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Robert K. Kelner

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One CityCenter
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rkelner@cov.com

January 11, 2017

Ms. Heather H. Hunt
Registration Unit
U.S. Department of Justice
600 E Street, N.W.
Washington, D.C. 20004

Re: Flynn Intel Group, Inc.

Dear Ms. Hunt:

On behalf of our clients, Lieutenant General Michael T. Flynn and the Flynn Intel Group, Inc. (“FIG”), this letter provides an initial response to your November 30, 2016, letter to General Flynn and FIG regarding a potential obligation to register under the Foreign Agents Registration Act (“FARA”). As a preliminary matter, we appreciate the several telephone conversations that you and I have had over the last several days concerning our review of this matter and the steps we are taking to respond to your inquiry letter.

As I noted in our initial conversation, the existence of your letter was not known to General Flynn and FIG until approximately December 24, 2016, because FIG generally suspended its activities in mid-November, including the use of the office to which the letter was sent. As soon as the letter was discovered, FIG contacted the FARA Registration Unit to discuss a timeline for responding. Since that time, we have been working diligently to gather and review information necessary to understand the activities relevant to your letter, and we intend to respond more fully as soon as we are capable of doing so.

As I shared in our recent telephone conversation, based on currently available information, we anticipate that General Flynn and FIG likely will file a FARA registration statement and supplemental statement for FIG’s representation of Inovo BV, in lieu of the Lobbying Disclosure Act (“LDA”) filing that FIG filed on September 30, 2016. Although the LDA filing disclosed FIG’s engagement by Inovo BV, in hindsight it seems likely that the subject matter of FIG’s representation of Inovo BV may have called for registration under FARA rather than under the LDA.

As discussed with you, our review has been complicated by a number of factors, including challenges in recovering e-mails and other documents because FIG began shutting down in mid-November, prior to your letter. In addition, as I shared with you, we have not yet reached a final determination as to the foreign principal(s) to be listed in a FARA registration. We are also continuing to assess the role of various consultants and employees who performed work for Inovo BV in order to determine whether any of them are required to file short-form FARA registrations.

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Your letter asked several questions regarding an op-ed authored by General Flynn and published in *The Hill* newspaper on November 8, 2016. It is our current understanding that the op-ed was initiated by General Flynn himself, and that he intended the op-ed to summarize a number of his longstanding public statements and positions regarding issues related to Turkey, Syria, and the Islamic State in Iraq and Syria. We also believe that the op-ed may have been prepared in the context of FIG's representation of Inovo BV, as the draft op-ed was shared with a representative of Inovo BV prior to publication and the op-ed related to subject matters overlapping with FIG's representation of Inovo BV. Again, our efforts to understand the relevant facts are ongoing, and we will continue to keep you and the Department apprised as our efforts continue.

As we have discussed, the FARA registration that FIG and General Flynn likely will file would include various details required to be disclosed under FARA, including information responsive to other questions posed in your inquiry letter. We are moving as quickly as reasonably possible to assemble the necessary information, and we will continue to remain in close touch with the FARA Registration Unit.

As always, please contact me if you have any questions about this matter.

Respectfully submitted,



Robert K. Kelner

cc: Clifford Rones

FW: Flynn Intel Group, Inc.

From: "Kelner, Robert" <rkelner@cov.com>
To: "Langton, Alexandra" <"/o=covington & burling/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=54610707d47f404ba9511efe701f1f09-lang">, "Smith, Brian" <"/o=covington & burling/ou=cb/cn=recipients/cn=c&b.cbpowa02.smithbd">
Date: Sat, 21 Jan 2017 14:34:41 -0500

Re: below, looking over the questions in her original letter, I think it's going to be easiest to just send a cover letter from me with the registration that responds to her original questions. I will take a shot at drafting the letter. We know enough now to answer the questions, though in some instances (namely re the Turkish Government role), we will have to say we do not know for sure.

Robert Kelner

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From: Hunt, Heather H. (NSD) [mailto:Heather.Hunt@usdoj.gov]
Sent: Friday, January 13, 2017 6:37 PM
To: Kelner, Robert
Cc: Smith, Brian
Subject: Flynn Intel Group, Inc.

Rob –

Thank you for your letter of January 11, 2017, and for your efforts to resolve this matter expeditiously. Based on your letter and our previous communications, we anticipate that General Flynn and the Flynn Intel Group will be filing a FARA registration statement imminently. We understand that the registration statement will include answers to the questions we posed in our letter of November 30, 2016. If the registration statement does not fully respond to our questions, we ask that you provide a supplemental letter. Please continue to keep us informed regarding your progress.

Best Regards,
Heather

Heather H. Hunt
Chief, FARA Registration Unit
Counterintelligence and Export Control Section
National Security Division
U.S. Department of Justice
Washington, DC 20530
(202) 233-0776/0777

Re: Flynn

From: "Hunt, Heather H. (NSD)" <heather.hunt@usdoj.gov>
To: "Kelner, Robert" <rkelner@cov.com>
Date: Thu, 19 Jan 2017 22:51:56 -0500

Thank you for the update.

> On Jan 19, 2017, at 8:50 PM, Kelner, Robert <rkelner@cov.com> wrote:
>
> We are working expeditiously on compiling a registration based on available records.
>
> Rob
>
> Sent from my iPhone
>
>> On Jan 19, 2017, at 4:53 PM, Hunt, Heather H. (NSD)
>> <Heather.Hunt@usdoj.gov> wrote:
>>
>> Rob -
>> Any updates?
>> Heather
>

RE: GEN Flynn meeting

From: "Kelner, Robert" <"/o=covington & burling/ou=cb/cn=recipients/cn=c&b.cbpowa01.kelnerrk">
To: K Verderame <kverderame@ponderainternational.com>
Cc: "Smith, Brian" <bdsmith@cov.com>
Date: Thu, 09 Feb 2017 17:28:05 -0500

OK. It's also my wife's birthday..... But we'll figure that out. In some ways that time might be easier for me than this weekend. Does he want to meet here at Covington?

Meantime, Heather Hunt has kind of been all over us. She emailed and then left a voicemail yesterday afternoon asking for a call this weekend (because I had indicated I thought this weekend was the earliest we could meet with our client). She said she just needed to know when we will be coming in to meet her, so she can arrange her schedule. We've never seen her this engaged in any matter (ever). I'll let her know tomorrow we wouldn't be prepared to meet her until later next week sometime.

Best,
Rob

Robert Kelner

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[cid:image001.jpg@01D282F9.DF5B35D0]

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From: K Verderame [mailto:kverderame@ponderainternational.com]
Sent: Thursday, February 09, 2017 5:20 PM
To: Kelner, Robert; Smith, Brian
Subject: GEN Flynn meeting

The only time he can do this (and your spouses are going to kill you) is Tuesday at 6 pm. Please apologize to your wives for me!!!

K

Attachments:

image001.jpg (2 KB)

<http://cbentvault01dc.cov.com/EnterpriseVault/ViewMessage.asp?>

VaultId=127967E82C2BB114CBA93692D726B7D3D1110000cbentvaultsite&SavesetId=201706107135995~201702092228070000~Z~F07716C8D09AB7B82C20E2B6A030AED1&AttachmentId=1image001.jpg

<TABLE/></BODY></HTML>

Re: FARA

From: "Hunt, Heather H. (NSD)" <heather.hunt@usdoj.gov>
To: "Kelner, Robert" <rkelner@cov.com>
Date: Sat, 18 Feb 2017 09:46:30 -0500

Okay. Thanks. So 2pm on Tuesday and let's talk briefly sometime on Monday. Have a good weekend.

> On Feb 18, 2017, at 8:27 AM, Kelner, Robert <rkelner@cov.com> wrote:
>
> Yes.
>
> Sent from my iPhone
>
>> On Feb 18, 2017, at 8:48 AM, Hunt, Heather H. (NSD)
<Heather.Hunt@usdoj.gov> wrote:
>>
>> Does 2pm work for you?
>>
>>> On Feb 18, 2017, at 7:39 AM, Kelner, Robert <rkelner@cov.com> wrote:
>>>
>>> Ok.
>>>
>>> Sent from my iPhone
>>>
>>>> On Feb 18, 2017, at 8:35 AM, Hunt, Heather H. (NSD)
<Heather.Hunt@usdoj.gov> wrote:
>>>>
>>>> Thank you for getting back with me on a Saturday morning. I can do 1pm
although it might be tight. I will be in touch as I need to coordinate with others. Also, let's
talk by phone real quick on Monday if you are able.
>>>>
>>>>> On Feb 18, 2017, at 7:19 AM, Kelner, Robert <rkelner@cov.com> wrote:
>>>>>
>>>>> Would 1pm work for you?
>>>>>
>>>>> Sent from my iPhone
>>>>>
>>>>>> On Feb 18, 2017, at 7:06 AM, Hunt, Heather H. (NSD)
<Heather.Hunt@usdoj.gov> wrote:
>>>>>>
>>>>>> Rob -
>>>>>> What time is good on Tuesday afternoon?
>>>>>> Heather
>>>>>>
>>>>>>> On Feb 13, 2017, at 12:30 PM, Kelner, Robert
<rkelner@cov.com<mailto:rkelner@cov.com>> wrote:
>>>>>>>
>>>>>>> ok
>>>>>>>
>>>>>>>
>>>>>>> Robert Kelner
>>>>>>>
>>>>>>> Covington & Burling LLP
>>>>>>> One CityCenter, 850 Tenth Street, NW
>>>>>>> Washington, DC 20001-4956
>>>>>>> T +1 202 662 5503 | rkelner@cov.com<mailto:rkelner@cov.com>
>>>>>>> www.cov.com<http://www.cov.com>

>>>>>>
>>>>>> <image002.jpg>
>>>>>> This message is from a law firm and may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply e-mail that this message has been inadvertently transmitted to you and delete this e-mail from your system. Thank you for your cooperation.

>>>>>>
>>>>>>
>>>>>> From: Hunt, Heather H. (NSD) [mailto:Heather.Hunt@usdoj.gov]
>>>>>> Sent: Monday, February 13, 2017 1:27 PM
>>>>>> To: Kelner, Robert
>>>>>> Subject: RE: FARA
>>>>>>
>>>>>> Let's tentatively set a call for 3pm, but I may need to make it a few minutes after that.
>>>>>> thanks

>>>>>>
>>>>>> From: Kelner, Robert [mailto:rkelner@cov.com]
>>>>>> Sent: Monday, February 13, 2017 12:43 PM
>>>>>> To: Hunt, Heather H. (NSD)
>>>>>> <hhunt@jmd.usdoj.gov<mailto:hhunt@jmd.usdoj.gov>>
>>>>>> Subject: RE: FARA

>>>>>> I could talk at 3pm today.

