. Right.

25 Mr. Goldman. -- because of the name and the brand --

1 Mr. Archer. Yes.

2 Mr. Goldman. -- as you describe it.

3 Mr. Archer. It was a -- it was a constant push-pull in that regard, you know.

4 Mr. Goldman. Because Burisma wanted him --

5 Mr. Archer. People always wanted more.

6 Mr. Goldman. Burisma wanted him to do more --

7 Mr. Archer. Right.

8 Mr. Goldman. -- with his connections.

9 Mr. Archer. Correct.

10 Mr. Goldman. And Hunter Biden understood that he could not do that, but he
11 was trying to --

12 Mr. Archer. Balance it.

13 Mr. Goldman. -- balance it and prove value to a company that expected him to do
14 things that --

15 Mr. Archer. Right.

16 Mr. Goldman. -- he was uncomfortable doing.

17 Mr. Archer. Right.

18

19 Q And so as a Biden, it was important for him to follow the law. Is that fair?

20 A That's fair.

21 Q On point 17, on this same email, the previous page, it says, "BSF" -- which I
22 believe is a reference to Boies Schiller Flexner -- "can actually have direct discussions at
23 state, energy, and NSC. They can devise a media plan and arrange for legal protections
24 and mitigate U.S. domestic negative press regarding the current leadership if need be."

25 Is it your understanding that Hunter Biden's plan, in order to make sure he

1 followed the law, was to hire a different partner at Boies Schiller to take care of these
2 discussions with U.S. Government entities?

3 A Yeah, that happened.

4 Q And so was the idea that hiring kind of that firm for that mission would help
5 ensure that actions on behalf of Burisma stayed in compliance with the law?

6 A That was the intent, yes.

7 Q And in addition to -- and just to be clear, when he talks about Boies Schiller
8 doing that, he's talking about a different partner at Boies Schiller, not him, right?

9 A Right.

10 Q And in addition to bringing in Boies Schiller to do that, is it also fair that at
11 some point a different -- I think you called it lobbying group -- the Blue Star Group was
12 brought in to handle interactions with U.S. Government officials?

13 A Correct.

14 Q And then when we talked about exhibit 10, which is the email about any
15 progress with DHS --

16 A Uh-huh.

17 Q -- I think you mentioned that there was another lobbyist who was brought in
18 to deal with this visa issue.

19 A Yes.

20 Q And I think you said that it actually was unsuccessful and Mr. --

21 A Yes, he never --

22 Q -- Zlochevsky never got his visa.

23 A Correct. It was a lot of work on that. Never happened.

24 Q So is it fair to say that Hunter Biden helped bring in a group of government
25 affairs and lobbying experts to handle the interactions with U.S. Government agencies?

1 A Uh-huh, yes, that's fair to say.

2 Q And so I think you referenced a D.C. team.

3 A Uh-huh.

4 Q Is it fair to say that there was a whole D.C. team that handled public affairs
5 on behalf of Burisma?

6 A Yes.

7 Q And that D.C. team was firms like Boies Schiller, Blue Star Group, this
8 lobbyist who was brought in to do the DHS issue. Is that fair?

9 A Fair.

10 Q That's not Joe Biden.

11 A No, that's not -- that's not the D.C. team.

12 Mr. Goldman. You mean Joe Biden is not the D.C. team.

13 Mr. Archer. Right.

14

15 Q So Congress, particular Republicans in Congress, have been talking about
16 Burisma for a long time.

17 A Uh-huh.

18 Q And so forgive me, but I want to bring up 2020.

19 In 2020, going back a few years, the Senate Committee on Homeland Security and
20 Governmental Affairs and the Senate Finance Committee, which were then under
21 Chairman Johnson and Chairman Grassley, Republican chairmen, conducted an extensive
22 investigation in an effort to show some connection between Hunter Biden's work on
23 behalf of Burisma and then Vice President Biden's role in carrying out official U.S. policy in
24 Ukraine.

25 As part of that investigation, there were 46 subpoenas issued, 50 hours of

1 transcribed interviews of 10 witnesses, reviews of tens of thousands of pages of
2 documents over the course of a year-long investigation.

3 A Uh-huh.

4 Q At the conclusion of that investigation, Senate minority staff issued a report
5 summarizing the findings. And I'd like to read those for you.

6 "Every witness interviewed for this investigation testified that Vice President
7 Biden did not alter United States foreign policy to benefit his son Hunter Biden, and that
8 Hunter Biden's presence on the board of the Ukrainian gas company Burisma had no
9 effect on U.S. foreign policy.

10 "Every witness stated that Hunter Biden and his associates had no role in the
11 formulation of U.S. policy, that Hunter Biden's role did not influence U.S. foreign policy
12 decisions, and that Vice President Biden carried out U.S. foreign policy in the interest of
13 the United States.

14 "The investigation's evidence, set forth in this Minority report, confirms there was
15 no corruption, wrongdoing, or impropriety on the part of" the Vice President."

16 Having read that for you, I have a few questions for you based on your own
17 knowledge and experience.

18 So based on your own knowledge and experience -- your relationship with Hunter
19 Biden, your time on Burisma's board, and the entirety of your knowledge and
20 experience -- do you have any basis to disagree with the conclusion that, quote, "Vice
21 President Biden did not alter U.S. foreign policy to benefit his son Hunter Biden"?

22 A I have no basis to know if he altered. I have no basis to know if he altered
23 policy to benefit his son.

24 Q So you have no knowledge --

25 A I have no knowledge. Sorry.

1 Q -- of him --

2 A Yes, I have no knowledge.

3 Q -- altering U.S. policy to benefit his son.

4 A I have no knowledge.

5 Q You -- do you have any basis to disagree with the conclusion that "Hunter
6 Biden's presence on the board of the Ukrainian gas company Burisma had no effect on
7 U.S. foreign policy"?

8 A Not directly. You mean like making laws? I don't -- I don't think so.

9 Mr. Goldman. Foreign policy.

10 Mr. Archer. No -- no -- no on foreign policy.

11

12 Q No basis to disagree with that conclusion.

13 A No.

14 Q Do you have any basis to disagree with the conclusion that "Hunter Biden's
15 role did not influence U.S. foreign policy decisions"?

16 A I have -- yeah, I have no basis.

17 Q Do you have any basis to disagree with the conclusion that "Vice President
18 Biden carried out U.S. foreign policy in the interest of the United States"?

19 A I have no basis to judge.

20 Q Or to disagree with that.

21 A Or disagree.

22 Q You have no knowledge -- nothing based on your knowledge or experience
23 contradicts this conclusion.

24 A No.

25 Q Does anything in your knowledge or experience contradict the conclusion

1 that "there was no corruption, wrongdoing, or impropriety on the part of Vice President
2 Biden"?

3 A I have no basis to know.

4 Q The report also found, quote, "No --"

5 Mr. Goldman. I'm sorry. You have no basis to know or is that a no?

6 Mr. Archer. I have -- I have -- I would have no idea.

7 Mr. Goldman. No basis --

8 Mr. Schwartz. Are you aware of any wrongdoing by Vice President Biden?

9 Mr. Archer. No, I'm not aware of any.

10

11 Q So based on your knowledge and experience, you have no evidence that
12 would contradict any of these conclusions I just read.

13 A No.

14 Q The report also found, quote, "No evidence that any action of the U.S.
15 Government or any U.S. official was taken to benefit Burisma or Hunter Biden."

16 Do you have any evidence or knowledge that contradicts this conclusion?

17 A No.

18 Q So based on everything you saw, heard, and observed, did you have any
19 knowledge of Joe Biden having any involvement with Burisma?

20 A No -- not direct, no.

21 Q No involvement of Joe --

22 A No.

23 Q -- Biden with Burisma.

24 A No. My only thought is that I think Burisma would have gone out of
25 business if it didn't have the brand attached to it. That's my, like, only honest opinion.

1 But I have no basis for any -- never heard any conversations --

2 Mr. Goldman. But that's different than Joe Biden's action.

3 Mr. Archer. Right.

4 Mr. Goldman. You're just talking about that Hunter was on the board.

5 Mr. Archer. Right. And I think that's why --

6 Mr. Goldman. And so --

7 Mr. Archer. -- it was able to survive for as long as it did.

8 Mr. Goldman. By -- because of additional capital or --

9 Mr. Archer. Just because of the brand.

10 Mr. Goldman. Well, I don't understand. How does that have an impact?

11 Mr. Archer. Well, the capabilities to navigate D.C. that they were able to, you
12 know, basically be in the news cycle. And I think that preserved them from a, you know,
13 from a longevity standpoint. That's like my honest -- that's like really what I -- that's like
14 how I think holistically.

15 Mr. Goldman. But how would that work?

16 Mr. Archer. Because people would be intimidated to mess with them.

17 Mr. Goldman. In what way?

18 Mr. Archer. Legally.

19 Mr. Goldman. Uh-huh.

20 Mr. Archer. So on this line of questioning, I have no, like, proof. I have no
21 nothing.

22 Mr. Goldman. Let's talk about legally, I think just pivot to that, because you had
23 said earlier that -- I believe the direct quote is that Burisma felt like they had Shokin under
24 control.

25 Mr. Archer. Correct.

1 Mr. Goldman. What did you mean by that?

2 Mr. Archer. That was like -- that was a narrative that was -- that was told to me
3 by various of the D.C. team, that the firing of Shokin was bad for Burisma because he was
4 under control.

5 Mr. Goldman. What did you understand "under control" to mean?

6 Mr. Archer. Meaning that they were going to maybe give a slap on the wrist as
7 opposed to --

8 Mr. Goldman. Okay.

9 Mr. Archer. -- you know, seize all his assets.

10 Mr. Goldman. Because there was a lot of characterizations by the Republicans in
11 the first part about a Ukrainian investigation.

12 Mr. Archer. Uh-huh.

13 Mr. Goldman. But you're not actually aware of any investigation by the
14 prosecutor general in Ukraine into Burisma which is different from the
15 British investigation.

16 Mr. Archer. Right. The British investigation I was aware of. I think in the
17 early stages, like the visa and the British, I was made aware of. And then it kind of
18 my -- I had other responsibilities and I was less informed as we moved forward and Blue
19 Star kind of was more involved.

20 Mr. Goldman. Was taken over on that --

21 Mr. Archer. Yeah.

22 Mr. Goldman. -- on that angle of things.

23 Mr. Archer. I was, like, an FYI at first, and then I became less FYI as time
24 progressed.

25 Mr. Goldman. So was it -- Shokin was ultimately removed from office.

1 Mr. Archer. Right.

2 Mr. Goldman. Was that a bad thing for -- and the Burisma leaders felt like that
3 would be bad for them?

4 Mr. Archer. That was what I was told.

5 Mr. Goldman. Okay. Maybe go to the --

6 Mr. Schwartz. Not by the Burisma leaders.

7 Mr. Archer. Exactly. Not by the Burisma leaders. I was told by the D.C. team.

8 Mr. Goldman. Got it.

9

10 Q So there was a lot of talk about the December 2015 phone call that you
11 made.

12 A Uh-huh.

13 Q So I want to kind of zoom out and kind of take stock of what was going on at
14 that time.

15 A Sure.

16 Q January 2015 is when Zlochevsky's assets in the U.K. were unfrozen.

17 A Uh-huh.

18 Q Do you remember that?

19 A Yes.

20 Q And it was widely reported that that was because of a lack of cooperation
21 from the Ukrainian prosecutor's office.

22 A Correct.

23 Q And so this goes to this idea that Shokin, who was prosecutor general in
24 2015, was good for Burisma.

25 A Uh-huh.

1 Q Is that fair?

2 Now, Vice President Biden was vocal about his concerns about corruption in the
3 prosecutor general's office in Ukraine during this time period.

4 A Correct.

5 Q And called for the removal of Shokin from office. Is that correct?

6 A Yes. That was very well publicized.

7 Q Okay. And the Senate minority report, which I referenced earlier,
8 described how Vice President's public calls for the Ukrainian Government to remove
9 Shokin as prosecutor general was part of an anticorruption policy of the U.S. Government
10 with broad bipartisan support, as well as support from allies and international institutions
11 like the EU and the International Monetary Fund.

12 Do you agree with that conclusion?

13 A Sorry. Can you repeat that?

14 Q Yeah. The Vice President's public calls for the removal of Shokin was part
15 of this broad bipartisan, international anticorruption effort in Ukraine.

16 A Yes, I believe that was -- that was part of the conversation.

17 Q But it was bad for Burisma. That was the perception at Burisma, because
18 they had Shokin under their control.

19 A No. Burisma never informed me of that. I just was -- that's what was I
20 told, that it was bad for Burisma. But I don't know. I don't know if it was good or bad.

21 Mr. Schwartz. Told by the D.C. team.

22 Mr. Archer. Yeah, by the D.C. team.

23 Mr. Goldman. But you knew that the funds were unfrozen --

24 Mr. Archer. I did know that, yes.

25 Mr. Goldman. -- because of lack of --

1 Mr. Archer. Cooperation.

2 Mr. Goldman. -- cooperation from the Ukrainian prosecutor.

3 Mr. Archer. Yes.

4 Mr. Goldman. So if you heard that from the D.C. team and then you thought
5 about your understanding of what happened with those funds, your own personal
6 knowledge was consistent with what you were hearing --

7 Mr. Archer. Right.

8 Mr. Goldman. -- from the D.C. team.

9 Mr. Archer. Right.

10

11 Q And the same minority report noted that State Department officials
12 interviewed in this investigation explained that Shokin did not pursue corruption
13 investigations against Burisma's owner, effectively shielding the owner from prosecution,
14 and that removing Shokin made an investigation into Burisma more, not less, likely.

15 It sounds like that's in accordance with --

16 A Uh-huh.

17 Q -- your general understanding of what was going on at the time.

18 A But quickly after, where all of his assets were seized, Zlochevsky, and he had
19 to leave Ukraine.

20 Q But so do you have any basis to believe that Vice President Biden's call for
21 Shokin's removal was driven by anything other than the U.S. Government's anticorruption
22 policy in Ukraine?

23 A Yeah, I have no -- I have no other -- I have no proof or thought that
24 that -- that he fired him for that reason.

25 Q You have no reason to believe otherwise.

1 A I have no reason to believe.

2 Q And so kind of going back to the call in Dubai in December of 2015, you
3 explained that Zlochevsky and Vadym left --

4 A Uh-huh.

5 Q -- to go make a call --

6 A Uh-huh.

7 Q -- that you did not hear. Is that right?

8 A Right.

9 Q And I think you described that you were told that the call was a call to D.C.

10 A Correct.

11 Q But you don't know to who that was.

12 A I do not have -- I do not know.

13 Q You don't know whether it was to the D.C. team that we talked about earlier.

14 A I do not know.

15 Q I also -- okay. I want to ask you now about an FBI Form 1023 --

16 A Uh-huh.

17 Q -- that Chairman Comer and Senator Grassley recently made public, on July
18 20th.

19 A Right.

20 Q Do you -- have you seen that form?

21 A Yeah.

22 Q Is it your understanding that in this form an FBI confidential human source is
23 reporting years after the fact statements supposedly made by executives at Burisma,
24 including Mykola Zlochevsky?

25 A Yes.

1 Q That's what it represents.

2 A Yeah, yeah, absolutely.

3 Q In this form, the FBI confidential human source appears to relate a
4 statement attributed to Mykola Zlochevsky that says, "It costs five to pay one Biden and
5 five to another," the mark "million" in parentheses.

6 Do you remember reading that?

7 A I do. I do.

8 Q Were you ever made aware of Mr. Zlochevsky paying \$5 million to two
9 different Bidens?

10 A No, I'm not. I would assume he's probably talking about me and Hunter,
11 but I don't know. But I don't know anything about those five.

12 Q Based on your knowledge, including your work for Burisma's board, your
13 conversations with Hunter Biden, Mykola Zlochevsky, and others at Burisma, does this
14 allegation strike you as credible, meaning the allegation that there were two \$5 million
15 payments to two Bidens?

16 A I think it's -- the agent explains it pretty well on the bottom. And it's similar
17 to, you know, Hunter Biden taking credit for his dad's visit. It's like sending a signal.

18 So he's bragging to this guy that they paid, you know, where he probably paid \$5
19 million or whatever, \$6 million altogether, you know, so that, you know, just to show
20 he's -- well, there's a lot of -- and he explains it. I forget. There's a word in the
21 document.

22 Mr. Schwartz. You're guessing.

23 Are you aware of a \$5 million payment --

24 Mr. Archer. No.

25 Mr. Schwartz. -- to one Biden and a \$5 million payment to another?

1 Mr. Archer. No.

2 Mr. Schwartz. You ever hear anything about that?

3 Mr. Archer. In that document.

4

5 Q Other than that document.

6 A The \$5 million and the \$5 million, I first saw that in the document.

7 Q And so I think the point you're referring to is that in this document the
8 confidential human source says he cannot opine to the veracity of the allegations and
9 notes that it's not unusual for Ukrainian business executives to brag or show off.

10 A Correct.

11 Q Is that consistent with your understanding?

12 A It's consistent of what I was just explaining in both directions.

13 Q If someone were to conclude from this that this is evidence, this Form 1023
14 is evidence that Joe Biden was bribed by Mykola Zlochevsky, would you disagree with
15 that conclusion?

16 A Yeah, I would.

17 Q So in talking about how Zlochevsky and other Ukrainian businessmen brag --

18 A Uh-huh.

19 Q -- exaggerate, tell fibs, is that fair?

20 A Yep, very similar to D.C. operators.

21 Q Similar to D.C. operators.

22 In another sense, you know, is it fair to say that people in D.C. like to give off the
23 impression of access that they don't necessarily actually deliver on?

24 A Yep, correct. And in Ukraine, in Russia they brag about how much -- they
25 brag about bigger bribes than they actually give. So it's pretty kind of similar symbiosis

1 there.

2 Q Now, I want to come back to exhibit 2, which you discussed, and point 18,
3 where it says, "The announcement of my guy's upcoming travels should be characterized
4 as part of our advice and thinking -- but what he will say and do is out of our hands. In
5 other words, it could be a really good thing or it can end up creating too great an
6 expectation. We need to temper expectations regarding that visit."

7 A Yep.

8 Q So to the extent you remember, would this have been a comment about an
9 upcoming trip of Hunter Biden -- of then Vice President Joe Biden to Ukraine?

10 Mr. Schwartz. Again, we can't authenticate the documents. We don't know
11 that it was said.

12 Are you representing that this accurately reflects --

13 [REDACTED] I'm asking about Mr. Archer's recollection and whether
14 there -- shortly after April 12th, 2014, there was an upcoming visit of Vice President Joe
15 Biden to Ukraine.

16 Mr. Schwartz. So your question is chronologically whether there was an
17 upcoming visit of Vice President Biden?

18 [REDACTED] Yes.

19 Mr. Schwartz. In April 2014?

20 [REDACTED] Yes.

21 Mr. Archer. Yeah, this is back to my point from earlier.

22 [REDACTED]

23 Q And to your knowledge, did Hunter Biden have any role whatsoever in
24 getting his father, the Vice President, to visit Ukraine?

25 A I have no idea. I have no knowledge.

1 Q You have no basis to believe that Hunter Biden --

2 A No.

3 Q -- had any role in his --

4 A I have no basis to believe.

5 Q In fact, this statement, if it is actually a statement from Hunter Biden, says,
6 "He will say" -- "What he will say and do is out of our hands."

7 Does it accord with your recollection that Hunter Biden had no ability to influence
8 what his father would do or say on official trips to Ukraine?

9 A Yeah, I have -- I have no -- I have no basis to understand what his father and
10 his conversations were about policy in Ukraine. But, as you can see, that seems pretty
11 familiar, that, you know, he can't influence it but take credit for it.

12 I mean, that was -- it's literally the back and forth between the last exhibit and this
13 exhibit. That's what goes on. People send signals and those signals are basically used
14 as currency. And that's kind of how a lot of D.C. operators and foreign tycoons and
15 businessmen work.

16 Q In other words, it's not that Hunter Biden was influencing U.S. policy. It's
17 that Hunter Biden was falsely giving the Burisma executives the impression that he had
18 any influence over U.S. policy.

19 A I think that's fair.

20 Q And in exhibit 3, there appears to be a quote from Vice President Joe Biden
21 about fighting the cancer of corruption and about the importance of Ukraine reducing its
22 crippling dependence on Russia for supplies of natural gas.

23 A Uh-huh.

24 Q Do you see that?

25 A Yes.

1 Q And there's a statement here that seems like it comes from you that says,
2 "We need to make sure this ragtag temporary government in the Ukraine understands
3 the value of Burisma to its very existence."

4 Do you understand what that sentiment means?

5 A Yes. I think it was I was a believer in Burisma at the time.

6 Q Meaning that you believed that --

7 A Yeah, I thought we were doing something good. It's all funny in retrospect.

8 Q In terms of working toward Ukraine's energy independence.

9 A Yeah. A fresh company that was doing incredibly well and incredibly
10 efficient in their, like, capacity and hit rate and all that stuff. So it was -- yeah.

11 Q And then above that there's a comment that's attributed to Hunter Biden
12 that says, "You should send to Vadym -- makes it look like we are adding value."

13 A Yep.

14 Q "Makes it look." Does that mean that he's actually adding value or that
15 he's claiming credit for something he has no control over?

16 Mr. Schwartz. Again, are we accepting this as genuine?

17 [REDACTED] I'm asking whether --

18 Mr. Goldman. Commonsense interpretation.

19 Mr. Archer. The commonsense interpretation is taking credit where credit is not
20 due.

21 [REDACTED]

22 Q In other words, Hunter Biden would take credit for his father's actions, even
23 though he had no role or influence in those actions.

24 A He would take credit for them.

25 Q Despite having no role in them or no influence over them.

1 A Yeah.

2 Q Is that fair?

3 A Yeah, I can't -- I don't know --

4 Q Based on what you knew --

5 A Based on what I knew, yes.

6 Q Did Hunter Biden ever tell you, "I can get my dad to change U.S. policy"?

7 A No.

8 Q Are you aware of Hunter Biden ever asking his dad to change foreign policy?

9 A No.

10 Q Are you ever -- were you ever privy to any conversations between Hunter

11 Biden and Joe Biden in which they discussed how --

12 A No.

13 Q -- Joe Biden would --

14 A No.

15 Q -- take official actions on behalf of Hunter Biden?

16 A No.

17 Q So is it fair to say that Hunter Biden was selling the illusion of access to his
18 father?

19 A Yes.

20 Q So when you talk about selling the brand --

21 A Uh-huh.

22 Q -- it's not about selling access to his father. It's about selling the illusion of
23 access to his father. Is that fair?

24 A Is that fair? I mean, yeah, that is -- I think that's -- that's almost fair.

25 Q Almost fair. Why almost fair?

1 A Because there -- there is -- there are touch points and contact points that I
2 can't deny that happened, but nothing of material was discussed. But I can't go on
3 record saying that there was -- there was communications.

4 Mr. Goldman. You mean --

5 Mr. Archer. Yeah, yeah.

6 Mr. Goldman. -- hello and --

7 Mr. Archer. Yeah, there were communications.

8 

9 Q By "touch points," you mean Hunter Biden talked to his dad a lot. Is that
10 fair? Is that right?

11 A He talked to him every day.

12 Q He was his son.

13 A Correct.

14 Q Father and son talked all the time.

15 A Uh-huh.

16 Q In 2015, in spring of 2015, Beau Biden died. Is that right?

17 A That's correct.

18 Q Did the frequency of interactions between Hunter Biden and his father
19 increase after Beau Biden's death?

20 A I would say yes.

21 Q Did Joe Biden regularly check in on his son who's admitted he had issues
22 with --

23 A Every day.

24 Q -- drugs and other issues?

25 A Uh-huh.

1 Q Yes?

2 A Yes. Sorry.

3 Q In the context of those conversations, did you ever witness them discussing
4 the substance of Hunter Biden's business?

5 A No.

6 Mr. Goldman. Can we just stop on the Beau point a minute?

7 Mr. Archer. Uh-huh.

8 Mr. Goldman. Did you know Beau?

9 Mr. Archer. I did.

10 Mr. Goldman. Do you recall when he got -- when his health really started
11 deteriorating?

12 Mr. Archer. Yes.

13 Mr. Goldman. What impact did that have on Hunter Biden?

14 Mr. Archer. He was distraught. Definitely a huge impact. And, obviously, you
15 know, it cascaded into -- into a relapse.

16 Mr. Goldman. And --

17 Mr. Archer. Lasted a long time.

18 Mr. Goldman. That -- that last --

19 Mr. Archer. Lasted a long time.

20 Mr. Goldman. Yeah. And so you were still in a business relationship with him
21 during the period when Beau was sick and then after he died, when Hunter relapsed,
22 right?

23 Mr. Archer. Right.

24 Mr. Goldman. And what impact could you see that Beau's death had on then
25 Vice President Biden?

1 Mr. Archer. Yeah. I think absolutely devastated, the same, you know, the
2 same -- very similar effect, obviously, about the relapse. But he was, yeah, devastated.

3 Mr. Goldman. So he died -- Beau died in the spring of 2015. Do you remember
4 how long he had been really --

5 Mr. Archer. Sick?

6 Mr. Goldman. -- sick?

7 Mr. Archer. It was -- the deterioration was quick at the end.

8 Mr. Goldman. Yeah.

9 Mr. Archer. So there was obviously always the notion of that he had gotten this
10 diagnosis, but it was -- he was fairly functional. And then it was -- then it was a very
11 quick, like, you know, you could really see it at the end.

12 So I'm thinking about, like, summer of -- so that was out. We were out to, you
13 know, and like the last time I saw Beau was we had ice cream in South Hampton with the
14 kids. And he was, like, on the way out, and it was, yeah, it was really sad.

15 And, obviously, his dad there was and he was extremely -- it was a very, very
16 difficult time for them.

17 Mr. Goldman. Was that right before he passed away --

18 Mr. Archer. Yeah.

19 Mr. Goldman. -- or was that the previous summer?

20 Mr. Archer. It was like -- what month was it? Spring of -- of -- it was like
21 September, like, yeah, like Indian summer. So it was probably -- I can't remember.

