



The Honorable Merrick Garland  
Attorney General  
Department of Justice  
950 Constitution Ave., N.W.  
Washington, DC 20530

**RE: Ethics Complaint Against President Joe Biden & Request for Investigation**

Dear Attorney General Garland:

The Center for Renewing America respectfully requests that the Department of Justice (DOJ) open an investigation into President Joe Biden in connection with possible violations of federal financial disclosure laws. The disclosure failures described below are serious. President Biden's serious ethical lapses warrant DOJ's immediate attention.

DOJ is responsible for investigating and enforcing the Ethics in Government Act's (EIGA) disclosure requirements.<sup>1</sup> The law authorizes criminal and civil penalties for knowing and willing omissions and false statements.<sup>2</sup> Based on publicly available reporting, there is ample cause for DOJ to investigate whether President Biden has knowingly and willfully violated his obligations under EIGA.

As relevant here, EIGA requires the disclosure of "[t]he identity of the source, a brief description, and the value of all gifts [of a certain value] received from any source other than a relative of the reporting individual."<sup>3</sup> EIGA excepts from this requirement "food, lodging, or entertainment received as personability hospitality."<sup>4</sup> EIGA defines "personal hospitality" as "hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his family or on property or facilities owned by that individual or his family."<sup>5</sup>

Based on publicly available reporting, there is cause to believe that President Biden has violated these provisions by failing to disclose free vacations that do not qualify for the personal hospitality exception.

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<sup>1</sup> 5 U.S.C. §13106.

<sup>2</sup> *Id.*; 18 U.S.C. §1001.

<sup>3</sup> 5 U.S.C. §13104(a)(2)(A).

<sup>4</sup> *Id.*

<sup>5</sup> 5 U.S.C. app. §109(14).

## South Carolina Vacations

In mid-August 2022, President Biden and his family spent the summer at a \$20 million beachfront mansion owned by Democratic party donor Maria Allwin.<sup>6</sup> According to reporting, Biden asked Allwin whether his family could stay at the estate.<sup>7</sup> Biden’s family stayed at the mansion for seven days.<sup>8</sup> First Lady Jill Biden extended her stay for another five days because she tested positive for COVID.<sup>9</sup> Allwin does not appear to have been present during the Biden’s stay at her home. Further, Ms. Allwin does not appear to have been a personal friend of the Bidens. And it does not appear that Biden paid for this vacation.<sup>10</sup> Accordingly, this stay is a reportable gift. Yet, Biden did not report this gift on his 2022 disclosure form.<sup>11</sup> This is a clear violation of EIGA. As former ethics official Richard Painter, who ran for Congress and the Senate as a Democrat, explained, there is simply “no excuse not to have [this trip] on the form.”<sup>12</sup>

Making this disclosure failure even more troubling is its potential to shield corruption. Allwin’s firm, Aetos Capital, holds California-issued carbon credits.<sup>13</sup> Allwin thus stands to benefit greatly from the Biden Administration’s greenhouse gas reduction policies. In particular, Allwin stands to benefit from the numerous California waivers from Clean Air Act preemption, Biden’s carbon executive orders, and the Inflation Reduction Act’s green energy provisions. Biden’s lack of disclosure prevents the public from inquiring into his potential conflicts of interest caused by accepting gifts from an interested party. Moreover, this lapse is not an isolated occurrence—Biden stayed at Allwin’s mansion twice when he was Vice President<sup>14</sup> and failed to disclose those stays on his 2010 and 2014 disclosure forms.<sup>15</sup>

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<sup>6</sup> Steven Nelson, “Joe, Hunter Biden staying for free at \$20 million South Carolina mansion,” New York Post (Aug. 11, 2022), <https://nypost.com/2022/08/11/joe-hunter-biden-staying-for-free-at-20-million-south-carolina-mansion/>.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Biden 2022 OGE Form 278e (May 14, 2023), <https://www.whitehouse.gov/wp-content/uploads/2023/05/Biden-Joseph-R.-2023-Annual-278.pdf>.