>>>>>> Rob
>>>>>>
>>>>>> Robert Kelner

>>>>>>
>>>>>> Covington & Burling LLP
>>>>>> One CityCenter, 850 Tenth Street, NW
>>>>>> Washington, DC 20001-4956
>>>>>> T +1 202 662 5503 | rkelner@cov.com<mailto:rkelner@cov.com>
>>>>>> www.cov.com<http://www.cov.com>

>>>>>>
>>>>>> <image003.jpg>
>>>>>> This message is from a law firm and may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply e-mail that this message has been inadvertently transmitted to you and delete this e-mail from your system. Thank you for your cooperation.

>>>>>>
>>>>>>
>>>>>> From: Hunt, Heather H. (NSD) [mailto:Heather.Hunt@usdoj.gov]
>>>>>> Sent: Monday, February 13, 2017 12:29 PM
>>>>>> To: Kelner, Robert
>>>>>> Subject: FARA

>>>>>>
>>>>>> Rob -
>>>>>> Any updates? Are you available for a call after 3pm today?
>>>>>> Thanks,
>>>>>> Heather

Arent Fox

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Partner
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January 18, 2017

Mr. Ekim Alptekin
Burhaniye Mahallesi Tasocaklari Sokak
Bogazici Palmiye Evleri B Kapisi C Blok No :10
34676 Beylerbeyi Burhaniye -ISTANBUL
TURKEY

Re: **Advice on Regulations for the Foreign Economic Relations Board of Turkey**

Dear Mr. Alptekin:

You have asked for our advice regarding the regulations for the Foreign Economic Relations Board of Turkey (DEIK), specifically, the applicability of this regulation to your election as the Chairman of The Turkish-American Business Council (TAIK) one of the Business Councils of the Foreign Economic Relations Board of Turkey.

In particular, you have asked us to prepare a Memo on the procedure of the election TAIK Chairman and if TAIK Chairman position could be construed as a Turkish government position or an independent position for purposes of the Foreign Agents Registration Act (FARA). We note that a new structure for TAIK was adopted on September 20, 2014 with the regulation numbered 29125, *Regulation on Working Principles and Procedures of Foreign Economic Relations Board and Business Councils*, which was issued by the Ministry of Economy to regulate the working principles and procedures of DEIK and its business councils.

We provide a summary of the relevant facts, our summary conclusions, and a more detailed legal analysis below. If you disagree with any of the facts stated, please advise us immediately, as it is critical to have complete and correct facts in completing the legal analysis and any change in the facts could affect the conclusions as stated.

Mr. Ekim Alptekin
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I. Summary Conclusions

Based on the facts provided, we do not believe TAIK should be considered an entity or agent of the Government of Turkey (GOT) such that any U.S agents hired by TAIK would be required to register under FARA rather than under the Lobbying Disclosure Act (LDA). While the GOT's 2014 decrees and approval/veto authority does indicate some potential GOT involvement in TAIK activities and governance, the facts as presented do not indicate that: (a) the GOT is directing the activities of TAIK; (b) TAIK should be treated as part of the GOT; or (c) the GOT has caused TAIK to engage FIC or other U.S. consultants.

- a. Even if TAIK were to be considered an agent or part of the GOT, Mr. Alptekin's activities with respect to INOVO BV (INOVO), RATIO Oil Exploration LP (RATIO), and Flynn Intel Group (FIG), would appear to be independent of his position with TAIK and his/INOVO's actions were not directed, controlled or requested by TAIK. Accordingly, a FARA registration would not be required – an LDA registration, which was filed, would appear to be sufficient to meet U.S disclosure requirements.

II. Facts

A. Ekim Alptekin, INOVO BV and the Flynn Intel Group Contract

Mr. Ekim Alptekin is a Turkish Businessman and founder and president of EA Havacilik A.Ş, a major shareholder of Eclipse Aerospace; an Albuquerque, New Mexico-based aircraft manufacturer. Eclipse Aerospace was awarded the Commercial Leadership Award by the American Turkish Council in 2011. Ekim Alptekin is commercially active in the Real Estate and Defense industries through his companies EA Gayrimenkul Geliştirme İnşaat Yatırım and ATH Savunma ve Güvenlik Çözümleri A.Ş. and currently serves the Chairman of TAIK . He also serves as an Honorary Consul to the Republic of Albania, and represents the Republic of Turkey in the Board of the United States Nowruz Commission. He is a member of the European Council of Foreign Relations (ECFR) and the Turkish Industry and Business Association TÜSIAD.

INOVO is a Dutch company incorporated in 2005 to provide Turkey-related consultancy services. Ekim Alptekin is the sole owner of INOVO BV. The company has always been in good standing and has represented companies such as Motorola Solutions or international law firms with regard to their plans to invest or do business in Turkey.

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INOVO is representing RATIO, a private sector Israeli company, that owns a 15% share in the Leviathan gas consortium in Israel that wants to export gas into Turkey. INOVO was engaged in March 2016 by RATIO to advise on the investment climate in Turkey. As part of this contract RATIO also asked INOVO to provide geopolitical reporting with a special interest in Turkey's continued alignment with the West/United States.

After some period of time, RATIO determined that the limited reporting on such matters by INOVO was insufficient and RATIO requested that INOVO outsource this service to more expert providers. INOVO subsequently reached out to FIG in August 2016 with the question to measure the strength and challenges of Turkish American relations. The agreement was for 3 months which would only be renewed if both parties so agreed. There was a lack of confidence in the relationship and at some point, while discussing the exact scope of the contract, FIG Lobbyist Mr. Kelley suggested activities to increase the level of confidence in the relationship. He also indicated that FIG might end up having discussions in Congress, and to this end and he should consider registering under the Lobbying Disclosure Act. Mr. Alptekin and Mr. Kelley agreed to be on the safe side of things and Mr. Kelley registered as the lobbyist. Although the initial aim was merely passive geopolitical reporting, Mr. Alptekin and Mr. Kelly agreed that at some time in the future there might be a lobbying component and a PR component. The lobbying PR components ultimately never took place. Mr. Alptekin and Mr. Kelly had several interactions about this. FIG introduced Mr. Alptekin to Sphere Consulting as their PR company and during the first meeting in October. Sphere Consulting explained that a 3 month contract was not enough and little could be done. Mr. Alptekin argued INOVO should be reimbursed for part of the retainer since both the Lobbying and PR components never materialized. INOVO never hired Sphere Consulting.

On election Day, November 8, 2016, in "The Hill", a US political newspaper, General Flynn authored a strongly worded opinion piece condemning the cleric Fetullah Gulen who lives in the U.S. and Gulen's U.S activities, and calling upon the U.S government to support the Turkish Government. The article was subsequently linked by certain reporters to the contract FIG had with INOVO and Mr. Alptekin.

Mr. Alptekin told the press that he had very few interactions with General Flynn. They never discussed details of the contract between INOVO and FIG; and they never discussed his personal involvement. When Mr. Alptekin met him in person, the General independently expressed his concern about Radical Islam and said he feel Turkey should do more on combatting it. He did not commit to or announce that he had any intentions of writing an article; nor did Mr. Alptekin never ask him to do so. He never consulted Mr. Alptekin on this, or asked his opinion. If he had, Mr. Alptekin would have strongly advised against publishing an article along the lines of his opinion letter that appeared in the Hill on election day.

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A subsequent article (<http://dailycaller.com/2016/11/24/michael-flynn-consulting-firm-may-have-violated-federal-lobbying-law/>) was published without asking Mr. Alptekin for a comment. The author Chuck Ross did check Mr. Alptekin's LinkedIn profile but never contacted him for a comment. The second article that appeared was in Politico. When Mr. Alptekin reacted, Politico authored a minor amendment to the article but reported the two assumptions that were first drawn by the Daily Caller article: 1. Ekim Alptekin via TAIK is an extension of the Turkish government and 2. General Flynn has written the article as a Lobbyist in the context of the INOVO/FIG contract.

B. DEIK and The Turkish-American Business Council (TAIK)

DEIK's mission is to assist in managing the foreign economic relations of the Turkish private sector. DEIK monitors the economic, commercial, industrial and financial relations of Turkey with foreign countries or international communities, to support the establishment and development of such relations; provides opinions and suggestions; collects information and statistical data; performs works in order to enhance the import of Turkey and to encourage the international investments for export; prepares strategies for general economic matters or in respect of sectors for relations with several countries, regions, institutions and establishes business councils (Article 5 of the Regulation).

As of November 2014, DEIK has 99 founding institutions, 121 business councils, and approximately 900 member companies which form these councils, as well as 2000 representatives from the member companies.

DEIK's organs are the General Assembly, Board of Directors, Executive Board, Board of Auditors, Business Councils, High Advisory Board and Advisory Boards. (Article 6 of the Regulation).

DEIK does not receive government funding. In addition to the corporate members of DEIK, Union of Chambers and Commodity Exchanges of Turkey (TOBB) and Turkish Exporters' Association ("TIM"). DEIK's Board of Directors is composed of thirty five members including the Chairman of the Board. DEIK's Board of Directors is composed of five permanent members, who are the representatives of certain founding institutions - namely TOBB, TIM, Turkish Industrialist and Businessmen's Association ("TUSIAD"), Independent Industrialist and Businessmen's Association ("MUSIAD"), Turkish Contractors Association ("TMB") and business council leaders, representative of other founding institutions and other members elected among other General Assembly delegates. **DEIK's Chairman is assigned among the Board members by the Turkish Minister of Economy (Article 9 of the Regulation).**

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The Executive Board is composed of the Chairman of the Executive Board and twelve members who are elected among and by the members of the Board of Directors. The Chairman of the Board of Directors also functions as the Chairman of the Executive Board. Five members of the Executive Board are elected among the representatives of TOBB, TIM, TUSIAD, MUSIAD and TMB; two members among the representatives of other founding institutions, four members among the business council chairmen while one other is elected among other General Assembly delegates. Two vice chairmen are elected among and by the Executive Board members (Article 12 of the Regulation)

It is through Business Councils that DEIK establishes corporate cooperation (Article 14-15 of the Regulation)

There are three different types of business councils, namely Country Business Councils, Sectoral Business Councils, and Special Purpose Business Councils. Business Councils are established through cooperation agreements signed with foreign counterparts with the purpose of promoting business relations with these countries. Bilateral country councils which are founded in 114 countries as of February 2015 have been gathered under 8 regional councils (in Africa, America, Asia-Pacific, Eurasia, the European Union, South East Europe, the Gulf and the Middle East). Business Councils consist of two parties, one is the Turkish party and the other one is a counterpart institution in the relevant country, which is usually a representative body of the respective country's private sector. Councils meet regularly each year at "Business Councils Joint Meetings". Each sectoral and special purpose business council within DEIK convenes a separate General Assembly annually and a general assembly meeting with an election every two years. Each business council elects its own Executive Committee during these general assembly meetings. The Executive Committee members then elect the Chairman for the Business Council.

