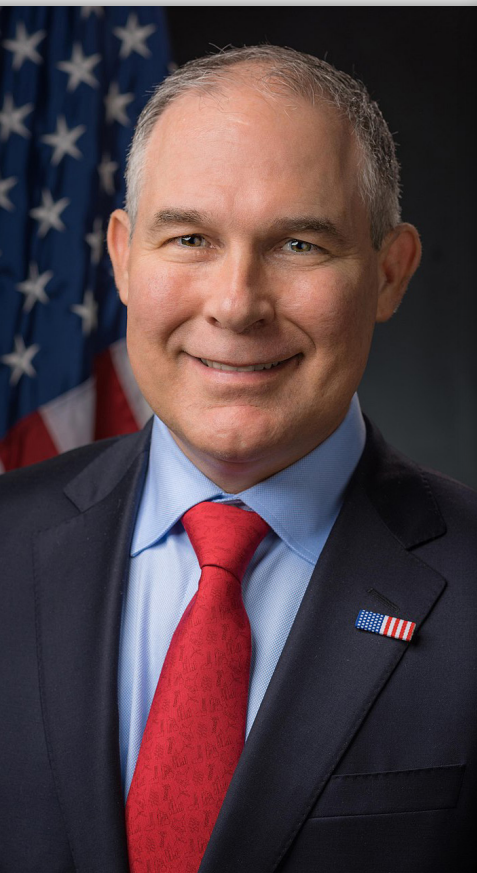


A Question of Ethics



101

**Unanswered Questions
From Scott Pruitt's
Suspicious Tenure
as EPA Administrator**

*"The President would expect all members
of his Cabinet to be honest and certainly
open with the public."*

— Sarah Huckabee Sanders, White House Spokesperson, April 10, 2018

A Question of Ethics

Earlier this spring, EDF began counting unanswered questions about Scott Pruitt's many controversies and his [misleading](#) responses to many of them. We counted 49 in early April, and 86 just a few weeks later. As Pruitt prepares to face a Senate hearing, the number of unanswered questions has risen to more than a hundred. Every week brings new allegations and questions about Pruitt's ethics that taxpayers deserve answers to—if lawmakers and reporters will pursue them.

These disturbing questions don't just shine a light on whether Pruitt is upholding the public trust. When the EPA administrator is connected to and influenced by polluters and lobbyists, our children and families [pay the price](#) for policies that contaminate our environment and threaten our health.

Pruitt Legal Defense Fund

The New York Times reports that Pruitt is [seeking to establish](#) a legal defense fund to cover legal expenses arising from the 11 government investigations into allegations of misconduct..

- 1. New:** Is Pruitt seeking to establish a legal defense fund?
- 2. New:** If he does, will he insist that donations be made public in order to avoid allegations of conflict of interest?
- 3. New:** If he does, will he refuse donations from corporations, industry and others with business before the EPA?

Unauthorized Pay Raises

Pruitt was criticized after the EPA awarded very large pay raises to two of Pruitt's assistants, using a provision of the Safe Drinking Water Act after the White House rejected the request. Despite his denials that he was involved—[“I found out this yesterday,”](#) he told Fox News after the raises became public—the EPA Inspector General released forms that show Pruitt approving them more than a month before.

- 4. Still Unanswered:** Why did [Pruitt](#) and his chief of staff each publicly state that Pruitt had no knowledge of the raises, when the EPA Inspector General [found that Pruitt signed off on raises for the two close associates](#)?
- 5. Still Unanswered:** After Pruitt's initial assertion, White House Spokesperson Sarah Huckabee Sanders said that, [“the president would expect all members of his Cabinet to be honest and certainly open with the public.”](#) Given that the Inspector General says Pruitt's statement was not true—and [Pruitt admitted to Congress that he lied](#)—what action will the White House take?
- 6. Still Unanswered:** What specifically did those associates do to merit raises of \$56,765 and \$28,130, respectively?
- 7. Still Unanswered:** Even if Pruitt didn't know the exact legal process, was he told there was a way to get around the White House?
- 8. Still Unanswered:** Why did Pruitt's Chief of Staff sign [“Ryan Jackson for Scott Pruitt”](#) on Pruitt's stationary for raises for six other employees under the Safe Water Drinking Act?
- 9. Still Unanswered:** The *New York Times* reports separately that Jackson [“raised questions about Mr. Pruitt's spending.”](#) Were these raises among his concerns?