<sup>12</sup> Steven Nelson, “Biden omits free vacations from financial forms after Clarence Thomas controversy,” New York Post (May 18, 2023), <https://nypost.com/2023/05/18/biden-omits-free-vacations-from-financial-forms/>.

<sup>13</sup> See Nelson, *supra* note 4.

<sup>14</sup> “Follow the Bidens to Kiawah Island,” ABC News (Aug. 13, 2009), <https://abcnews.go.com/Travel/story?id=8324680>; David Catanese, “Easter in South Carolina,” U.S. News & World Report (Mar. 29, 2013), <https://www.usnews.com/news/blogs/the-run-2016/easter-in-south-carolina>.

<sup>15</sup> Biden 2010 OGE Form 278 (May 12, 2011), [https://obamawhitehouse.archives.gov/sites/default/files/rss\\_viewer/VPOTUS\\_CY2010.pdf](https://obamawhitehouse.archives.gov/sites/default/files/rss_viewer/VPOTUS_CY2010.pdf); Biden 2013 OGE Form 278 (May 12, 2014), [https://obamawhitehouse.archives.gov/sites/default/files/docs/vp\\_certified\\_278\\_cy2013.pdf](https://obamawhitehouse.archives.gov/sites/default/files/docs/vp_certified_278_cy2013.pdf).

These serious disclosure failures warrant immediate investigation.

## **Nantucket Holidays**

In November 2021, November 2022, and November 2023, President Biden and his family spent Thanksgiving at David Rubenstein’s \$39 million home on Nantucket.<sup>16</sup> Rubenstein, co-founder of the Carlyle Group, a private equity firm, spends only 12 days a year at this property.<sup>17</sup> “Initially rented out for undisclosed sums, Rubenstein has now extended the ultimate gesture, gifting his luxurious dwelling to the presidential family for their annual Thanksgiving escapades.”<sup>18</sup> Mr. Rubenstein does not appear to have been a personal friend of the Bidens. There has been no indication that Biden has paid for these annual stays. Accordingly, he is almost certainly required by EIGA to disclose this stay as a gift. Yet he failed to do so. This is a serious and flagrant failure. As former ethics official Walter Schaub has observed: Biden would have to either “pay fair market value of the stay on Nantucket or disclose the gift of free lodging in his annual disclosure.”<sup>19</sup> Biden did neither.<sup>20</sup>

These disclosure violations risk concealing serious conflicts of interest. Rubenstein is an active participant in the private equity world and has been vocal on many public issues that cross President Biden’s desk. For example, he has been a persistent critic of Senator Elizabeth Warren’s wealth tax proposal and vocal supporter of the carried interest tax credit that benefits private equity.<sup>21</sup> Additionally, Jeff Hauser of the Revolving Door Project has noted that Biden nominated a Carlyle Group partner, Jerome Powell, to a second term at the Federal Reserve, raising serious concerns of corruption.<sup>22</sup>

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<sup>16</sup> Mary K. Jacob, “Joe and Jill Biden returning for Thanksgiving at billionaire David Rubenstein’s \$39M Nantucket estate,” New York Post (Nov. 21, 2023), <https://nypost.com/2023/11/21/real-estate/joe-and-jill-biden-returning-for-thanksgiving-at-billionaire-david-rubensteins-39m-nantucket-estate/>; Emily Crane, “Bidens back at private equity billionaire’s \$20M Nantucket pad for Thanksgiving,” New York Post (Nov. 22, 2022), <https://nypost.com/2022/11/22/biden-family-to-spend-thanksgiving-in-nantucket/>; Lydia Moynihan, “Joe Biden is spending Thanksgiving at private-equity billionaire’s Nantucket home,” New York Post (Nov. 24, 2021), <https://nypost.com/2021/11/24/biden-spending-thanksgiving-at-private-equity-billionaires-home/>.