22 Mr. Goldman. '14?

23 Mr. Archer. Yeah.

24 Mr. Schwartz. '15, May 30th, 2015.

25 Mr. Archer. '15.

1 Mr. Goldman. That's when he died, right?

2 Mr. Archer. Yeah.

3 Mr. Goldman. You were saying --

4 Mr. Archer. Yeah, so it was probably September, yeah.

5 Mr. Goldman. And so was -- you obviously were spending a fair amount of time
6 with Hunter. Were the conversations between Hunter and his father primarily centered
7 at that point around Beau's illness and how they were both coping? Is that --

8 Mr. Archer. Yeah. A lot of logistics and, you know, travel for between, you
9 know, his treatments and who was going to be with him that week and a lot of it.

10 Mr. Goldman. And then after just the grief and the sorrow --

11 Mr. Archer. Yeah.

12 Mr. Goldman. -- and checking in? Is that --

13 Mr. Archer. A lot, yeah, and then the checking in.

14 Then I think, yeah, the optempo of the comms, when it was every other day, it
15 became every day from kind of that -- those days forward until it seems like they had a
16 little bit of a hiatus, but I was out of the picture by then.

17 Mr. Goldman. And you -- to your knowledge, you know, none of the times that
18 you would ever overhear Vice President Biden calling Hunter was to -- was with the
19 purpose of discussing business with him.

20 Mr. Archer. It was, yeah, not related to commercial business, politics, that kind
21 of stuff.

1

2 [2:20 p.m.]

3 Mr. Goldman. Family.

4 Mr. Archer. Family, politics, you know, and geography, fishing, whatever

5 the -- but --

6 Mr. Goldman. But not Hunter's business ventures.

7 Mr. Archer. -- only the practical -- yeah -- the practical stuff that I would hear
8 would be politics-related. Like, I think he -- I think his dad really respects his -- respected
9 or still respects -- you know, his opinion on political things.

10 Mr. Goldman. Unrelated to whatever --

11 Mr. Archer. Yeah.

12 Mr. Goldman. -- business dealings you guys had together.

13 Mr. Archer. Yeah. I don't think there's much -- he doesn't have much expertise
14 in the world of business.

15

16 Q Joe Biden, that is?

17 A Right.

18 Q I want to come back -- there was a lot of conversation in the Republicans'
19 hours of questioning about these phone calls --

20 A Uh-huh.

21 Q -- around the presence of business partners.

22 A Right.

23 Q I think you've discussed the Dubai call --

24 A Yes.

25 Q -- which you didn't actually --

1 A That one I did not --

2 Q -- hear at all.

3 A Yes.

4 Q There was a call in Paris --

5 A Uh-huh.

6 Q -- and you mentioned a call with Jonathan Li.

7 A Yes.

8 Q During those calls -- let's start with the one in Paris.

9 A Sure.

10 Q -- did Joe Biden -- was Joe Biden calling Hunter Biden? Was Hunter Biden
11 calling Joe Biden?

12 A I believe on the Paris, it was he called Hunter.

13 Q He called Hunter.

14 A Uh-huh.

15 Q One of the regular kind of check-in calls?

16 A Uh-huh.

17 Q You said he'd call him every day.

18 A Yep.

19 Q And Hunter Biden picked up --

20 A Correct.

21 Q -- and put him on speakerphone? Is that correct?

22 A Yes.

23 Q Did Joe Biden know he was on speakerphone?

24 A Yes, I would say he knew. I don't -- I have no basis to know, but he would
25 say -- you know, he'd say, "Hey, say hello to" -- you know, it's great in Paris, the weather's

1 this. And everybody would know. And then that was over.

2 Q So Hunter Biden would tell his dad --

3 A Yeah.

4 Q -- he's in Paris, the weather's great?

5 A Yeah, he never -- there was no ambushing in the sense that, like, Hunter
6 wouldn't just, like, be like, listen, this is my dad.

7 Q And he said, "Say hello to," and he would just say the names of the people
8 there?

9 A I don't recall directly, but, yes, something like that.

10 Q And did you ever have the impression that Joe Biden actually knew who
11 these people were? Or was he just telling -- saying hello, kind of, at Hunter Biden's
12 invitation?

13 A You know, sometimes yes, sometimes no, but generally no.

14 Q Generally he didn't know these people?

15 A Generally it was a very good political, you know, action.

16 Q So he said, "Say hello to Louis" --

17 A Yeah.

18 Q -- and Joe Biden would say, "Hello, Louis," without knowing who Louis was.
19 Is that fair?

20 A Sometimes, yes.

21 Q And on this Paris call -- because let's take them --

22 A Uh-huh.

23 Q -- was there any discussion of Hunter Biden's business in Paris or this
24 business meeting that they were having?

25 A No.

1 Q The conversation was about the weather --

2 A The weather and niceties, all of it -- any -- as it goes for any of the -- there
3 was never a discussion of cap tables, and that wasn't -- you know, that was not the
4 purpose of the calls.

5 Q But beyond cap tables, there wasn't any conversation of "you need to help
6 me with this business I have with these people," or, "you need to take this action or that
7 action to help these business partners of mine."

8 A Correct.

9 Q That never happened.

10 A That did not happen.

11 Q Jonathan Li --

12 A Yes.

13 Q -- that call, was that an inbound call, an outbound call? To the extent you
14 remember.

15 A Yeah, to the extent I remember, that -- I don't know, but I know there was a
16 "hello." There was, like -- you know, they ended up having coffee, I think, so he
17 might've known him.

18 Q Jonathan --

19 A Jonathan Li and President Biden had coffee. So it might've been, like, after
20 they had coffee, and he was saying hello, so there was, like, some familiarity.

21 Q Where was that, that they had coffee?

22 A They had coffee in Beijing.

23 Q So it was reported that that meeting was kind of just a handshake --

24 A Yeah.

25 Q -- meeting in --

1 A Right.

2 Q -- Beijing --

3 A Yes.

4 Q -- while --

5 A I wasn't there, so I'm not -- I don't -- I just -- I read the reporting and heard
6 from Hunter and Jonathan. So he might've been saying, "Oh, I'm with Jonathan Li again.
7 Remember, you met him in Beijing."

8 Q Although, isn't it fair to say the Vice President probably shakes hands with
9 thousands of people over the course of the Vice Presidency?

10 A That is fair to say.

11 Q So did you have any reason to believe that, on that call, Joe Biden actually
12 knew who Jonathan Li was?

13 A I have no basis.

14 Q And was there any discussion of BHR or Hunter Biden's business with
15 Jonathan Li?

16 A Yeah -- oh, you mean with --

17 Q While Joe Biden was on the phone.

18 A No.

19 Q Was there any -- did you ever witness Hunter Biden asking Joe Biden to do
20 something for -- you know, to help BHR or help out Jonathan Li?

21 A A college recommendation. She didn't get in.

22 Mr. Goldman. For who?

23 Mr. Archer. I think for his daughter, to Georgetown. It didn't work.

24

25 Q Was it a kind of nonpersonalized letter of recommendation?

1 A It was a -- I don't -- I actually don't remember it. But I remember the -- I
2 remember he got him to write him a recommendation -- her, the daughter.

3 Q Did he take any official action on behalf of BHR?

4 A No.

5 Q Was he ever asked to take an official action on behalf of BHR?

6 A No.

7 Q So is it fair to say that these conversations that my Republican colleagues
8 asked you about where Hunter Biden had Joe Biden on the phone around business
9 partners, that there was nothing in those conversations beyond the exchange of
10 pleasantries?

11 A That is correct.

12 Q And we talked earlier about, kind of, Hunter Biden liking to project this
13 image, this illusion, of access to his father.

14 A Uh-huh.

15 Q Was this just part of his effort to say, "Hey, I'm Joe Biden's son, and I talk to
16 Joe Biden a lot"?

17 Mr. Schwartz. If you know. I mean, don't speculate about what --

18 Mr. Archer. Right. I don't want to speculate about what he was thinking. But
19 I think it's just, you know, just common sense and, you know, that it's the brand and
20 that's the value and -- yeah. I don't --

21 

22 Q But it was just about --

23 A It was about projecting who he was.

24 Q But, in fact, Hunter Biden -- Joe Biden never helped out Joe Biden's -- sorry.
25 Scratch that.

1 In fact, Hunter Biden never asked his father to take official actions on behalf of his
2 business partners?

3 A He did not. He did not ask him -- to my knowledge, I never saw him say, do
4 anything for any particular business.

5 Q And you're not aware of Joe Biden ever doing anything to help his son's
6 business partners?

7 A No. I think that the calls were -- that's what it was. They were calls to talk
8 about the weather, and that was signal enough to be powerful.

9 Q So this, again, was about projecting this illusion of access to his father. Is
10 that right?

11 A Correct.

12 Q And then, you know, we talked -- you talked during the Republicans' hours of
13 questioning and during this hour of questioning about Hunter Biden's various business
14 ventures with you.

15 A Uh-huh.

16 Q And I understand that in December 2020 you received a grand jury subpoena
17 as part of the Delaware-led investigation into Hunter Biden, the investigation led by U.S.
18 Attorney David Weiss.

19 Mr. Schwartz. So where are you going with this? Because anything in this time
20 period is out of scope.

21 [REDACTED] I just want to establish that Mr. Archer received a grand jury
22 subpoena, participated in an interview, and answered the questions honestly and
23 fulsomely.

24 Mr. Schwartz. He did. He appeared. He answered questions in a voluntary
25 proffer. And then he testified pursuant to an immunity order in the grand jury.

1

2 Q And at that meeting when you provided testimony, there were people from
3 the Delaware U.S. Attorney's Office --

4 A Uh-huh.

5 Q -- Department of Justice's Tax Division, Department of Justice's National
6 Security Division, the FBI, and the IRS. Is that right?

7 A Correct.

8 Q And you answered all the questions they had for you fulsomely and
9 truthfully. Is that right?

10 A Yes.

11 Mr. Goldman. As you are doing here today?

12 Mr. Archer. Yes.

13 [REDACTED] And did the questions they have for you generally cover the same
14 subject areas that we're covering here today?

15 Mr. Schwartz. Don't get into the subject --

16 Mr. Archer. Okay.

17 Mr. Schwartz. -- matter of -- I mean, you can answer that question.

18 Mr. Archer. Yes.

19 Mr. Schwartz. Don't get into the subject matter of your --

20 Mr. Archer. It was, like, a --

21 Mr. Schwartz. -- interviews with law enforcement.

22 Mr. Archer. Yeah. It was, like, a, I would say, 20-percent overlap. There were
23 a lot of other directions.

24 [REDACTED] Meaning, they covered more --

25 Mr. Archer. Yeah, it covered more.

1 [REDACTED] -- than what we have covered here?

2 Mr. Archer. It was also 18 hours, I think.

3 Mr. Goldman. How was the temperature?

4 Mr. Archer. It was hot too. It was kind of hot. Not as hot as this room.

5 Mr. Schwartz. It might've felt like it.

6 Mr. Archer. Felt like it, yeah.

7 [REDACTED] Let's go off the record. I think we're arriving at the --

8 Mr. Goldman. Let's, yeah, take a quick break.

9 [REDACTED] -- end of our first hour.

10 Mr. Archer. Okay.

11 [REDACTED] And so we'll take a quick break and then pick back up and finish.

12 Mr. Archer. Yeah.

13 [Recess.]

14 [REDACTED] Ready to go back on the record?

15 Mr. Schwartz. Yep.

16 Mr. Archer, before the break, you were asked a question along the lines of, was
17 Hunter Biden selling access to his father or was he selling the appearance of access to his
18 father? Do you recall that question?

19 Mr. Archer. Yes.

20 Mr. Schwartz. My question is, was it that Hunter Biden was creating the
21 appearance of access to his father or that he was creating the appearance of access to
22 Washington, D.C.?

23 Mr. Archer. It was the -- overall, it's the appearance to all of D.C.

24 Mr. Schwartz. And part of his perceived value-add was the ability to navigate
25 Washington --

1 Mr. Archer. Right.

2 Mr. Schwartz. -- and access to various people and --

3 Mr. Archer. He spent a career in D.C., and he carried the Biden name. So I
4 think that's -- that's it.

5 Mr. Goldman. So is the difference that you're trying to draw out here that he
6 actually did have a lot of his own contacts and experience in navigating Washington, D.C.,
7 and so that was actually something that he provided to Burisma?

8 Mr. Archer. Yes.

9 Mr. Goldman. And then, separately --

10 Mr. Archer. He was helpful.

11 Mr. Goldman. And then, separately, he wanted to also give off the illusion of
12 having access to his father as the Vice President?

13 Mr. Schwartz. Well, don't speculate on what someone else wanted unless you
14 two talked about it.

15 Mr. Goldman. Well, I'm just trying to understand why you're making this -- the
16 only reason to make this clarification is because he has his own experience in lobbying
17 and D.C. connections from his own professional experience.

18 Mr. Schwartz. Yeah.

19 Mr. Goldman. But what you said about his relationship and connection and use
20 of his father remains the same, which is that he never asked for anything from his father,
21 never received anything from his father, and his father was not involved in any of these
22 business dealings, nor making policy based on whatever his son's business dealings were.

23 Mr. Schwartz. So, if you separate the prelude to that question from the actual
24 question, I think he'll agree with the question. Try it again.

25 Mr. Goldman. So he was giving the impression that he had --

1 Mr. Schwartz. It is still true that you are not aware that Hunter Biden ever
2 discussed policy with his father, discussed business with his father, influenced American
3 policy for purposes of his business or otherwise caused the Vice President or asked the
4 Vice President to do anything improper, right?

5 Mr. Archer. That's my understanding.

6 [REDACTED]

7 Q So Hunter Biden did help set Burisma up with Boies Schiller, with Blue Star
8 Group, with the DHS lobbyists, with a whole government affairs and lobbying team in D.C.
9 Is --

10 A Correct.

11 Q -- that right?

12 A That is correct.

13 Q That was access that he provided to them to D.C. public affairs and lobbying
14 groups. Is that correct?

15 A That's correct.

16 Mr. Goldman. And that was what he had -- in that statement, you know, that
17 summary of what he was bringing to Burisma, that was included in that explanation,
18 correct?

19 Mr. Archer. Yes. There's a portfolio of access.

20 [REDACTED]

21 Q But he did not provide the Burisma executives with actual access to his
22 father. The access to his father was an illusion of access to his father. Is that right?

23 A Right. An illusion of access to his father, other than social -- you know,
24 socials. Because Vadym was at dinner, for instance, so I can't --

25 Mr. Goldman. Right, to say -- when they socially said "hello." Is that what

1 you're referring to?

2 Mr. Archer. They had dinners together, et cetera.

3 So it was -- it was -- like I said from the beginning, there was never -- they
4 didn't -- it's just like when, you know, Jamie Dimon comes in to talk about an IPO. You
5 know, he doesn't know what the pricing's going to be or when the date's going to be.
6 It's just a -- it's a conversation, and that was never part of it.

7 But the actual, tangible assets of the portfolio were, you know, lobbying and a
8 career in D.C.

9 Mr. Goldman. Let me ask you a followup. You've used this Jamie Dimon
10 analogy, and I think you used it during the majority's time of questioning in reference to
11 your description of the brand.

12 Mr. Archer. Uh-huh.

13 Mr. Goldman. Just so I can understand what you mean by that, let's take the
14 Trump family.

15 Mr. Archer. Sure.

16 Mr. Goldman. Would you say that the Trump family has a brand?

17 Mr. Archer. Absolutely.

18 Mr. Goldman. And would you say that Donald Trump, Jr., gets access and --

19 Mr. Schwartz. This is so out of scope. He doesn't know anything about the
20 Trump family.

21 Mr. Goldman. Well, did you play golf with Donald Trump?

22 Mr. Archer. No, I haven't played golf with him.

23 Mr. Goldman. You never did play golf with Donald Trump?

24 Mr. Archer. Oh, I did play behind him. Sorry. Scratch that. I played behind
25 him. And then he came up to me at the clubhouse and talked -- he didn't know who I

1 was, but he didn't like my, like, athletic shorts.

2 Mr. Goldman. It is within the scope. If you're going to bring up Jamie Dimon,
3 then we get to clarify what he means by "the brand."

4 Mr. Archer. That's fine.

5 Mr. Schwartz. You can ask him that without getting into other people that are
6 outside of scope.

7 Mr. Goldman. So -- well, I think you can give a little leeway here, Mr. Schwartz.
8 This is not going into his criminal case or anything that we had nothing to do with
9 negotiating it.

10 But I do think it's important to provide proper context for, when you're talking
11 about the Biden brand, that there's another brand that you just described, which is the
12 Trump brand. And is it your --

13 Mr. Schwartz. You want to start drawing equivalencies between the Biden brand
14 and the Trump brand?

15 Mr. Goldman. I would like for you to let me ask the question, which is: Would
16 you say that Donald Trump's children benefit from their last name being Trump?

17 Mr. Archer. I would speculate to say yes.

18 Mr. Goldman. I'll leave it at that.

19

20 Q You mentioned, kind of, social dinners. You talked about two dinners at
21 Cafe Milano.

22 A Uh-huh.

23 Q I just wanted to go over those quickly.

24 A Sure.

25 Q The second dinner, the one in 2015, that was a dinner about the World Food

1 Programme? Is that right?

2 A Yes, that was the -- there was an attendee from the World Food Programme.

3 Q And Hunter Biden is on the board of the World Food Program USA or
4 something along those lines?

5 A I think he was along -- in 2015, he was.

6 Q Okay.

7 And The Washington Post reported on that dinner, and their reporting was that it
8 was organized to discuss food security issues in connection with Hunter Biden's role as
9 chairman of World Food Program USA.

10 Does that sound right?

11 A That does.

12 Q Okay.

13 A That's probably where I remember it from.

14 Q And The Washington Post also reported that President Biden made an
15 appearance at this dinner, which is also what you testified to. But the Washington Post
16 reporting was that President Biden only spoke to his longtime friend, Father Alex
17 Karloutsos, a prominent member of the Greek Orthodox Church, at that dinner.

18 Does that coincide with your memory?

19 A No.

20 Q What do you remember?

21 A I remember just a regular dinner where there was a table of conversation
22 and -- you know, talked about the World Food Programme probably. I don't recall, but
23 it wasn't -- it wasn't -- that's not correct reporting.

24 Q Did Hunter Biden or any of his business associates talk about their business
25 together at that dinner?

1 A No.

2 Q Was the conversation just about the World Food Programme and, kind of,
3 general pleasantries?

4 A Again, I don't recall -- I don't -- it was a long time ago. I don't recall the
5 specific conversation. But I would -- you know, like I've said across the board, there was
6 no business-deals specifics discussed ever at any of these things, but it was -- it was a
7 nice, you know, conversation.

8 Q And is that also the case at the first Cafe Milano dinner, that the
9 conversation was not about Hunter Biden's businesses with his various business
10 associates?

11 A Right. It was dinner conversation.

12 Mr. Goldman. And just to be clear, Joe Biden had nothing to do with any of your
13 business ventures with Hunter Biden, right? He was --

14 Mr. Archer. As far as ownership?

15 Mr. Goldman. Yeah, or --

16 Mr. Archer. No.

17 Mr. Goldman. -- investing or anything, to your knowledge.

18 Mr. Archer. Not to my knowledge.

19 Mr. Goldman. And in all this exhibit 1, 260 pages, you didn't see a single wire
20 transfer to Joe Biden, did you?

21 Mr. Archer. I -- no, I have not seen a wire transfer to Joe Biden.

22 Mr. Goldman. Give us 1 second.

23 Mr. Archer. Uh-huh.

24 [Discussion off the record.]

25 Mr. Goldman. Oh, I do have a question for you.

1 Mr. Archer. Sure.

2 Mr. Goldman. We can go back on the record.

3 Because of your experience at the beginning of your career working in Asia, did
4 you have more -- would you say you had more access than the average private-equity
5 businessman, you know, working in the United States to that part of the world?

6 Mr. Archer. Yes.

7 Mr. Goldman. You have greater familiarity?

8 Mr. Archer. Yes.

9 Mr. Goldman. And this private-equity deal with Bohai was used -- it was using
10 some of Chinese investors' money to source deals outside of China?

11 Mr. Archer. That was the original intent, yes. And then there was a -- the
12 original intent was outbound private equity. And then there was a policy shift, and
13 there was a small window of privatizations, so -- the Sonipak Marketing and some other
14 privatizations. And then --

15 Mr. Goldman. Where were those privatizations?

16 Mr. Archer. Those were, like -- those were, like, privatizations of divisions of
17 Chinese companies.

18 Mr. Goldman. In China?

19 Mr. Archer. In China. So there was -- what happened was, the capital controls
20 tightened, so a shift in strategy based on policy from China. So they had --

21 Mr. Goldman. Chinese policy made it more --

22 Mr. Archer. Yeah. And then CFIUS got a lot tighter with the U.S., so it was
23 harder -- you know, so those assets were not able to be purchased. And it just -- and
24 then, again, like every business dealing that Hunter touched, it just turned into -- all just
25 went by the wayside.

1 Mr. Goldman. What was his involvement with that venture?

2 Mr. Archer. He was on the board initially.

3 Mr. Goldman. Initially.

4 Mr. Archer. Yes. He was on the board initially, and I think it was the -- I

5 corrected ourselves. It was not the Schweizer book, but it was the -- I believe it was the

6 Navy issue was when he resigned from the board.

7 Mr. Goldman. And was that around the same time that Beau's death --

8 Mr. Archer. Yeah.

9 Mr. Goldman. -- and thereafter?

10 Mr. Archer. Yeah.

11 Mr. Goldman. So he was going through his personal issues as well?

12 Mr. Archer. Correct.

13 Mr. Goldman. Okay.

14 But, originally, it was your entree into China? Is that how --

15 Mr. Archer. It was actually Thorn- -- well, it was -- the direct relationship was

16 like, "Oh, this guy's worked in private equity in Asia." And then some -- you know, a

17 mutual partner of Rose- -- it was called Rosemont Solebury Co-Investment

18 Fund -- introduced us to Thornton and said, "Oh, they're thinking about, you know,

19 setting up these private equity funds in China. You've got experience in Asia" -- even

20 though it wasn't in the same country. "Why don't you go over and meet them?"

21 And I actually went, and I met Jonathan Li on the first trip. And then --

22 Mr. Goldman. That was how --

23 Mr. Archer. That was, like, 2008, though. So it was 6 years later that I think we

24 ended up kicking it off.

25 Mr. Goldman. Got it. Okay.

1 Mr. Archer. Yeah, it actually predated me meeting Hunter.

2 Mr. Goldman. So the Jonathan Li relationship was your relationship.

3 Mr. Archer. Uh-huh.

4

5 Q And, just to clarify, there are two entities that were discussed in the
6 Republicans' hours of questioning, Rosemont Capital and Rosemont Realty.

7 A Uh-huh.

8 Q Hunter Biden didn't have an ownership stake in any of those -- in either of
9 those?

10 A He did not. Definitely not in Rosemont Capital. There might have been a
11 small -- I just have to check. There might have been a small dividend when Rosemont
12 Realty was sold, but it was a very low, low percentage. It was probably based on
13 whatever capital he had brought to the table, like, raised -- like, raised capital.

14 Mr. Schwartz. Not based on equity.

15 Mr. Archer. Yeah, not based on equity.

16

17 Q And that capital he raised didn't involve any of the funds from Ms. Baturina?

18 A No. He had no -- no --

19 Mr. Schwartz. No.

20 Mr. Archer. He had no -- no Baturina.

21 Mr. Goldman. Could I clarify the arrangement you had with Burisma through
22 RSB?

23 Mr. Archer. Uh-huh.

24 Mr. Goldman. So, essentially, both you and Hunter Biden had a board contract
25 that, in return for all of your work for the board, you would get paid a million dollars a

1 year. That went into RSB.

2 Mr. Archer. Uh-huh.

3 Mr. Goldman. And then it was split up in three ways -- you, Hunter, and then the
4 Tri Global?

5 Mr. Archer. Tri Global. Yeah.

6 Mr. Goldman. Why was that, with Tri Global?

7 Mr. Archer. Because they were the -- they, like, were the cap intro and
8 basically initially introduced Zlochevsky and the Burisma team --

9 Mr. Goldman. Uh-huh.

10 Mr. Archer. -- you know, early on, and then followed up in that -- you know,
11 followed up in that 2014.

12 And, you know -- so, during my tenure, that was -- and minus any investments or,
13 like, collective expenses that we incurred.

14 Mr. Goldman. Right. But the idea was --

15 Mr. Archer. So the net wasn't necessarily that every month, but theoretically
16 that was, like, what our share was --

17 Mr. Goldman. Got it.

18 Mr. Archer. -- of that piece.

19 Mr. Goldman. And the reason it went through RSB is because you had this third
20 partner involved in -- you know, related to the Burisma board work you were doing?

21 Mr. Archer. I don't think I could say that. The reason it went through RSB was
22 it just happened to be, like, kind of a catchall. Like, you understand I was
23 running -- Rosemont Realty was a 2-, almost 3-billion-dollar fund. I was a general
24 partner. We had 400 employees. Like -- this, though, has gotten more airtime
25 than -- it really wasn't my -- I wasn't doing this --

1 Mr. Goldman. You weren't focused on it.

2 Mr. Archer. -- on a day-to-day --

3 Mr. Goldman. But I guess I'm just -- you then paid Tri Global out of RSB.

4 Mr. Archer. Yes, we did. Yeah. There -- that's all in there. You can find
5 them all.

6 Mr. Goldman. All right.

7 Mr. Archer. It's probably -- it's the different consulting groups and whatever
8 they were.

9 [REDACTED]

10 Q So it's fair to say Burisma paid the money into RSB, and then RSB disbursed
11 the relative shares to you, Hunter Biden, and Tri Global?

12 A Yes.

13 [REDACTED] All right. I think we're good. Off the record.