Condo Rental From an Energy Lobbyist's Wife

For six months in 2017, Pruitt rented a room in a Washington, DC condo for \$50 a night (but only if he was staying there) from Vicki Hart, the wife of prominent DC energy lobbyist Steven Hart. Although Pruitt told Fox News that [Stephen] “Hart has no clients that have business before this agency,” a [new filing](#) shows that he is registered to lobby for a company that lobbied EPA.

- 10. Still Unanswered:** Did Pruitt not consult any attorneys, ethics officials or anyone at all to review the ethical issues involved before renting an apartment from the wife of a prominent energy lobbyist? Or was the first time he did so after when the story broke?
- 11. Still Unanswered:** In [an April 9 letter](#), the Acting Director of the U.S. Office of Government Ethics asked the EPA's top ethics official to review allegations that Pruitt never consulted with EPA ethics officials before making the condo arrangements. Has the EPA replied?
- 12. Still Unanswered:** On the condo lease, why was Stephen Hart's name originally typed in as “landlord,” but then scratched out and the name of his wife [scribbled in](#)?
- 13. Still Unanswered:** Who contacted Justina Fugh, the EPA's senior counsel for ethics, [at a movie theater](#) to ask her for a statement to clear the condo deal?
- 14. Still Unanswered:** Why were Fugh and her supervisor only asked to review the lease—and not how Pruitt used the condo beyond the terms of the deal, like using the kitchen and letting his daughter stay there?
- 15. Still Unanswered:** Fugh's supervisor Kevin Minoli said his finding that Pruitt was paying fair-market value was based on the assumption that Pruitt occupied only one bedroom. But his [daughter stayed there at times](#), long enough that former EPA Deputy Chief of Staff Kevin Chmielewski says that she “[damaged his hardwood floors](#) by repeatedly rolling her luggage across the unit.” Did Pruitt provide additional compensation for his daughter's stay there?

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- 16. Still Unanswered:** Does Pruitt's [chronically late payment](#) of rent constitute a gift under federal ethics rules?
- 17. Still Unanswered:** After it was reported that EPA employee Millan Hupp [helped Pruitt search for an apartment](#), an EPA spokesman said that “The notion that government resources were used to assist in finding housing is categorically false.” Is he denying that the assistance ever occurred, or that the staffer provided it in a way that used EPA resources, including her staff time?
- 18. New:** At an April 26 Congressional hearing, Pruitt said that he was “not aware” of Millan Hupp spending government time looking for his apartment. What did he ask Millan Hupp—or anyone else—do to look for an apartment for him?
- 19. Still Unanswered:** **Chmielewski alleges that Hupp spent weeks “[improperly using federal government resources and time](#)” to contact rental and seller’s agents, and touring numerous properties. What exactly did she do?**
- 20. Still Unanswered:** Did Hart have any other communications with Pruitt regarding EPA business, the condo, or any other subjects?
- 21. Still Unanswered:** **What communications, or involvement with EPA decisions, did Pruitt have with other companies represented by Hart’s firm (Williams & Jensen) that [had business before the EPA?](#) (Enbridge Inc., Oklahoma Gas and Electric, and [Rocky Mountain Bottle Company](#)).**

First Class Travel

Pruitt has reportedly spent far more on first class airline seats than his predecessors and cabinet colleagues, who have routinely flown coach. And he made at least one foreign trip whose relevance to EPA business has been questioned.