<sup>17</sup> Jacob, *supra* note 14.

<sup>18</sup> *Id.*

<sup>19</sup> Steven Nelson, “Ex-ethics chief: Biden should pay for or disclose stay at billionaire’s Nantucket Home,” New York Post (Nov. 24, 2021), <https://nypost.com/2021/11/24/walter-schaub-says-joe-biden-should-pay-for-or-disclose-stay-at-billionaire-home/>.

<sup>20</sup> Biden 2022 OGE Form 278e, *supra* note 9.

<sup>21</sup> See Moynihan, *supra* note 14.

<sup>22</sup> See Nelson, *supra* note 19.

This violation of EIGA appears to be willful. Biden consistently accepts lodging from Rubenstein at a home that Rubenstein only uses a few days out of the year and mainly rents.<sup>23</sup> And he has been publicly rebuked by several former ethics officials, who have been clear that Biden should be reporting these stays.<sup>24</sup> Moreover, actions that seriously implicate Rubenstein's financial interests are frequently before President Biden for decision. This was a clear case for disclosure.

These serious disclosure failures warrant immediate investigation.

### **St. Croix New Years**

From late December 2022 to early January 2023, President Biden and several members of his family spent seven days at the home of donors Bill and Connie Neville's tropical beachfront island property in St. Croix, U.S. Virgin Islands.<sup>25</sup> In what seems to be a flagrant violation of EIGA, Biden did not pay for this stay and he did not disclose it as a gift.<sup>26</sup> Biden also stayed with the Nevilles at least five times when he was Vice President from 2014 to 2016, and also did not disclose the stays as a gift.<sup>27</sup> The Nevilles ordinarily rent out this property on VRBO.<sup>28</sup> Their VRBO listing makes a point of noting that their property has hosted "President Biden on his many trips to St. Croix."<sup>29</sup> Like Ms. Allwin and Mr. Rubenstein, the Nevilles do not appear to have been personal friends with the Bidens. Biden's failure to report these free stays almost certainly violates his EIGA disclosure requirements. As former ethics official Richard Painter has observed, Biden was required to report this gift, and also likely violated ethics laws by failing to report his stays as Vice President.<sup>30</sup>

This disclosure failure covers up serious potential corruption. The Nevilles were invited to a "2015 state dinner for Chinese President Xi Jinping around the time they began sharing their beach house" with Biden.<sup>31</sup> And, in early December 2022, the same month Biden stayed at the Nevilles' beach house, they were his guests at another state dinner for French President Emmanuel Macron that included "billionaires, celebrities and politicians."<sup>32</sup> These circumstances raise serious concerns of quid pro quo corruption, but cannot be examined by the public due to Biden's violation of EIGA.

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<sup>23</sup> Biden also accepted this same benefit from Rubenstein in 2014 when he was Vice President. See Moynihan, *supra* note 14

<sup>24</sup> See, e.g., Nelson, *supra* note 19.

<sup>25</sup> Steven Nelson, "Biden staying at St. Croix villa of wealthy donors who got state dinner invite," *New York Post* (Dec. 28, 2022),

<https://nypost.com/2022/12/28/biden-staying-at-st-croix-villa-of-donors-who-got-state-dinner-in-vite/>.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> Nelson, *supra* note 10.

<sup>30</sup> *Id.*

<sup>31</sup> Nelson, *supra* note 22.

<sup>32</sup> *Id.*

These serious disclosure failures warrant immediate investigation.