14 [Whereupon, at 3:00 p.m., the interview was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date

IN THE MATTER OF:

Whistleblower Disclosure Pursuant

Supplemental Production of Records / Affidavit #1 – August 2, 2023

To 26 U.S.C. § 6103(f)(5)

STATEMENT OF JOSEPH ZIEGLER (WHISTLEBLOWER X)

I, Joseph A. Ziegler, hereby provide the following statement:

1. I provide this statement to supplement my testimony I provided to both the majority and minority staff of the United States House Committee on Ways & Means on June 1, 2023 as well as my testimony I provided to the full committee of the United States House Committee on Oversight and Accountability on July 19, 2023.
2. Since November of 2018, I have been a Special Agent for the Internal Revenue Service – Criminal Investigation (“IRS-CI”), United States Department of Treasury. Since that date, I have been the case agent who initiated and was assigned from IRS-CI to the Robert Hunter Biden (“RHB”) investigation to investigate related potential criminal violations of Title 26 of the United States Code.
3. I continued in that role until I was removed from the investigation which was made at the direction of the U.S. Department of Justice (“DOJ”) after making internal protected disclosures concerning the DOJ’s mishandling of the investigation of RHB, to include deviations from normal investigative procedures and conflicting information provided by Attorney General Merrick Garland to congressional committees and the American public related to the independence of the U.S. Attorney for the District of Delaware, David Weiss.
4. As requested by these U.S. House Committees, I would like to disclose further information and documents which are a follow up to my testimony and which would be pursuant to the Whistleblower protections defined by Title 26 U.S.C. § 6103(f)(5). I make these disclosures and provide these documents knowing that I could be subject to criminal prosecution for perjury or for making false statements under Title 18 U.S.C. § 1001.
5. I would like the committee to take note that the following were schedules I created and reviewed with the IRS and FBI investigative team as well as the investigation assigned prosecutors (which includes AUSA Lesley Wolf, AUSA Carly Hudson, DOJ-Tax Attorney Mark Daly and DOJ-Tax Attorney Jack Morgan, calculations and analysis from an IRS assigned Revenue Agent, and is based on evidence and witness statements obtained.

6. **EXHIBIT 1A:** This was a schedule I created related to the RHB tax investigation. Contents of this schedule were shared as a part of my prosecution referral of the alleged tax charges related to RHB to DOJ (Which includes DOJ-Tax and the Delaware U.S. Attorney's Office). This schedule would show the Felony tax charges recommended to DOJ related to RHB for the tax years 2014 and 2018, which includes Title 26 U.S.C. §§ 7201 (Tax Evasion) and 7206(1) (False Return) charges. These recommended amounts would take into account any defenses presented by RHB's defense counsel (Referenced on EXHIBIT 1D) and I believe the schedules and amounts would have been used by the DOJ-Tax Attorneys and the assigned Delaware AUSA's to support their recommended approval for the 2018 felony tax charges. As of today's date, this alleged additional taxable income of approximately \$598,955 has not been reported to the IRS and the alleged additional taxes of approximately \$231,790 has not been paid to the IRS.
7. At the time of our prosecution referral, we had originally recommended felony tax charges for RHB for the 2019 tax year, which included Title 26 U.S.C. §§ 7201 (Tax Evasion) and 7206(1) (False Return) charges. RHB had failed to report the income related to a distribution he had taken from one his children's 529 Plan in 2019, additional income of approximately \$39,820. He also had personal distributions he had claimed as business deductions totaling approximately \$12,791. Based on evidence obtained as a part of the investigation as well as defenses presented, it was determined by the prosecution team, as well as my analysis to not pursue felony tax charges for this tax year (But to still pursue the misdemeanor tax count). As of today's date, this alleged additional income of approximately \$52,611 has not been reported to the IRS and the alleged additional taxes of approximately \$22,860 has not been paid to the IRS.
8. **EXHIBIT 1B:** This was a schedule I had created related to the RHB tax investigation. Contents of this schedule were shared as a part of my prosecution referral of the alleged tax charges related to RHB to DOJ (Which includes DOJ-Tax and the Delaware U.S. Attorney's Office). This schedule would show the misdemeanor tax charges recommended to DOJ related to RHB for the tax years 2015 through 2019, which includes Title 26 U.S.C. § 7203 (Failure to Timely File Tax Returns and/ or Pay Taxes). I have included for the committees reference the approximate statutory due date of the tax return (If the taxpayer requested an extension to file would move the due date to October 15th) and payment, and the approximate date that the payment and return was received by the IRS. As stated previously, RHB's tax filings and payments related to these tax years have been received by the IRS and were paid by a 3rd party, Kevin Patrick Morris. I would like to point out a couple of things. It does not appear based on IRS records, that RHB had paid his 2017 and 2018 Corporate taxes owed for Owasco PC (Approximately \$17,877). Even though the tax returns and payments have been received by the IRS, the crime of failure to timely pay and file would have

been already committed based on the elements of the criminal statute, which included the element of willfulness similar to the felony charge, and the subsequent payment could be argued as a mitigating factor considered by a judge at the time of sentencing.

9. **EXHIBIT 1C:** This was a schedule I had created related to the RHB tax investigation. Contents of this schedule were shared as a part of my prosecution referral of the alleged tax charges related to RHB to DOJ (Which includes DOJ-Tax and the Delaware U.S. Attorney's Office) and would have been reviewed by a Revenue Agent with the IRS. This schedule would show the Felony tax charges recommended to DOJ related to RHB for the tax year 2014, which includes Title 26 U.S.C. §§ 7201 (Tax Evasion) and 7206(1) (False Return) charges. Based on discussion with the prosecutors on the RHB investigative team, this analysis was the most conservative estimate of unreported income and additional taxes owed by RHB. Again, as previously stated in my testimony, the concept of this Tax Evasion scheme is fairly simple: In 2014, RHB had allegedly directed his Burisma payments to be made to Devin Archer's Company, Rosemont Seneca Bohai, in which RHB had no ownership in. RHB directed to have a portion of his Burisma income paid back to himself personally as "loans", even though Devon Archer had deducted these payments on the Rosemont Seneca Bohai tax return. RHB had essentially loaned himself his own income from Burisma, failing to report this income from Burisma on his 2014 tax returns and failing to pay the taxes on this income. Even after RHB's business partner Eric Schwerin and tax accountant in 2016 had identified this unreported income and helped prepare an amended tax return, RHB has still failed to send this amended tax return for 2014 to the IRS. Even after statute extensions were signed by RHB for tax charges related to the 2014 tax year, it is believed that the statute would have expired and that this additional tax of approximately \$124,845 would be uncollected by the IRS.
10. **EXHIBIT 1D:** This was a schedule I had created related to the RHB tax investigation. Contents of this schedule were shared as a part of my prosecution referral of the alleged tax charges related to RHB to DOJ (Which includes DOJ-Tax and the Delaware U.S. Attorney's Office). This schedule would show the Felony tax charges recommended to DOJ related to RHB for the tax year 2018, which includes Title 26 U.S.C. §§ 7201 (Tax Evasion) and 7206(1) (False Return) charges, charges which were recommended for approval by the assigned prosecutors and was believed to be included in the 99-page Tax Prosecution Memo. On line 20, RHB's defense counsel had pointed out a potential error made by RHB's accountants in double-reporting income for RHB. After our investigatory review (which included a review by the FBI Forensic Accountant and assigned IRS Revenue Agent) and included in our schedule, this was reflected as a benefit to RHB. Even after this, RHB would have alleged unreported income of approximately \$263,690 and uncollected taxes of \$106,945. To be clear, any personal deductions claimed on a business tax return would reduce

taxable income and reduce the taxes paid to the IRS. For the purposes of our tax investigation, any personal distributions were considered a distribution to RHB from his corporation and would have been recorded as additional income on his tax return, thus increasing his additional taxes owed to the IRS.

Representation Letter:

11. **EXHIBIT 1E:** This was a memorandum of interview of Jeffrey Gelfound, Edward White & Company tax accountant who assisted with the preparation of RHB's delinquent tax returns, to include the RHB's personal and corporate tax returns for 2017 and 2018. It is believed that RHB's accountants had requested a representation letter in addition to signing RHB's actual tax returns. This representation letter would have stated that all income for 2017 and 2018 has been fully disclosed to you and all deductions disclosed to you are proper deductions and/ or are ordinary and necessary business expenses. Based on my training and experience and discussions with other IRS agents, representation letters are typically used as added protection for the return preparer when they may not feel comfortable with the income / deductions being reported by their client on the tax return. During this interview, Gelfound stated that he would have discussed this letter with RHB, specifically having discussions with RHB about "deductions he was claiming had to actually be related to business expenses". Gelfound also stated that this was the first ever representation letter that he had seen in a client engagement and that they wanted their client to represent that he was giving them "good information". The Troy he mentions during this interview was a Partner at Edward White & Company. This letter would have been included as evidence of willfulness and knowledge for the 2018 felony charges, which includes Title 26 U.S.C. §§ 7201 (Tax Evasion) and 7206(1) (False Return) charges.
12. **EXHIBIT 1E, Page 1:** It was also noted during the interview with Gelfound that RHB never discussed filing an amended tax return for the 2014 tax year with his new accountants, specifically Jeff Gelfound.

Specific Deductions:

13. **EXHIBIT 1F & 1G:** This was a memorandum of interview of Jeffrey Gelfound, Edward White & Company tax accountant who assisted with the preparation of RHB's delinquent tax returns, to include the RHB's personal and corporate tax returns for 2017 and 2018. When discussing deductions on RHB's tax returns, Gelfound was asked about whole dollar transfers to Gulnora. Gelfound was asked if RHB verified this as a business expense in which Gelfound stated "Yes, we put it on the returns so ...". EXHIBIT 1G was an interview report turned over to the investigative

team as a part of the RHB investigation. I have included a redacted excerpt of that interview of an escort by the name of Gulnora that was conducted on or about April of 2021 in which she admits to meeting RHB relating to escort work.

14. **EXHIBIT 1H, Page 13-14:** This was a memorandum of interview of Jeffrey Gelfound, Edward White & Company tax accountant who assisted with the preparation of RHB's delinquent tax returns, to include the RHB's personal and corporate tax returns for 2017 and 2018. Gelfound responded to specific questions about deductions for Columbia University, John Hancock, rent for RHB's adult daughter and the Business LOC (Line of Credit) deductions. In the meeting, Gelfound asked RHB what the payments covered and RHB could not really recall. RHB did not suggest splitting the expenses 80/20, but RHB was representing that the expenditures were business related and mostly travel expenses, so Gelfound thought an 80/20 expense split was reasonable.

Hudson West III Loan Claim

15. **EXHIBIT 1H, Page 4 & 5:** This was a memorandum of interview of Jeffrey Gelfound, Edward White & Company tax accountant who assisted with the preparation of RHB's delinquent tax returns, to include the RHB's personal and corporate tax returns for 2017 and 2018. Based on information provided by Gelfound, RHB was attempting to misrepresent to his accountants that the income he received from Hudson West III was a loan to him. Gelfound further investigated this claim by RHB and had found that Hudson West III had deducted the payments made to RHB and thus could not be classified as a loan to him. This was ultimately reported as income for RHB. This email would have been used to support the element of willfulness for both the 2014 and 2018 felony charges, which includes Title 26 U.S.C. §§ 7201 (Tax Evasion) and 7206(1) (False Return) charges, as RHB was trying to claim the same "loan" argument he was claiming to his attorney for the Burisma income paid to him from Archer entity. This time, his accountants performed their due diligence and disallowed that claim.
16. **EXHIBIT 1I:** This email was received by the investigative team via an Electronic Search Warrant served on Apple related to RHB's Apple email account. Based on our investigation, this email relates to the Hudson West III entity, in which RHB had a 50% ownership interest in. In this email, RHB clearly states that he is earning "consulting fees based on introductions alone a (sp) rate of \$10M (believed to be \$10 Million) per year for a three year guarantee total of \$30M (believed to be \$30 Million)." This email does not include a reference to a loan, which contradicts RHB's alleged statement to his accountants (EXHIBIT 1H).
17. **EXHIBIT 2A:** This LLC Agreement of Hudson West III LLC that was received from the investigative team as support of a Bank Report as well as found in productions of Email Search

Warrants. This agreement was dated as of August 2, 2017 (Same day as email noted in EXHIBIT 1I and a few days after the WhatsApp messages Gary Shapley had previously testified to). On Page 8 of this agreement, the Owasco managers are RHB and James Biden. On Page 10, Section 4.6, the agreement discussed the payments to RHB and James Biden and does not make any reference to a loan paid to RHB and/ or Owasco PC. This agreement on Page 24 has the signatures of RHB and Gong Wen Dong. Gong Wen Dong is believed to be a Chinese National who was living in the U.S at the time. Page 26, Schedule II of the agreement, shows that RHB (through Owasco, PC) did not contribute any capital into the company. Hudson West V was known in the investigation as another U.S. entity related to CEFC. EXHIBIT 2B references the \$5 Million capital contributed to the Hudson West III Entity (Described Below).

18. **EXHIBIT 2B:** This was email communication received by the investigative team as support of a Bank Report. The Hudson West III entity was funded by \$5 million from Northern International Capital Holdings (HK). Gong Wen Dong, known to be the Hudson West III manager at the time, stated that there was no loan agreement between Hudson West III and Northern International Capital Holdings (HK).
19. **EXHIBIT 2C:** This Second Amended and Restated LLC Agreement of Hudson West III was turned over to the investigative team as support of a Bank Report as well as found in productions of Email Search Warrants. This agreement changed the 50% ownership from Hudson West V to Coldharbour Capital LLC. According to tax records, ColdHarbour Capital is a Partnership which is partly owned by Mervyn Yan. Mervyn Yan came to the U.S. from China in the 1990's and is a U.S. citizen. Owasco PC's ownership interest, owned by RHB, did not appear to change. This agreement was dated March 31, 2018. This agreement also changed one of the managers from Gong Wen Dong to Mervyn Yan. It was noted by the investigative team that this change occurred after the arrest of Patrick Ho and Gong Wen Dong was believed to have traveled back to China. There is no reference in this document to a loan paid to RHB and/ or Owasco PC.
20. **EXHIBIT 3A & 3B:** These documents are the 2017 and 2018 Corporation tax returns for Hudson West III electronically filed with the IRS. On EXHIBIT 3A, Page 16, the return indicates that the corporation is owned 100% by Monochrome Capital Partners LLC. Monochrome Capital Partners LLC was reported as a Schedule C on Gong Wen Dong's 2017 personal tax return. The listed owner of the Schedule C Entity, Monochrome Capital Partners LLC was Gong Wen Dong's wife, Shan Gao. This 2017 tax return for Hudson West III and the Hudson West III LLC agreement in EXHIBIT 2A do not reconcile to each other. I have further noted that there is no reference to a loan to RHB in this tax return and it appears that payments to RHB / Owasco PC and James Biden were reported as Legal and Professional Expenses shown on Page 18 of the return.

On EXHIBIT 3B, Page 20, the return indicates that the corporation is owned 100% by Monochrome Capital Partners LLC. Monochrome Capital Partners LLC was reported as a Schedule C on Gong Wen Dong's 2018 personal tax return. Again, the listed owner of the Schedule C Entity, Monochrome Capital Partners LLC was Gong Wen Dong's wife, Shan Gao. This 2018 tax return for Hudson West III and the Hudson West III LLC Second Amended and Restated agreement in EXHIBIT 2B do not reconcile to each other. I have further noted, that there is no reference to a loan to RHB in this tax return and it appears that payments to RHB / Owasco PC and James Biden were reported as Legal and Professional Expenses shown on Page 18 of the return.

Tax Estimated Payments:

21. **EXHIBIT 1J:** This was a memorandum of interview of Jeffrey Gelfound, Edward White & Company tax accountant who assisted with the preparation of RHB's delinquent tax returns, to include the RHB's personal and corporate tax returns for 2017 and 2018. RHB was shown his 2017 and 2018 tax liabilities and elected to not remit the tax payments and implied that he had no resources to pay his taxes at the time. Gelfound further stated that the delinquent payments paid by Kevin (Morris) were prioritized based on urgency. Gelfound also mentioned potential media attention due to a lien essentially prioritizing tax payments.
22. **EXHIBIT 1H, Page 15:** This was a memorandum of interview of Jeffrey Gelfound, Edward White & Company tax accountant who assisted with the preparation of RHB's delinquent tax returns, to include the RHB's personal and corporate tax returns for 2017 and 2018. In this interview, Gelfound did not recall details of his conversation with RHB about the amounts due for taxes. They started to look into an Installment Agreement or an Offer in Compromise with the IRS, but never followed through. Gelfound could not recall why they decided not to go through with these options. Gelfound recalled that the options were discussed, and they elected not to pursue. Gelfound's understanding is that it was because RHB did not have any money. He also said, One of the tax agencies was going to lien or levy RHB's account which would become public information. This would not have been good for RHB, so there were discussions about this but Gelfound could not recall with whom.
23. **EXHIBIT 1K:** This was an email sent to the investigative team from the assigned DOJ-Tax Attorney Mark Daly. This email was the forwarded proffered defenses from RHB. RHB, through his counsel allegedly misrepresented the facts relating to the 2018 tax year based on evidence obtained from the investigation. I can recall having multiple discussions with DOJ-Tax attorney Mark Daly about how these defenses presented were believed to be not true and/ or supported by the facts of the case. Three items of note are bullet point 1, 3 & 5. Zoe was RHB's girlfriend

throughout a lot of 2018. Zoe confirmed during an interview that she was never in business with RHB. Based on witness interviews and investigative information, Michael was RHB's alleged drug dealer during 2018, while he was living out in California. During the interview of James Biden, James also confirmed that he and RHB were no longer engaged in work during the 2018 tax year (Referenced in EXHIBIT 401 and discussed below).

24. In my original testimony to the House Ways & Means Committee, I had testified that global transfers that RHB and his associates would have received from Ukraine, Romania, and China was approximately \$17.3 Million. This amount provided was a conservative estimate of the global income streams. This \$17.3 million did not include the \$1 million payment paid from CEFC (China) to RHB's business entity, which was believed to be related to Patrick Ho. RHB actually verified receipt of this payment during his change of plea hearing on July 26, 2023. I also did not include any return on investment that RHB may have received from his ownership interest in Bohai Harvest RST. This also didn't include a referral payment believed to be made in 2015 from CEFC to a U.S. person of at least \$700,000. Based on this additional information, the total global income streams would have potentially been over \$19 Million.
25. **EXHIBIT 4A:** This email was received by the investigative team via an Electronic Search Warrant served on Google related to RHB's Apple email account. The lowercase writing in the email is believed to be from RHB and the capitalized writing is believed to be Devon Archer responses made. I would point you to Item 6. This was believed to be RHB's laying out of the plan related to the Burisma board income he and Archer were about to receive. Page 2 references a slide that was presented to U.S. Attorney David Weiss in June of 2022 and our investigative summary of the information being referenced in the email. Again, RHB references \$5 million in total from Burisma (which was referenced in the beginning of the board agreement), which I believe coincides with information on the FBI Form FD1023 which as previously stated was not shared with the IRS case agent, Joseph Ziegler.
26. **EXHIBIT 400:** This FD 302 was provided to the RHB investigative team by agents with the FBI. The interview of Gal Luft took place prior to the IRS and FBI investigations combining in the District of Delaware. I have been able to corroborate information provided in this interview to include the meeting between RHB and the Chairman in Miami and the reference to \$10 million (Affidavit 1, EXHIBIT 1i), the amounts of the wires from CEFC China Energy paid to RHB indicated on Page 5 (EXHIBIT 2B), and the amounts of the monthly payments RHB and James Biden would receive from CEFC China, through Hudson West III as referenced in the LLC agreement (EXHIBIT 2A & 2C).

27. **EXHIBIT 401:** This was the memorandum of interview of James Biden that I had written following the interview. A few things that I have noted regarding this interview. Page 8, paragraph 31, James Biden stated that he recalled not being involved with anything beyond 2017. This is a direct contradiction to what RHB's attorneys had proffered as a defense for 2018 (Affidavit 1, EXHIBIT 1i). Page 10, paragraph 39, James Biden confirmed that RHB was completely over the edge when he moved out to California, which would have been approximately April 1, 2018. Based on this statement as well as representations made in RHB's memoir, the investigative team made a determination that any business expense deducted after April 1, 2018, was believed to be false deduction made by RHB.
28. **EXHIBIT 402:** This was a summary of WhatsApp messages that I had drafted and completed with the investigative team summarizing relevant messages from the various Electronic Search Warrant productions. I can recall that during and after the interview of James Biden that I had felt discouraged. This interview was another example of an environment established by the assigned prosecutors in which the investigators were afraid to ask questions. You can see in the interview memo that we did not ask about the previous WhatsApp messages discussed in Gary Shapley's testimony to the House Ways & Means Committee, asking if James Biden's brother (Former Vice President Joe Biden) involved with the CEFC deal, as potentially indicated in the WhatsApp message. In addition, this message from James Biden states "This can work, you need a safe harbor. I can work with you father alone !! We as usual just need several months of his help for this to work. Let's talk about it. It makes perfect sense to me. This is difficult to fully vet without talking." During the interview, we referenced multiple messages between RHB and James Biden, but did not bring up and ask about this message. Again, this would not allow us to follow normal investigative leads and fully understand the business relationship between James Biden and his family.
29. If the committee has any follow up questions for me, or if they need my assistance in any way, please let myself or my Attorney Dean Zerbe know.

Dated: August 2, 2023

Joseph A. Ziegler

From: Robert Biden [REDACTED]
To: Gongwen Dong [REDACTED]
CC: Mervyn Yan [REDACTED]; Robert Biden [REDACTED]
Sent: 8/2/2017 7:54:57 PM
Subject: Re:

My Understanding is that the original agreement with the Director was for consulting fees based on introductions alone a rate of \$10M per year for a three year guarantee total of \$30M. The chairman changed that deal after we me in MIAMI TO A MUCH MORE LASTING AND LUCRATIVE ARRANGEMENT to create a holding company 50% percent owned by ME and 50% owned by him. Consulting fees is one piece of our income stream but the reason this proposal by the chairman was so much more interesting to me and my family is that we would also be partners inn the equity and profits of the JV's investments. Hence I assumed the reason for our discussion today in which you made clear that the Chaireman would first get his investment capital returned in the profits would then be split 50/50. If you saying that is not the case then please return us to the original deal 10M per year a guaranteed 3 years plus bonus payments for any successful deal we introduce. let's discuss thank you

On Aug 2, 2017, at 6:14 PM, Gongwen Dong <[REDACTED]> wrote:

Hi Hunter,

Mervyn felt we have different understanding of the source of income of the JV: our understanding is that income of JV will be consulting fee of the projects. It's discretionary solely on CEFC. Please confirm this is your understanding as well. If it's different, we should get on a call with Director Zang immediately.

Sent from my iPhone

On Aug 2, 2017, at 12:29 PM, Mervyn Yan <[REDACTED]> wrote:

Mr. Biden,

Thanks for the quick draft.

In the interest of time, I have attached the proposed Org chart since Hudson West III LLC was already filed and registered and obtained EIN. However, there are few business points in the Agreement we shall have incorporated into the amended document.

1. Regional focus shall be in US, Middl East, Russian, Europe and South America countries, in energy, infrastructures, finance and high-tech sectors.
2. The goal is to source and secure 1-3 deals a year and aims to have 5 more more deals in the pipeline.
3. Monochrome's capital contribution shall be treated as a loan at 5% interest rate, to cover ongoing operating expenses, and to be repaid in full from company income first.
4. Major incomes of the company are from consulting fees, arranger fees, etc. The fee amount is solely determined by the Monochrome and its affiliates.
5. Profit distribution is first to repay the loan advanced by Monochrome, then 50/50 to each member.

6. Monochrome and its affiliates shall determine the second year funding if the first year the company didn't make any progress of particular investments.
7. Monochrome appoints Chairman and CFO, OWASCO appoints CEO and COO.
8. OWASCO shall made monthly report to the board, and any investment opportunities to the Monochrome and its affiliates. Further investment decision is solely determined by Monochrome Group.
9. For the operating expenses, the company is aimed not to exceed \$416k per month, total \$5 million a year. OWASCO managers are not salary employees, however, any full time workers employed by the company shall be salary-based.
10. OWASCO commitment to the company is exclusive to the extend the company is full operational.

Thanks,
Mervyn Yan
[REDACTED]

On Wed, Aug 2, 2017 at 11:28 AM, Gongwen Dong <[REDACTED]> wrote:

Sent from my iPhone

Begin forwarded message:

From: Robert Biden <[REDACTED]>
Date: August 2, 2017 at 11:26:04 AM EDT
To: Gongwen. [REDACTED]



**-DEPARTMENT OF THE TREASURY
Internal Revenue Service
Criminal Investigation**

Memorandum of Interview

Investigation #:	[REDACTED]	Location:	Arnold & Porter
Investigation Name:	Robert DOE		250 West 55 th Street
Date:	September 29, 2022		New York, NY 10019-9710
Time:	Approx. 2:25PM – 5:20PM		
Participant(s):	James Biden, Relative / Business Associate of RHB Paul Fishman, Attorney for James Biden Gelsey Beaubrun, Attorney for James Biden David Hibey, Attorney for James Biden Joseph A. Ziegler, Special Agent (IRS-CI) Christine Puglisi, Special Agent (IRS-CI) Michelle Hoffman, Forensic Accountant FBI Lesley Wolf, Assistant United States Attorney (DE) Carly Hudson, Assistant United States Attorney (DE) Mark Daly, Attorney DOJ-Tax Division		

On the above date and time, James Biden (“James B”), with his counsel Paul Fishman, Gelsey Beaubrun and David Hibey, met at the above location to meet for a scheduled interview with the above participants. SA Ziegler and SA Puglisi identified themselves as Special Agents with the IRS-CI and Michelle Hoffman as a Forensic Accountant with the FBI. DOJ-Tax Attorney Daly identified himself as well and AUSA Wolf and Hudson identified themselves. Prior to the interview, James B confirmed that he was doing the interview voluntarily and that he did not need a proffer agreement. If a proffer agreement was needed in the future, they would let the government know. DOJ-Tax Attorney Daly told James B that they had some questions about his interactions with RHB and the business activities they participated in together, flow of funds and mental state. [REDACTED]

[REDACTED] Paul Fishman stated that James B remembers some stuff and some stuff is not as clear as it was five years ago. DOJ-Tax Attorney Daly told James B that he needed to be truthful and that if he wasn’t truthful that he would be in violation of 1001 – False Statements, and the relevant penalties from violating it. DOJ-Tax Attorney Daly told James B that he could take a break at any time and can stop at any point to have conversations with his counsel. James B stated that he had no questions and provided the following information:

1. James B went to the University of Delaware from 1968 to 1972. James B was 13 credits short of receiving his degree. He spent most of his time on the road raising money for his brother’s Senatorial campaign.