Executive Boards of the Business Councils meet at regular intervals to discuss bilateral or multilateral cooperation opportunities, challenges and current developments. The executive boards are responsible for developing recommendations about the policies, solutions and mechanism which are necessary to improve commercial and economic relations within the framework of the main strategies designated by the Board of Directors, and doing research in order to identify related opportunities. Several sectoral business councils have been established within the body of DEIK in order to improve Turkey's place in the global value chain and promote the export of services. Health Tourism Business Council, Education Economy Business Council, Energy Business Council, Logistics Business Council, and International Technical Consultancy Business Council continue their operations.

High Advisory Board of DEIK convenes at least once annually under the chairmanship of the Turkish Minister of Economy to determine DEIK's annual activities and harmonization and evaluation of them with Turkey's economic strategies and interests. Members of the Board are assigned by the Minister (Article 17 of the Regulation).

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TAIK is one of the Business Councils of DEIK. TAIK was formed as the first business council in Turkey in 1985 with the aim to enhance trade and investment relations between the United States of America and Turkey. TAIK is organized pursuant to Government decree, but is composed of and acts for member companies. TAIK's vision is primarily to increase the trade and investment volume between the US and Turkey; to be recognized as a reliable source of information and networking channel on bilateral trade issues for both countries and to make the US companies view Turkish companies as a key partner and Turkey as a destination for direct investments in the region. TAIK operates with a mission to create platforms to facilitate the development of economic relations between the U.S. and Turkey through its wide spectrum of activities such as conferences, forums, business summits, lobbying visits, networking luncheons and dinners, educational site visits, etc.

TAIK's Executive Board consists of top-level executives of the leading companies in Turkey. The Executive Board is elected by the General Assembly of DEIK/Turkey-Americas Business Councils in every 2 years and the Board elects its Chairman and the Vice Chairmen. TAIK operates under DEIK, but has a separate membership and separate budget from DEIK. It does not receive government funding. TAIK's budget only comes from its member companies and event sponsors. TAIK's Executive Board is elected every 2 years by the General Assembly of DEIK and Turkey American Business Councils. It consists of senior executives from Turkish companies.

Prior to September 2012, DEIK operated as an independent organization composed of various business chambers and commodity exchanges with a budget determined by the Union of Chambers and Commodity Exchanges of Turkey (TOBB). TOBB, in turn, derived its budget from assessments on various member Chambers of Commerce and Commodity Exchanges, and is subject to control indirectly by the Government of Turkey. However, in September 2014, DEIK's authorization law and governance structure significantly changed. The Turkish Government Ministry of the Economy issued revised regulations which expanded the Ministry of Economy's authority over the operations of DEIK, including the ability to cancel or revise the institution, appointing the Chairman and certain other officials, designating 25 members of the General Assembly, potential funding from the Ministry, and other authority.

Mr. Alptekin was transparently elected into office as Chairman of TAIK by other peer company members of TAIK on October 25, 2016.¹ The executive committee list in **Appendix A** has the list of private Turkish companies which voted to elect Mr. Alptekin. These companies has been member of TAIK for many years. Mr. Alptekin was elected by the votes of business

¹ Please see the Minutes of Ordinary General Assembly Meeting of TAIK dated October 26, 2015; Minutes of the Meeting of the Executive Committee of TAIK dated October 26, 2015; General Assembly Meeting List of Attendees; Suggestions for the General Assembly Presiding Committee; Meeting Agenda and pictures of the TAIK meeting in **Appendix A**.

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entities not by any government entity representative. The position of Chairman at TAIK is voluntary: Mr. Alptekin receives no salary or compensation from TAIK or the Government. Some limited expenses incurred as Chairman may be reimbursed, but major expenses, such as travel to the annual American Turkish Council Conference in the United States, is paid for out of personal or company funds.

We note that documents leaked by Wikileaks indicate that certain individuals with close ties to the Turkish government have tried to convince the Turkish government to influence TAIK's elections. None of these emails were on Mr. Alptekin's behalf; quite the contrary. The same leaks only show emails to members of the Cabinet asking for an intervention to favor another candidate. TAIK regulations and procedures, however, do not allow for an intervention.

C. **Turkish Government Control of DEIK / Under the New Regulation**

DEIK adopted a new structure on September 20, 2014 with the regulation numbered 29125, *Regulation on Working Principles and Procedures of Foreign Economic Relations Board and Business Councils*, which was issued by the Ministry of Economy to regulate the working principles and procedures of DEIK and its business councils ("Regulation"). Please see the Regulation in **Appendix B**.

Under the Regulation, the Ministry of Economy ("Ministry") may designate or cancel the status of the founding institutions (Article 4 of the Regulation), designate the twenty-five members of the General Assembly (Article 7 of the Regulation) and designate or remove the Chairman of the Board of Directors (Article 4 of the Regulation). Business Councils are established by the Ministry with the proposal of the Board of Directors (Article 14 of the Regulation). The Chairmen of the business councils and the executive committee members may be discharged by the Minister or upon the proposal of the Board of Directors with the approval of Ministry. In the event that the members of the executive committee and the chairman are discharged or a vacancy in the membership or presidency is occurred for any reason, the new chairman shall be assigned with the approval of the Ministry upon the proposal of the Board of Directors and the members shall be assigned by the members of the executive committee from among the associate members to serve until the following date of election (Article 16 of the Regulation). The Secretary General shall be assigned upon the approval of the Ministry and with the proposal of the Board of Directors (Article 19 of the Regulation). DEIK may open representative agencies at home or abroad upon the approval of the Ministry (Article 16 of the Regulation). Ministry allocates income to DEIK among other contributions fees and donations (Article 24 of Regulation). Under the regulation, the directives covering the working principles and procedures such as the way of work of DEIK bodies, relationships with each other, the principles of the right to elect and be elected, budget, accounting, human resources shall take effect upon the approval of the Ministry (Article 27 of the Regulation)

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III. The Law

The Foreign Agents Registration Act of 1938, as amended (FARA)², requires persons acting as “agents” of foreign “principals” in a political or quasi-political capacity to register and make periodic public disclosure of their relationship with the foreign principal, as well as activities, receipts and disbursements in support of those activities. Disclosure of the required information is intended to facilitate evaluation by the government and the American people of the statements and activities of foreign agents. FARA was originally enacted in 1938 in reaction to certain subversive and propaganda activities by Nazi and Communist agents operating in the United States, and continues to this day as a way of ensuring disclosure of any foreign interests lobbying or conducting media campaigns in the United States. The Department of Justice, FARA Registration Unit of the Counterespionage Section in the National Security Division is responsible for the administration and enforcement of FARA.

A. Activities Covered

FARA covers a variety of activities by the agent on behalf of a foreign principal. They include:

- a) Engaging in political activities;
- b) Acting as public relations counsel, publicity agent, information service employee or political consultant;
- c) Soliciting, collecting, disbursing, or dispensing contributions, loans money or other things of value in the United States;
- d) Representing the interests of the foreign principal before any agency or official of the United States.³

The range of activities covered is quite broad, and basically covers any form of lobbying, media interaction, and public relations campaigns conducted on behalf of a foreign principal. In recent years there has been an increased emphasis on public relations firms’ activities on behalf of foreign governments.

² 22 U.S.C. §611, et seq.

³ 22 U.S.C. §611(c).

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B. Who are Foreign Principals?

All foreign governments are explicitly defined as foreign principals. The term also covers:

- a) Foreign political parties;
- b) A person or organization based outside the United States, except U.S. citizens;
- c) A partnership, **association**, corporation, **organization**, or other combination of persons inside the United States that is **organized under the laws of a foreign country**; and
- d) A partnership, association, corporation, organization, or other combination of persons inside the United States that has its principal place of business in a foreign country.⁴

Thus the definition specifically encompasses foreign governments and trade associations. Further, the definition of foreign government includes any group or agency that the foreign government delegates authority to operate on its behalf.⁵

C. Who is An Agent?

This is perhaps the topic that is most subject to interpretation under FARA. The law defines an agent as:

“any person who acts as an agent, **representative, employee, or servant**, or any person who acts in any other capacity **at the order, request, or under the direction or control** of a foreign principal or of a person any of whose activities are directly or indirectly supervised, controlled, financed, or subsidized, in whole or in major part, by a foreign principal, . . . ⁶

The FARA definition of agent is quite broad, and treats an agent as any person acting under the direction, control of a foreign principal. Note there are several exemptions for certain categories of agents, such as:

⁴ 22 U.S.C. §611(b).

⁵ 22 U.S.C. §611(e).

⁶ 22 U.S.C. §611(c).

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1. diplomats and officials of foreign governments;
2. an agent whose foreign principal is a government of a foreign country the defense of which the President deems vital to the interests of the United States;
3. the activities involved do not serve predominantly a foreign interest;
4. persons soliciting or collecting funds for medical aid and assistance, or for food and clothing (e.g. the Red Crescent);
5. a person engaging solely in activities in furtherance of bona fide religious, scholastic, academic, or scientific pursuits or of the fine arts;
6. lawyers representing foreign principal in courts or other legal proceedings as long as the attorney does not attempt to influence policy and the request of the foreign client; and;
7. any agent engaged in lobbying for the foreign principal and is registered under Lobbying Disclosure Act.⁷

D. Interpreting the Agency Relationship

While there have been few cases interpreting FARA, the courts have considered what type of relationship exists triggering a FARA registration requirement. In *United States v. German-American Vocational League*⁸ the 3rd Circuit Court interpreted the meaning of an agency relationship under FARA as applied to a group of German-Americans acting as Nazi propagandists. The Court considered and rejected an argument that there was no written employment contract with the Germany Reich, hence no agency. Instead the Court applied a traditional *Restatement* Standard to determine the existence of agency under FARA:⁹

The true test, we think, was whether agency in fact existed, with the term agency defined substantially as in the Restatement of Agency, Section 1, which states it to be: ‘The relationship which results from the manifestation of consent by one person to another that the other shall act on his behalf and subject to his **control, and consent** by the other so to act.’¹⁰

The court then applied a control test to the German agents to find that an agency relationship existed which triggered a FARA registration requirement.

⁷ 22 U.S.C. §613.

⁸ 153 F. 2d 860 (3rd Cir, cert. denied 329 U.S. 760 (1946)

⁹ Id. at 862.

¹⁰ Id at 864.