## **Lake Tahoe Vacation**

In August 2023, President Biden and his extended family took a weeklong vacation at climate investor Tom Steyer’s \$18 million Lake Tahoe waterfront mansion.<sup>33</sup> Unlike Biden’s other free vacations, the White House has indicated that Biden “rent[ed] the home for fair market value.”<sup>34</sup> The White House, however, did not disclose how much the Bidens paid for the stay, meaning the public’s only way to verify the “fair market value” claim is voluntary disclosure.<sup>35</sup>

There are reasons to doubt the White House’s claim that Biden paid fair market value for the stay. Local officials have confirmed Steyer does not hold the vacation rental permit required to rent his home for value to guests.<sup>36</sup> Violations of this provision result in a \$20,000 fine.<sup>37</sup> Yet, after an investigation, local enforcement officials “cannot substantiate that a code violation occurred.”<sup>38</sup> Given that Steyer has no rental permit, this can mean one of two things. First, to protect Steyer, the White House refused to disclose how much Biden paid for the rental to local officials attempting to enforce their code. Second, Biden—consistent with his past practices of accepting free vacations—did not pay Steyer for the stay, and thus no rental code violation occurred. Both possibilities raise serious ethical and legal concerns, and a federal investigation is required to determine what occurred.

It is particularly important to get to the bottom of this matter because Steyer has numerous interests that the President is directly involved in or influences. Steyer’s green energy investment fund, Galvanize Climate Solutions, is actively “working to ‘take advantage’ of federal climate change” spending programs administered by the Biden Administration.<sup>39</sup>

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<sup>33</sup> Steven Nelson, “Biden, Hunter vacation at billionaire climate investor Tom Steyer’s \$18M Lake Tahoe mansion,” *New York Post* (Aug. 19, 2023), <https://nypost.com/2023/08/19/bidens-vacation-at-billionaire-tom-steyers-18m-lake-tahoe-mansion/>.

<sup>34</sup> Diana Glebova, “Pool Reports of August 18, 2023,” *The American Presidency Project*,” <https://www.presidency.ucsb.edu/documents/pool-reports-august-18-2023>.

<sup>35</sup> Nelson, *supra* note 30.

<sup>36</sup> Kurt Hildebrant, Update: County can’t substantiate violation of VHR rules in Biden Tahoe visit,” *The Record-Courier* (Aug. 22, 2023), <https://www.recordcourier.com/news/2023/aug/22/bidens-host-may-have-run-afoul-of-vhr-rules/>.

<sup>37</sup> Megan Barth, “Scoop: Tom Steyer Under VHR Investigation for Renting Home to First Family Without a Permit,” *The Nevada Globe* (Aug. 21, 2023), <https://thenevadaglobe.com/articles/scoop-tom-steyer-under-vhr-investigation-for-renting-home-to-first-family-without-a-permit/>.

<sup>38</sup> Hildebrant, *supra* note 33.

<sup>39</sup> Alec Schemmel, “How Biden Vacation Host Tom Steyer Benefits From President’s Climate Bill,” *The Washington Free Beacon* (Aug. 26, 2023), <https://freebeacon.com/energy/tom-steyer-climate-change-spending/>; see also Galvanize Climate Solutions, “Galvanize Climate Solutions Partners with Boundary Stone to Launch New Tool to Help Utilize Inflation Reduction Act Incentives in Real Estate,” Press Release (June 22, 2023), <https://galvanizeclimate.com/news/galvanize-climate-solutions-partners-with-boundary-stone-to->

Galvanize also invests in “green energy companies that stand to benefit from the hundreds of billions of dollars in uncapped tax incentives included in the Inflation Reduction Act.”<sup>40</sup> For example, Biden’s IRA benefits Galvanize partner, Alcemy, which aims to produce sustainable cement, by providing \$5 billion in funding for green building materials technology.<sup>41</sup> And Biden has appointed former Galvanize consultant John Podesta to oversee IRA climate investments, which has resulted in meetings between Podesta, Treasury Secretary Janet Yellen, and Galvanize representatives on how to utilize climate funds.<sup>42</sup> Moreover, Steyer is actively encouraging the Securities and Exchange Commission to enact a new Environmental, Social, Governance (ESG) reporting rule that would benefit Galvanize’s investment in a climate reporting company.<sup>43</sup> As ethics watchdog Protect the Public Trust explains, Biden’s inappropriate entanglement with Steyer reflect a broader trend in Biden’s administration of federal climate funds: “Large tranches of so-called Green New Deal funds [are] going to former employees and clients of senior appointees. This is certainly not consistent with the most ethical and transparent administration we were promised.”<sup>44</sup>

