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United States Senate

COMMITTEE ON BANKING, HOUSING, AND
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WASHINGTON, DC 20510-6075

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June 20, 2019

The Honorable Ben Carson
Secretary
U.S. Department of Housing
and Urban Development
451 7th Street S.W.
Washington, DC 20410

Dear Secretary Carson:

I respectfully request information on the Department of Housing and Urban Development's (HUD) efforts to honor and enforce the Hatch Act.

It has come to my attention that Lynne Patton, Regional Administrator for HUD's New York and New Jersey Regional Office (Region II), recently may have violated the Hatch Act and publically declared that she did not care about whether she had. I have submitted a request to the Office of Special Counsel (OSC) to investigate whether or not Regional Administrator Patton has violated the Hatch Act. I am writing to you to inquire about your administration's practices regarding educating HUD's employees, including political appointees, about their duties under the Hatch Act and enforcing this essential law.

On June 26, 2017, Ms. Patton became Regional Administrator of HUD's New York and New Jersey Regional Office.¹ Regional Administrators are the highest-ranking officials in each of HUD's ten regions and oversee the field offices in their region. HUD's regional and field offices are the primary contact for services and information for local residents and officials. Additionally, these offices carry out HUD's mission by assisting communities through HUD programs and building relationships with stakeholders.

As a public face of the Department, Regional Administrators must uphold the law as well as the ideals of public office. I am concerned that Ms. Patton, through her recent actions and comments, has violated the law and the public trust and undermined faith in our government.

On May 22, 2019, Ms. Patton retweeted a partisan message on her official HUD and personal social media accounts.² The message stated:

¹ <https://www.politico.com/story/2017/06/26/lynne-patton-trump-party-planner-new-york-federal-housing-239963>

² <http://nymag.com/intelligencer/2019/05/trump-hud-appointee-i-honestly-dont-care-about-hatch-act.html>

https://www.huffpost.com/entry/lynne-patton-hud-hatch-act_n_5ceb7136e4b0512156f46dae

I find it funny how liberals will laugh & mock Ben Carson for a simple miscommunication yet praise [Congresswoman] Ocasio- Cortez as if she's a genius. One of them is a brain surgeon who separated conjoined twins at the heads & the other just figured out what a garbage disposal is. Case Closed.

Accompanying that retweeted message, Ms. Patton stated the following:

Just retweeted this amazing tweet from both of my Twitter accounts - professional and personal.

It may be a Hatch Act violation. It may not be.

Either way, I honestly don't care anymore.

This message went out to 12,400 followers on to Ms. Patton's official HUD twitter account and nearly 83,000 on her personal twitter account.

The Hatch Act is an 80-year old law that limits certain political activities of federal employees, specifically prohibiting employees of the executive branch from using their official authority or influence for the purpose of interfering with or affecting the result of an election³. Activities covered by this prohibition include the use of official title while participating in political activity. Further, political activity is an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group.⁴

The Hatch Act governs conduct while on duty and in the federal government workplace. Additionally, OSC has issued guidance on the use of social media that clarifies the duties and workplace prohibitions under the law.⁵ Specifically, OSC guidance provides that while on duty or in the workplace, one may not "post, like, share, or retweet a message in support of or opposition to a political party, candidate in a partisan race, or partisan political group."⁶

The American people must have confidence that government officials are serving the public without regard to party affiliation. Congress passed the Hatch Act to prevent federal officials from using government resources for political activity. I know that employees sometimes make mistakes and inadvertently violate the Hatch Act through lack of training or understanding. Those occasions call for correction through appropriate training and enforcement. However, it appears as though Regional Administrator Patton may have knowingly violated the Hatch Act both on May 22, 2019, and throughout her tenure as Regional Administrator by retweeting and posting political messages while on duty. Even worse, on May 22, she announced to over 95,000 twitter followers that she has complete disregard about her potential violations of the Act. Public officials do not have the option of not caring about their duties to follow the law.

<https://www.theroot.com/lynn-patton-doesnt-care-if-she-violated-the-hatch-act-1835048946>

³ P.L. 76-252, 53 Stat. 1147 (1939)

⁴ 5 C.F.R. § 734.101.

⁵ <https://osc.gov/Resources/HA%20Social%20Media%20FINAL.%20r.pdf>

⁶ <https://osc.gov/Resources/Social%20Media%20Quick%20Guide%20FINAL.%20updated%207.3.pdf>

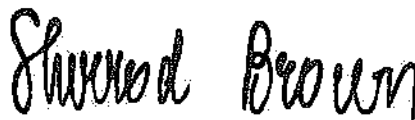
It is deeply troubling that a senior official could deliberately engage in Hatch Act violations while being the public face of a government agency⁷. The OSC mentioned in a recent report on Kelleyanne Conway's conduct, actions that send a message to federal employees that they need not abide by the Hatch Act "erode the principal foundation of our democratic system — the rule of law."⁸

Please respond to the following questions by June 28, 2019:

- How does HUD train its employees, including political appointees, on the requirements of the Hatch Act?
- Was Ms. Patton trained on the requirements of the Hatch Act, including its prohibitions on political social media posting while on duty?
- Please provide the training materials used and relevant policies.
- What is your policy with regard to disciplining employees who deliberately violate the Hatch Act? Additionally, please provide the number of employees that have been subject to warnings or disciplinary actions based on Hatch Act violations during this administration.
- Will you undertake any additional steps to enhance your employee training to address potential Hatch Act violations?
- What steps, if any, will you undertake to ensure that Ms. Patton provides equal treatment to all Members of Congress in Region II and their respective constituents, irrespective of the party affiliation?
- Did HUD have any communications with OSC regarding Ms. Patton or any other employee regarding Hatch Act violations? If so, what did they say?

Thank you for your consideration. I look forward to your timely response.

Sincerely,



Sherrod Brown
Ranking Member

⁷ <https://twitter.com/LynnePattonHUD/status/1115277481337073664> ; <https://twitter.com/LynnePattonHUD/status/1017149160926179328> ; <https://twitter.com/LynnePatton/status/1128630505711329280>

⁸ <http://cdn.cnn.com/cnn/2018/images/03/06/conway.ha-18-0966.final.report.pdf>