- 22. New:** Why were lobbyists arranging Pruitt’s overseas trips to places like [Morocco](#) and [Australia](#)?

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- 23. Still Unanswered:** [Was it Pruitt who sought to have the EPA pay \\$100,000 per month to rent a private jet, as Kevin Chmielewski claims?](#) Did Chmielewski stop the contract?
- 24. Still Unanswered:** Did Pruitt want the charter jet because he planned to travel more?
- 25. Still Unanswered:** *The Washington Post* reports that “Pruitt’s aides had contacted NetJets, a well-known firm that leases such planes,” but an EPA spokesman said that “EPA’s [chief financial officer] regularly receives solicitations for this type of travel.” Did EPA contact NetJets, or vice-versa? Did the agency contact or receive bids from other firms?
- 26. Still Unanswered:** Why did Pruitt [fly in coach-class seats on at least two 2017 trips home to Oklahoma](#) to see football games when taxpayer money wasn’t paying for the trips—given his claims that he needed to travel in first class at government expense because of security threats?
- 27. New:** During April 26 Congressional hearings, Pruitt said that an EPA Inspector General’s assessment justified spending taxpayer money on first-class airfare—[which the Inspector General refuted that day](#), saying that he never signed off on the document. Why did Pruitt cite the Inspector General without verifying his claim?
- 28. Still Unanswered:** For those two Oklahoma flights, Pruitt used a ticket obtained with frequent flyer miles accrued by Ken Wagner, one of his EPA staff (and [a former business partner whose shell company held Pruitt’s house in Oklahoma](#)). Did this gift violate federal rules against accepting gifts from subordinates exceeding \$10? Will he repay Wagner at full market value?
- 29. Still Unanswered:** [Did Pruitt personally approve a first-class ticket for Samantha Dravis to fly with him on his return trip from Morocco, without legal justification?](#)
- 30. Still Unanswered:** Did Kevin Chmielewski refuse to retroactively approve the first-class ticket for Dravis, despite pressure from Pruitt, leading to its approval by another employee?

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- 31. Still Unanswered:** Did Pruitt sometimes pick travel destinations based on his personal desires, and [ask his staff to “find me something to do”](#) to justify the use of taxpayer funds?
- 32. Still Unanswered:** Did Pruitt [ask staff to find reasons for him to travel home](#) to Oklahoma on long weekends, including pretextual “official” meetings with old friends?
- 33. Still Unanswered:** Did Pruitt ask his staff to book flights on Delta for frequent flyer miles, even when they weren’t the federal government’s contract carrier for certain routes?
- 34. Still Unanswered:** Has the EPA turned over the waivers required by law to book first-class flight reservations for Pruitt, which were requested by House Oversight Committee Chairman Trey Gowdy on February 20?
- 35. Still Unanswered:** **How many of Pruitt’s first-class travel waivers were granted after flights?**
- 36. Still Unanswered:** During a trip to Italy, friends of Pruitt’s security chief joined Pruitt and his EPA staff for “an hours-long dinner at an upscale restaurant.” Who paid for the meal? How much did it cost? What was the reasoning behind the [rare decision](#) to let security personnel dine with those they protect, given that it was such a lavish meal?
- 37. New:** [Newly released EPA documents reveal](#) that during his trip to Italy for last year’s G-7 summit, Pruitt dined at the five-star, luxury Hotel Eden in Rome, where the “tasting menu” costs 280 Euros per person (\$333.76, U.S.). Pruitt’s schedule indicates he was joined by chief of staff Ryan Jackson and his former senior counsel Samantha Dravis. Who was with Pruitt? Did security staff attend this meal? Was this meal charged to taxpayers, and if so, how much did it cost?
- 38. New:** The newly released EPA documents [also reveal](#) that Pruitt’s schedule called for him to spend 4 hours during his 2-day trip to Rome in work meetings, but more than 9 hours in private, non-work related meals and private tours of the Apostolic Palace, Vatican Library, and Scavi—as well as a private mass at the Vatican. Why was so much time on this official trip devoted to private interests?