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More recently, in 1982 the federal courts considered a FARA registration requirement in the context of whether the Irish National Aid Committee (INAC) in the US was the event of the Irish Republican Army.¹¹ In affirming the lower court decision requiring INAC to register, the Circuit Court commented on the type of relationship that triggers a FARA filing, finding that registration is not required unless the relationship between the foreign principal and the U.S party is of a nature that requires registration to fulfill the “informative” purposes of FARA:

We add these few additional words to what Judge Haight has written because, while we agree with his construction of the Act, **we wish to express a note of caution concerning the statute's coverage of those who act at the “request” of a foreign principal.** As the District Court held, “(I) t is sufficient to establish agency under the Act that defendant is a ‘representative’ of the IRA, or acts as its ‘request.’ ” We agree that the agency relationship sufficient to require registration need not, as INAC urges, meet the standard of the Restatement (Second) of Agency with its focus on “control” of the agent by the principal. Control is an appropriate criterion for a determination of common law agency because the agent contemplated by the Restatement has the power to bind his principal. In determining agency for purposes of the Foreign Agents Registration Act, however, **our concern is not whether the agent can impose liability upon his principal but whether the relationship warrants registration by the agent to carry out the informative purposes of the Act.**

Nevertheless, while we acknowledge that the Act requires registration by a person who acts, in specified ways, at a foreign principal's “request,” we caution that this word is not to be understood in its most predatory sense. Such an interpretation would sweep within the statute's scope many forms of conduct that Congress did not intend to regulate. **The exact perimeters of a “request” under the Act are difficult to locate, falling somewhere between a command and a plea. Despite this uncertainty, the surrounding circumstances will normally provide sufficient indication as to whether a “request” by a “foreign principal” requires the recipient to register as an “agent.”**

[emphasis added, footnotes and citation omitted]¹²

There has been some criticism of the INAC decision as it creates some uncertainty regarding the concept of requiring FARA registration based on its more expansive reading of agency and the link to FARA's “informative purposes.” Nevertheless, the current jurisprudence indicates that there must be some form of “control” relationship exercised by the foreign principal that the agent has consented to, or at least actions at the “request” of the foreign principal which the agent construes as some form more required action.

¹¹*United States v. Irish National Aid Committee (INAC)*, 668 F.2d 159 (2d Cir. 1982) *aff'g* 530 F. Supp. 241 (SDNY 1981)...

¹² 686 F.2d 159-160.

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E. Lobbying Disclosure Act Exception

There is an exception to filing a FARA registration for certain foreign parties who engage lobbyists in the United States. The Lobbying Disclosure Act of 1995 (LDA), 2 U.S.C. § 1601, removed from FARA a class of agents who are engaged in lobbying activities and who register under the LDA. This Act is administered by Congress. The LDA requires disclosure of lobbying activities, including the issue lobbied and expenditures related to such lobbying. A party engaged in lobbying activity by a foreign principal may register under the LDA instead of FARA if the individual is lobbying on behalf of foreign individuals or entities (companies) for private and nonpolitical activities in furtherance of trade or commerce. If, however, the individual providing lobbying services is representing a foreign government or foreign political party with the objective of influencing U.S. policy, then a FARA registration is required.

IV. Analysis/Application of Law to TAIK and Mr. Alptekin

The questions presented are:

1. Are TAIK and DEIK entities or extensions of the Turkish Government, such that any activities by TAIK would require Registration under FARA.
2. Is Mr. Alptekin, as Chairman of TAIK, a representative or agent of the Government of Turkey which would require any agents hired in the U.S. to register under FARA rather than the LDA?

We consider each question separately below.

1. Are TAIK and DEIK entities or extensions of the Turkish Government, such that any activities by TAIK would require Registration under FARA.

Whether TAIK is an entity affiliated with the Government of Turkey is significant because if it is considered an entity or agent of the GOT, then actions by any party hired by TAIK in the United States for lobbying or public relations work would trigger FARA filing requirements, instead of an LDA filing (which was made). In such a case, a US agent hired by TAIK could be deemed an agent of the GOT.

FARA itself does not define what constitutes a government agency, or an organization controlled by or affiliated with same, nor does it define who is an agent of a foreign government. In general, a foreign government is considered to include the government of a foreign country, or any agency, department, ministry, or political subdivision thereof.¹³ In other U.S. laws, some context is provided. For example, under the U.S. Foreign Corrupt Practices Act (FCPA), it is unlawful for U.S. persons to pay bribes to “*any officer or employee of a foreign government or any department, agency or instrumentality thereof [. . .] or any person acting in an official*

¹³ See, e.g. 18 U.S.C. §11; 17 C.F.R. §240.3b-4 (securities law),

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*capacity for or on behalf of any such government, department, agency, or instrumentality.*¹⁴ Similarly, in other laws an “agent” of a foreign government has been defined to include an individual or entity that operates subject to the direction and control of a foreign government.¹⁵ Under some U.S laws, government has been interpreted to include state owned Under the FCPA, the definition has been interpreted to include state owned enterprises (SOEs).

The facts of this case are unusual in that the GOT does have some involvement in DEIK/TAIK’s activities. As we understand it, DEIK and TAIK were created out of a Government decree which authorized the formation of DEIK and its business councils, including TAIK. The GOT has authority to cancel or revoke the status of TAIK as a business council, may remove the Chairman of the Board of TAIK, and any new Chairman must be approved by the Ministry of the Economy (MOE). Further the MOE approves TAIK’s budget and allocation of funds for its activities. At least once per year the MOE meets with the DEIK advisory board to harmonize DEIKs activities with Turkey’s economic strategies and interests. So it is clear that there is some level of government participation/control.

However, DEIK/TAIK also exhibits the characteristics of a private business association. The purposes of DEIK/TAIK are decidedly private sector oriented – to enhance trade and investment relations for its members. Its members are all private sector companies, and TAIK’s Executive Board is comprised entirely of private sector company representatives, who are elected by the membership. Programs and activities are developed and approved by the private membership and Board. It operates much like a trade association in the United States, on behalf of its members.

Recently another branch of the U.S. Government has considered the status of Turkish trade associations. By coincidence we represent the Turkish steel producer, Icdas Enerji which is involved in a government subsidies case. The question presented was whether financial assistance provided by the Turkish Steel Exporter’s Association (“TSEA”), part of the Istanbul Mineral and Metals Exporters Association (“IMMIB”), should be treated as a government subsidy to Icdas Enerji. We believe the governing decrees for IMMIB are similar to DEIK and TAIK. In the Icdas Enerji subsidy case, the U.S. Department of Commerce preliminarily found “that” there is no evidence on the record of a monetary contribution from the GOT to TSEA’s financial accounts.”¹⁶ Since TSEA did in fact provide financial support to Icdas Enerji in the case, the implication is that the GOT was not involved and did not direct TSEA’s action.

¹⁴ 15 U.S.C. §78dd-1(f)(1).

¹⁵ See 18 U.S.C. §951(d).

¹⁶ See Decision Memorandum for Preliminary Results of Countervailing Duty 2014 Administrative Review of Steel Concrete Reinforcing Bar from the Republic of Turkey, Admin review C-489-819, December 5, 2105, p11.

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Further, in the last twenty years of conduct, we do not know of a single instance in which a Turkish trade association was considered an extension of the GOT in the United States. On the contrary, Turkish trade associations have always been viewed as member driven organizations supporting their respective member's interests. Turkish trade association events are generally held with other private sector groups like the American Turkish Council, and attendees are generally private sector Turkish members of TAIK.

Accordingly, while GOT's participation in DEIK and TAIK's governance structure and policy planning clearly exists, based on the facts presented we believe the better argument is that this level of potential interference, without more, is not sufficient to have TAIK treated as an extension or agent of the GOT. Rather, TAIK continues to operate as a predominantly private sector membership organization. Of course this conclusion would be directly affected if the GOT were to exert more direct authority over TAIK activities or to dictate the positions or policies of TAIK.

2. Is Mr. Alptekin, as Chairman of TAIK, a representative or agent of the Government of Turkey which would require any agents hired in the U.S. to register under FARA rather than the LDA?

However, even if TAIK were to be found to be an extension or agent of the GOT, a second question would still exist with respect to Mr. Alptekin's activities. Mr. Alptekin is both chairman of TAIK, and also a prominent private sector businessman who operates numerous private businesses including Havacilik A.Ş. in Turkey and Eclipse Aerospace in the United States. He has significant business interests and activities completely independent of and apart from TAIK. Further, Mr. Alptekin's position as Chair of TAIK is completely voluntary: he receives no salary or compensation for his activities on behalf of TAIK. In fact, his position as Chair of TAIK can be attributed in large part to his status as a prominent respected and recognized business leader.

If TAIK were considered an agent of the GOT, and Mr. Alptekin was acting in his capacity as Chairman of TAIK in retaining U.S. agents to engage in political activities or public relations, or meet with U.S. government officials, then those activities could trigger a FARA filing requirement. If, however, Mr. Alptekin were acting for his private sector companies in retaining U.S. agents or consultants, then a filing under the LDA for potential lobbying contacts would be appropriate.

Based on the facts provided and included in this Memo, Mr. Alptekin was not acting in his capacity as Chair of TAIK when INOVO hired FIG to provide monitoring and reporting services with respect to Turkish American relations. TAIK did not request that FIG be hired, nor does TAIK appear to have any involvement. Rather, INOVO hired FIG to assist it in its representation of a private Israeli company, RATIO in providing advice with respect to the current state of U.S. – Turkish relations. It does not appear from the facts that Mr. Alptekin was operating for TAIK, or at the request TAIK, in any of these activities. Unless there are additional

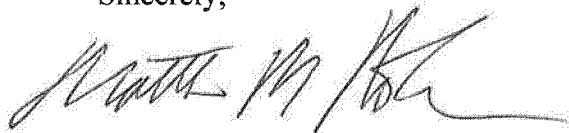
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a facts that would suggest some linkage with TAIK, we do not believe the above noted activities can be attributed to Mr. Alptekin's position in TAIK, and FARA does not confer an automatic filing requirement under these circumstances. Accordingly, we believe that an LDA filing would have been sufficient under these facts.

Moreover, based on the facts it is unclear whether any activity beyond simple monitoring and reporting actually occurred. FIG was retained and filed under the LDA out of an abundance of caution, but it is not clear that any contacts with US Government officials or politicians actually occurred. The public relations firm, Sphere Consulting was never retained. If these activities never occurred, then the whole premise for filing under the LDA or FARA could be questioned.

Please feel free to contact the undersigned should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew M. Nolan", written in a cursive style.

Matthew M. Nolan
Arent Fox LLP

MMN/nb

Conference w/ Flynn

2-14-17 4:30 pm

RK, KV, M Flynn, Lori.