2. James B does not have any current licenses. James B had his real estate license, securities license, and his real estate broker's license. James B worked for a BBS Benefits Solutions which was not an insurance company. James B had operated in 35 states and was licensed in all 50 states. James B has never been disciplined for any of his licenses. James B has done an extensive amount of consulting with unions and municipalities and has built a lot of relationships in the labor community.
3. James B has a general knowledge around the energy and infrastructure industry. James B had been asked to participate and advise several fortune 500 companies and has started affordable housing all over the world. James B has also worked in real estate development. James B had owned restaurants and night clubs (4 - 5) in Wilmington, DE and New Jersey. James B looked into starting a hotel on Bethany Beach, but it never came to fruition. James B would work on the design and structure of the facilities but was not involved as an operator of the business. James B worked for several real estate developers and worked in commercial real estate while in San Francisco for a few years.
4. James B is currently only working for BBS Benefits Solutions. James B is currently trying to purchase a rugby franchise in Philadelphia. James B believes that rugby will be a huge market in the future.
5. James B has a close personal relationship with RHB and has had a business relationship with RHB.
6. James B stated that when Joe Biden's (Joe B) former wife and daughter were killed in 1971 after Joe B was elected to the senate, Joe B was not initially going to serve in the Senate. Joe B's kids viewed James B as a surrogate father because Joe B was spending his time back and forth between Washington DC and Wilmington. James B stated that he was with Joe B and his family for about two years and that he was very involved with Joe B's children (along with their sister Valerie). James B had found that he gravitated more towards RHB. RHB had taken a different path than his brother Beau. RHB was more adventurous and was more prone to get into a fight. James B thought of himself as a mentor and had a closer relationship with RHB. RHB tended to need more attention than his siblings. James B stated that RHB was his best friend and that is still the case to this day.
7. James B and RHB's professional relationship consisted of some minor ventures. After RHB graduated from Yale law school he went to work at a local law firm, Oldakar Baker. RHB became a partner at the law firm. RHB had asked James B if he knew of any hedge funds in New York and that he thought it was a good opportunity for them. RHB told James B that he only wanted the cream of the crop hedge fund and that he was going back to his partner with only the best fund. RHB and James B were looking to raise money for the fund and stated they wanted it to be clean as a whistle and it had to actively be in business for 5-10 years.

8. RHB and James B found a fund through Scott Oh (sp), who was head of the detective's union in NYC. Scott had introduced them to Tony Latido ("Latido"). Latido had worked in the insurance industry, and he had a relationship with a hedge fund that was wanting to sell out called Paradigm. When they went to purchase Paradigm, they said that they had approximately \$200 million under management. James B stated that when they got into the fund and did the due diligence that the fund only had \$37 million under management. They had found they were double and triple counting investments and that it was much less than they had said when they purchased the hedge fund. The hedge fund was repped by an attorney and James B stated that he was unaware that the attorney was under federal indictment and was awaiting sentencing. James B stated that they were getting a lot of false information and that there was a lot of movements of money. James B stated that they were eventually able to pay back the investors. One of the investors was a friend of RHB's, Jeffrey Cooper, who was an attorney who invested approximately \$1 million. James B stated that they used a majority of that investment for the due diligence of the fund. James B had to mortgage his residence at the time to pay back Cooper because RHB felt strongly about it because it was a friend of his. Paradigm was around the time period of 2007 to 2009. The attorney who represented Paradigm had attempted to sue RHB and James B for unpaid attorney fees.
9. James B does not have an ownership interest in Eudora.
10. James B became aware of CEFC in and around early 2017 through RHB. James B recalled that it was approximately 5 years ago based on documents he had recently looked at. RHB told James B that he had two partners, Rob Walker ("Walker") and James Gilliar ("Gilliar") at the time and James B was unimpressed with those partners. James B had first met these partners at RHB's request in NYC. At the time, James B was told that Chairman Ye was dealing with RHB directly. James B had only met Chairman Ye once. James B thought that Walker and Gilliar didn't have anything to bring to the table. James B was unimpressed with their mannerisms and their general knowledge of the situation. James B recalled that RHB had brought in a friend of his into Paradigm and that friend was bipolar and that it had significantly complicated things. James B thought that RHB's friend Walker was very similar to this. Gilliar was supposedly formerly MI6 in the UK, but James B never verified this. Gilliar was a big guy and wore a Superman T-shirt that supposedly cost \$5-7,000. Gilliar was supposedly very connected. James B stated that he was brought on to look out for RHB's interest in the deal. RHB asked James B to help him evaluate the people and situation he was involved with regards to CEFC.
11. James B considered himself a point person to look out for family members who were dealing with addictions. James B stated that after reading RHB's book, he had to drop it because he was shocked and had no idea it was that bad.
12. Tony Bobulinski ("Bobulinski") was not a part of the group in the beginning. The understanding in the beginning was that Chairman Ye already had a very close relationship with RHB and he was going to be his partner. James B was not aware

of any written agreements between RHB and Chairman Ye. James B was paid by RHB's entity, Owasco.

13. James B was not at the meeting in Miami when the Chairman and RHB had met. James B did recall RHB receiving a diamond from the Chinese but that they found out it was not valuable. RHB said that he received the diamond from an associate of the Chairman at his office [REDACTED]
[REDACTED] James B stated that the Chinese always gave something as a welcome gift. RHB was originally told that the diamond was worth \$10,000, but James B took it to a friend of his and found out that it was worthless. James B is only aware of one diamond and was not aware of a larger diamond.
14. James B stated that Bobulinski was introduced months later into the deal at the suggestion of Gilliar. James B understood Bobulinski as a wheel and dealer, former special operations guy who had a lot of wealth himself. James B found Bobulinski to be undesirable. James B did a little research into Bobulinski and had found he was involved in Playboy and pornography. James B thought that Bobulinski was trying to have an influence over RHB and was trying to take over the deal. Bobulinski wanted to be the last one to sign off on everything.
15. [REDACTED] – a series of WhatsApp chats. [REDACTED]
[REDACTED] James B did attend a luncheon with RHB in Romania. James B was focused on RHB at this luncheon and his relationship with Chairman Ye. James B understood this luncheon to be a side deal. James B recalled RHB, Gilliar, and Walker being in attendance. James B wasn't sure if Bobulinski was there. James B doesn't recall where they were in Romania. James B stated that they were discussing a side deal at the lunch but didn't remember the particulars of the deal. James B doesn't believe that there was business going on with Chairman Ye at the lunch in Romania. James B had no interest in dealing with Romania. James B stated that if RHB was at a meeting, that James B would also be there. James B wanted to make sure that RHB wasn't being taken advantage of and was also providing his advice.
16. James B was asked about RHB's mental state at the time. RHB was addicted to alcohol this whole time. RHB would show up to meetings when he was sober and when he wasn't sober, he wouldn't show up. If RHB attended a meeting and couldn't function, he would just get up and leave. While in Romania, RHB's state of mind was marginal. James B viewed this lunch as another deal outside of the Chairman Ye deal. James B did not recall the name of the person they were meeting with in Romania and was not aware of any involvement with [REDACTED] James B was not aware of the Romanian business [REDACTED] and was not aware of any other business deals involving RHB in Romania. James B did not think that anything came out of the meeting in Romania. James B stated that it was a friendly meeting and was not sure if anyone had met previously.

17. James B is not familiar with the entity State Energy HK. James B did not recall when RHB first started receiving money from CEFC. James B thought that their was money being paid in the beginning from CEFC and that it was being split between RHB and Walker. James B thought that it was several hundreds of thousands of dollars, but James B did not get any of that money.
18. [REDACTED] – texts with James B. James B was directed to the top text. DOJ-Tax attorney Daly told James B that in April of 2017, Walker sent some money to James B from Robinson Walker LLC. James B did not recall receiving any money from Walker. James B stated that if the money came from Walker, then it came from RHB. James B has no idea why money was sent through Walker and why he would have responded this way in the text. Again, James B didn't know why he was getting the money from Walker before "working" for Owasco.
19. RHB booked James B's travel to Romania and was not sure how RHB paid for it. James B did not pay for the trip. James B was not sure how far the trip was booked in advance to Romania. James B went with RHB to Romania because RHB had asked him to go. RHB was under the influence of various substances at the time and would have good and bad days.
20. James B became aware of the SinoHawk entity over the last few days. James B has no idea what the entity was and what it did as a business. James B told RHB that he would not work with Walker, Gilliar and/ or Bobulinski and that the only way he was going to be involved in the deal is if they were gone. RHB repeatedly complained to James B about Bobulinski.
21. James B met with Chairman Ye once and was not sure when it occurred. James B met Chairman Ye and the Director at RHB's request at his lavish apartment in NYC. The Chairman was interested in bringing his two kids and wife to live in the US and was looking into his kids attending the Spence School in NYC as well as a place to live. James B took the Chairman's wife to several private schools in NYC. The Chairman's wife was looking at finding a home near a school so the kids could walk.
22. James B said that the Director was also at the meeting with Chairman Ye and RHB. There may have been other people at the meeting, but James B wasn't sure who they were. James B stated that Chairman Ye was prepared to execute on the deal with Monkey Island in Louisiana. James B thought that this meeting with Chairman Ye occurred after the formation of Hudson West III ("HW3"). James B was not exactly aware of the HW3 entity as he was always paid by RHB through Owasco PC. James B was not sure how much exactly RHB was making from HW3 but RHB told James B that he was making \$100,000 and that RHB would pay James B \$60,000, in addition to fees. Sara Biden ("Sara B") never helped negotiate any of the deals with the Chairman. RHB may have asked Sara B for advice. James B stated that he wasn't involved in any of the negotiations because he was not an attorney and wasn't capable of negotiating terms and further stated that he trusted RHB and the handshake was good enough.

23. [REDACTED]

- a. James B didn't know what the document was. DOJ-Tax attorney Daly showed James B that Section 4.2b identifies James B as one of the managers. James B recalled that he only saw it as Owasco PC. James B didn't know that there were different subsets within the agreement and that he was not involved with this. James B confirmed that he received a credit card from HW3 and that it was late in the game. James B said that the credit card was for incidental expenses. James B stated that he had a secretary who was interfacing with RHB and was compensated \$250-500 per week. James B stated that he submitted expenses from the account to verify that they were business related.

24. James B was asked about Gongwen (Kevin) Dong's ("Dong") role with HW3. Dong was an office manager at the Columbus Circle Offices. Jackie (Known as JaQui Bao) was also a manager at the office, but Dong was superior to Jackie. Jackie did all the clerical work. Jackie was not a senior official. James B's understanding was that Dong was dealing with Chairman Ye and then was speaking with RHB. James B had very limited interactions with Dong and did not have a relationship with him. James B recalled seeing Dong in the office in which Dong showed James B to his office. James B never transacted any business in that office. James B only directed deals to RHB and RHB would pass those deals along. James B was not dealing with the Chinese side of the entity and was only dealing with RHB.

25. DOJ-Tax attorney Daly told James B that the activity with HW3 started to heat up in id to Late August. James B stated that around this time RHB's mental state was good and bad/ up and down. James B recalled that at meetings, RHB would come in, sit down for a few minutes, and then would say he had to go to another meeting. RHB would tell James B that he could handle everything and told him to stay at the meeting. James B would ask what they were trying to do at the meetings and RHB told James B that they were looking for the acquisition of natural gas. James B stated that there were very few instances (5%) where James B was at a meeting and RHB stayed for the meeting and functioned well. James B would guess that there was more than one meeting where RHB functioned well. If James B was at a meeting, it was because RHB asked him to be there. James B stated that when it came to meetings that he was not sure which RHB he was getting – either the businessman or the addict. No one ever complained to James B about RHB's mental state.

26. [REDACTED]

- a. James B doesn't believe that the deal with Trade Group LLC ever came to fruition. James B knows Hiram Eastland ("Eastland") well, but perceived this deal to be a scam. James B was not impressed with the deal and was concerned with its legitimacy. James B thought that he sourced this deal and that it was predicated on the relationship he had with Eastland.

- b. James B recalled meeting with Eastland at a location somewhere in the south. RHB was at the meeting. James B recalled this being a listening meeting. James B recalled it being a “big ask” and a lot of money from Eastland’s group. James B thought that the deal might have been a setup or a government sting due to the timing and amount of money involved. James B stated that RHB and the Biden family had a relationship with the Eastland’s.
- c. James B stated that at this time he was living in Philadelphia. RHB was in Washington DC. James B would meet RHB in either Washington DC or NYC.

27. [REDACTED] – Email regarding the Citgo deal:

- a. James B recalled this being a potential deal as well. James B stated that Micko (sp) was an attorney for Jose Luis Monzano. Jose controlled most of the media in Argentina and was a partner in Integra (the Oil Trader). James B thought that this might bring something to fruition because this guy was a big player. James B stated that the deal did not develop and that they did not appear to be interested. James B recalled that RHB was involved in these meetings through James B and that James B was the one having discussions with Micko and would let RHB know what they discussed. James B was not sure if there were any face-to-face deals with RHB regarding this deal.
- b. James B noted that RHB portrayed CEFC to him as Chairman Ye was a protégé of President Xi.

28. [REDACTED]

- a. James B did not recall this document. Again, James B would source deals and take them to RHB. James B did not recall the Thorn Group. James B thought that this might have been one of the many groups he talked with and that he was a very proactive person and that he talked to many people and businesses and that most of the time, nothing happened.

29. [REDACTED]

- a. James B recalled that the life changing meeting was the deal with Monkey Island. Monkey Island was off the coast of Louisiana near the Gulf of Mexico. James B stated that there was room for a port to be developed and that the properties were pre-approved. The island was 50-100 miles from the Gulf of Mexico and that there was a clear passage to offload and load gas. CEFC was supposed to buy it from Greg Michaels (“Michaels”) (the CEO and Owner in control of Monkey Island).
- b. James B recalled talking with appropriate people in the governor’s office regarding the permits and recalled that it was supposed to be on a fast

track. James B was told that it would be cheaper to build the drills in China and ship them from there. While the drills were being built, they would build the port. James B stated that he was the one who sourced this deal as well and told RHB about it. James B recalled RHB telling the Chairman about the island and that the Chairman was committed to the project.

- c. James B stated that he was interfacing with Michaels and others in Louisiana. James B recalled that Chairman Ye was also sending his people to look at Monkey Island. James B would have thought that there was contact between Michaels and RHB but did not specifically recall.
- d. James B stated that this deal did not go forward, and that he didn't know why. James B recalled that the Chinese had backed out when things started to unravel with CEFC. James B stated that the Chinese had become less communicative with them. James B recalled that Michaels had other potential buyers at a lower price and that he had to sell ASAP.
- e. James B recalled that Chairman Ye was going to sign the deal, but then they ended up not signing. Again, James B stated that he didn't know why they had backed out and that he wasn't provided with an explanation. James B recalled asking RHB and he didn't know why as well. James B recalled there being months and months of negotiations regarding Monkey Island.
- f. James B recalled that at the time, the Chinese were looking for Liquified Natural Gas ("LNG"). Before meeting with Michaels, James B had no idea about LNG and never represented to anyone that he did.

30. [REDACTED]

- a. James B recalled meetings like this in which they would discuss various deals and their viability. James B stated that every deal was presented by RHB in some fashion to the Chinese. James B didn't really interact with Mervyn Yan ("Yan") or Dong and thought there was no harm in them being at the meetings. James B recalled that they wanted to show the Chinese that there was activity going on with HW3. James B viewed the Director and Chairman to hold the power and that Dong and Yan worked for them and had no power. James B recalled that they wanted Dong and Yan at the meetings so that they would know they were outsourcing deals so that they could relay it back to the Director and the Chairman. James B and RHB were not interested in the opinion of Dong and Yan.

31. [REDACTED] – Text messages from January of 2018:

- a. James B stated that he recalled not being involved with anything beyond 2017. James B stated that he wanted a "soft landing" for RHB.

- b. James B recalled having a celebratory lunch with the Chairman at a high scale Japanese restaurant in which they were high fiving each other because the deal was done with Monkey Island. After the deal didn't go through, James B recalled that they were done.
 - c. James B was no longer sourcing deals for the Chinese after Money Island. James B stated that even though he was no longer sourcing deals, he was still getting paid. At this point, James B had very little confidence that any other deal would go through with the Chinese.
- 32. James B stated that he was still aligned with RHB professionally after the Monkey Island deal fell through. James B recalled trying to console RHB and bolster his confidence after his divorce. James B recalled the slide in RHB's state of mind to occur around the divorce in March of 2017. RHB was having problems with his daughters and Kathleen Buhle was making RHB's life miserable. James B didn't think RHB had any income other than the money he was earning from the Chinese. James B recalled taking RHB to various rehab centers throughout this time.
- 33. James B recalled being informed by RHB in February of 2018 that Chairman Ye was arrested. James B recalled that they didn't know where Chairman Ye was and that he disappeared. James B didn't think that they know where Chairman Ye is to this day.
- 34. James B stated that a part of keeping RHB afloat was keeping him involved in business discussions. James B recalled bringing RHB various deals and keeping him interested in business. James B would visit RHB in rehab.
- 35. James B did not recall RHB trying to make calls to the HW3 board of directors after Chairman Ye was arrested.
- 36. [REDACTED]
 - a. James B doesn't believe that there was ever a meeting. James B thought that Dong and Yan were interested in doing other deals.
- 37. [REDACTED]
 - a. James B was asked why Dong was texting him and if he was negotiating anything. James B stated "No" and that Dong saw James B as a stable figure and Dong was out of a job and was looking to do something. James B had demonstrated that he could bring people to the table. James B had no idea what HWV is and why it referenced this. Again, James B was dealing with Owasco PC.
- 38. [REDACTED] Retainer Agreement sent from Yan to James B:

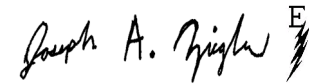
- a. James B was asked by DOJ-Tax attorney Daly if he was involved with drafting these letters and why he would have sent them to Dong. James B didn't know why and that RHB might have sent them to James B and asked him to send them on.
 - b. DOJ-Tax attorney Daly asked why the money moves 4 months after Ho was arrested. James B stated that he didn't know why and that he had no discussions with RHB or Dong about it. RHB was driving the bus and James B didn't recall having any involvement in this.
39. James B stated that once RHB moved out to California he was completely over the edge. James B was trying to communicate as much as he could with RHB and RHB was not picking up the phone. James B would go out to California approximately once a month for the family to check on RHB. James B found out that RHB was in a motel. RHB wouldn't let James B into the room, so James B sat against the door waiting for RHB for 2 days. James B convinced the hotel manager to let him in and they found RHB in the room with another drug addict. James B took RHB to a live-in facility. Initially RHB wouldn't get out of the car to go to rehab but eventually did. RHB was supposed to be at the rehab facility for the month but only stayed for a week or two. James B recalled RHB being reckless and taking his Porsche out on the Pacific Coast Highway to see how fast the car could go. RHB was meeting drug dealers late at night and was completely out of control.
40. [REDACTED] – Lionhall books and records:
 - a. James B recalled being at the Hollywood Roosevelt and this was when he believed that he took RHB to the rehab facility.
 - b. James B was just trying to get RHB well mentally when he was out in California. James B was not sending RHB any deals while he was out in California. James B was supporting RHB in some fashion at this point. Again, conversations were about getting RHB well at this point and not about business.
 - c. James B was not aware of RHB doing any other work-related business while he was out in California.
41. RHB is currently painting 12 hours a day now and has no money. Any paintings that RHB sells, RHB's ex-wife gets the proceeds. RHB's paintings are selling for \$15-25K at exhibitions and the reviews are spectacular. RHB really can't make any money because the money goes to alimony and/or child support.
42. [REDACTED]
43. James B is not sure if RHB was living with anyone while he was out in California in 2018. James B thought RHB was by himself. RHB met Melissa while he was staying at the Hollywood Roosevelt, but that was in 2019.

44. SA Ziegler showed James B a picture of Michael [REDACTED] James B had never seen him before and was not familiar with him. He could have been in the hotel room with RHB but James B couldn't recall.
45. James B was never aware of a personal assistant of RHB out in California. James B never reached out to a personal assistant to get ahold of RHB. James B has never heard of Erin [REDACTED]
46. James B has never heard of Zoe [REDACTED]
47. James B stated that his assistant was most likely dealing with Eric Schwerin ("Schwerin"). James B has known Schwerin for 20 years.
48. James B doesn't believe that anyone else from the Biden family visited RHB while he was out in California. James B's daughter Caroline might have visited RHB because she lived out in California.
49. [REDACTED]
- a. James B recalled speaking to George Mesires (Mesires). James B knew Mesires well. James B has no idea what Yan was talking about in the email.
 - b. James B was asked by DOJ-Tax attorney Daly if he ever had discussions with RHB about the money from CEFC/HW3 being a loan or compensation. James B always assumed it was compensation and never had discussions with RHB about it. RHB never told James B that the money was a loan.
50. [REDACTED] – Text dated April 7, 2020:
- a. James B thought that the number was his brother Frank's number. James B recalled there being a discrepancy with a Form 1099 that Lionhall received from Owasco PC. Sara B contacted the accountants and they corrected the Form 1099. James B recalled that the Form 1099 overstated what they had actually received. Outside of these text messages, James B did not have any discussion with anyone else aside from his wife and attorneys about this. James B never discussed this issue with RHB or his accountants.
51. [REDACTED] – Text Dated March 2020:
- a. Kevin Morris ("Morris") was an attorney for SouthPark and the Book of Mormon. Morris is a very wealthy guy. Morris had befriended RHB. James B didn't know why or when this occurred.
 - b. James B was asked by DOJ-Tax attorney Daly what "World Class of People" referred to? James B thought that this could be attorneys and could mean anything. Morris has a huge ego in being a successful

entertainment attorney. RHB wasn't interfacing with anyone during this time except for Morris and one other guy who flipped houses named George.

- c. Morris was helping RHB a lot, but James B didn't know why. James B thought that this might have been because of his ego. RHB asked James B to thank Morris because Morris requested a thank you. James B had no understanding of what the team of people means and has no knowledge of what Morris had done for RHB. James B was not sure if there was a loan between Morris and RHB. James B thought that the money was significant enough that RHB asked his uncle to say something to Morris and thank him. James B didn't recall a specific discussion only to say thank you "on behalf of the family".
- d. James B recalled that when RHB was being vilified by the media, Morris had sent a film crew to Bulgaria. Morris was there with his film crew monitoring a documentary trying to defame RHB.
- e. James B only met Morris 3-4 times. Morris wanted James B to come work for him and James B told Morris that he was not interested. James B met Morris at his home. Morris also came to RHB's house for a picnic in which James B attended.
- f. James B recalled Morris making a comment that if RHB's attorneys weren't going to listen to him, then he wanted nothing to do with them.
- g. James B stated that Morris thought he was very knowledgeable "politically," but James B thought otherwise.
- h. James B was not aware if Morris asked RHB for anything else other than a thank you. RHB was very closed lip about Morris.
- i. James B heard recently that because of RHB's attorneys, Morris may not want to "play ball" anymore. James B was unsure what exactly this meant.

I prepared this memorandum on over the period October 10th through November 2nd, 2022, after refreshing my memory from notes made during and immediately after the interview with James Biden.


Joseph A. Ziegler
Special Agent

A handwritten signature in black ink, appearing to read "Christine Puglisi", with a long horizontal stroke extending to the right.

Christine Puglisi
Special Agent

IN THE MATTER OF:

AFFIDAVIT 2

Whistleblower Disclosure Pursuant

Supplemental Production of Records / Affidavit #2 – August 2, 2023

To 26 U.S.C. § 6103(f)(5)

STATEMENT OF JOSEPH ZIEGLER (WHISTLEBLOWER X)

1. I provide this statement to supplement my testimony I provided to both the majority and minority staff of the United States House Committee on Ways & Means on June 1, 2023 as well as my testimony I provided to the full committee of the United States House Committee on Oversight and Accountability on July 19, 2023.
2. Since November of 2018, I have been a Special Agent for the Internal Revenue Service – Criminal Investigation (“IRS-CI”), United States Department of Treasury. Since that date, I have been the case agent who initiated and was assigned from IRS-CI to the Robert Hunter Biden (“RHB”) investigation to investigate related potential criminal violations of Title 26 of the United States Code.
3. As requested by these U.S. House Committees, I would like to disclose further information and documents which are a follow up to my testimony and which would be pursuant to the Whistleblower protections defined by Title 26 U.S.C. § 6103(f)(5). I make these disclosures and provide these documents knowing that I could be subject to criminal prosecution for perjury or for making false statements under Title 18 U.S.C. § 1001.
4. **EXHIBIT 200 & 201:** These were emails that I received from Delaware U.S. Attorney David Weiss and the assigned Delaware AUSA Lesley Wolf citing praise of the team, specifically the primary IRS Case Agent, Joseph Ziegler. From AUSA Lesley Wolf, “We’ve been able to accomplish so much only because of our efforts as a group (with extra credit to Joe Z, of course) and look forward to seeing where 2022 takes us. Your professionalism, dedication, and at times much needed senses of humor are greatly appreciated.” U.S. Attorney David Weiss, “I am always appreciative and mindful of the extraordinary effort the team, and specifically SA Ziegler, have put into the case.”
5. **EXHIBIT 202 & 203:** I have included this email I received as a “one off example” of the constant concern with including anything related to former Vice-President Joe Biden. Prior to this email, FBI had provided a draft of an email search warrant related to the FARA investigation relating to Burisma. I have included the page of the draft of the search warrant which identified Political Figure

1 as Former Vice President Joseph Biden. AUSA Lesley Wolf was asking to remove him from this document. It was noted that this email was sent around the same time that we received and started reviewing the WhatsApp messages disclosed to the committee by Gary Shapley. As I recall, it was a constant struggle to follow investigative leads and to follow the evidence as roadblocks were constantly being put up.