Steyer and Galvanize’s deep interests and entanglement with the Biden Administration and the administration of public funds make clarity on the circumstances of Biden’s Lake Tahoe stay of the utmost public importance. The local government’s effort to determine if Steyer rented his home to Biden seems to have been stonewalled. Given the White House’s public statements that Biden paid for his stay at Steyer’s home, it is imperative to determine if this is in fact true. This matter warrants immediate investigation.

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Since at least the time he was Vice President, Biden has demonstrated a concerning and systematic trend of accepting lavish vacations as gifts from wealthy individuals with business before the government. And he has failed to disclose these gifts in violation of EIGA. Whenever Biden wishes to celebrate a holiday or go on vacation, there seems to be a billionaire whose interests can be benefited by the President waiting to offer a vacation home. The potential for conflicts of interest is vast. Indeed, former ethics officials of both parties have roundly condemned these activities and pointed out their illegality.<sup>45</sup>

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[launch-new-tool-to-help-utilize-inflation-reduction-act-incentives-in-real-estate/#:~:text=Initiate%20by%20Galvanize's%20recently%20launched,\(IRA\)%20and%20accelerate%20decarbonization.](#)

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> Andrew Kerr, “John Podesta Made a Fortune Consulting for Green Energy Billionaires. He Now Oversees a Federal Fund That Could Make Them Rich,” *The Washington Free Beacon* (Dec. 15, 2022),

<https://freebeacon.com/biden-administration/john-podesta-earned-thousands-consulting-for-green-energy-billionaires-he-now-oversees-a-federal-fund-that-could-make-them-rich/>.

<sup>43</sup> Schemmel, *supra* note 39.

<sup>44</sup> *Id.* (quoting Michael Chamberlain, Director of Protect the Public Trust).

<sup>45</sup> Nelson, *supra* note 10.

These circumstances of Biden and his extended family not reporting a free vacation at a donors' home are vastly different from public officials who visit friends at their homes or summer homes and don't report these visits based on the personal hospitality provision in the EIGA. In those cases, they are visiting friends at their homes, not simply using a donor's home for a free vacation.

The potential legal and ethical violations outlined above are serious charges that carry heavy civil penalties and can even result in a felony.<sup>46</sup> EIGA must be interpreted and applied consistently to all high officials from each branch of government. President Biden has demonstrated a trend of accepting hospitality at wealthy individuals' vacation rentals and non-residences. During his time as President and Vice President, Biden has accepted and failed to disclose almost a dozen luxury vacations. Even Richard Painter, a former ethics official who later ran for the Democrat nomination for Congress and the Senate, opined: "Once you might say it is a really careless mistake. You start to get into the second and third times and you start to wonder, 'What the heck is going on here?'"<sup>47</sup>

The above demonstrates that President Biden has likely violated his disclosure obligations and creates serious clouds around Biden's honesty and propriety and the possibility of corruption inherent in each of these undisclosed gifts. Accordingly, the Center for Renewing America respectfully requests that DOJ open an investigation into this matter.

Finally, I am copying the Acting Director of the Office of Government Ethics and request that she take appropriate actions to address President Biden's failure to disclose these gifts on his forms.

Sincerely,



Russell Vought  
President, Center for Renewing America

cc: Ms. Shelly K. Finlayson  
Acting Director  
Office of Government Ethics

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<sup>46</sup> *Id.* (quoting Richard Painter: "I think whoever is preparing these forms is not focusing. And if it's intentionally left off, then you get into the [criminal] false statements law ... and that could be a felony").

<sup>47</sup> *Id.*

Mr. David J. Apol  
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U.S. Office of Government Ethics