KV: Spoke before

Documents in email to look @ leisure?

w/ *final*? to read more carefully

RK: David Laufman call. HH, CR on call.

Unrelated to stuff in the press.

Time to collect and interview – facts.

Possible draft registration. Decision of client.

When talking? He asked. Call and let us know able to talk.

Read it: File or subpoena may follow.

If file, possible they'll still look. Take a lot of wind away.

Focus is whether you register. Could audit the filing.

Subpoena less likely.

MF: YESTERDAY?

RK: Yes.

RK: Where we are. Told them in Jan we expected to file.

Emails, docs, interviews — little evidence of business/commercial.

Except after the fact letter.

Not discussed previously – after the fact.

Talk to people involved. Little on oil field.

Focus on Gulen, at time of FIG? focus on Gulen/Turkey

Meeting with government in September — tied to Confidence.

Op-ed distributed by Sphere — paid through contract.

Op-ed on same topic → Gulen

LDA only if Turkey not directing and not prin. beneficiary.

Email – Green light. Bijan insists, not Confidence.

Other view – Ekim/Ratio, business, green light unrelated.

We could fight it out. Would likely pursue. Court. Expensive. Might win – but big fight

Media storm. Conspiracy theories, etc.

MF: Filing late – legality.

Smart thing to file. Be precise.

RK: Take time with the draft.

High level — don't have the detail.

Gaps to explore?

Meet w/Heather with the document.

Address any of her concerns.

Could send cover letter. Simple letter summarizing the position

Cogent explanation of our position.

Careful of public statements. Interconnected. Can all blow back.

Notes in upper right corner: Payments added to chart.

Kept this from being factor

FCPA interconnected

Transcription of Brian Smith FARA Unit Meeting Notes from 2/21/2017 2.pm

KV Personal counsel - FIG and business	FARA Unit 2/21/17 2pm
RK Answers to Questions - letter	Alex Heather Laufman ?
Issues revised - welcome your feedback	Wallace
Draft with us here.	Cliff

KV Personal counsel – FIG and business

FARA Unit 2/21/17

2pm

Alex Heather Laufman?

Heather [Hunt]

David Laufman

Wallace

Cliff

Tim [Pugh]

BDS, RK, KV

RK Answers to Questions – letter

Issues revised – welcome your feedback

Draft with us here

1. Op Ed - Comm w/ Turkish govt/EA re Op Ed	Tim
Turkey - no to contacts we're aware of.	(A) RK KV
EA - Yes saw before published.	
No substantive changes. Technical, spelling, views	
Gen Flynn didn't accept any suggested changes	

- Op Ed – Comm w/ Turkish govt/EA re Op Ed
 Turkey – no contacts we're aware of
 EA – Yes saw before published
 No substantive changes. Technical, spelling, views
 Gen Flynn didn't accept any suggested changes

2. EA/ICOM comm w/ GOT.

not that we're aware of

3. Preparation

Flynn wrote it, Bijan, Business partner, input
Editor Hank Cox. Bijan brought in

Laufman Q: FG employee?

KV: ~~Not~~ employee.

2. EA/I comm w/ GOT
Not that we're aware of

3. Preparation
Flynn wrote it, Bijan, Business partner, input
Editor Hank Cox. Bijan brought in.

Laufman Q: FG Employee?

KV: Not employee

4. Any direct it be written, involved

No

Built into question EA working for GOT.

As far as we're aware, he's not an official

Unsolicited, received letter from his counsel, Arent Fox

Their justification. In detail not official or agent

So far as we're aware, not an official or agent.

4. So far as we're aware, not an official or agent
Any direct it be written, involved
No
Built into question EA working for GOT
As far as we're aware, he's not an official
Unsolicited, received letter from his counsel, Arent Fox
Their justification In detail not official or agent.

5. Receive copy.

Not aware of govt receiving copy
EA received it. Don't believe his agent.

TP - Draft?

RK Draft. ^{May have} ~~possibly~~ been some changes.

- 5. Receive Copy
Not aware of govt receiving copy
EA received it. Don't believe he's agent.

TP: Draft?

RK: Draft. May have been some changes.

6. Comp?

No. Subject matter related to work for Inovo; compensation there.
He didn't view it as something he was doing under contract.

- 6. Comp?
No. Subject matter related to work for Inovo; compensation there.
He didn't view it as something he was doing under contract.

Didn't resolve question on reputation

Laykin - genesis of op-ed.

RK Issues not involved for long time

He wanted to work

L - his idea?

RK - his idea that EA suggested. Not suggested by Turkey, other

spice of other things with a said

laugh, about the topic - Even during work.

Didn't resolve question on registration

Laufman: Genesis of op-ed

RK Issues MF involved for long time
He wants to write

Laufman: His idea?

RK: His idea. Not EA suggested. Not suggested by Turkey, other
A piece w/ other things written or said
Learning about the topic – from doing work

KV: Muslim Brotherhood reference. Upset. Asked for change
↳ Why sent?
RK: Doing work on similar subject matter. Projecting
Thinks he may not like. Would need to let him know.
↳ Awareness, not approval.
HH: ~~RK~~ Didn't make any changes? KV - Very upset
RK ~~no~~ no changes, other than spelling.
RK (Talking points)

KV: Muslim Brotherhood reference. Upset. Asked for change.

Laufman: Why sent?

RK: Doing work on similar subject matter. Projecting.
Thinks he may not like. Would need to let him know.

Laufman: Awareness, not approval

HH: Didn't make any changes?

KV: Very Upset

RK: No changes, other than spelling

RK (Talking points)

L - Get my brain around that?
RK Perspective that Gulen is causing all the trouble in Turkey
Trouble stirred up. Investors think things destabilized in Turkey
with him there, business not investing.
L - MF or EA?
RK - EA's views and FG/Sphere understanding of engagement.
Understand not immediately clear. Not living in this narrow world.
FIG aware ~~GOT~~ EA talked to GOT about ^{govt} engagement
Didn't happen (Turkey)
So EA decided to engage through his company
No funding or direction from GOT - him and his counsel

Laufman Get my brain around that?

RK Perspective that Gulen is causing all the trouble in Turkey.
Trouble stirred up. Investors think things destabilized in Turkey with him there,
businesses not investing

Laufman MF or EA?

RK EA's views and FG/Sphere understanding of engagement.
Understand not immediately clear.
Not living in this narrow world.
FIG aware EA talked to GOT about govt engagement
Didn't happen (Turkey)
So EA decided to engage through his company
No funding or direction from GOT – him and his counsel

KV. His engagement of another company
 RK. Right -> after the fact explanation from his counsel.
 Business copy of Leviathan gas field.
 L - FIG aware in touch w/ GOT on FIG engagement. Why not happen?
 RK. no detail.
 L - Comm bt/ EA and GOT on decision
 RK. Understand he was in touch, not proxy

KV His engagement w/ another company
 RK Right >> after the fact explanation from his counsel
 Business copy w/ Leviathan gas field
 Laufman FIG aware in touch w/ GOT on FIG engagement. Why not happen?
 RK No detail
 Laufman Comm bt/ EA and GOT on decision
 RK Understand he was in touch, not proxy

L - EA own reason to engage FIG. Not proxy
 RK - EA told FG, his counsel tells us/counsel after the fact
 Don't have evidence to the contrary
 (TPs) - Contract August.
 Public source research Gulen.
 Develop adverse information about Gulen. Case developed.
 Criminal referrals mentioned in contract
 PR firm and develop video on Gulen and network
 FIG referred contractors

L EA own reason to engage FIG. Not proxy.
 RK EA told FG. His counsel tells us/counsel after the fact
 Don't have evidence to the contrary
 (TPs) - contract August
 Public source research Gulen
 Develop adverse information about Gulen. Case developed.
 Criminal referrals mentioned in contract
 PR firm and develop video on Gulen and network

FIG retained contractors

L - Employees?
KV - MF, Bijan, Oakley. Bunch of colleagues brought in
reference in contract to team, some brought in, some not.
HH - LDA - Kelly.
RK - He's general counsel.
KV - Brought in to look @
RK (cut off) no privilege
KV Brought in to do LDA

Laufman	Employees?
KV	MF, Bijan, Oakley. Bunch of colleagues brought in Reference in contract to team, some brought in, some not
HH	LDA - Kelly
RK	He's general counsel
KV	Brought in to look @
RK	(cut off) no privilege
KV	Brought in to do LDA

RK - Engaged Sphere. Consulting
KV - SGR - Trade name Sphere
RK - Engaged in Fed and State Lobbying type outreach
TP - Lobbying type?
RK - Lobbying.
met McCaul
AKH - Sphere?
RK. Joint Bijan and Sphere. Talked re Gulen
TP - Client?

RK	Engaged Sphere consulting
KV	SGR – Trade name Sphere
RK	Engaged in Fed and State lobbying type outreach
TP	Lobbying type?
RK	Lobbying Met McCaul
UNKNOWN	Sphere?
RK	Joint Bijan and Sphere. Talked re Gulen
TP	Client?

RK - Inovo -> FIG -> Sphere.
State level contacts
HH - Pennsylvania
AM - Texas -
L - What transpired @ McCaul meeting?
RK - Loosley. No email or summary
L - Bijan, talked
RK - Yes. Discussed broader national security, ^{and} Gulen

RK Inovo > FIG > Sphere
State level contacts

HH Pennsylvania

AM Texas

Laufman What transpired @ McCaul meeting?

RK Loosley. No email or summary

Laufman Bijan, talked

RK Yes. Discussed broader national security and Gulen

L. Sought to raise the issue?
RK - Bijan would say no. Broader issues. Sphere was there.
Bijan wouldn't say set up meeting for Inovo, under contract
L. Set up by FIG/Sphere side?
RK yes. Part of his relationship with staff.
L. Any documents brought or left?
RK NOT that we have found.
Level set At time of letter, before, shut down.

Laufman Sought to raised the issue?

RK Bijan would say no. Broader issues. Sphere was there.
Bijan wouldn't say set up meeting for Inovo, under contract

Laufman Set up by FIG/Sphere side?

RK Yes. Part of his relationship with staff

Laufman Any documents brought or left?

RK Not that we have found
Level set At time of letter, before, shut down

L. Server records ~~pass~~ down, or not preserved.

RK. Not a server. Various services. Some encrypted.
 Resurrected accounts open encrypted emails
 Don't believe all emails that existed could be recovered.
 Don't have access to every independent contractor.

TP - Because small?

RK - ~~like~~ Like new PR firms. Build by various people contributing.
 MF never went back to the office
 MF2 happened to go back to the office.