6. **EXHIBIT 204:** This email was discussed in my previous testimony and wanted to include as reference. This email related to the investigators effort in getting a search warrant for RHB's storage unit, in which the prosecutors frustrated the investigators presented plan and told RHB's counsel about the Storage Unit. We ultimately were not able to proceed on this search warrant.
7. **EXHIBIT 205:** During my review of my computer backup folders found on the IRS server, I have found notes that I had drafted on or about December 19, 2020, relating to conversations I had with AUSA Lesley Wolf regarding RHB's Storage Unit Search Warrant during that period of time. In my original testimony in front of the U.S. House Ways and Means Committee, I had stated that I did not recall making any contemporaneous notes regarding the situation. It makes sense that I would have drafted notes since this was such a defining moment for me in the investigation and where I truly thought that the Delaware U.S. Attorney's Office was providing preferential treatment to RHB and his counsel. Again, I had pointed out to AUSA Lesley Wolf that we were not following the normal investigative process.
8. **EXHIBIT 206:** This is an email that I sent to Jessica Moran, an attorney with Department of Justice Tax Division summarizing the timeline of my initiation of the RHB tax investigation. I recall that this email related to her review of the case initiation package at the time. Rosemary and Jason mentioned in the beginning of the email is believed to be two DOJ-Tax Division attorneys (Rosemary Paguni was believed to be an area Chief at DOJ-Tax at the time). In the IRS system, RHB and the case related to him was referred to as Robert Doe.
9. **EXHIBIT 207:** This is an email I was copied on from my supervisor at the time, Matthew Kutz, regarding the decision to combine the investigations in the District of Delaware and that this was "advised after inter-department discussions well above his level". This email was sent to my Special Agent in Charge at the time, Kelly Jackson. Jason Poole was a DOJ-Tax Division attorney at the time.
10. **EXHIBIT 208:** This email was discussed in my previous testimony and wanted to include as reference. Again, this email shows that there were constant approvals put in place and roadblocks preventing us from timely investigating the case. This email also shows my continued frustrations with the prosecutors and that the Delaware U.S. Attorney David Weiss wasn't really in charge.

Lesley's reference to Stuart is believed to be Stuart Goldberg, Acting Assistant Attorney General of Department of Justice-Tax Division.

11. **EXHIBIT 209:** This email was discussed in my previous testimony, and I wanted to include as reference. This email with DOJ-Tax attorney Mark Daly shows my continued frustration at the time and me telling him that "I'm sick of fighting to do what's right." At this time, this was related to a request to interview and provide a records request to alleged escorts in California and I didn't understand why DOJ-Tax management was needing to approve this (as shown also in EXHIBIT 208). This was not normal process and I have never had a case where DOJ-Tax management weighed in on low level, general interviews and records requests. Looking back, again this showed that the Delaware U.S. Attorney David Weiss wasn't really in charge.
12. **EXHIBIT 210:** This email was discussed in my previous testimony, and I wanted to include as reference. From what I recall, the Mann act violations (Human Trafficking charges and evidence) were referred by the assigned prosecutors to another investigative team outside of Delaware but I was not a part of that process and do not know what ultimately happened. I know that the evidence related to the potential Mann Act violations came up by the assigned prosecutors at multiple times during the course of the investigation. If U.S. Attorney Weiss was in charge of all charging decisions, I would think that he would be the one to bring forward these alleged Mann Act charges related to RHB.
13. **EXHIBIT 211:** This email was discussed in my previous testimony, and I wanted to include as reference. This email occurred after we were notified in Early August 2022 by the assigned prosecutors, which included AUSA Lesley Wolf, AUSA Carly Hudson, DOJ-Tax Attorney Mark Daly and DOJ-Tax Attorney Mark Daly that they were finished with their draft of the 99-Page Tax prosecution memo and that they were recommending for approval the misdemeanor tax charges related to 2017, 2018 and 2019 and the felony tax charges related to 2018. This email from DOJ-Tax Attorney Mark Daly showed the prosecutors intent to proceed with bringing the case out to California to ultimately charge RHB.
14. **EXHIBIT 212:** This email was discussed in my previous testimony, and I wanted to include for reference. This email shows internal disclosures I was making to my field office leadership prior to being removed from the investigative team in May of 2023.
15. **EXHIBIT 213:** This email may have been previously turned over to the committee and I wanted to include as reference. This exhibit relates to the internal disclosures I made to my IRS leadership.
16. If the committee has any follow up questions for me, or if they need my assistance in any way, please let myself or my Attorney Dean Zerbe know.

Dated: August 1, 2023

Joseph A. Nigro

[REDACTED]

From: Wolf, Lesley (USADE) [REDACTED]
Sent: Friday, August 07, 2020 7:41 PM
To: Wilson, Joshua J. (BA) (FBI); Hudson, Carly (USADE)
Cc: Roepcke, Susan C. (BA) (FBI); Hoffman, Michelle A. (BA) (FBI); Ziegler Joseph A; Gordon, Joseph P. (BA) (FBI)
Subject: RE: BS SW Draft

As a priority, someone needs to redraft attachment B. I am not sure what this is cut and pasted from but other than the attribution, location and identity stuff at the end, none if it is appropriate and within the scope of this warrant. Please focus on FARA evidence only. There should be nothing about Political Figure 1 in here.

Thanks.

From: Wilson, Joshua J. (BA) (FBI) [REDACTED]
Sent: Wednesday, August 5, 2020 5:39 PM
To: Wolf, Lesley (USADE) [REDACTED] Hudson, Carly (USADE) [REDACTED]
Cc: Roepcke, Susan C. (BA) (FBI) [REDACTED] Hoffman, Michelle A. (BA) (FBI) [REDACTED] Joe Ziegler IRS [REDACTED] Gordon, Joseph P. (BA) (FBI) [REDACTED]
Subject: [Not Virus Scanned] [WARNING: MESSAGE ENCRYPTED]BS SW Draft

This message has not been virus scanned because it contains encrypted or otherwise protected data. Please ensure you know who the message is coming from and that it is virus scanned by your desktop antivirus software.

Hello all,

Please see attached draft for BS SW. Joe Z pwd.

Thanks to Sue and Michelle who contributed fully to this, we talked enough for one week during a single day today.

Josh

Special Agent Joshua J. Wilson
Federal Bureau of Investigation
Baltimore Division/Wilmington, DE
[REDACTED]

IN THE MATTER OF:

AFFIDAVIT 3

Whistleblower Disclosure Pursuant

Supplemental Production of Records / Affidavit #3 – September 8, 2023

To 26 U.S.C. § 6103(f)(5)

STATEMENT OF JOSEPH ZIEGLER (WHISTLEBLOWER X)

1. I provide this statement to supplement my testimony I provided to both the majority and minority staff of the United States House Committee on Ways & Means on June 1, 2023 as well as my testimony I provided to the full committee of the United States House Committee on Oversight and Accountability on July 19, 2023.
2. Since November of 2018, I have been a Special Agent for the Internal Revenue Service – Criminal Investigation (“IRS-CI”), United States Department of Treasury. Since that date, I have been the case agent who initiated and was assigned from IRS-CI to the Robert Hunter Biden (“RHB”) investigation to investigate related potential criminal violations of Title 26 of the United States Code.
3. As requested by these U.S. House Committees, I would like to disclose further information and documents which are a follow up to my testimony and which would be pursuant to the Whistleblower protections defined by Title 26 U.S.C. § 6103(f)(5). I make these disclosures and provide these documents knowing that I could be subject to criminal prosecution for perjury or for making false statements under Title 18 U.S.C. § 1001.
4. **EXHIBIT 300:** This was a summary of WhatsApp messages that I had drafted and completed with the investigative team summarizing relevant messages from the various Electronic Search Warrant productions. This document is being provided in response to a request from the Congressional Committees. Please note, that included in each entry may be notes made in part by the investigative team which would be based on public records and/ or evidence obtained as a part of the investigation. As a part of this affidavit, I will try and clarify, and provide some context for some of the more relevant messages:
 - a. SM was a reference to “Sportsman”, known in the investigation as RHB.
 - b. “Tony B” was known to the investigative team as Tony Bobulinski
 - c. “James B” was known to the investigative team as James Biden, RHB’s Uncle and Joseph Biden’s brother.
 - d. “Walker” was known to the investigative team as John Robinson Walker.

- e. “Gilliar” was known to the investigative team as James Gilliar.
- f. “Sara” was known to the investigative team as James Biden’s wife, Sara Biden.
- g. Gongwen (Kevin) Dong and Mervyn Yan were known to the investigative team as U.S. managers for CEFC related to the Hudson West entities, to include Hudson West III.
- h. “Bo” was known to the investigative team as Bo Zhang.
- i. “Zhao” was known to the investigative team as Henry Zhao. Zhao appeared to be affiliated with CEFC and would act as a conduit to communicate with CEFC Chairman Ye and CEFC Director Zhang.
- j. Apple Icloud Backup 03 – Chat 59: The reference to “BROTHER” was known to the investigative team as RHB’s father, James Biden’s Brother, then former Vice-President Joseph Biden.
- k. “Kathleen B.” was known to the investigative team as RHB’s ex-wife, Kathleen Buhle.
- l. “Hallie B.” was known to the investigative team as Hallie Biden, RHB’s sister-in-law.
- m. Ed Prewitt was known to the investigative team as RHB’s private Wells Fargo banker.
- n. “Dodge” was known to the investigative team as Catherine Dodge, a former employee for RHB.
- o. Computer iCloud Backup message dated 11/16/2018: In a conversation between Dodge and RHB, Dodge confirms that Lunden Roberts is still on payroll and RHB confirms that he hasn’t talked to her in seven months. This message would have been used to confirm that Lunden Roberts was a “no-show” employee for RHB during 2018.
- p. Starting in November of 2018, there are multiple messages between RHB and his ex-wife, Kathleen Buhle, regarding RHB’s various tax issues. According to these messages, RHB has clear knowledge of his tax issues, and as of this time period, RHB does not appear to be doing anything to resolve those tax issues.
- q. Computer iCloud Backup message dated 12/10/2018: In a conversation between Dodge and RHB, RHB tells Dodge to find a new accountant. Even after this message, RHB does not engage a new tax accountant until over a year later, November of 2019.
- r. Computer iCloud Backup message dated 12/20/2018: In a conversation between RHB and his ex-wife, Kathleen Buhle, RHB confirms that he has not filed his tax returns and that they “have been extending” them. This message further confirmed RHB’s knowledge of his unfiled tax returns and the requirement to file.
- s. “Liz Secundy” was known to the investigative team as Elizabeth Secundy, Hallie Biden’s Sister.

5. **EXHIBIT 301:** As a part of the conducting the investigation, I, along with the other FBI and IRS investigators created a relevant document timeline which was utilized throughout the investigation (Over 2,100 line items). This would have included emails and attachments recovered from the multiple electronic search warrants, calendar entries and open source (public) records. In this document, specifically in the “Description” column, the case investigators would summarize the relevant information found in the documents. The source of the document was included in the “Type Misc” column (For example, if the document came an electronic search warrant served on Google). The “related to” and “type of Doc” columns were utilized by the investigators to further sort the overall timeline. Pursuant to the Congressional Committees request, I have filtered this timeline for all relevant documents related to Burisma, U.S. and Foreign Government officials (Including former Government Officials). In addition, I have also provided the emails and attachments for some of the referenced documents in this Exhibit (Exhibits 302 through 313). As a part of this affidavit, I will try and clarify, and provide some context for some of the more relevant documents:
- a. SM was a reference to “Sportsman”, known in the investigation as RHB.
 - b. Blue Star Strategies LLC is an international consultancy firm working to solve political, investment and resource challenges facing today’s global businesses, governments, and organizations, according to its website. The US LOBBYING FIRM offers services to include: strategic planning, public affairs, policy analysis, political and economic risk assessment, stakeholder engagement, issue advocacy, and government relations services.
 - c. Karen Tramontano is the Chief Executive Officer and Co-founder of Blue Star Strategies. Tramontano served in Cliton Administration from 1997-2001 in various positions to include: Deputy Chief of Staff and Counselor to the President and Chief of Staff for the Presidential transition team.
 - d. Sally Painter is the Chief Operating Officer and Co-Founder of Blue Star Strategies. Painter served as a senior advisor in the Clinton administration from 1993 – 1995.
 - e. According to public media articles on or about May 17, 2022, an attorney for Tramontano stated that the Justice Department probe into Blue Star Strategies work for Burisma had been closed with no finding of wrongdoing and that the firm was required to retroactively file with the Department of Justice detailing is lobbying activities on behalf of Burisma and its owner, Mykola Zlochevsky in 2015 and 2016.
6. **EXHIBIT 302:** This email was received by the investigative team via an Electronic Search Warrant served on Google related to RHB’s Google email account. Based on information found on the Burisma website, Vadym Pozharskyi was listed as the advisor to the Burisma Board of Directors.

Case investigators believed that the initials “A.K.” stood for Aleksander Kwasniewski, former President of the Republic of Poland and also on the board of directors for Burisma. The email also mentions “after his father left our country”. Case investigators believed that this reference to father was RHB’s father, U.S. Vice-President at the time Joseph Biden who based on public records for Airforce 2, visited Kyiv, Ukraine on or about April 21, 2014.

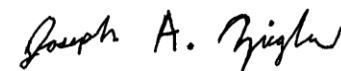
7. **EXHIBIT 303:** This email was received by the investigative team via an Electronic Search Warrant served on Google related to RHB’s Google email account. At the time of this email, Anthony (“Tony”) Blinken was the United States Deputy National Security Advisor for the Obama Administration and then became the U.S. Deputy Secretary of State on or about January 9, 2015. In this email, Schwerin provides RHB Blinken’s personal Google email account. This email was noted by the investigative team because it would be considered unusual for a government official to use his personal email address to potentially conduct official business. The personal email of Blinken was found multiple times over the course of the investigation, as seen on Exhibit 302 on 5/19/2015 and 5/22/2015.
8. **EXHIBIT 304:** This email was received by the investigative team via an Electronic Search Warrant served on Google related to RHB’s Google email account. According to this email communication, Vadym Pozharskyi, advisor to the Burisma Board of Directors was thanking RHB for meeting and spending some time with his father, which was believed to be at the time Vice-President Joseph Biden.
9. **EXHIBIT 305A & 305B:** This email and attachment was received by the investigative team via an Electronic Search Warrant served on Google related to RHB’s Google email account. According to the proposal from Blue Star to Burisma, it states (Exhibit 305B, bottom of Page 2) that it will look for opportunities to promote the facts about Burisma overall and closure of the file against Mr. Zlochevsky, which was believed to be a reference to the criminal case in Ukraine. It further includes references to multiple former and current U.S. officials that they could work with.
10. **EXHIBIT 306, 307 & 309:** This email was received by the investigative team via an Electronic Search Warrant served on Google related to RHB’s Google email account. Based on a review by the case investigator, the email communication between Vadym Pozharskyi, Devon Archer, Eric Schwerin and RHB clearly states that the proposal with Blue Star deliberately and purposefully did not include top U.S. and Ukrainian government officials as key targets for improving the Burisma CEO’s (Nikolay Zlochevsky’s) criminal case in Ukraine. Schwerin further states that Sally and Company (believed to be referencing Blue Star) understand the scope and deliverables.
11. **EXHIBIT 308:** This email and attachment was received by the investigative team via an Electronic Search Warrant served on Google related to RHB’s Google email account. The John Sandweg

referenced in the emails was believed to be the former Acting Director of U.S. Immigration and Customs Enforcement (In Office August 1, 2013 through February 21, 2014). The email from Sandweg references that he had someone search government databases (DHS / Customs / and Department of State Databases) for information relating to the Bursima CEO, Nikolay Zlochevsky.

12. **EXHIBIT 310A & 310B:** This email and attachment was received by the investigative team via an Electronic Search Warrant served on Google related to RHB's Google email account. This email and attachment refers to notes of a conference call the White House hosted regarding then Vice-President Joseph Biden's upcoming trip to Ukraine, which was then shared with RHB, Archer and Vadym Pozharskyi. On the call were two advisors to then Vice President Joseph Biden. According to public record, then Vice-President traveled to Ukraine on or about December 6, 2015.
13. **EXHIBIT 311A & 311B:** This email and attachment was received by the investigative team via an Electronic Search Warrant served on Google related to Eric Schwerin's Google email account. The email and attachment refers to Burisma meetings held in DC with multiple members of congressional staff on or about March 29, 2016 through April 1, 2016.
14. **EXHIBIT 312A & 312B:** This email and attachment was received by the investigative team via an Electronic Search Warrant served on Google related to Eric Schwerin's Google email account. This email references a letter referencing Bursima and Nikolay Zlochevskyi, that was to be hand delivered to the new General Prosecutor in Ukraine, Yuriy Lutsenko.
15. **EXHIBIT 313:** This email was received by the investigative team via an Electronic Search Warrant served on Google related to Eric Schwerin's Google email account. Sally Painter (Blue Star) forwarded an email to Eric Schwerin referencing an article about the Bursima CEO, Nikolay Zlochevsky, no longer being under criminal investigation.
16. **EXHIBIT 314:** This was a presentation that I, along with my Supervisor Gary Shapley, had given to U.S. Attorney David Weiss on or about June 14, 2022 in Washington DC. I have only included excerpts of this presentation for your reference. This presentation was a total of 66 slides. This meeting was held prior to the meeting held with at Main DOJ on or about June 15, 2022 regarding the RHB investigation. Both of these meetings were discussed in my previous testimony. On Page 62 through 65 of the slides, we had discussed the spinoff tax investigations that were ongoing. As of October of 2022, these investigations had stopped and I was ultimately removed as the case agent over these spinoff investigations on or about May 15, 2023. I would also note that on the last slide, we were still discussing the change of venue issue with U.S. Attorney Weiss. The email from U.S. Attorney Weiss referenced in Affidavit 2 (Exhibit 201) was sent after this presentation that was given.

17. **EXHIBIT 315A – 315D**: As noted in my previous testimony, there were multiple electronic search warrants that were conducted as a part of this investigation. In reviewing the results of those electronic search warrants, the materials were uploaded to a system at Department of Justice-Tax Division called relativity. These documents went through an attorney-client privilege review (conducted by a separate team) and then a relevance review (conducted by the RHB investigative team). As a part of this review, documents are filtered for a potential privileged relationship as well as filtered for “relevance”. Based on these keyword “relevance” searches, this would be the dataset that the investigative team would have reviewed. I have not included all of these Appendices for each of the electronic search warrants but have included the Appendices for the review of RHB’s Google Email account (**Exhibit 315B**), RHB’s Laptop (**Exhibit 315C**) and RHB’s Laptop related to an FBI Title 18 (FARA) search warrant (**Exhibit 315D**). I have also included my email with the Delaware U.S. Attorney’s office in January of 2021 requesting these filter documents (**Exhibit 315A**).
18. I would like to note, that the filter review search terms did not include the name Joseph Biden, President Biden, JRB, or then Vice-President’s aliases Robert Peters, Robin Ware, and JRB Ware. I can also recall that the aliases for then Vice-President Joseph Biden (Robert Peters, Robin Ware, and JRB Ware) were not known by the IRS investigators and were never communicated from investigators with the FBI. If there are still records related to these aliases, they would be on the Department of Justice-Tax Division’s Relativity database.
19. I can recall an atmosphere in Delaware that we were not to follow investigative steps that involve former Vice-President Joseph Biden. In addition to the Exhibit shown in Affidavit 2, **Exhibit 202** (Removal of Political Figure 1 from the FARA email search warrant), this is further shown in the keyword search of the recovered emails pursuant to that search warrant.
20. If the committee has any follow up questions for me, or if they need my assistance in any way, please let myself or my Attorney Dean Zerbe know.