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- 39. Still Unanswered:** Did Pruitt [frequently stay in hotels that exceeded the allowable U.S. government per diem](#) and even the 300 percent cap permitted in exceptional circumstances—and get reimbursed even as members of his security detail were not?
- 40. Still Unanswered:** In planning international trips to Australia and Italy, did Pruitt insist on [staying at hotels more expensive than those recommended by the U.S. Embassy](#)—and bring along a security team at taxpayer expense rather than using on-site security at the recommended hotels?
- 41. Still Unanswered:** What was the intended purpose behind Pruitt’s plan last year to [travel to Australia](#), which was to include a boat trip? Whose idea was it?

Trip to Morocco

During the planning of a 2017 trip to Morocco, individuals familiar with the trip’s planning said that “Pruitt repeatedly expressed interest in how the trip could help [advance American natural gas interests](#).”

- 42. Still Unanswered:** Whose idea was it that Pruitt travel to Morocco in December 2017 to promote natural gas, which is not the EPA’s job?
- 43. Still Unanswered:** Before traveling to Morocco, [why was Pruitt’s only briefing before the trip conducted by political staff](#), not career staff in the agency’s international affairs office, which typically coordinates foreign trips?
- 44. Still Unanswered:** Who from the natural gas industry did Pruitt discuss the trip with?
- 45. New:** Why did Pruitt reportedly cancel a public appearance with an energy efficiency expert in Morocco and instead meet with the chairman of a large phosphate exporter?
- 46. Still Unanswered:** [Why was it necessary](#) for the EPA to spend a reported \$40,000 to take 10 staffers on a two-day trip with two one-hour public meetings?

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- 47. Still Unanswered:** Are there more meetings in Morocco that have not been revealed? If so, why not, and what were they?
- 48. Still Unanswered:** **Carl Icahn, an old friend of Donald Trump who vetted Pruitt to become EPA Administrator, partly owns Cheniere Energy Inc., a major liquefied natural gas exporter.** And [Cheniere Energy and Exxon Mobil](#) are both clients of the lobby firm William and Jensen, which has interests relating to liquefied natural gas. **Were Icahn or Chenier or Exxon's interests discussed during the Morocco trip?**
- 49. Still Unanswered:** Natural Gas Producer **Devon Energy and the American Fuel and Petrochemical Manufacturers** each donated six-figure sums to national electioneering groups associated with Pruitt, and Devon was a large contributor to his Oklahoma campaigns. Were their staff or expertise used in the pre-trip briefing?
- 50. Still Unanswered:** What benefit did the EPA get from Pruitt's Morocco trip?

Demoting Employees Who Questioned Pruitt's Spending

At least five EPA officials, four of them senior, were reassigned or demoted, or requested new jobs after they questioned Pruitt's spending priorities.

- 51. Still Unanswered:** [Did Pruitt tell his chief of staff not to come to travel planning meetings](#) after he raised concerns about Pruitt's travel?
- 52. New:** On May 7, Axios reported that since Pruitt's April 26 congressional testimony, "senior staff outside his inner circle have had [virtually no idea of his whereabouts](#)." Is that true?
- 53. Still Unanswered:** After Kevin Chmielewski alleges he [refused to retroactively approve](#) the first-class ticket for Samantha Dravis, did Pruitt's chief of staff tell Chmielewski that Pruitt wanted to fire or reassign him? (**New:** Chmielewski has since said he was ["100 percent forced out"](#) after raising concerns about Pruitt's spending on first-class travel.)

