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September 17, 2012

The Honorable Eric H. Holder, Jr.
 Attorney General
 U.S. Department of Justice
 10th Street and Constitution Avenue, N.W.
 Washington, D.C. 20530

Dear Attorney General Holder:

The attached National Labor Relations Board (NLRB) Inspector General's (IG) report makes serious allegations that Acting General Counsel Lafe Solomon engaged in ethical and criminal misconduct while serving on the NLRB. I respectfully request you investigate these charges fully.

Under 18 USC 208, with some exceptions, "whoever, being an officer or employee...of any independent agency of the United States...participates personally and substantially as a Government officer or employee, through decision, approval, disapproval...or otherwise, in a...charge, accusation, arrest, or other particular matter in which, to his knowledge, he...has a financial interest"¹ shall be "imprisoned for not more than one year and fined in the amount set forth in title 18."²

According to the IG's report, Acting General Counsel Solomon participated personally and substantially in the disposition of a case involving Wal-Mart at the same time he held a financial interest in the company.³ Mr. Solomon's participation was *personal*: "he reviewed the Advice Memorandum; he met with the Advice staff to discuss the Wal-Mart case; he made a decision that further work was needed before a decision on the merits of the charge could be made; and he directed his subordinates to contact the Wal-Mart representatives to attempt to reach a resolution that would negate his need to make a decision on the merits of the charge."⁴ Additionally, the IG found Mr. Solomon's participation was *substantial*: "he engaged in a decision-making process that involved the questions of whether to issue a complaint against Wal-Mart; he stopped the

¹ 18 USC 208.

² 18 USC 216.

³ Memorandum, Report of Investigation-OIG-I-475 at 9 (September 13, 2012).

⁴ *Id.* at 10.

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Division of Advice from sending the Advice Memorandum to the Regional Office; he discussed concerns about Wal-Mart's social media policy; and he instructed the Division of Advice to seek a resolution with Wal-Mart's representatives that would result in the dismissing of a charge."⁵ This occurred while Mr. Solomon owned Wal-Mart stock valued at more than \$15,000.⁶ Finally, according to the IG, Mr. Solomon knew "that the case involving Wal-Mart's social media policy would have a direct and predictable effect on [his] financial interest."⁷

The General Counsel's office is responsible for the investigation and prosecution of unfair labor practice cases and must do so based on the facts and without bias or the appearance of impropriety. To ensure confidence among the unions, employers, and employees for the effectiveness of this office, I respectfully request you investigate this matter fully.

If you have any questions regarding this request, please contact Marvin Kaplan, of the Education and the Workforce Committee's staff, at (202) 225-7101.

Sincerely,



JOHN KLINE
Chairman
Committee on Education and the Workforce

cc: The Honorable George Miller, Senior Democratic Member, Committee on Education and the Workforce

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* at 9.