Dated: **September 8, 2023**



Related To	Type of Doc	Type Misc	Start Date	Description	Additional Notes
VPOTUS	VP	Open source	01/20/2009	VPOTUS takes office	
BHRST	GOVERNMENT OFFICIAL	Google [REDACTED]	01/29/2014	1/29/2014: Meeting with SM, Jonathan Li and the Chinese Ambassador	
Burisma?	GOVERNMENT OFFICIAL	Google [REDACTED]	02/05/2014	2/5/2014: SM and Schwerin Meeting with Omani Ambassador at the Omani Embassy	
BHRST	GOVERNMENT OFFICIAL	Google [REDACTED]	02/14/2014	2/14/2014: SM / Schwerin meeting with Mohammed Jaham Al-Kuwari - Ambassador of the State of Qatar	
RSTP	GOVERNMENT OFFICIAL	Google [REDACTED]	03/29/2014	scr: March 29, 2014 Archer email to SM. Discussions including John DeLoche (using [REDACTED] regarding advisory board plans and Chris (presumably Chris Heinz). Archer discusses GS [presumably Goldman Sachs] backing and meeting Kazak Prime Minister's son and family for dinner.	
BHRST	GOVERNMENT OFFICIAL	Dodge [REDACTED]	04/08/2014	4/8/2014 - SM / Schwerin Meeting with the Ambassador of Qatar	
Burisma	VP	Open source	04/15/2014	Archer reportedly meets with VPOTUS Biden.	
OTHER	OVP	Mayer-Peugh [REDACTED]	04/15/2014	4/15/2014: Email from Peugh-Mayer to OVP; Peugh-Mayer emailed PII for Archer and his son to OVP in advance of a scheduled visit to the White House with Sportsman set for 11:30 a.m. on 4/16/2014. Email stated "He just wants to show them around his dad's office . . . nothing formal."	
BURISMA	GOVERNMENT OFFICIAL	Mayer-Peugh [REDACTED]	04/15/2014	4/15/2014: Email from Archer to Peugh dated 4/15/2014; Archer confirmed he needed SM on telephone calls "Thursday: 11:00am EST call with me & President Kwasniewski (Poland '95-'05) Friday: 11:00am EST call with me, Boies Schiller and Burisma Senior Management Team."	
BURISMA	GOVERNMENT OFFICIAL	Google [REDACTED]	04/16/2014	4/16/2014: SM coffee with Greg Schultz (Believed to be Senior Advisor to Joe B.)	
OTHER	GOVERNMENT OFFICIAL	Google [REDACTED]	04/16/2014	4/16/2014: SM Meet Devon and Luke at WH	
BURISMA	OVP	Google [REDACTED]	04/17/2014	scr: April 17, 2014 Archer email to SM. Forwarded email from Vadym Pozharskyi. Noting that "as to the HB I do believe that we have to reach reasonable balance here. I realize fully that his role as well as role of AK is of long term perspective and taking int o account the political weight of our Directors we have to use their personality carefully and strategically wise."	
Burisma	OVP	Open Source	04/21/2014	VPOTUS trip to Ukraine	
BHRST	GOVERNMENT OFFICIAL	Google [REDACTED]	04/24/2014	4/24/2014: Email exchange between SM, Archer and Jonathan Li (BHR) regardign a letter from SM and Archer to the Chinese Ambassador to the US. Letter is not attached.	
OTHER	GOVERNMENT OFFICIAL	Google [REDACTED]	04/24/2014	4/24/2014: Email from White House Photographer to SM with mutiple pictures attached. Believed to be in the photos are SM, Jeff Cooper and some Mexican Officials.	
BURISMA	GOVERNMENT OFFICIAL	Laptop [REDACTED]	05/07/2014	scr: May 7, 2014 Archer email to Pozharskyi/SM. "...the primary meeting is set with the Prime Minister of KZ, Masimof, on June 2nd..." Archer suggests a preliminary plan including travel to Beijing from Astana to coordinate CNOOC cooperation.	
BHRST	GOVERNMENT OFFICIAL	Laptop [REDACTED]	06/18/2014	6/18/2014: SM Dinner with Ambassador of Qatar	
BURISMA	GOVERNMENT OFFICIAL	Google [REDACTED]	07/21/2014	7/21/2014: SM call with Michael Karloutsos (Appears to have been the US State Dept. Deputy of Chief of Protocol)	
ROMANIA	GOVERNMENT OFFICIAL	Schwerin [REDACTED]	08/27/2014	8/27/2014: Calendar Invite - Subject: RW/EDS: Meeting with Mark Gittensten (Rob Walker and Eric Schwerin)	
BURISMA	GOVERNMENT OFFICIAL	Google [REDACTED]	09/22/2014	scr: September 22, 2014 Archer email to SM with attachment. Forwarded email from Pozharskyi (using v.pozharsky.ukain [REDACTED], which included David Leiter (DJLeiter [REDACTED] (former Principal Deptyuy Assistant Secretary at DoE under Pres Clinton). Pozharskyi discusses "...our previous conversation re the impact of raising taxes for private gas producers in Ukraine, we've drafted a short note to illustrate its consequences for our company..."	
BURISMA	GOVERNMENT OFFICIAL	Google [REDACTED]	09/24/2014	9/24/2014: Archer forwarded email to SM; David Leiter of ML Strategies response to Vadim "Thanks for sharing the info about these newest legislative initiatives which could cause even more damage to the private gas industry in Ukraine. We will do our best to alert U.S. officials who might be able to influence Ukraine to not adopt such harmful measures."	
OTHER	GOVERNMENT OFFICIAL	Google [REDACTED]	09/29/2014	scr: September 29, 2014 SM/Schwerin calendar event. Meet with Frank Mermoud (former Special Representative for Commercial and Business Affairs at U.S. Department of State) at RSP.	
OTHER	GOVERNMENT OFFICIAL	Dodge [REDACTED]	09/30/2014	scr: September 30, 2014 Frank Mermoud (using [REDACTED] email to Dodge. Mermoud thanks SM/Walker for meeting yesterday (September 29, 2014) and offers "...further discussion on ways in which my international advisory firm of Orpheus could be additive to your efforts -- particularly given my previous USG experience at State where I was the Secretary's Special Representative for Commercial and Business Affairs and knowledge of the interagency..." Mermoud asked if Walker was available to discuss further.	
BURISMA	GOVERNMENT OFFICIAL	Google [REDACTED]	09/30/2014	9/30/2014: Email from a Frank to SM and Walker. Discussed in the email is Ukraine and the Primie Minister of Ukraine.	
OTHER	GOVERNMENT OFFICIAL	Google [REDACTED]	10/01/2014	10/1/2014: Email from White House to SM with a photograph attached from the White House (Believed to be in the photo: SM, Jeff Cooper and Mexican Officials).	
RSTP	GOVERNMENT OFFICIAL	Google [REDACTED]	10/01/2014	10/1/2014: Email exchange between William Lee, Schwerin, SM, Walker and others, in which they are asking about contacts with a Congressman Doyle & RSTP.	
OTHER	GOVERNMENT OFFICIAL	Google [REDACTED]	10/09/2014	10/9/2014: Email exchange between Walker, John Deloche, Archer, SM, and others regarding the company Metiabiota and seeing if anyone has contacts within the government agencies to see if the company is legit. Walker responds that he has a friend to reach out "to DOD on the down low".	
BURISMA	GOVERNMENT OFFICIAL	Google [REDACTED]	10/10/2014	scr: October 10, 2014 Archer email to SM. Archer forwards dialogue with Vadym discussing meeting a UN guy in NYC. Archer says "...We had a meeting on Friday night over dinner and I should have a November date, not to overlap with Board meeting for Vue and your nyc trip..." Vadym replies "...Nikolay is more inclined to have Board meeting in December, so no conflict here in terms of meeting with Vuc...As to Kazakhstan, I am in contact with guys from Kazmunaygaz..."	
[REDACTED]	FORMER GOVERNMENT OFFICIAL	Schwerin [REDACTED]	10/23/2014	scr: October 23, 2014 Calendar event Schwerin call with John Sandweg and RW.	
BURISMA	GOVERNMENT OFFICIAL	Dodge [REDACTED]	10/27/2014	10/27/2014: Dodge email to Sportsman dated; Email titled "Secretary of State may be calling you soon"	
Burisma	OVP	Open Source	11/20/2014	VPOTUS and US delegation visit Ukraine	
OTHER	GOVERNMENT OFFICIAL	Google [REDACTED]	12/17/2014	scr: December 17, 2014 Schwerin email to SM/Dodge. Schwerin provided presumed personal email account for Tony Blinken.	
ROMANIA	GOVERNMENT OFFICIAL	Google [REDACTED]	12/18/2014	12/18/2014: Email exchange between Schwerin, SM and Dodge: SM asks for Ambassador Mark Gittensteins contact information: Ambassador Mark Gittenstein (Romania 2009-2012)	
ROMANIA	GOVERNMENT OFFICIAL	Google [REDACTED]	01/07/2015	CALENDAR ENTRY - scr: January 7, 2015 SM Event. Lunch with Amb. Gitenstein, former Romanian Ambassador	
BURISMA	GOVERNMENT OFFICIAL	Google [REDACTED]	01/15/2015	scr: January 15, 2015 Seb Momtazi email to Pozharskyi/SM/Archer with attachment. Burisma Board of Director's Resolution (signed) regarding Zlochevskyi appointment as President.	
ROMANIA	GOVERNMENT OFFICIAL	Google [REDACTED]	01/15/2015	1/15/2015: Email forwarded from Walker to SM asking if he knows if there is a candidate for the US Ambassador to Romania.	
ROMANIA	GOVERNMENT OFFICIAL	Google [REDACTED]	01/16/2015	1/16/2015: SM responds to Archer regarding the US Ambassador to Romania and says that "no one in line right now".	
BURISMA	FORMER GOVERNMENT OFFICIAL	Google [REDACTED]	02/03/2015	scr: February 3, 2015 Schwerin email to SM. Talked to Sandweg. "...He thinks there is 50/50 chance they could minimize what is going on but would want to charge \$15K one time fee...I can explain what the strategy is later..." Unclear if acted on.	
BURISMA	GOVERNMENT OFFICIAL	Google [REDACTED]	02/06/2015	scr: February 6, 2015 Schwerin email to SM. Regarding John Sandweg suggested the former Commission of CBP and US Attorney for AZ appeal to CBP on behalf of Munib.	
BURISMA	GOVERNMENT OFFICIAL	Schwerin [REDACTED]	02/10/2015	scr: February 10, 2015 Schwerin email to Dodge. Schwerin asks Dodge to send an email from SM to Josh Targoff regarding John Sandweg suggested the former Commission of CBP and US Attorney for AZ appeal to CBP on behalf of Munib.	
BURISMA	GOVERNMENT OFFICIAL	Google [REDACTED]	02/25/2015	2/25/2015: SM meeting with Michael Karloutsos (Appears to have been the US State Dept. Deputy of Chief of Protocol) @ the Four Seasons	
BURISMA	GOVERNMENT OFFICIAL	Google [REDACTED]	03/17/2015	scr: March 17, 2015 David Witting email to SM/Michael Karloutsos. Discussed spending time together in Greece and adds "...We should discuss more about Burisma at your convenience..."	
BURISMA	GOVERNMENT OFFICIAL	Google [REDACTED]	03/24/2015	scr: March 24, 2015 David Wittig email to SM/Michael Karloutsos. Discusses meeting the Chinese Ambassador to Greece and railroad project. Wittig adds "...The Euroconsultants people are heading back to Kiev the week of April 13th. We remain interested in assisting Ukraine with their economic issues. As it relates to Burisma, I remain interested in helping any way I can..."	
OTHER	GOVERNMENT OFFICIAL	Laptop [REDACTED]	04/08/2015	4/8/2015: SM email chain with Jeremie: Mention need to talk on phone be/ "Slightly delicate... I have to assume that I'm being monitored by some other P5 countries. >>>>>> The person who fixed the meeting told me that they would want to explore back channel communication with the bear."	
BURISMA	OVP	Google [REDACTED]	04/17/2015	scr: April 17, 2015 Vadym Pozharskyi email to SM. Pozharskyi thanks SM for the invite to D.C. and meeting "your father and spent some time together."	

Related To	Type of Doc	Type Misc	Start Date	Description	Additional Notes
BURISMA	GOVERNMENT OFFICIAL	Google [REDACTED]	05/04/2015	scr: May 4, 2015 Archer email to SM. Forwards redraft of letter about pressure from Ukrainian state-gas company to close wells. Draft letter to present to U.S. Ambassador Pyatt re: domestic gas production with attachment: Burisma letter to Ambassador Pyatt dated May 3, 2015 (signed by Archer)	
BURISMA	GOVERNMENT OFFICIAL	Dodge [REDACTED]	05/07/2015	5/7/2015: SM / Schwerin meeting with Vladamir Petrovic - Serbian Ambassador to the US	
UNKNOWN	GOVERNMENT OFFICIAL?	Schwerin [REDACTED]	05/19/2015	scr: May 19, 2015 Schwerin email to Tony Blinken (using [REDACTED] [REDACTED]). Schwerin discussed SM would like to drop by if possible.	
UNKNOWN	GOVERNMENT OFFICIAL?	AppleEmails [REDACTED]	05/22/2015	scr: May 22, 2015 SM email to Archer. SM forwards meeting being scheduled with Tony Blinken (using [REDACTED] [REDACTED]) by Linda Landers (using [REDACTED])	
UNKNOWN	GOVERNMENT OFFICIAL	AppleEmail [REDACTED]	05/26/2015	scr: May 26, 2015 Linda Landers (using [REDACTED]) email to SM. SM requests meeting with Tony Blinken. Landers tries to schedule SM "...after Tony's afternoon White House meeting, are you available around 345 or 4pm...Can you come to the Department for coffee, and see his new digs?..."	
OTHER	GOVERNMENT OFFICIAL	Laptop [REDACTED]	05/29/2015	5/29/2015: Jermic email SM: "Did you have a chance to talk to the big man? He is receiving my Prime Minister on Wednesday. Please let me know if you think that what we discussed back in DC can be mentioned in the meeting. My domestic strategy (how I proceed in dealing with my government) very much depends on whether it happens or not..."	
BURISMA	BLUE STAR	Schwerin [REDACTED]	06/26/2015	scr: June 26, 2015 Archer email to Schwerin/Sally Painter/Karen Tramontano. Archer thanks Sally/Karen for spending time with him and says "I think there are a number of opportunities to collaborate on more closing [sic] in the future. I will be in touch on next steps with Norvik and Burisma in particular."	
BURISMA	BLUE STAR	Schwerin [REDACTED]	06/26/2015	scr: June 26, 2015 Seb Momtazi email to Archer/Schwerin/Sally Painter/Karen Tramontano. Reply to Archer request to send Sally/Karen letters with attachment. Attached: Burnham Asset Management letter to Ukraine Prime Minister Yatsenyuk requesting a personal meeting to discuss business and investment opportunities in Ukraine and privatization process of state-run assets in Ukraine. SPSM is copied on the letter.	
BURISMA	BLUE STAR	Schwerin [REDACTED]	06/30/2015	scr: June 30, 2015 Archer email to Schwerin/Sally Painter/Karen Tramontano/Seb Momtazi. Dialogue about "George Soros and the investments that he has in Ukraine. Archer affirming Painter's request for a "one pager on the company and the issue"	
BURISMA	GOVERNMENT OFFICIAL	Google [REDACTED]	07/07/2015	scr: July 7, 2015 Marc Holtzman email to Archer/SM. Discussions about KazMunayGaz E&P and Burima, as well as Archer talking to Kazakh PM.	
BURISMA	BLUE STAR	Schwerin [REDACTED]	07/13/2015	scr: July 13, 2015 Archer email to Sally Painter/Schwerin. Forwarded email from Vadym Pozharasky (using [REDACTED]) with Burisma one-page updated version and Burisma MP BoD AG presentation attachments.	
BURISMA	GOVERNMENT OFFICIAL	Google [REDACTED]	07/22/2015	7/22/2015: Lunch with Secretary Tony Blinken (Deputy Secretary of State)	
BURISMA	GOVERNMENT OFFICIAL	Google [REDACTED]	07/22/2015	scr: July 22, 2015 Mayer email to SM. Today Wednesday 7/22 at 12:00 to 1:30pm SM was scheduled to meet Tony Blinken for lunch at the State Department. Mayer adds "...Kenny Matthews will be waiting to escort you to Tony's office..."	
BURISMA	GOVERNMENT OFFICIAL	Laptop [REDACTED]	07/22/2015	scr: SM Calendar event on July 22, 2015. SM lunch with Deputy Sec Tony Blinken at State Department.	
BURISMA	GOVERNMENT OFFICIAL	Google [REDACTED]	08/08/2015	scr: July 8, 2015 Michael Karloutsos email to SM. Karloutsos requests a call with SM. "...There are two quick things that I need to bring to your attention and get your guidance on..." Karloutsos mentions he was on the way to Cyprus today.	
BURISMA	GOVERNMENT OFFICIAL	Google [REDACTED]	08/10/2015	Scr: August 10, 2015 Pozharskyi email to Archer/SM. Call issues: Kerry fundraiser, Nikolay's visa, homeland security dep issue, Burnham Energy fund, Devon/SM title/financial implications and Klitschko confvirmed he would be on board of geothermal European project.	
BURISMA	FORMER GOVERNMENT OFFICIAL	Laptop [REDACTED]	08/12/2015	scr: August 12, 2015 Schwerin email to SM with attachments. Forwarded email from John Sandweg (using [REDACTED]) regarding signed engagement letter for Mr. Zlochevskiy. Sandweg adds "...We have begun making some preliminary inquiries and will get back to you..." Schwerin tells SM "...I am getting Devon to get Nikolai to sign..."	
[REDACTED]	GOVERNEMENT OFFICIAL	Walker [REDACTED]	09/14/2015	9/14/2015: Email from Greg O'Connor (US Embassy, Bucharest Romania) to Walker; Email mentioned O'Connor meeting with Walker on 9/13/2015 and O'Connor had "canvassed my staff regarding your local partner and they said that he was a well-known player in the local market. They were aware that there had been some allegations and investigations but said that his profile had become lower in recent years." O'Connor provided Walker with a link to the American Chamber of Commerce in Romania and stated that he would "e-introduce" Walker to the American Chamber Executive Director Anca Harasim when she returned from holiday.	
BURISMA	FORMER GOVERNMENT OFFICIAL	Schwerin [REDACTED]	10/15/2015	scr: October 15, 2015 Schwerin email to Pozharskyi. Schwerin responded to Vadym's request of an update on two issues. Schwerin advised that he "...talked John Sandweg today...who spoke with the Consular Office...and he is also having a former colleague call over to the Embassy..." Sandweg was trying to find out why the visas were revoked so he could figure out how to proceed to get new visas.	
BURISMA	BLUE STAR	Schwerin [REDACTED]	10/20/2015	scr: October 20, 2015 Archer email to Schwerin with attachment. Archer forwarded Schwerin Blue Star Strategies Pitch Letter to Burisma Re: Crisis Communications Plan for Burisma Holdings.	
BURISMA	BLUE STAR	Schwerin [REDACTED]	10/21/2015	scr: October 21, 2015 Vadym Pozharski email to Archer/Schwerin/Sally Painter. Scheduling a Burisma call for October 22, 2015.	
BURISMA	BLUE STAR	Schwerin [REDACTED]	10/21/2015	scr: October 21, 2015 Schwerin email to Vadym Pozharski/Archer/Schwerin/Sally Painter. Scheduling a Burisma call for October 22, 2015.	
BURISMA	BLUE STAR	Laptop [REDACTED]	10/23/2015	scr: October 23, 2015 Mayer email to SPSM/Schwerin. Schedule for next week included breakfast with Archer/Vadym/Sally Painter on October 29, 2015	
BURISMA	GOVERNEMENT OFFICIAL	Schwerin [REDACTED]	10/27/2015	scr: October 27, 2015 Pozharskyi email to Schwerin. Schwerin inquired about a "coordination meeting" this week organized by the Ukrainian prosecutors office to include representatives from Cyprus, UK, Latvia and Estonia. Pozharskyi replies "...Let's talk today briefly and I will provide you with some details on that..."	
BURISMA	BLUE STAR	Google [REDACTED]	10/29/2015	10/29/2015: SM meeting with Devon (Believed to be Archer), Vadym and Blue Star at SM's Office	
BURISMA	GOVERNMENT OFFICIAL	Laptop [REDACTED]	10/30/2015	scr: October 30, 2015 Schwerin email to SPSM. Forwarded information from Sally Painter about Ukraine's court voted to freeze 14 offshore bank accounts of Serhiy Kurchenko, a Yunukovich-connected gas billionaire who fled Ukraine in February 2014 and stored money in a Latvian bank.	
BURISMA	BLUE STAR	Google [REDACTED]	10/31/2015	scr: October 31, 2015 Archer email to SM. Revised Burisma proposal forwarded from Blue Star Strategies for review with attachments: Attachments are (1) Unsigned agreement between Blue Star Strategies and Burisma Holdings Limited to "provide government relations assistance to the Client in the U.S. and Ukraine", "Communicate to officials about the Client's business and its economic importance to Ukraine" and "Prepare brief written reports as requested by the Client.", (2) Blue Star Strategies invoice to Burisma Holdings Limited, and (3) Blue Star Strategies Crisis Communication and Long-term Government Relations Strategy memo for Burisma Holdings dated October 30, 2015.	
BURISMA	BLUE STAR	Laptop [REDACTED]	10/31/2015	scr: October 31, 2015 Archer email to Vadym Pozharskyi/SM/Schwerin with attachments. Blue Star Strategies Contract, Proposal, and Invoice	
[REDACTED]	GOVERNMENT OFFICIAL	Walker [REDACTED]	11/01/2015	11/1/2015: Walker email to Gilliar; Email titled "For the meeting with the Ambassador". Walker forwarded the attorney profiles of Michael Gottlieb and Karen Dunn of Boies Schiller Flexner LLP.	
[REDACTED]	FORMER GOVERNMENT OFFICIAL	Google [REDACTED]	11/02/2015	scr: November 2, 2015 Sandweg (using [REDACTED]) email to SM/RW. Scheduling coffee/briefing between Sandweg and SM on November 3, 2015.	
BURISMA	GOVERNMENT OFFICIAL	Google [REDACTED]	11/02/2015	scr: November 2, 2015 Vadym Pozharskyi email to Archer/SM/Schwerin. Commenting on Blue Star Strategies contract, notes that "it doesn't offer any names of top US officials here in Ukraine...as key targets for improving Nikolay's case and his situation in Ukraine. If, however, this is done deliberately to be on the safe and cautious side, I can understand the rationale...looking for 'positive opinion' and support of Nikolay/Burisma to the highest level of decision makers here in Ukraine...with the ultimate purpose to close down for any cases/pursuits against Nikolay in Ukraine."	
BURISMA	GOVERNMENT OFFICIAL	Google [REDACTED]	11/02/2015	scr: November 2, 2015 Schwerin email to Archer/SM. Schwerin suggests "I would tell Vadym that this is definitely done deliberately and to be on the safe and cautious side and that Sally and company understand the scope and deliverables."	
BURISMA	GOVERNMENT OFFICIAL	Google [REDACTED]	11/02/2015	scr: November 2, 2015 Archer email to Schwerin/SM. Discusses revised Burisma proposal with attachments. Suggests SM "...need to deliver that message" and "walked this to the finish (aka starting) line but need some support to close."	

Related To	Type of Doc	Type Misc	Start Date	Description	Additional Notes
BURISMA	BLUE STAR	Google █████	11/03/2015	11/3/2015: SM to Pozharsky: Writes that he's going to contact Blue Star, that he trusts Sally/Karen implicitly and believe we are all aligned. scr: November 3, 2015 SM email to Pozharsky/Archer/Schwerin. SM writes that he wants "one final call with them and verify once more that they understand the scope so we can all feel that the retainer is in line with the work required...I trusts Sally and Karen implicitly...I believe we are all aligned..."	
BURISMA	BLUE STAR	Google █████	11/03/2015	scr: November 3, 2015 Vadym Pozharski email to SM/Archer. Regarding scope of Blue Star Strategies. Vadym says "if you (Hunter) and Devon feel comfortable that they will deliver what in real terms we are asking about, we should disregard the wording of the scope and move further with signing and starting actual work...Eric, have you got feedback from Sandwig with regard to visas [sic] issues and also with regard to his possible involvement in the trip to Kiev event?..."	
BURISMA	BLUE STAR	Google █████	11/03/2015	scr: November 3, 2015 Schwerin email to Vadym Pozharskyi/SM/Archer. Reply saying "I am going to forward you an email that John Sandweg sent to me last night with an update."	
BURISMA	BLUE STAR	Google █████	11/03/2015	11/3/2015: Schwerin Email forwarded from John Sandweg to SM, Vadym, and Archer regarding the cancellation / Denial of Zlochevskiy. In the email, Schwerin says "We should discuss timing as part of the overall strategy regarding not only the visa but also the legal and PR issues that Blue Star will be handling."	
BURISMA	FORMER GOVERNMENT OFFICIAL	Google █████	11/03/2015	scr: November 3, 2015 Vadym Pozharskyi email to Schwerin/Archer/SM. Forwarded email and attachment from John Sandweg about visas.	
BURISMA	BLUE STAR	Laptop █████	11/03/2015	scr: November 3, 2015 Vadym Pozharski email to SM/Archer. Regarding scope of Blue Star Strategies work engagement with attachments.	
UNKNOWN	GOVERNMENT OFFICIAL	Google █████	11/04/2015	11/4/2015: Mayer email to SM titled "Friday Scheduling": Mayer referenced "coffee with Amos Hochstein scheduled for 4pm" (Friday = 11/6/2015)	
BURISMA	GOVERNMENT OFFICIAL	Google █████	11/05/2015	11/5/2015: Email exchange between SM, Vadym, Archer and BlueStar regarding a proposal, contract and invoice between BlueStar and Burisma. Included in the email, Vadym gives some of his comments about the proposal, mostly that there are no tangible results and doesn't offer names of US officials in Ukraine to help with the criminal case. Vadym also says the ultimate purpose of the proposal is to close down for any cases / pursuits against the Burisma CEO in Ukraine.	
UNKNOWN	GOVERNMENT OFFICIAL	Google █████	11/06/2015	Calendar Invite: 11/6/2015 (8:00 pm - 9:00 pm) RHB: Meeting with Amos Hochstein - Le Pain Quotidien across from 4Seasons (Note: Google █████ references "coffee with Amos Hochstein scheduled at 4pm."	
█████	BLUE STAR	Schwerin █████	11/06/2015	scr: November 6, 2015 Schwerin email to Sally Painter. Regarding Romanian Ambassador. Schwerin discusses texting with SM and SM requested Painter call today and try to set up a meeting for "him with the Ambassador". SM is representing a Romanian client through the law firm Boies Schiller.	
BURISMA	BLUE STAR	Schwerin █████	11/06/2015	scr: November 6, 2015 Schwerin email to Sally Painter. Painter forwards correspondence with Cristian [Gaginsky] (using █████). Schwerin suggests "Hunter said he'd like to see the Ambassador on Friday afternoon..."	
█████	GOVERNMENT OFFICIAL	Walker █████	11/06/2015	scr: November 6, 2015 Walker email to Gilliar. Suggests a meeting with Romanian Ambassador in the US on Friday (November 10, 2015). Unknown participants.	
█████	GOVERNMENT OFFICIAL	Walker █████	11/06/2015	11/6/2015: Email from James G to Rob W. regarding the "Ambassador meeting in US". James G. states "H called me he was a star today if I can't make us a billion each in 3 years u should fire me."	
█████	BLUE STAR	Google █████	11/10/2015	scr: November 10, 2015 Schwerin email to SM. Forwarded email from Sally Painter regarding Romanian update on position nominations/elections. Blue Star Strategies is "...closely monitoring the developments..."	
BURISMA	BLUE STAR	Laptop █████	11/11/2015	scr: November 11, 2015 Schwerin email to Pozharskyi/SM/Archer. Schwerin tells Pozharskyi that he and SM spoke to Sally Painter yesterday (November 10, 2015) and lists what was discussed, including "...Sally said she has already had a few meetings on Burisma's behalf and had some feedback she wanted to give to us offline. She felt she had some intelligence on why the Ambassador made his comments. Hunter and I are going to sit down with her on Monday and find out more..." The potential trip to Kiev in December, Sally suggested "...Blue Star to go alone and do some high level government meetings in Kiev as the first step. She thought that there were points she could make one-on-one with the Prime Minister, Finance Minister, etc. without others in the meeting. She also thought that she could get some further intelligence from those meetings that we might not get with a larger delegation..."	
BURISMA	BLUE STAR	Schwerin █████	11/13/2015	scr: November 13, 2015 Schwerin email to Sally Painter/Jesica Lindgren. Painter asks "Still no contract or two month deposit from our friends" Schwerin believes that Vadym is "going to handle all of that on Monday. Devon and I will make sure"	
█████	GOVERNMENT OFFICIAL	Schwerin █████	11/13/2015	scr: November 13, 2015 Mayer email to Schwerin. Continued scheduling coordination for SM to meet Romanian Ambassador.	
█████	GOVERNMENT OFFICIAL	Google █████	11/14/2015	CALENDAR ENTRY - scr: November 14, 2015 SM Event. Meeting with Romanian Amb. Maior (Sally's cell: █████)	
BURISMA	BLUE STAR	Schwerin █████	11/14/2015	scr: November 14, 2015 Schwerin email to Archer/Sally Painter/Karen Tramontano/others. Discussions about Biden going to Ukraine and "timing of a trip"	
BURISMA	BLUE STAR	Google █████	11/18/2015	scr: November 18, 2015 Pozharsky email to Schwerin/SM/Archer with attachment. Burisma / Blue Strategies Contract and email traffic discussing the same and deliverables. Burisma / Blue Strategies Contract and email traffic discussing the same and deliverables (Executed).	
BURISMA	BLUE STAR	Google █████	11/18/2015	scr: November 18, 2015 Schwerin email to Pozharski/Archer/SM with attachment. Blue Star Strategies Executed Contract	
BURISMA	BLUE STAR	Schwerin █████	11/18/2015	scr: November 18, 2015 Schwerin email to Jesica Lindgren at Blue Star Strategies and others with attachment. Schwerin attached a signed contract and requested "...please execute on your side and send back...I am told the wire will be sent today."	
BURISMA	BLUE STAR	Schwerin █████	11/18/2015	11/18/2015: Email chain with Schwerin, Jesica Lindgren (Blue Star), Archer and Sally Painter. Jesica sent the Blue Star / Burisma executed contract to send to Vadym. Attached: Blue Star Strategies Consulting Services Agreement (Signed by Painter, Pozharski) (\$30,000/month)	
█████	GOVERNMENT OFFICIAL	Schwerin █████	11/18/2015	scr: November 18, 2015 Schwerin email to Mayer. Scheduling for SM, including call to arrange meeting between SM and Romanian Ambassador to the U.S.	
BURISMA	BLUE STAR	Google █████	11/23/2015	scr: November 23, 2015 Jesica Lindgren email to Archer/SM/Schwerin/Vadym Pozharskyi/others. Burisma/Blue Star Strategies kickoff call scheduled November 24, 2015 at 11:00 AM	
BURISMA	BLUE STAR	Laptop █████	11/24/2015	CALENDAR ENTRY - scr: November 24, 2015 Event. Burisma/Blue Star Strategies kickoff call with Archer/SM/Sally Painter/Schwerin/Seb Momtazi/Vadym Pozharskyi/others.	
█████	GOVERNMENT OFFICIAL	Google █████	11/30/2015	CALENDAR ENTRY - scr: November 30, 2015 SM Event. Meeting with Romanian Amb. Maior- Embassy (1607 23rd St NW)	
BURISMA	BLUE STAR	Google █████	11/30/2015	scr: November 30, 2015 Sean Keeley to Archer/SM/Schwerin/Vadym/others. Burisma/Blue Star call scheduled for December 1, 2015 at 9:30 AM	
BURISMA	BLUE STAR	Google █████	11/30/2015	11/30/2015: Email from Joan M to SM with Schwerin copied with SM Schedule. Included is a Burisma / Blue Star conference call	
BURISMA	BLUE STAR	Google █████	12/02/2015	scr: December 2, 2015 Sean Keeley email to SM/Archer/Vadym Pozharskyi/Schwerin/Seb Momtazi. White House hosted a conference call regarding VP trip to Ukraine and Blue Star Strategies memo with the minutes of the call with attachment: Attachment is Blue Star Strategies memo with the minutes of the call with attachment. Blue Star Strategies memo regarding U.S. Vice President Biden's Trip to Ukraine Next Week.	
BURISMA	BLUE STAR	Schwerin █████	12/02/2015	scr: December 2, 2015 Schwerin email to Sally Painter. Burisma call at 3:30 PM.	
BURISMA	BLUE STAR	Schwerin █████	12/02/2015	scr: December 2, 2015 David Wade (Greenlight Strategies) email to Schwerin/Ryan Toohey (FTI Consulting). Dialogue about the Burisma story inquiry from the WSJ.	
BURISMA	BLUE STAR	Schwerin █████	12/02/2015	scr: December 2, 2015 Schwerin email to David Wade/Ryan Toohey/Sally Painter/Karen Tramontano. Ongoing dialogue about follow up responses to Paul Sonne at WSJ and case against Nickolai "...still not been dropped..."	
BURISMA	BLUE STAR	Schwerin █████	12/02/2015	scr: December 2, 2015 Schwerin email to David Wade/Sally Painter/Karen Tramontano/Ryan Toohey. Dialogue about "Burisma representatives" and SM's position on the Board of Burisma Holdings and Board of Burima Geothermal.	