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- 54. Still Unanswered:** EPA security chief Eric Weese was reportedly [reluctant to sign off on requests for Mr. Pruitt to travel in first class based on security concerns](#), and three other officials who were later demoted—Reginald Allen, Kevin Chmielewski and John Reeder—reportedly questioned the use of taxpayer money to pay for first-class airfare. Were their questions ever put into memos, emails or other written communications?
- 55. Still Unanswered:** Three of the people who were demoted or reassigned after questioning Pruitt’s spending wishes—John Reeder, Reginald Allen and Kevin Chmielewski—each served as deputy chief of staff. What role does that position have in overseeing EPA spending?
- 56. Still Unanswered:** A retired EPA staffer said that Reginald Allen “had to push back on Pruitt on some of the trip and office modification expenses to keep everything legal.” What expenses? What laws were involved?
- 57. Still Unanswered:** The *New York Times* reports that “several agency staff members said in interviews that they avoided putting objections into writing because they suspected there would ultimately be an investigation into the matters.” What were those objections?
- 58. Still Unanswered:** **The White House says it is conducting its own examination of the allegations. Will White House staff interview the six people mentioned in the *New York Times* story?**

Other Spending Issues

- 59. New:** Congressional investigators say they have emails showing that Ryan Jackson, shortly before he became chief of staff and before Pruitt was confirmed, directed staffers to consider opening an office in Pruitt’s hometown of Tulsa—and that EPA staffers believed the request was “coming directly from Administrator Pruitt.” Did Pruitt ask that such a request be made?

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- 60. Still Unanswered:** OMB Director Mick Mulvaney will probe [the \\$43,500 phone booth](#) that Pruitt built in his office after the Government Accountability Office said that the spending violated the Antideficiency Act. **At what point would violating the Act constitute a criminal violation?**
- 61. New:** At an April 26 Congressional hearing, Pruitt insisted that he asked for a “secure line” because of a single telephone call. What was so important about that incident?
- 62. New:** At the hearing, Pruitt went on to admit that calls requiring such secrecy are “rare.” If so, why he can’t he go to one of EPA’s two other secure phones, as his predecessors did?
- 63. Still Unanswered:** After the [GAO concluded](#) that EPA expenditures on the phone booth violated the Financial Services and General Government Appropriations Act, an EPA spokesman [disagreed](#) that the expenditure required notice to Congress. Why?
- 64. Still Unanswered:** Newly released documents show that [EPA officials chose the most expensive bid](#) for the phone booth because it included “expedited materials and working outside regular business hours,” and deputy chief of staff Kevin Chmielewski and security chief Pasquale Nino Perrotta asked several times to its hurry up its construction. **What specifically had happened to necessitate expedited construction?**
- 65. Still Unanswered:** Why did Pruitt need to spend \$2,075 to refurbish “an oversize desk with ornate woodworking” and purchase a brown maple wood stand-up desk, with brass locks from a craftsman?
- 66. Still Unanswered:** Pruitt’s chief of staff, Ryan Jackson, reportedly “raised questions about Mr. Pruitt’s spending.” What were his concerns?

Flashing Lights and Sirens

Pruitt reportedly “[wanted his motorcade to use its lights and sirens](#) to speed up local trips to the airport or dinner.”

- 67. Still Unanswered:** How often has Pruitt’s driver activated his vehicle’s emergency lights and siren? The *New York Times* writes that “Such use was not consistent with agency policy.” **What is the EPA’s policy on their use?**
- 68. Still Unanswered:** What was the justification for doing so to get to dinner at Washington restaurants like Le Diplomate?
- 69. Still Unanswered:** The EPA says Mr. Pruitt played no role in deciding when the sirens and lights would be used. Who did? And did Pruitt ever disagree with a decision to use them? And when the *Times* reports that then-security chief Eric Weese was unsuccessful in stopping the practice, was he appealing to Pruitt, or someone else?

Superfund and the Hiring of “Kell” Kelly

Albert “Kell” Kelly is an old banker friend and business partner of Pruitt’s brought on to overhaul EPA’s Superfund program. In early May, after member of Congress pressed Pruitt to ask Kelly to reveal more about why he was banned for life from banking by the FDIC, he announced he would resign from the EPA.