RK. Atmospheric. All happening in height of campaign. He's
 flying @ 30,000 feet. Bijan handling. He'd dive in to meeting

L. Flynn sign?

BDS - yes

Laufman Server records down, or not preserved

RK Not a server. Various services. Some encrypted.
Resurrected accounts open encrypted emails
Don't believe all emails that existed could be recovered
Don't have access to every independent contractor

TP Because small?

RK Like new PR firms. Build by various people contributing.
MF never went back to the office
MF2 happened to go back to the office

RK Atmospheric. All happening in height of campaign.
He's flying @ 30,000 feet. Bijan handling. He'd dive in for meeting.

Laufman Flynn sign?

BDS Yes

RK Gulenopoly. Asked to create game.
to get out of jail free?

RK They created and give to FIG. and TEA
No evidence that Sphere or FIG disseminated
See online and hashtag.
Don't know how it got out.

RK Gulenopoly. Asked to create game.

Laufman Get out of jail free?

RK They created and give to FIG. And EA
No evidence that Sphere or FIG disseminated
See online and hashtag
Don't know how it got out

HH Copy given to EA

RK yes could speculate he did it.
Still drilling down on dissemination
3-month, option to extend
Work on getting it out into the world
Nov 15, clear he's going in to Admin
A lot they were planning wasn't done
Video done some interviews, some
Some research, game, Hill meeting, media, states
Asked Sphere to distribute op-ed
Placed in Hill
Don't have perfect visibility.
Those are things identified
Lots of ideas of things they could do.

RK Yes could speculate he did it
Still drilling down on dissemination
3-month, option to extend
Work on getting it out into the world
Nov 15, clear he's going in to Admin
A lot they were planning wasn't done
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Some research, game, Hill meeting, media, states
Asked Sphere to distribute Op Ed
Placed in Hill
Don't have perfect visibility
Those are things identified
Lots of ideas of things they could do

HH - Brain storming
 RK - Ideas that could be implemented later on
 Things identified here were the things done as best we can tell
 HH Flynn dive in for what? Hill meeting
 RK - Calls w/ client, on emails. maybe not reading
 L - EA emails

HH Brain storming
 RK Ideas that could be implemented later on
 Things identified here were the things done as best we can tell
 HH Flynn dive in for what? Hill meeting
 RK Calls w/ client on emails. Maybe not reading
 Laufman EA Emails

RK EA and internal
 Meeting in September Turkish officials in NY, Flynn in NY
 Arranged late night meeting.
 TP - Ambassadors?
 RK - 2 Ministers. MFA and Energy
 EA contact MFA to meet them understand what was
 going on in Turkey.
 He talked about Gulen.
 No indication they gave any direction or order
 on the project. But Gulen was discussed

RK EA and internal
 Meeting in September Turkish officials in NY, Flynn in NY
 Arranged late night meeting
 TP Ambassadors?

RK 2 Ministers. MFA and Energy
EA wanted MF to meet them and understand what was going on in Turkey
And talked about Gulen
No indication they gave any directions or order on the project. But Gulen
discussed

TP - Timing of Coup.
L - memos memorializing the meeting?
RK - Not that we've located
KV - just emails scheduling the meeting
RK - w/ these facts:
Bona fide commercial enterprise
Stated business purpose
Commercial funding, not govt.
Activities in US tie to purpose

TP Timing w/ coup
Laufman memos memorializing the meeting?
RK Not that we've located
KV Just emails scheduling the meeting
RK w/ these facts:
Bona fide commercial enterprise
Stated business purpose
Commercial funding, not govt
Activities in US tie to purpose

L. Commercial purpose? Why?
 RK - Logically difficult to accept position that Gulen is source of Turkey econ problems. Stated reason from EA and after the fact explanation - contract w/ Israeli company interest in Turkey economy.
 Other hand: ~~the~~
 meeting of Govt - officials
 Since coup, principal policy focus in Gulen extradition
 Direction or control from Govt. Don't really have evidence
 Contract and funding, representation
 Beneficiary - Gulen focus overlap

Laufman Commercial purpose? Why?

RK Logically difficult to accept position that Gulen is source of Turkey econ problems. Stated reason from EA and after the fact explanation – contract w/ Israeli company interest in Turkey economy
 Other hand:
 Meeting w/ GOT officials
 Since coup, principal policy focus in Gulen extradition
 Direction or control from GOT. Don't really have evidence
 Contract and funding, representation
 Beneficiary – Gulen focus overlap

Argument for registration. If subject matter, principal beneficiary
 Reason it's taken so long, we thought we'd find dispositive evidence. Haven't
 Thin reed - subject overlapping. Principal beneficiary and LDA regulation
 L. EA. Then he regarded benefit to Turkey.
 RK No independence

RK cont'd Argument for registration. If subject matter, principal beneficiary
 Reason it's taken so long. We thought we'd find dispositive evidence. Haven't.
 Thin reed – subject overlapping. Principal beneficiary and LDA regulation

Laufman EA. How he regarded benefits to Turkey.

RK No indication

BAD - Counsel would say he doing for own reason - the inverse
RK - Important Counsel. ~~Not~~
HH - No connection w/ GOT
RK Didn't say that. Not official. Clearly has relation.
Arranged meeting - Black Box
We don't know relationship. Was in touch. Procured meeting.
L = TAIK - some connection to govt.
HH According to his counsel, not an agent
RK Yes

BDS Counsel would say he doing for own reason – the inverse

RK Important counsel

HH No connection w/ GOT

RK Didn't say that. Not official. Clearly has relation.
Arranged meeting – black box
We don't know relationship. Was in touch. Procured meeting.

Laufman TAIK – some connection to govt

HH According to his counsel, not an agent

RK Yes

KV - Some connection to govt. Quasi under law
 RK - Clear relation. Question whether agent under this project
 Counsel says he's not agent at all
 TP - Primarily funded by Turkey?
 RK TAIK and business counsel. Conclusion that he's not agent/official
 HH - He went to govt. They said no. He still wants to do himself
 through his business.
 RK What he tells us/Bijan. They weren't prepared to retain FIG.

KV Some connection to govt. quasi under law
 RK Clear relation. Question whether agent under this project. Counsel says he's not agent at all.
 TP Primarily funded by Turkey?
 KV TAIK and business counsel. Conclusion that he's not agent/official
 HH He went to govt. They said no. He still wants to do himself through his business.
 RK What he tells us/Bijan. They weren't prepared to retain FIG

HH They said you do it
 RK - Can't rule that out, Not that we're aware. Not
 not our impression
 RK - Bijan would say that's not the case.
 RK - not crazy to file under LDA
 Subject overlap - principal beneficiary.

HH They said you do it
 RK Can't rule that out. Not that we're aware.
 KV Not our impression
 RK Bijan would say that's not the case
 RK Not crazy to file under LDA.
 Subject overlap - principal beneficiary

RK 'Have draft. Couple things to drill down.
 HH - Registration on determination of principal beneficiary.
 RK - Under statute, exempt
 Under reg. still true, unless principal beneficiary.
 w/o PB - LDA would be sufficient
 TP - Sphere register?
 RK Under LDA.

RK Have draft. Couple things to drill down.
 HH Registration on determination of principal beneficiary
 RK Under statute, exempt
 Under reg, still true unless principal beneficiary
 w/o PB - LDA would be sufficient
 TP Sphere register?
 RK Under LDA

HH - FIG as client
 no for foreign
 RK/BDS - Double check.
 TP - Jurisdiction - Turkey / Israel.
 RK not an expert - In Israel, other working on deals
 for access.
 L - Fintel voids parts on EA grounds, viewed scope of work
 hired FIG. Connect, deal purpose? Benefit just.
 Don't have sufficient visibility.

HH FIG as client
 Not for foreign
 RK/BDS Double check

TP Leviathan – Turkey/Israel

RK Not an expert. In Israel. Others working on deals for access

Laufman Factual voids info on EA genuinely viewed scope of work
Hired FIG. Commercial, dual purpose? Benefit govt
Don't have sufficient visibility

RK - Lengthy letter from counsel. Strong case.
 L - Available
 RK - no. Strong case. Israel.
 After the fact
 FIG told @ time - confidence in Turkish economy and
 Gulen is obstacle to that. Deal w/ him
 HH - op-ed MF 100% deciding
 RK - MF and others spoken to. No ~~other~~ indication otherwise
 in documents and interviews.
 Natural. Research being done about Gulen
 EA didn't request and wasn't thrilled.
 Muslim brotherhood. Sensitive
 Mentioning it, he not happy

RK Lengthy letter from counsel. Strong case.

Laufman Available

RK No. Strong case. Israel
After the fact
FIG told @ time – confidence in Turkish economy and
Gulen is obstacle to that. Deal w/ him

HH Op-ed MF 100% deciding

RK MF and others spoken to. No indication otherwise in documents and interviews
Natural. Research being done about Gulen.
EA didn't request and wasn't thrilled
Muslim brotherhood. Sensitive.
Mentioning it, he not happy

~~TP~~ TP - economic reason or political
 RK - Don't know the particulars
 L - Commentary that positions in Nov 8 op-ed are contrary to prior positions
 RK - Recall seeing that claim, not explored. Could ask General
 Lots of changes on ground. Months leading up to it
 Haven't asked General
 Views evolve

TP Economic reason or political
 RK Don't know the particulars
 Laufman Commentary that positions in Nov 8 op-ed are contrary to prior positions
 RK Recall seeing that claim. Not explored. Could ask General
 Lots of changes on ground. Months leading up to it
 Haven't asked General
 Views evolve

L - One possibility. Views espoused by client
 RK - As writer, where do things come from
 From general's view, he had things to say
 Election day - no rhyme or reason.
 No request from client to publish on election day.
 Something he wanted to write. No one asked for it.
 L - He discouraged op-ed - not true?
 RK - ^{NO} Haven't look @ his intent
 Suggested changes, not accepted.

Laufman One possibility. Views espoused by client
 RK As writer, where do things come from
 From general's view, he had things to say
 Election day - no rhyme or reason
 No request from client to publish on election day

Something he wanted to write. No one asked for it

Laufman He disavowed op-ed – not true?

RK No.
Have to look @ his statement
Suggested changes, not accepted

HH - Flynn - meeting on Hill? Not @ Sphere meetings,
KV/RK - Not @ meeting
HH - Internal?
RK - Knew ~~that~~ they were working on it. September meeting
KV - He personally did very little.
L - Reason for Sept meeting
BDS - Get to know one another.

HH Flynn – meeting on Hill? Not @ Sphere meetings

KV/RK Not @ meeting

HH Internal?

RK Knew they were working on it. September meeting

KV He personally did very little

Laufman Reason for Sept meeting?