Related To	Type of Doc	Type Misc	Start Date	Description	Additional Notes
BURISMA	BLUE STAR	Schwerin █████	12/04/2015	scr: December 4, 2015 Schwerin email to David Wade/Ryan Toohey/Sally Painter/Karen Tramontano. Proposed statements/quotes about Burisma and SM.	
Burisma	VP	Open source	12/06/2015	VPOTUS trip to Ukraine, and per later public comments made by the VP, he indicated to President Poroshenko that the \$1B in loan guarantees was contingent on the removal of Prosecutor General Shokin	
BURISMA	OVP	Google █████	12/07/2015	scr: December 7, 2015 Schwerin email to SM/Archer/Vadym Pozharskyi/others. VICE News article on VP visiting Ukraine.	
BURISMA	BLUE STAR	Google █████	12/11/2015	12/11/2015: SM call with Karen Tramontano (Blue Star)	
BURISMA	BLUE STAR	Google █████	12/13/2015	scr: December 13, 2015 Archer email to Sally Painter/Karen Tramontano/David Wade/Schwerin/SM with attachment. Burisma deal with Gesto Italia. Request to post "official press release" with SM's quote on geothermal direction.	
BURISMA	BLUE STAR	Schwerin █████	12/28/2015	scr: December 28, 2015 Schwerin email to Karen Tramontano/Sally Painter. Forwarded message from Vadym Pozharskyi about SM draft geothermal op-ed with attachment. Forwarded document from Vadym Pozharskyi about SM draft geothermal	
Burisma	VP	Open source	01/01/2016	VPOTUS allegedly withholds \$1B to Ukraine	
BURISMA	BLUE STAR	Google █████	01/25/2016	scr: January 25, 2016 Pozharskyi email to SM/Archer/Sally Painter/Karen Tramontano. Teaser for the Monaco event with attachment.	
BURISMA	BLUE STAR	Google █████	01/25/2016	scr: January 25, 2016 SM email to Karen Tramontano. SM asks Tramontano "Do...We need to do a call?..."	
█████	FORMER GOVERNMENT OFFICIAL	Walker █████	01/25/2016	Email from Gilliar To Walker dated 1/25/2016; Email titled "Re: Sandweg ready split to h and Mike"	
BURISMA	GOVERNMENT OFFICIAL	Google █████	02/23/2016	scr: February 23, 2016 SM calendar event. "RHB: Call with Frank Mermoud (RE: Cub Energy/Burisma)- he will call office..." (former Special Representative for Commercial and Business Affairs at U.S. Department of State)	
BURISMA	GOVERNMENT OFFICIAL	Laptop █████	02/23/2016	scr: February 23, 2016 Mayer email to SM/Schwerin. Schedule for today-Tuesday Feb 23, included "...10:30am- Call with Frank Mermoud RE: Cub Energy/Burisma - he will call office..."	
BURISMA	OVP	Google █████	02/24/2016	2/24/2016: Email from SM to Miguel (Interjet) with Jeff Cooper copied. SM says that they are arriving late tonight on Air Force 2 to Mexico City. Email describes constantly helping Miguel with visits with the candidate and the White House.	
Burisma	VP	Open Source	03/01/2016	VPOTUS Biden allegedly pressures Ukrainian Poroshenko to fire Prosecutor Shokin (tied to \$1 billion U.S. loan guarantees)	
BURISMA	GOVERNMENT OFFICIAL	Schwerin █████	03/01/2016	scr: March 1, 2016 Mayer email to Schwerin. Scheduling a meeting between Frank Mermoud (using █████) (former Special Representative for Commercial and Business Affairs at U.S. Department of State) and SM/Archer/Vadym. Mermoud acknowledges SM suggestion for lunch or coffee and adds "...Vadym might be in town in the next week or so and that Devon and he might also wish to join in on the meeting..."	
BURISMA	GOVERNMENT OFFICIAL	Schwerin █████	03/21/2016	scr: March 21, 2016 Archer email to Schwerin. Discuss President of Kazakhstan and Archer's visit to DC with Vadym. Schwerin asked "...Were you guys going to meet with that Cub Energy guys when you were here too -Frank Mermoud?...He reached out to Hunter on his own..."	
BURISMA	GOVERNMENT OFFICIAL	Google █████	03/24/2016	3/24/2016: Email from Vadym to SM and Joan M. Attached is a letter to the President of Tuscany (signed by SM) regarding the expansion of Geothermal energy and Burisma in the Tuscany region.	
BURISMA	BLUE STAR	Schwerin █████	03/30/2016	scr: March 30, 2016 Archer email to Schwerin. Burisma meetings with Vadym/Blue Star Strategies with US Senators with briefing book attachment: BSS prepared Burisma Holdings Ltd. Washington, D.C. meetings for Archer dated March 29-April 1, 2016 with staff of Senator Rob Portman, staff of Senator Jeanne Shaheen, and Congressional staff of Representative Marcy Kapur. Also lists speech by President Petro Poroshenko, briefing/lunch with Vadym Pozharskyi, and meeting with SM.	
BURISMA	BLUE STAR	Google █████	03/31/2016	3/31/2016: SM Meeting with Vadym and Karen (Believed to be Blue Star)	
BURISMA	BLUE STAR	Schwerin █████	03/31/2016	scr: March 31, 2016 Tramontano email to Schwerin. Dialogue about who on the NYT editorial staff was writing about Ukraine corruption article. Note that there was no mention of SM. Schwerin says Serge Schmemmann wrote it and asks Tramontano to "...Please keep to yourself..."	
BURISMA	BLUE STAR	Schwerin █████	04/01/2016	scr: April 1, 2016 Schwerin email to Archer/Painter. Regarding Ukraine energy sector April 4, 2016. Schwerin adds "We might be able to get to Ed Chow prior to the event...Ed Chow has been quoted in the NYT saying negative things about Hunter's relationship with Burisma..."	
BURISMA	GOVERNMENT OFFICIAL	Schwerin █████	04/12/2016	scr: April 12, 2016 Michael Karloutsos email to Schwerin. Dialogue about SM and Dennis Assanis conversation at the White House last week. Karloutsos was requested assistance to set up meeting between Assanis and SM "...sometime between the 22nd and 24th..."	
UNKNOWN	GOVERNMENT OFFICIAL	Schwerin █████	05/06/2016	5/6/2016: Email correspondence between James G, ES and Rob W. ES sends the scheduling emails for the Office of the VP and the National Security Advisor.	
BURISMA	BLUE STAR	Schwerin █████	05/10/2016	scr: May 10, 2016 Karen Tramontano email to Schwerin/Sally Painter. Dialogue about if the documentary titled Blood Monkey by Oliver Bullough via Vice media.was going to be shown. Tramontano adds "...lawyers sent cease and desist letter..."	
BURISMA	BLUE STAR	Schwerin █████	05/13/2016	scr: May 13, 2016 Karen Tramontano email to Schwerin/Sally Painter. Dialogue about the WSJ article about Archer's arrest. Tramontano adds "...we have to figure out how to respond. Oliver at Norvick was asked for a quote..." Schwerin adds "...There is a Burham press call at 9am this morning...I'll listen in and ask if anyone knows of a plan for Devon...Let's touch base after that call..."	
OTHER	OVP	Walker █████	05/13/2016	5/13/2016: Email from Gilliar to Walker stating that "H Dad going to Kosovo and Albania at the end of the month and asks if he can "check" something.	
CEFC	GOVERNMENT OFFICIAL	Google █████	06/20/2016	scr: June 20, 2016 Schwerin email to SM asking SM think About responding to Vuk Jeremic's email regarding the UN Secretary General elections and meeting with the VP's national security advisor and any others while he is in DC.	
BURISMA	BLUE STAR	Schwerin █████	07/10/2016	scr: July 10, 2016 Karen Tramontano (BSS) to Schwerin/Sally Painter (BSS). Burisma BoD letter to General Prosecutor. Tramontano adds "...The letter will be hand-delivered to the GP on Monday morning..."	
BURISMA	BLUE STAR	Schwerin █████	07/14/2016	scr: July 14, 2016 Tramontano email to Schwerin. Tramontano discussed the SM letter and if Vadym needs edits/changes.	
BURISMA	BLUE STAR	Schwerin █████	07/15/2016	scr: July 15, 2016 Tramontano email to Schwerin with attachment. Burisma letter.	
BURISMA	BLUE STAR	Google █████	07/26/2016	7/26/2016: Tramontano (Blue Star) email to Schwerin, forwarded to SM: "Most of the restraints on Burisma have been lifted. . . We've pursued a particular strategy after having uncovered two particular problems - No help from our friends however. . ."	
UNKNOWN	GOVERNMENT OFFICIAL	Laptop █████	08/14/2016	scr: August 14, 2016 Vuk Jeremic email to SM/Schwerin/Jeff Cooper/others. Jeremic in second place in the race for at UN Secretary General. Jeremic advises he has "...not been given a fair hearing by USG at a high political level yet...", including Susan Rice, John Kerry, Tony Blinken. Jeremic asked for SM's assistance to arrange "to see our visitor, so that I could share with him...my vision..." SM replies "...I won't engage in I [sic] advocating on your behalf with my father or anyone else in the USG..." and adds that he (SM) will be in Belgrade and "...I'll make sure we can spend time together and maybe you could come with me in motorcade to airport..."	
UNKNOWN	OVP	Google █████	09/23/2016	scr: September 23, 2016 Archer email to SM with attachments. Forwarded email from Anuar Kurzhikayev (using █████) (Economic Advisory to Foreign Minister, Republic of Kazakhstan). Kazakhstan invitation to VP Biden. Attachments are Kazakhstan invitation to VP Biden (signed letter in Russian) and Kazakhstan invitation to VP Biden (translated to English). Kazah invitation to VP Biden.	
UNKNOWN	GOVERNMENT OFFICIAL	Google █████	09/23/2016	scr: September 23, 2016 Michael Karloutsos email to SM. Karoutsos indicates he is in DC next week for a conference and wanted to get together with SM.	
BURISMA	BLUE STAR	Schwerin █████	10/11/2016	scr: October 11, 2016 Painter email to Schwerin. Painter forwards a Ukrainian press article that Mykola Zlochevsky was no longer wanted for economic crimes. Painter adds "...We won and in less than a year. Yea!!!!..." Schwerin congratulates Sally/Karen. Painter replies "...U brought us in so take a victory lap..."	
Other	VP	Open Source	01/20/2017	VP HAS LEFT OFFICE	
BURISMA	BLUE STAR	Schwerin █████	02/15/2017	scr: February 15, 2017 Tramontano email to Mayer/Schwerin. Tramontano advising Vadym will be in town March 8 and 9 and "...he'd like to meet Hunter..." Tramontano offers for SM/Vadym to "...come to our office..."	
UNKNOWN	GOVERNMENT OFFICIAL	AppleEmails █████	04/26/2017	scr: April 26, 2017 Gilliar email to SM. Provides a bio of David Holtom - According to the email has relationships with Senior members of the UK government	

Related To	Type of Doc	Type Misc	Start Date	Description	Additional Notes
CEFC	GOVERNMENT OFFICIAL	AppleEmails █████	05/15/2017	ser: May 15, 2017 Uncle email to Gilliar. Email titled Phase one domestic contacts/projects with attachment: attachment Document lists government contacts in NY, NYC, Virginia, Minnesota, FL, and California.	
CEFC	GOVERNMENT OFFICIAL	AppleEmails █████	05/15/2017	ser: May 15, 2017 James B. email to Gilliar titled short list of foreign contacts for next phase (mainly phase 2) with attachment; Attachment Lists political contacts from Columbia, Argentina, Ireland, India, Mexico and the EU.	
OTHER	OVP	Google █████	06/02/2017	ser: June 2, 2017 Richard Ruffner █████ email to SM. Schedule for SM's parents in Athens with various meetings, including, but not limited to, a meeting with Ambassador Geoff Pyatt.	
HW3	FORMER GOVERNMENT OFFICIAL	DongYan █████	09/12/2017	ser: September 12, 2017 Sara B email to GD/MY/SM/John Sandweg. Sara introduces John Sandweg to Dong and Yan as "...representatives of the Chariman of CEFC in the U.S..."	
UNKNOWN	GOVERNMENT OFFICIAL	Google █████	06/27/2018	6/27/2018: Email exchange between SM and Eve O'Toole (Believed to be associated with Gavin Newsom) - SM says "I owe you big time" and refers to SM and James B donating \$20k.	
OTHER	OVP	Dodge █████	01/24/2019	1/24/2019: Email from Linda S to Dodge indicating the VP was taking care of some of SM bills. In email, the Columbia Tuition was paid by the VP.	

From: Devon Archer <darcher[REDACTED]>
To: Hunter Biden <hbiden[REDACTED]>
Sent: 4/17/2014 10:50:04 PM
Subject: Fwd: follow up ideas

FYI

Devon Archer
[REDACTED]

Begin forwarded message:

From: Vadim Pozharskyi <[v.pozharskyi\[REDACTED\]](mailto:v.pozharskyi[REDACTED])>
Date: April 17, 2014 at 4:02:40 PM EDT
To: Devon Archer <darcher[REDACTED]>
Subject: follow up ideas

Dear Devon, just few ideas to follow up the today phone call. Its really great that two Directors got along fine.

I really look forward them working together, it looks like 'dangerous "mixture for the benefit of our company. With your energy –its deadly!!

As to tomorrow phone call, please advise in a few words as to how you see it, so we do have another good event. It will be yourself, HB and somebody from Boies, right?

Nikolay , kind of, will invite them to cooperate, which directions for cooperation should they discuss?

Also, finance issue, will they discuss it? Or they will talk generally and you and I will work on details latter. You mentioned few figures, but we did not really discussed it.

Also, as to the plan to move forward within short term perspective.

As I have communicated A.K. is ready to conduct informal talks with everybody involved in Ukraine on behalf of Burisma. It's very positive. Now we will start limited media campaign with you, and I believe it will bring good benefit.

As to the HB I do believe that we have to reach reasonable balance here. I realize fully that his role as well as role of AK is of long term perspective and taking into account the political weight of our Directors we have to "use" their personality carefully and strategically wise, I do realize their vulnerability in this respect.

Therefore I kindly suggest to indeed now or after his father left our country just put him on our website without going for public camping. And then after we meet in May we agree on joint plan and move forward accordingly, with media campaign or without it, just concentrating on informal talks with relevant interested parties etc. In some sense we cannot "hide" our directors.

Please have a thought about it before tomorrow phone call, it's just my ideas now as I have not yet talked to Nikolay. (we both traveling now and do not use mobile phones for such conversations-))

And let's discuss it tomorrow to take joint decision.

Thanks and have a good day.

Vadym

From: Eric Schwerin <eschwerin@ [REDACTED]>
To: Hunter Biden <hbiden@ [REDACTED]>
CC: Katie Dodge <kdodge@ [REDACTED]>
Sent: 12/17/2014 6:21:02 PM
Subject: Tony Blinken Email

[REDACTED]

Eric D. Schwerin
Rosemont Seneca Partners, LLC
1010 Wisconsin Ave., NW
Suite 705
Washington, DC 20007
[REDACTED]

P Consider the environment before printing this email.

[REDACTED]

From: Vadym Pozharskyi <v.pozharskyi@[REDACTED]>
To: Hunter Biden <hbiden@[REDACTED]>
Sent: 4/17/2015 9:00:51 AM
Subject: Meeting for coffee?

Dear Hunter, thank you for inviting me to DC and giving an opportunity to meet your father and spent some time together. It's really an honor and pleasure.
As we spoke yesterday evening, would be great to meet today for a quick coffee. What do you think? I could come to you office somewhere around noon or so, before or on my way to airport.
Best ,
V

Отправлено с iPhone



MEMORANDUM

TO: Burisma Holdings Ltd.

FROM: Blue Star Strategies, LLC

RE: Crisis Communications and a Long-term Government Relations Strategy as it Relates to the Companies Growth and Expansion

DATE: October 30, 2015

We are pleased to submit this final proposal for your consideration for Blue Star Strategies to provide government relations support to Burisma Holdings Ltd. ("the Company"), a leading independent oil and gas producer in Ukraine.

Given the current challenges, this is a Crisis Communications approach that would roll out over the next two months, including a trip to Kiev proposed for early to mid-December. During the first two months, we will: 1) work to support the closing of the company file in Ukraine; and 2) develop the scope of work, goals and objectives for the remainder of the annual contract to best meet your reputational and business goals. We look forward to your comments and further discussions with you.

Background

Founded in 2002, Burisma Holdings has rapidly grown to become one of the leading independent oil and gas producers in Ukraine. From 2009-2013, annual production increased 700% and Burisma now holds 26% market share among independent oil and gas producers, including 98% of all of Burisma's production in natural gas, in Ukraine.

In 2013, to help manage the Company's exponential growth, Burisma hired Alan Apter (UK) to serve as Chairman of the Board of Directors. In 2014, Burisma hired Alexander Kwasniewski (Poland), Hunter Biden (U.S.) and Devon Archer (U.S.) to join the Company as Directors. The Company's financials are audited by a big four global accounting firm, KPMG, and its geological audit by DeGolyer MacNaughton, the world's leading independent audit firm in the petroleum industry. Burisma is registered and based in Limassol, Cyprus.

Burisma's continued success, growth and security are at risk, however, due to the ongoing armed conflict with Russia in Ukraine's eastern provinces, sparked by Russia's illegal annexation of Crimea in March 2014. Today, 82% of Ukraine's total natural gas reserves and 91% of Burisma's natural gas deposits are located in the Dnieper-Donets

basin, which cuts across the northeastern part of Ukraine where the armed conflict continues. The on-the-ground situation remains unstable and Burisma is concerned about the unresolved armed conflict. As a result, Burisma is looking for support from the U.S. and Ukrainian governments to help shore up Burisma's business, support Ukraine's energy independence from Russia through its operations in Ukraine, and promote the Company's broader investment goals in Europe and Kazakhstan.

Scope of Work

To address Burisma's concerns and leverage our experience, Blue Star Strategies proposes the following scope of work for your consideration:

1. Create the Narrative

Our initial task would be to create a compelling narrative to provide government relations assistance to the Company in the U.S. and Ukraine, focusing on crisis communications during the first two months of the annual contract.

Our starting point will be to educate key officials in Washington, DC, followed by a trip to Kiev proposed for mid-December 2015.

In Kiev, we will work to educate key officials within the U.S. and Ukrainian governments on the important role the Company plays in economic development, job creation, and as a significant taxpayer. We will also reach out to colleagues in various circles in both countries to reinforce our efforts.

Relatedly, we would underscore the importance of respecting the rule of law and judicial decisions by courts of competent jurisdiction, citing the Company's recent win in the U.K. court system. Earlier this year, Burisma had defended itself successfully against the U.K.'s Serious Fraud Office (SFO) in a criminal case brought against the Company and an original shareholder, Nikolay Zlochevsky, the former Deputy Secretary of National Security and Defense Council of Ukraine. In 2014, Mr. Zlochevsky was accused by the SFO and Ukraine's Main Investigation Department of the Prosecutor General's Office of unlawful enrichment and money laundering related to Burisma Holdings and another company, Brociti Investments Limited, in which Mr. Zlochevsky was registered as a beneficial owner in both companies. In January 2015, the UK judge dismissed the case against Mr. Zlochevsky due to SFO's lack of evidence, unblocked his frozen UK assets, and in July 2015, Mr. Zlochevsky and Burisma were awarded their costs.

In Ukraine, the criminal case against Mr. Zlochevsky by the Prosecutor General's Office is ongoing, but has been suspended twice, most recently in August 2015. We will follow the proceedings in the case and look for opportunities to promote the facts about Burisma overall and closure of the file against Mr. Zlochevsky.

Secondly, we would educate U.S. and Ukrainian officials about Burisma, its importance to Ukraine's energy independence in light of Russia's continued aggression, and demonstrate the Company's strong reputation and ability to attract U.S. and international investment.

It will be vitally important to change the current public perception and build a positive story. For example, we would highlight Burisma's interest in expanding further into Europe and Kazakhstan to become one of the largest geothermal operators and a significant contributor to regional energy security.

We would also highlight Burisma's reputation as a good corporate citizen, especially in light of the ongoing crisis in eastern Ukraine. Burisma provides much-needed employment to more than 300 people across 9 regions in Ukraine, with one of the lowest staff turnovers in the industry. The Company is a large taxpayer, having paid \$226 million in state and local taxes in the last two years alone. Burisma also implements best practices by instituting international environmental and safety standards promulgated by the International Finance Corporation, which is the World Bank Group's private-sector lending arm to developing countries, and the European Bank for Reconstruction and Development (EBRD).

2. Identify Audience and Engage Validators

Identifying the audience and engaging validators would be another key aspect of our work. While we would not engage the media directly at this point, we would work through various media contacts to engage validators.

Our experiences demonstrate that successful global companies utilize a variety of public and private resources to influence government decisions to positively impact their business activities. Within the U.S. and Ukraine, there are influencers and resources that could be activated to support the Company's business goals. Using these tools, we have identified below the decision-makers and influencers that are most relevant to Burisma. Most importantly, given the work that Blue Star has done in Ukraine since 2002, we are uniquely qualified to leverage our strong reputation capital within the country to promote and support the Company's goals.

To this end, we would work with you in the U.S. and Ukraine to develop "Third Party Validators" or "Champions". These actors will include people advising the Ukrainian government, former dignitaries, and other key influencers recognized internationally. These validators can play an important role helping to educate decision and policy makers and could also be called upon for a number of activities, including hosting "thought leader" dinners, writing articles, communicating research results, addressing leaders and engaging with the media. This is where former Polish President Kwasniewski might play a more visible role.

In addition, we would work to generate support from other entities such as:

- Amb. John E. Herbst, Director, Dinu Patriciu Eurasia Center, The Atlantic Council, and former U.S. Ambassador to Ukraine (2003-06)
- Other former U.S. Ambassadors who are very still active on Ukraine
- U.S. Chamber of Commerce, including its U.S.-Ukraine Business Forum
- U.S.-Ukraine Business Council (USUBC)
- American Chamber of Commerce in Ukraine
- Other academic and public policy institutions supporting direct foreign investments and open economies, including the Center for European Policy Analysis (CEPA), Brookings Institution, Carnegie Endowment for International Peace, among others who cover Ukraine and issues related to European energy security.

(This is a partial list for illustration.) It will be particularly important to engage these groups and diplomats to garner their support, given the current posture of the U.S. government.

3. Government Relations in the U.S. and Ukraine

The Blue Star approach to government relations leverages relationships in government, the private sector and civil society so that our clients can expand into other markets, build support for the business model, and advocate policy that supports expansion. Our team works top-down and bottom up to ensure all stakeholders know the benefits that a U.S. investor can provide to both the domestic Ukrainian economy as well as the general reputation of the country within the international financial community. Our outreach maximizes the Company's strengths and minimizes weaknesses. The recent aggression in Ukraine has certainly heightened the importance of the bilateral relationship between the U.S. and Ukraine, as it relates to the military, the economy, and in Burisma's case, energy security.

In the U.S., Blue Star would work closely with the Departments of State and Commerce as they are effective champions for U.S. investors with investments abroad, especially given the critical geopolitical importance of Ukraine at this time. Burisma's 2014 Memorandum of Understanding (MOU) with the U.S. Agency for International Development (USAID) is another viable relationship we would leverage. In addition, we would reach out to the Departments of the Treasury, Energy, and the National Security Council, who influence and enforce policies on tax, energy, security and other policy-related regulations.