- 70. New:** Newly released documents reveal that Pruitt placed a California area on his personal list of Superfund priorities after a meeting brokered by conservative radio and television host Hugh Hewitt. Did Hewitt, who has frequently praised Pruitt publicly, influence other EPA policy decisions through private communications or meetings?
- 71. Still Unanswered:** What did Kelly do to be [banned for life](#) from banking by the FDIC?

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72. Still Unanswered: Did Pruitt inquire about Kelly’s conduct when he hired Kelly? Was he concerned about it? Did he seek information from an independent source?

73. Still Unanswered: Before Kelly was hired, did EPA ethics officials review the three mortgage loans given to Pruitt and his wife three mortgage loans: one for \$81,000, another for \$359,000, and a third for \$533,000? Or his bank’s loans to Pruitt of money to help buy a share of the Oklahoma City RedHawks, a minor league baseball team?

74. Still Unanswered: How did these loans to Pruitt square with his bank’s normal lending standards?

75. Still Unanswered: In 2012, when Pruitt as attorney general made Oklahoma the only state to reject federal assistance to provide more than \$10 million to help housing foreclosure victims, did he seek advice from Kelly (who was named chairman of the American Bankers Association in 2011)?

Other Ethics & Secrecy Issues

76. Still Unanswered: Last year, why did the EPA [delete information](#) sent to them by the EPA Inspector General (OIG) to justify its request for a \$62 million budget during the 2019 fiscal year?

77. Still Unanswered: After restoring the information when the OIG complained, why did the EPA then submit a \$42 million budget request on the OIG’s behalf to the White House?

78. Still Unanswered: This February, the White House requested only \$37.5 million in its FY19 budget for the OIG. Did the EPA defend even its \$42 million request?

79. New: During his April 26 hearings, Pruitt said that that the EPA was “working very diligently and diplomatically” in negotiations with California over clean air standards. But a spokesman for the California Air Resources Board called the discussions “notably unsubstantive,” adding, “This is not, by any stretch of the definition, ‘working with California.’” What was Pruitt referring to?

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- 80. New:** At the April 26 hearing, when Rep. Doris Matsui asked whether the EPA would revoke California’s Clean Air Act waiver that allows it to set more stringent fuel economy standards, Pruitt said: “Not at present.” The next day news reports indicated that Pruitt was indeed about to freeze fuel economy standards, which he moved to do shortly after the hearing.
[Did Pruitt lie to Congress?](#)
- 81. Still Unanswered:** [A media report suggests that EPA staffer Samantha Dravis may have provided internal EPA information to White House staffer Rob Porter. Did the EPA investigate this allegation to see if any information was disclosed contrary to federal law or regulations?](#)
- 82. Still Unanswered:** The story also alleges that some of the leaks about allegations of improper activity by Pruitt may have come from Porter. Is the administration investigating?
- 83. Still Unanswered:** The [EPA Inspector General is investigating](#) whether Pruitt, who met with a mining group in April 2017 and reportedly urged its members to press President Trump to pull the United States out of the Paris climate deal, acted improperly. Did Pruitt seek any guidance or have any briefings on the rules before the meeting?
- 84. Still Unanswered:** [The EPA has imposed more secrecy around Pruitt](#) within the agency, barring employees from taking notes in meetings with him, locking doors to his floor and requiring escorts. Were these policies imposed after specific problems had occurred?
- 85. New:** Documents recently disclosed by EPA indicate that Pruitt’s staff [routinely barred press and unscripted questions](#) at public events, contrary to the practice of previous EPA Administrators. Why did Pruitt do this?
- 86. Still Unanswered:** A [lawsuit alleges](#) that Pruitt “uses phones other than his own to deal with important EPA-related matters so the calls do not show up in his call logs.” What phones does Pruitt use?
- 87. Still Unanswered:** Under Pruitt, a major Superfund task force did not keep notes, and career employees were asked to make major changes in a rule regulating water quality in the United States without any records of the changes they were being ordered to make. Were these restrictions imposed after particular problems or incidents?