BDS Get to know one another

Laufman Topic/reason

BRS Didn't specify

TP - UNGA
 BRS yes
 AM negotiate representation
 RK - no
 Could have presented and said not needed to register

TP UNGA

BRS Yes

AM negotiate representation

RK No
 Could have presented and said not needed to register

L - Ask register but not sure it's necessary.
 51%?
 RK - Useful exercise. Gather the facts. What would it look like
 Internal debates - not slam dunk either way
 My view. Credible basis. Subtle judgment of PB
 P is strong word
 After the fact business judgment.
 Not inconsistent w/ underlying p time.
 Confidence, business critical
 Explanation goes further.
 But have in mind how you. He can't do all things right.
 Couldn't want to decide on our own.

Laufman After registration but not sure it's necessary
 51%?

RK Useful exercise. Gather the facts. What would it look like
 Internal debates - not slam dunk either way

My view: credible basis – subtle judgment of PB
P is strong word
After the fact business justification
Not inconsistent w/understanding @ time
Confidence business interest
Explanation goes further
But have inquiry from you. He wants to get things right.
Wouldn't want to decide on our own.

HH - Looks like
RK - Prepared to show
HH - Who? Registrant FIG
Principal Inovo
HH Sphere?
RK Have their own counsel. Belief that if conclude, your advice,
They'd file their own.
TP - FIG incorporated, Ex C

HH	Looks like
RK	Prepared to show
HH	Who? Registrant FIG Principal Inovo
HH	Sphere?
RK	Have their own counsel. Belief that if conclude, your advice They'd file their own
TP	FIG incorporated, Ex C

KV. yes. Will dissolve when this is all done

HH. Reopen

RK. No, his own LLC. This is one business w/ Bijan.

HH. Detailed activities?

RK. Similar to described orally. Hill, video, opoly, state contacts.
Few PP summary of detail that we have.

HH. Statement regarding LDA

RK. Yes note of previous LDA. Address any issues, overlap subjecting register. Best efforts to reconstruct facts w/ counsel.

KV Yes. Will dissolve when this is all done

Laufman Reopen

KV No, his own LLC. This is one business w/ Bijan

HH Detailed activities?

RK Similar to described orally. Hill, video, opoly, state contacts.
Few paragraph summary of detail that we have

HH Statement regarding LDA

RK Yes note of previous LDA. Address any issues, overlap subjecting Register. Best efforts to reconstruct facts w/ counsel

TP - Time?

RK - August to Nov.

HH - Supp

RK yes early supp.

To answer question, prefer not to file, anything else going on

Recognize this line

TP Time?

RK August to Nov.

HH Supp

RK Yes early supp
To answer question, prefer not to file, everything else going on
Recognize thin line

TP - Kelly?
RK - No role,
HH - why Kelly,
Not a subject expert
HH He has own FARA registration - Kelly law group registered
AM McBree new name
Signal group -

TP Kelly?

RK No role

HH Why Kelly
Not a subject expert

HH? He has own FARA registration - Kelly law group registered

AM McBree new name
Signal group

TP 'Video' tasked to do - same one?
KH - Video not completed.
RK Kelly - registered? New to me.

L - Time to study draft
RK - Don't want to surrender custody.
Audiote in car conf room - Day or 2

TP Video tasked to do – same one?
KV Video not completed
RK Kelly – registered? News to me
Laufman Time to study draft
RK Don't want to surrender custody
Available in our conf room. Day or 2

KV - Lots going on w/ Gen Flynn. His answer - do the right thing.
L - Peculiar w/ him more free. Can't get access to documents emails.
RK - Can get some back on details
Cloud services, Virtru
KV - Account for FIG - used for its business
RK - Some of it was still available.
Hard to reconstruct.
KV - on phone w/ CEO

KV Lots going on w/ Gen Flynn. His answer – do the right thing
Laufman Peculiar w/ him more free. Can't get access to documents emails
RK Can get back on details
Cloud services, Virtru
KV Account for FIG – used for its business
RK Some of it was still available
Hard to reconstruct
KV On phone w/ CEO

L - Exist on his hard drive before sent to cloud.
 RK - Haven't imaged HD, there are no FIG hard drives
 L - How cooperative? Bijan
 RK Cooperative. Handed over information
 L. Dependent on EA lawyer and his representation
 RK yes, that's the usual case. Don't have access to someone client mental state.

Laufman Exist on his hard drive before sent to cloud
 RK Haven't imaged HDs, there are no FIG hard drives
 Laufman How cooperative? Bijan
 RK Cooperative. Handed over information
 Laufman Dependent on EA lawyer and his representation
 RK Yes, that's the usual case. Don't have access to someone client Mental state

L - Seek documentary evidence from your client to see internal emails
 RK - Usual to ask them to make representations
 Not ask for internal documents
 Usually look @ representations and public interactions.
 L. Depend on the accounts provided to you, and then to us.
 RK Don't usually have access to 3rd party documents.
 Pulling back in time. Ask for representations. Don't ask for internal emails of G&T.
 L. For P to you in tough spot
 RK. Some of it's the smart test
 L -

Laufman Seek documentary evidence from your client to see internal emails
 RK Usual to ask them to make representations
 Not ask for internal documents

Usually look @ representations and public information

Laufman Depend on the accounts provided to you, and then to us

RK Don't normally have access to 3rd party documents.
Putting back in time. Ask for representations. Don't ask for internal emails w/
GOT

Laufman Puts you in tough spot

RK Some of it's the smell test

Laufman (blank line)

RK - Two: 1. Turkey funding/directing. Don't ~~know~~ know EA → Turkey
 2. GOT is PB - There we have as much as we know.
 Emails wouldn't shed light.

HH: When it became to be, EA hanging hat on connection end. to MF
 OK yes Bijan and MF ~~was~~ consistent this was EA's commercial
 interest and Gulen irritant to economic relation.

? Leviathan.

OK No one @ FIG. First mention in media interview
 Then details from Arent Fox

RK Two: (1) Turkey funding/directing. Don't know EA > Turkey
(2) GOT is PB - there we have as much as we know. Emails wouldn't shed light

HH When it comes to be, EA hanging hat on a connection end. to MF

RK Yes Bijan and MF consistent this was EA's commercial
Interest and Gulen irritant to economic relation

Leviathan

RK No one @ FIG. First mention in media interview
Then details from Arent Fox

RK. could imagine his own business purposes.

Client may tell you just what need to know.

True - didn't know until later.

L. See copy of agreement? Things typically ask for.

TP - Kelly registration. Iraqi

RK Could imagine his own business purpose
Client may tell you just what need to know
True – didn't know until later

Laufman See copy of agreement? Things typically ask for

TP Kelly registration. Iraqi

meeting to
Review of draft

HH - Things we saw if filed. Look @ these issues

2/22/17

1. Residences addresses. Appreciate why not listed.

noon

not upon request.

Put in the filing - redact.

Put on the form "Provided separately for DOJ"

and submit in letter

Redact in Exhibit C also.

Leaning toward Registration - principle benefiting Turkey.

Will give it more thought, than definitive view.

Revise home addresses ✓

Request redaction of exhibit C ✓

Meeting to
Review of draft
2/22/17
noon

HH - Things we saw if filed. Look @ these issues.

1. Residences addresses. Appreciate why not listed.

Not @ upon request.

Put in the filing - redact.

Put on the form "Provided separately for DOJ"

and submit in letter

Redact in Exhibit C also.

Revise home

Addresses ✓

Request redaction ✓

In Exhibit C

Leaning toward Registration - principle benefiting Turkey.

Will give it more thought, the definitive view.

Register -
Written? ✓

Pretty much there. Make decision now.

Want something in writing?

Electing to file in LDA note

2. Reg ~~2017~~

9 retroactive - put on there

60 days prior

Register -
Written? * ✓

Pretty much there. Make decision now.

Want something in writing?

Electing to file in LDA note

2. Reg ~~2870~~
 9 retroactive - put on there
 60 days prior

10 -
 Because retroactive, Receipts / Disbursements, appear on supplemental.
 "to the filing of the statement" - problem

Add retroactive note to 60 day look back

2. Reg

9 retroactive - put on there
 60 days prior

Add retroactive
 Note to 60
 Day look back ✓

10 -

Because retroactive, receipts/disbursements, appear on supplemental.

"to the filing of the statement" - problem

1. 13-16
 Budget established.
 Yes - Attachment -
 #13 No - no separate budget
 Look again @ Sphere contract - anything specific

13-16 - check a box - even if "other"

No on budget check if info materials budget or clarify debt
Check "other" throughout info note

3. 13-16

Budget established
 Yes. Attachment -
 #13 No - no separate budget
 Look again @ Sphere contract - anything specific
 13 - 16 - check a box - even if "other"

No on budget
 check if
 info materials
 budget or
 clarify debt ✓

Check "other"
 Throughout
 Info note

Check Hon Consul. Exhibit A.
 to Albania ✓ Honorary Consul from Turkey to Albania. ?
 Check.
 IF Turkey, list it
 meeting of officials.
 Add in New York
 Add mtg luncheon (NY) ✓
 2 spots
 Also in #11 of Supp. Statement.

Exhibit A
 Check Hon Consul To Albania ✓ Honorary Consul from Turkey to Albania. ?
 Check.
 If Turkey, list it
 Meeting w/ officials.
 Add mtg luncheon (NY) ✓
 2 spots ✓
 Add in New York
 Also in #11 of Supp. Statement.

2 spots
 Payments to Inovo ✓
 Cliff #15 Payments to Inovo of 40
 strange
 TP Return of something?
 (BPI) - note @ top still looking - not clear)

Cliff
 #15 Payments to Inovo of 40
 Strange
 TP Return of something?
 (BPI) - note @ top
 Still looking - not clear)

<p>Sphere Coordinates filing ✓</p> <p>(A)</p>	<p>Sphere draft. ?</p> <p>Reach out to them</p> <p>Happy to look @ draft for them tom.</p> <p>Same format</p> <p>Woodraker</p> <p>HH - like to be @ same time.</p>
---	--

Sphere
coordinates
filing ✓

Sphere draft. ?

Reach out to them

Happy to look @ draft for them tom.

Same format

*

Coordinate

HH - like to be @ same time.

<p>Exhibit B Gulen - OK</p> <p>Date of McCaul meeting ✓</p> <p>Details on State Meetings - Issue for Sphere ✓</p>	<p>HH/Cliff Ex B - Gulen not mentioned ok to put in supp.</p> <p>Toni Supp - McCaul meeting date possible?</p> <p>Various state governments. → date location if possible governor, legislative.</p>
---	---

Exhibit
B ✓
Gulen -
OK

HH/Cliff - Ex B -

Gulen not mentioned

Ok to put in supp.