Outlined below are a number of the officials with whom we would work:

➤ U.S. Department of Commerce:

- Deputy Undersecretary for International Trade, Kenneth E. Hyatt
- Assistant Secretary for Global Markets, Arun M. Kumar

➤ **U.S. Department of State:**

- Undersecretary for Political Affairs, Thomas Shannon
- Deputy Assistant Secretary for Europe and Eurasia, Bridget Brink
- Director Office of Ukraine, Moldova and Belarus Affairs, Alexander “Sasha” Kasanof
- U.S. Ambassador to Ukraine, Geoffrey Pyatt
- Ukraine Desk Officers, Teresa Grantham and Mohammed Motiwala
- Undersecretary for Economic, Energy and Agriculture Affairs, Catherine A. Novelli

➤ **U.S. Agency for International Development (USAID)**

(Municipal Energy Reform Project and other USAID Clean Energy Initiatives):

- Bureau for Europe and Eurasia, Valerie Chien

➤ **U.S. Department of the Treasury**

- Deputy Assistant Secretary for Europe and Eurasia, Daleep Singh
- Director for Europe and Eurasia, Evangelia “Lea” Bouzis

➤ **U.S. Department of Energy**

(re: Ukraine’s winter heating concerns)

- Deputy Assistant Secretary Infrastructure Security and Energy Restoration, William Bryan

➤ **National Security Council**

- Special Assistant to the President and Senior Director for Russia and Central Asia, Europe Russia, and Central Asia, Celeste Wallander

In Ukraine, we would reach out to the offices or informal advisors to current government officials, including:

- Minister of Foreign Affairs, Pavlo Klimkin
- Minister of Finance, Natalie Jaresko
- Minister of Energy and Coal Industry of Ukraine, Volodymyr Demchyshyn
- Minister of Economic Development and Trade of Ukraine, Aivaras Abromavicius

We would also reach out to an informal list of champions and senior diplomats that are outside “Advisors” to the Ukrainian government.

Fees and Timetable

We are prepared to begin immediately, should you choose to hire us. We generally begin each relationship with a set of meetings with the client to ensure that we are fully informed as to the client's needs and interests.

To cover the work provided by Blue Star Strategies, LLC we propose a fee of \$30,000 per month, based on an annual contract, exclusive of expenses. (All expenses over \$500 will be pre-approved.)

Given that this is initially a two-month crisis communication approach followed by the balance of the scope of work, we will re-evaluate our progress as of January 2016 and re-adjust where necessary the approach and implementation strategy going forward. This contract will require an initial two-month retainer fee, payable upon signature of the contract.

Working with you and others who may be designated, our team will provide strategic direction and participate in all facets of the work program. Most importantly, we will help develop and implement a strategy designed to connect you with key decision makers to promote your interests.

The Blue Star Strategies Team

Karen Tramontano, Chief Executive Officer



Karen A. Tramontano is the Chief Executive Officer at Blue Star Strategies, LLC and provides corporate, institutional and public sector clients with results-oriented strategies. In her previous work experience Ms. Tramontano has played a critical role in shaping some of the most important global policy issues of our time, including China Permanent Normal Trade Relations, environmental and labor standards in multilateral, regional and bilateral trade agreements, world-wide poverty reduction strategies that focus on creating jobs and employing the Decent Work Agenda and global market expansion strategies for U.S. businesses.

From 1997 to 2001, Ms. Tramontano served as Deputy Chief of Staff to President Clinton and as counselor to two Chiefs of Staff, Erskine Bowles and John Podesta. Ms. Tramontano's White House portfolio encompassed a wide range of issues, including international trade and transatlantic relations, as well as economic and financial issues involving the U.S. Treasury and Department of Commerce. She played a major role in shaping policy concerning the World Trade Organization, the Organization for Economic Cooperation and Development and other multilateral institutions, while handling public policy issues involving the World Bank and the International Monetary Fund.

Ms. Tramontano's other significant accomplishments include spearheading the successful White House initiative to bring the Child Labor Convention into law and leading the team that developed the Comprehensive Steel Plan to rationalize global steel production. Additionally, she managed many of President Clinton's international state visits, including the public policy components for the landmark trips to India, Pakistan, and Vietnam. In 2001, she served as Chief of Staff for President Clinton's transition, where she established his office and presence in New York.

Ms. Tramontano continues her work with President Clinton through the Global Fairness Initiative (GFI), of which she is Founder and President. GFI is a non-profit organization working to promote a more equitable and sustainable approach to globalization to ensure its benefits reach all people, including the working poor.

Additionally, she currently serves as Senior Advisor to Guy Ryder, Director General of the International Labor Organization in Geneva, and is an Adjunct Professor at Georgetown University Law School. Ms. Tramontano is considered a global trade expert

and regular spokesperson on Bloomberg Rewind among other business shows. She writes regularly on the topic and is quoted often in major publications.

Previously, Ms. Tramontano was the Chief of Staff to the Mayor of Washington, DC and has served as counsel to the United States Senate Committee on Health, Education, Labor, and Pensions, and as Chief of Staff to Service Employees International Union presidents John Sweeny and Andy Stern. She earned a Juris Doctor degree from Catholic University Law School and a B.A. from Boston College. An aging tri-athlete, she holds a third degree black belt in Tae Kwon Do.

Sally A. Painter, Chief Operating Officer



Sally A. Painter is Co-Founder and Chief Operating Officer at Blue Star Strategies, LLC. Ms. Painter's work experience includes time spent at both the highest level of government and at major corporations in the private sector. Given this diverse background, she provides corporate, institutional and public sector clients with results-oriented external affairs, foreign/security policy and business development strategies. Ms. Painter has an extensive track record working with Central Europe on security and policy issues, including successfully representing many of these countries on their NATO and EU bids, as well as an historic Visa Equity Coalition of seven countries where legislation was passed in the U.S. Congress which

allows their citizens to enter the US visa-free.

Ms. Painter has managed many large-scale public-private projects, including as a senior advisor on the global NATO Summits including: Washington, DC--1999, Prague -- 2002, Istanbul -- 2004 and Riga -- 2006. In this capacity, she worked directly with the leadership of the host country, CEOs of global corporations, the U.S. Congress, NATO Headquarters and the Bush and Clinton White Houses to promote and educate transatlantic leaders on the importance of the NATO Alliance. Ms. Painter is also a member of the Board of the US Committee on NATO. As such, she played a significant role in supporting NATO expansion. Instrumental in this successful process was a thorough understanding and ability to work with the foreign policy decision-makers within the transatlantic community.

For the last 15 years, Ms. Painter has also worked with opposition leaders to promote democracy and transparency in countries in transition, including: Albania, Argentina, the Democratic Republic of Congo, Kazakhstan, Romania, Ukraine, Uzbekistan and Venezuela.

Throughout 2000 she served as Executive Director of the Business Coalition for U.S.-China Trade, a business group of 100 major corporate leaders that secured passage of

Permanent Normal Trade Relations with China -- the largest trade legislation ever concluded.

For three and a half years, Ms. Painter served as the Director of International at Tenneco Inc, a Fortune 500 company with manufacturing facilities in 42 countries. In this capacity, she advanced the corporation's business interests, negotiating new ventures with host governments in more than 20 countries. While at Tenneco, she was instrumental in the creation and early management of the Transatlantic Business Dialogue (TABD) and the French American Business Council, two public-private organizations designed to engage business leaders and government officials to resolve trade disputes.

Prior to joining Tenneco, Ms. Painter was a senior advisor in the Clinton Administration. As such, she helped manage the outreach and advocacy program for the late Secretary of Commerce, Ronald H. Brown, by providing strategic advice and advocacy to U.S. companies bidding and winning overseas contracts.

Ms. Painter is on the Board of Directors of The Truman National Security Project, the Global Fairness Initiative, Partners for Democratic Change, and 4D PAC, a progressive national security political action committee. She is also a member of the Atlantic Council. She writes frequently on European issues and has been published in the *Washington Post*, *Politico*, *WE-NATO*, *The Hill*, and the Progressive Policy Institute's *Progressive Fix*, among others.

Ms. Painter's accomplishments have been featured in *The Wall Street Journal* and she has been a guest speaker on Fox News Live and Al Jazeera. She has received numerous awards for her work, including the Golden Laurel Branch Award (the highest honor of the Foreign Ministry of the Republic of Bulgaria), the Officer's Cross of the Order of Merit from the Republic of Hungary, and The Minister of Defense's Award for Distinction from the Republic of Latvia. In addition, she is a producer for the Broadway production *Ann*, a critically acclaimed dramatization of the life of former Texas Governor Ann Richards. She is a certified downhill ski instructor and is married with one son, George, a design stylist.

Jesica Dobbins Lindgren, General Counsel



Jesica Dobbins Lindgren (formerly Seacor) is the General Counsel at Blue Star Strategies, LLC, and works on a variety of client issues.

Previously, Ms. Lindgren was a Director and Senior Vice President at ResCare, Inc., a leading U.S. human services company. She handled government relations and business development for ResCare's Youth Services. She also led ResCare's international Workforce Services group, with operations primarily in Europe and the Middle East, and was a board member of ResCare's international subsidiaries.

Ms. Lindgren began her career at Skadden, Arps, Slate, Meagher & Flom in Washington, DC. In 1997, she joined the International Labor Organization (ILO), a specialized agency of the United Nations, based in Geneva, Switzerland. She participated in a staff exchange from the ILO to the World Bank's External and UN Affairs Unit in Washington, DC from 2004-2005 and then served as Deputy Director of the ILO's Washington Office from 2005 until she joined ResCare in 2008.

Ms. Lindgren co-founded a venture philanthropy organization, Giving Circle, which supports charities offering education, health care, and training programs in developing countries. In 2005, her article, "Learning on the Job" was published in The Economist's Intelligent Life magazine.

She received her B.A. from Georgetown University and J.D. from American University, where she was editor-in-chief of the international law review and commencement speaker in 1994. She earned an M.B.A. from the University of Chicago, studying international management at their Barcelona, Singapore and Chicago campuses. Ms. Lindgren is also a 2012 graduate of Leadership Greater Washington. In 2015, she became Vice Chair and a member of the Executive Committee of the American Society for International Law's Human Rights Interest Group.

Pero Jolevski, Director

Pero Jolevski is a Director at Blue Star Strategies, LLC, where he leads the European operations of the firm. His work experience is in a variety of fields including portfolio management, creating marketing strategies, international development, governmental relations, and anti-money laundering.



Previously, Pero was a short-term contractor for Booz Allen Hamilton, Inc., working as part of an international development project. He was part a wealth management team at Merrill Lynch, and completed a traineeship at the Ministry of Finance of Macedonia specifically in the Department for Prevention of Money Laundering and Financing Terrorism.

Pero is a member of the Leaders Club of Macedonia 2025 and also serves as the General Manager of the Macedonian Golf Federation. He received a degree in Finance at Florida Gulf Coast University. During his studies, he served as Director of Government Relations of Student Government, and managed a portfolio account of the University's Foundation.

Born and raised in Macedonia, over the years Pero lived in Switzerland, Netherlands, and the United States. He is fluent in French, Macedonian, Serbian, Bulgarian, Croatian, and has basic knowledge of Spanish.

Gabriella Ippolito, Associate

Gabriella Ippolito is an Associate at Blue Star Strategies LLC, where she focuses on Latin American and European trade and investment, international and domestic political analysis and economic development.



Previously, Gabriella served as an AmeriCorps member with CASA de Maryland/Baltimore City Community College's New Americans Citizenship Program of Maryland, where she informed the immigrant community in Maryland about the process for citizenship. She has worked at the Mexican Consulate in Denver, as well as the Woodrow Wilson Center's Mexico Institute, where she focused on security issues and trade. She has also worked with the US Department of State in Curacao, where she analyzed the political and economic climate in the former Netherlands Antilles and coordinated outreach events.

Gabriella received her MA in International Studies from the University of Denver's Josef Korbel School of International Studies where she concentrated on US-Latin America Relations and Illicit Markets. While attending the University of Denver, Gabriella also served as an officer in the Latin American Studies Association, where she organized yearly conferences and brought speakers on Latin America to campus. She received her B.A. in International Relations from Franklin College in Switzerland, which gave her the opportunity to travel throughout Europe and Africa, and received a linguistic diploma in Spanish from the Universidad de Alicante in Spain. Gabriella grew up bilingual in Baltimore and speaks Italian fluently.

From: Devon Archer <darcher[REDACTED]>
To: Eric Schwerin <eschwerin[REDACTED]>
CC: Hunter Biden <hbiden[REDACTED]>
Sent: 11/2/2015 4:59:08 PM
Subject: Re: Revised Burisma Proposal, Contract and Invoice

Hunter,

You need to deliver that message. I have walked this to the finish (aka starting) line but need some support to close. Thanks.

D

Devon D. Archer
[REDACTED]

On Nov 2, 2015, at 4:44 PM, Eric Schwerin <eschwerin[REDACTED]> wrote:

I would tell Vadym that this is definitely done deliberately to be on the safe and cautious side and that Sally and company understand the scope and deliverables. And that we will be having regular (daily, weekly, monthly) opportunities be in through conference calls or memos to be continually refining and updating the scope.

Eric D. Schwerin
Rosemont Seneca Advisors, LLC
1010 Wisconsin Ave., NW
Suite 705
Washington, DC 20007
[REDACTED]

P Consider the environment before printing this email.

Begin forwarded message:

From: Vadym Pozharskyi <vadym.pozharskyi[REDACTED]>
Date: November 2, 2015 at 4:35:51 PM EST
To: Devon Archer <darcher[REDACTED]>
Cc: Hunter Biden <hbiden[REDACTED]>, "Eric D. Schwerin" <eschwerin[REDACTED]>
Subject: Re: Revised Burisma Proposal, Contract and Invoice

Dear colleagues,

Hope, you are well. Thank you for the docs provided. I have analyzed them most carefully and came up with the following observations: the first thing is that the suggested scope of work is largely lacking concrete tangible results that we set out to achieve in the first place, mostly focusing on the process. Also, it doesn't offer any names of top US officials here in Ukraine (for instance, US Ambassador) or Ukrainian officials (the President of Ukraine, chief of staff, Prosecutor General) as key targets for improving Nikolay's case and his situation in Ukraine.

If, however, this is done deliberately to be on the safe and cautious side, I can understand the rationale. And if all parties in fact understand the true purpose of the BS engagement and all our joint efforts, it's ok and we should proceed immediately.

My only concern is for us to be on the same page re our final goals. With this in mind, I would like us to formulate a list of deliverables, including, but not limited to: a concrete course of actions, incl. meetings/communications resulting in high-ranking US officials in Ukraine (US Ambassador) and in US publicly or in private communication/comment expressing their "positive opinion" and support of Nikolay/Burisma to the highest level of decision makers here in Ukraine :President of Ukraine, president Chief of staff, Prosecutor General, etc

The scope of work should also include organization of a visit of a number of widely recognized and influential current and/or former US policy-makers to Ukraine in November aiming to conduct meetings with and bring positive signal/message and support on Nikolay's issue to the Ukrainian top officials above with the ultimate purpose to close down for any cases/pursuits against Nikolay in Ukraine.

Looking forward to your feedback!
Vadym

On Sat, Oct 31, 2015 at 9:47 PM, Devon Archer <darcher[REDACTED]> wrote:
For review.

Devon D. Archer
[REDACTED]

Begin forwarded message:

From: Jesica Lindgren <jesica.lindgren[REDACTED]>
Date: October 30, 2015 at 4:16:59 PM EDT
To: Devon Archer <darcher[REDACTED]>
Cc: Sally Painter <Sally.Painter[REDACTED]>
Subject: Revised Burisma Proposal, Contract and Invoice

Dear Devon, please see attached our revised proposal, contract and initial invoice for Burisma Holdings. Please let us know if you have any questions.

Kind regards,

Jesica

Jesica Lindgren | Blue Star Strategies
[REDACTED]

The information in this transmittal is privileged and confidential and is intended only for the recipient(s) listed above. If you are not the intended recipient(s) for the delivery of this transmittal, you are hereby notified that any unauthorized distribution or copying of this transmittal is prohibited. If you have received this transmittal in error, please notify me at [REDACTED]

From: Burisma <vadym.pozharskyi [REDACTED]>
To: Hunter Biden <hbiden [REDACTED]>
CC: Devon Archer <darcher [REDACTED]>; Eric D. Schwerin
<eschwerin [REDACTED]>
Sent: 11/3/2015 11:35:18 AM
Subject: Re: Revised Burisma Proposal, Contract and Invoice

Thank you Hunter!

And of course , if you and Devon feel comfortable that they will deliver what in real terms we are talking about , we should disregard the wording of the scope and move further with signing and starting actual work.

Also, Eric, have you got any feedback from Sandwig with regard to visas issue and also with regard to his possible involvement in the trip to Kiev event?

Best regards

V

Отправлено с iPhone

3 нояб. 2015, в 18:24, Hunter Biden <hbiden [REDACTED]> написал(а):

Vadym-

Let me have one final call with them and verify once more that they understand the scope so we can all feel that the retainer is in line with the work required. I trust Sally and Karen implicitly so I believe we are all aligned but I want to have one last conversation with them to confirm before we proceed.

We'll be back to you ASAP.

Best,
Hunter

On Mon, Nov 2, 2015 at 4:35 PM, Vadym Pozharskyi <vadym.pozharskyi [REDACTED]> wrote:

Dear colleagues,

Hope, you are well. Thank you for the docs provided. I have analyzed them most carefully and came up with the following observations: the first thing is that the suggested scope of work is largely lacking concrete tangible results that we set out to achieve in the first place, mostly focusing on the process. Also, it doesn't offer any names of top US officials here in Ukraine (for instance, US Ambassador) or Ukrainian officials (the President of Ukraine, chief of staff, Prosecutor General) as key targets for improving Nikolay's case and his situation in Ukraine.

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My only concern is for us to be on the same page re our final goals. With this in mind, I would like us to formulate a list of deliverables, including, but not limited to: a concrete course of actions, incl. meetings/communications resulting in high-ranking US officials in Ukraine (US Ambassador) and in US publicly or in private communication/comment expressing their "positive opinion" and support of Nikolay/Burisma to the highest level of decision makers here in Ukraine :President of Ukraine, president Chief of staff, Prosecutor

General, etc

The scope of work should also include organization of a visit of a number of widely recognized and influential current and/or former US policy-makers to Ukraine in November aiming to conduct meetings with and bring positive signal/message and support on Nikolay's issue to the Ukrainian top officials above with the ultimate purpose to close down for any cases/pursuits against Nikolay in Ukraine.

Looking forward to your feedback!

Vadym

On Sat, Oct 31, 2015 at 9:47 PM, Devon Archer <darcher[REDACTED]> wrote:
For review.

Devon D. Archer
[REDACTED]

Begin forwarded message:

From: Jessica Lindgren <jessica.lindgren[REDACTED]>
Date: October 30, 2015 at 4:16:59 PM EDT
To: Devon Archer <darcher[REDACTED]>
Cc: Sally Painter <Sally.Painter[REDACTED]>
Subject: Revised Burisma Proposal, Contract and Invoice

Dear Devon, please see attached our revised proposal, contract and initial invoice for Burisma Holdings. Please let us know if you have any questions.

Kind regards,


Jessica

Jessica Lindgren | Blue Star Strategies

[REDACTED]

The information in this transmittal is privileged and confidential and is intended only for the recipient(s) listed above. If you are not the intended recipient(s) for the delivery of this transmittal, you are hereby notified that any unauthorized distribution or copying of this transmittal is prohibited. If you have received this transmittal in error, please notify me at [REDACTED]

--

R. Hunter Biden
Rosemont Seneca Partners, LLC
1010 Wisconsin Ave., NW
Suite 705
Washington, DC 20007


From: Eric Schwerin <eschwerin [REDACTED]>
To: Burisma <vadym.pozharskyi [REDACTED]>
CC: Devon Archer <darcher [REDACTED]>; Hunter Biden <hbiden [REDACTED]>
Sent: 11/3/2015 1:54:47 PM
Subject: Fwd: Visa Denial
Attachments: 9 FAM 41.122 PN12.3 .pdf; CBA68676-DE21-4E21-AE0D-D383161180C7[6].jpg; Zlochevskyi Visa Denial.docx

Vadym-

Please the below email and attachments from John Sandweg. He is going to confirm that Nikolai's wife and daughter are in the same situation.

John recommends that Nikolai reapply for his visa but that we wait until his legal status in Ukraine has been resolved as the reapplication may require Nikolai to go to the Embassy in Kiev personally. He does feel that since the original cancelation occurred in March of 2014 it is solely related to the political issues associated with his service in the cabinet and not anything to do with him personally that the reapplication may not be a difficult process.

In any event, we should discuss timing as part of the overall strategy regarding not only the visa but also the legal and PR issues that Blue Star will be handling.

John also said that he'd be happy to go to Ukraine if the group feels it makes sense and his presence will be helpful.

Let us know if you have any questions.

Thanks,

Eric

Eric D. Schwerin
Rosemont Seneca Advisors, LLC
1010 Wisconsin Ave., NW
Suite 705
Washington, DC 20007

[REDACTED]
P Consider the environment before printing this email.

Begin forwarded message:

From: John Sandweg <john.sandweg [REDACTED]>
Date: November 2, 2015 at 6:36:56 PM EST
To: Eric Schwerin <eschwerin [REDACTED]>
Subject: Visa Denial

Eric-

Attached is a short report outlining why the visa was cancelled.

I realize we previously told you that a search of Department of Homeland Security and Customs databases did not reveal any prohibitions on Mr. Zlochevskyi ability to enter the United States. Unfortunately, after receiving the initial report, I suspected that the individual I asked to run the search only queried DHS/Customs databases and not State Department databases. As such, I asked another individual to query both databases. This search revealed the cancellation of the visa and the legal basis for the cancellation.

The good news is that there has been no application of an immigration bar - meaning the client is able to re-apply and is not currently subject to any legal prohibitions on obtaining a visa. That said, the reason State cancels visas in situations like this is to force the visa holder to come into the embassy/consulate and answer questions related to the issues that are concerning State. As we discussed I do not recommend that the client make any effort to obtain a new visa until the other matters are resolved.

Let me know if you have any questions or concerns.

JS

APPENDIX A

II.E. Names and Entities Potentially Part of a Privileged Relationship

<u>Name</u>	<u>Relationship</u>	<u>Search Terms</u>
Sara Biden	Attorney / James Biden's wife	sbiden
Nick Lewin	Attorney / Krieger, Kim & Lewin LLP	kklllp
Paul Krieger	Attorney / Krieger, Kim & Lewin LLP	kklllp
Edward Kim	Attorney / Krieger, Kim & Lewin LLP	kkllp
George Mesires	Attorney / Faegre Baker	faegrebd
Matt Hanley	Attorney / Davis & Gilbert LLP	dglaw
Melvin Monzack	Attorney / Monzack, Merskey & McLaughlin	monlaw
Michael Forde	Attorney / Forde Law Offices LLP	fordellp
Christopher Boies	Attorney / Boies Schiller	Bsflp / boies
Bob Fenet	Attorney / Fenet Law Firm LLC	fenetlaw
Charles Fenet	Attorney / Fenet Law Firm LLC	fenetlaw
Janet Duhy	Attorney / Fenet Law Firm LLC	fenetlaw
Stuart Grant	Attorney / Grant & Eisenhofer LLP	gelaw
Jonathan Layton	Attorney	jonlatyton
Kathleen Biden	Wife	Kathleen biden
Sarah Mancinelli	Attorney / Ain & Bank PC / Subject's divorce lawyer	ainbanklaw
I. Gilson	Attorney / Ain & Bank PC / Subject's divorce lawyer	ainbanklaw
Thomas Gallagher	Attorney / Pepper Hamilton LLP	pepperlaw
Louis Freeh	Attorney / The Freeh Group	freehgroup
Hiram Eastland	Attorney	eastlandlaw
Cat Allday	Attorney	c.allday
James E. Liguori	Attorney/ Liguori & Morris	liguori
Patrick Ho	Potential Client	Patrick Ho
Melissa Cohen/Landver/Biden	Wife	Melissa, Cohen, Landver
Dustin McDaniel	Attorney	mrcfirm.com
Bart Calhoun	Attorney	mrcfirm.com
Jessica Duncan Johnston	Attorney	Bdjilawoffice.com

III.B. Search and Filter Team Process

1. Suggested "relevance" search terms include:

<u>Search Terms</u>	
.gov	Lindgren
"Blood Money"	Lowdermilk

“Blue Star”	Lucas
Alek	Lutsenko
Aleksander	mlstrategies
Alex	Monaco
Amb.	Mykola
Ambassador	N.Z.
Amos	Nikolai
Apter	Nikolay
Archer	Norvik
Avakov	Nykola
Blinken	Nykolay
bluestarstrategies	NZ
Brace	Painter
BS	Pero
BSS	Poroshenko
Burisma	Portman
Cofer	Pozharskyi
Como	Sally
Corrupt	Sarsour
Cyprus	Shaheen
Devon	Shokin
FARA	Tony
Hochstein	Toohey
Jessica	Tramontano
Jolevski	Turchinov
Kapur	Tymoshenko
Karen	Ukraine
Karloutsos	Vadim
Kiev	Vadym
Kwasniewski	Wade
Kyiv	Yaceniuk
LDA	Yatsenyuk
Lieter	Zlochevsky

2. Suggested “privilege” search terms include:

<u>Name</u>
Sara Biden
Nick Lewin
Paul Krieger
Edward Kim
George Mesires

Matt Hanley
Melvin Monzack
Michael Forde
Christopher Boies
Bob Fenet
Charles Fenet
Janet Duhy
Stuart Grant
Jonathan Layton
Kathleen Biden
Sarah Mancinelli
I. Gilson
Thomas Gallagher
Louis Freeh
Hiram Eastland
Cat Allday
James Liguori
Patrick Ho
Melissa Cohen
Melissa Landver
Bart Calhoun
Dustin McDaniel
Jessica Duncan Johnston
Brent Langdon

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICA FIRST LEGAL FOUNDATION

Plaintiff,

v.

MERRICK GARLAND, *et al.*

Defendants.

Case No. 1:23-cv-02070-JMC

[PROPOSED] ORDER

Upon consideration of the Plaintiff's Motion for Summary Judgment and all responses and replies thereto, it is hereby

ORDERED that the Plaintiff's Motion for Summary Judgment is GRANTED; and it is further ORDERED that the Defendants shall require Mr. Biden to file a registration statement in compliance with the Foreign Agent Registration Act under 22 U.S.C. § 618, and the Defendants shall make all information available to the public as required under 22 U.S.C. § 616.

SO ORDERED.

Dated: _____

United States District Judge