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88. Still Unanswered: When Congressional investigators asked to speak to EPA staffer Samantha Dravis, [why did she suddenly backdate her resignation from EPA by a full week](#), **which might require them to subpoena her to gain her cooperation?**

Oklahoma

SHELL COMPANY PURCHASE OF PRUITT'S HOUSE

89. Still Unanswered: [Why did Pruitt use a shell company](#) registered to his former business partner Kenneth Wagner—who is now a senior EPA advisor—to purchase an Oklahoma City home with a view of the state capitol for \$420,000, using contractual arrangements that obscured his interest in it?

90. Still Unanswered: Why did the seller of the house, with a firm hired by telecom giant SBC Oklahoma (which Pruitt has sided with on regulatory issues) sell the house to one of Pruitt's associates for a full \$100,000 less than what was paid a year earlier, after listing it for just a couple of weeks on the market? (The loss was called “unusual.”)

91. Still Unanswered: **Does the fact that none of Mr. Pruitt's financial disclosure filings in Oklahoma mentioned the shell company (or the profit it made when the house was sold again) violate the state's ethics rules?**

92. Still Unanswered: In 2011, why did Pruitt's office warn that any public utilities commissioner who reopened bribery investigations into SBC might face prosecution for the misuse of public funds?

93. Still Unanswered: Did Pruitt's friendship and business dealings with Wagner influence Pruitt as state attorney general in directing more than \$600,000 in no-bid contracts to Mr. Wagner's law firm, compared to about \$100,000 over the previous four years?

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SPENDING & OTHER ISSUES

- 94. Still Unanswered:** Newly released records show that as Oklahoma’s attorney general, Pruitt took 18 out-of-state trips in 2015 and 2016, many to Washington, D.C. conservative think tanks—but that [there are no reimbursement records](#) for several of them. (One example: [a January 2016](#) trip to Washington, D.C., costing taxpayers more than \$1,000 to meet with the APP Foundation, The Federalist Society and Club for Growth.)
Did Pruitt use taxpayer money for political or personal trips?
- 95. Still Unanswered:** [Why did Pruitt use Oklahoma Attorney General office investigators](#)—licensed law enforcement officers who typically investigates crimes for the agency—to drive him 90 miles from his home in Tulsa to his Oklahoma City office and back?
- 96. Still Unanswered:** Why, while Oklahoma was tightening its belt amid falling tax revenue, did Pruitt move to a building that [charged 70 percent more than his current office](#)? (The owners of the building each contributed the maximum \$5,000 to his leadership PAC.)
- 97. New:** Pruitt [apparently paid himself nearly \\$65,000](#) in reimbursements from his two campaigns for Oklahoma attorney general, with documentation so vague that it was characterized as “useless reporting” by the former general counsel of Federal Election Commission. Did Pruitt violate Oklahoma law?
- 98. Still Unanswered:** Why did [Pruitt’s PAC Oklahoma Strong Leadership](#), created to help finance fellow Republicans’ campaigns, only devote 9 percent of its spending to other candidates?
- 99. Still Unanswered:** Why, as Oklahoma’s attorney general, and contrary to normal practice, did Pruitt vigorously [refuse to release a state auditor’s report](#) on a botched superfund cleanup at the Tar Creek site, despite the auditor’s request that it be released?
- 100. Still Unanswered:** Even as he was refusing to release the Tar Creek audit, [why did he provide a copy privately](#) to public officials who were referenced in the audit as instigating an alleged conspiracy against the state?
- 101. Still Unanswered:** How much did Pruitt and his partners sell the Oklahoma City RedHawks baseball team for in 2010?