To Supp -

McCaul meeting date possible?

Date of McCaul
Meeting ✓

Various State governments. →

Date **location** if possible
governor, legislative

Details on State
Meetings -
Issue for
Sphere ✓

File by
 email ✓
 Courier the check

Logistic - file by email
 so they can handle the timing and
 publication

Send check for fees - Courier = check

we can idle while sphere finalizes filing

File by
 email ✓
 Courier the check

Logistic - file by email
 So they can handle the timing and
 Publication

Send check for fees - Courier a check

We can idle while Sphere finalizes filing

[]

From: Bijan Kian <kian@flynnintelgroup.com>
Sent: Wednesday, November 2, 2016 10:36 PM
To: Ekim Alptekin <ekimalptekin@gmail.com>; Bob Kelley <kelley@flynnintelgroup.com>
Subject: Getting Turkey Wrong
Attach: GETTING TURKEY WRONG.docx

[]

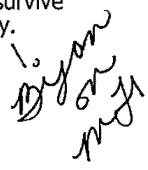
Ekim:

[]

A promise made is a promise kept. Please see attached 1000 word article. I appreciate it if you take a look and give me your thoughts at your earliest convenience. I am not certain how much of the text will survive review and edits but as you can see, the humble author is not shy.

[]

I am copying Bob as we move forward with executing the plan.



[]

All the best,

[]

Bijan

[]

Hon. Bijan R. Kian
Vice Chairman of the Board of Directors
Flynn Intel Group, Inc.

[]

703-313-7040 (office)
858-449-8997 (mobile)
kian@flynnintelgroup.com

[]

<https://ci3.googleusercontent.com/proxy/5sJv2UqRFQjfJfxguQ-_N5W0AmT4njwIse_1Yuz9lWhk0DXu67-QCYtShVY-rTNfvx4-JKSFFh65easSV_gog66tmx4FRNk5mgheXWjids32m8njX-3vwWLzzqGW3XJehiDb7nbmC9IaoU7vWCvTn2701yAkvIk9q6Zb--MXrbo_a2A5syObS0-RYM8F5RMS353apAo8PitBoVE=s0-d-e1-ft#https://docs.google.com/uc?export=download&id=0B1UG7lJu76t5N2h5MUVVLTvQS1U&revid=0B1UG7lJu76t5NkEvekR5TVUzQW41NjM0UWR5S1A3aEN5QWFrPQ>

[]

Notice of Confidentiality

[]

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[]

GETTING TURKEY WRONG.docx .tdf (138.5 kb)
<<https://www.virtu.com/start/#v=2.0.0&d=https%3A%2F%2Fstorage.virtu.com%2Fapi%2Fpolicies%2Fb81dabb3-01d2-4f57-8f9e-ccbe8e2cc9db%2Fdata%2Fmetadata&dk=kqQKqmWhrNchheV3gFQN7GX2SFbAj2J85qAdtwBZDI8%3D&di=bSckUN0kF8IXznCjYogwg%3D%3D&a=f2060212-c779-479c-a2e2-d6b4bb4641cf>>

[]

file:///Matter-EUS/...oduct%20and%20Document%20Collection/Work%20Product/Proffer%20Prep%20Materials/Op-ed/DOC00028721.txt[11/17/2017 9:38:40 AM]

Re: Flynn

From: "Kelner, Robert" </o=covington & burling/ou=cb/cn=recipients/cn=c&b.cbpowa01.kelnerrk">
To: "Hunt, Heather H. (NSD)" <heather.hunt@usdoj.gov>
Cc: "Smith, Brian" <bdsmith@cov.com>
Date: Fri, 03 Mar 2017 10:19:38 -0500

Looks like Tuesday. Finalizing some things. Expect General to sign Monday. And then we'd file Tuesday, and Sphere would file same day.

Sent from my iPhone

> On Mar 3, 2017, at 10:15 AM, Hunt, Heather H. (NSD)
<Heather.Hunt@usdoj.gov> wrote:

>

> Okay. Close as in later today or close as in next week? Call on my mobile. 202-598-7101.

>

>> On Mar 3, 2017, at 10:10 AM, Kelner, Robert <rkelner@cov.com> wrote:

>>

>> We are not quite ready to file, but close. I'll try to catch you by phone today to discuss status.

>>

>> Rob

>>

>> Sent from my iPhone

Fwd: Flynn Intel Group, Inc.

From: "Kelner, Robert" <rkelner@cov.com>
To: kverderame@ponderainternational.com
Cc: "Smith, Brian" <bdsmith@cov.com>, "Anthony, Stephen" <santhony@cov.com>, "Langton, Alexandra" <alangton@cov.com>
Date: Tue, 07 Mar 2017 23:04:11 -0500
Attachments: Unnamed Attachment (68 bytes); image001.png (2.66 kB)

They are working late at the FARA Unit.

Sent from my iPhone

Begin forwarded message:

From: "Hunt, Heather H. (NSD)" Heather.Hunt@usdoj.gov>
Date: March 7, 2017 at 10:50:18 PM EST
To: "Smith, Brian" bdsmith@cov.com>
Cc: "Kelner, Robert" rkelner@cov.com>
Subject: RE: Flynn Intel Group, Inc.

Brian --

Thank you for your email. This is to advise you that we are in receipt of the FARA filing for Flynn Intel Group, Inc. (6:02pm on March 7, 2017). We will process the filing as quickly as possible, including your request to redact residential addresses and your request to include Rob Kelner's cover letter as part of the public file.

Please contact me if you have any questions or concerns.

Thank you,

Heather

Heather H. Hunt

Chief, FARA Registration Unit

Counterintelligence and Export Control Section

National Security Division

U.S. Department of Justice

Washington, DC 20530

(202) 233-0776/0777

heather.hunt@usdoj.gov

From: Smith, Brian [<mailto:bdsmith@cov.com>]
Sent: Tuesday, March 7, 2017 6:02 PM
To: Hunt, Heather H. (NSD) hhunt@jmd.usdoj.gov>

Cc: Kelner, Robert rkelner@cov.com>

Subject: Flynn Intel Group, Inc.

Dear Ms. Hunt,

Attached please find a cover letter, registration statement, exhibits, short forms, and terminating supplemental statement of the Flynn Intel Group, Inc. These materials are being provided by e-mail pursuant to our conversations. Additionally pursuant to our conversations, the information below is being provided separately.

We respectfully request that the Registration Unit redact residential addresses that appear on pages 8 and 10 of Exhibit C.

The following residential addresses are being provided to the Department separately:

Lt. Gen. Michael T. Flynn (Ret.)

411 North Pitt Street

Alexandria, VA 22314

Bijan Rafiekian

9700 Avenel Farm Dr.

Rockville, MD 20850

Philip Oakley

11400 Quailwood Dr.

Fairfax Station, VA 23039

A check for \$610, for the initial registration and the terminating supplemental statement, will be sent separately by courier to your office.

Further to your conversation with Mr. Kelner, we respectfully request that his attached cover letter be included in the Unit's public file regarding this registration.

Please let us know if you have any questions.

Brian

Brian D. Smith

Covington & Burling LLP
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 5090 | bdsmith@cov.com
www.cov.com



COVINGTON

BEIJING BRUSSELS DUBAI JOHANNESBURG LONDON
LOS ANGELES NEW YORK SAN FRANCISCO SEOUL
SHANGHAI SILICON VALLEY WASHINGTON

Robert K. Kelner

Covington & Burling LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 5503
rkelner@cov.com

December 15, 2017

BY U.S. MAIL

General Michael T. Flynn
Flynn Intel Group, Inc.
44 Canal Center Plaza
Alexandria, VA 22314

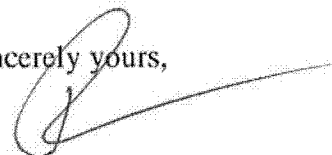
Re: Regulatory Advice, Acct. No. 039305.00001

Dear General Flynn:

Enclosed is our statement for professional services rendered by the firm during the period November 1, 2017 through November 30, 2017, in connection with the above-referenced account. Please feel free to call me if you have any questions.

Best regards,

Sincerely yours,



Robert K. Kelner

Enclosure

COVINGTON

BEIJING BRUSSELS DUBAI JOHANNESBURG LONDON
LOS ANGELES NEW YORK SAN FRANCISCO SEOUL
SHANGHAI SILICON VALLEY WASHINGTON

Covington & Burling LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 6000

General Michael T. Flynn
Flynn Intel Group, Inc.
44 Canal Center Plaza
Alexandria, VA 22314

December 13, 2017

Invoice: 60783193
Account: 039305.00001
Attorney: Robert K. Kelner

General Michael T. Flynn

Re: Regulatory Advice

For professional services rendered in connection with the above referenced matter through November 30, 2017:

Fees: \$ **562,122.50**

Disbursements \$ **916.43**

Total Fees and Disbursements: \$ **563,038.93**

TOTAL AMOUNT DUE: USD \$ **563,038.93**

General Michael T. Flynn
 Regulatory Advice
 039305.00001
 Invoice No.:60783193

Page 24

Outstanding Invoices

<u>Date</u>	<u>Invoice Number</u>	<u>Fee & Charges</u>	<u>VAT</u>	<u>Total</u>	<u>Credits</u>	<u>Balance</u>
03/31/17	60750975	85,656.92	0.00	85,656.92	0.00	85,656.92
05/04/17	60754148	161,561.56	0.00	161,561.56	0.00	161,561.56
06/30/17	60763038	680,176.14	0.00	680,176.14	0.00	680,176.14
07/24/17	60765642	618,299.94	0.00	618,299.94	0.00	618,299.94
08/14/17	60769062	726,393.94	0.00	726,393.94	0.00	726,393.94
09/21/17	60774291	501,170.05	0.00	501,170.05	0.00	501,170.05
10/19/17	60776641	303,965.27	0.00	303,965.27	0.00	303,965.27
11/30/17	60780970	293,882.85	0.00	293,882.85	0.00	293,882.85
Totals \$		3,371,106.67	0.00	3,371,106.67	0.00	3,371,106.67

COVINGTON

BEIJING BRUSSELS DUBAI JOHANNESBURG LONDON
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Covington & Burling LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 6000

Remittance Page

Client Name	General Michael T. Flynn
Matter Name	Regulatory Advice
Date Of Invoice	December 13, 2017
Matter Number	039305.00001
Invoice Number	60783193
Total Amount Due	\$563,038.93

Please Submit Remittance to:

Covington & Burling LLP
Attention: Accounting Department
One CityCenter
850 Tenth Street N.W.
Washington D.C. 20001
Fed. Id. No. 53-0188411
(202) 662-6000

Wire Instructions:

US Dollar Payments (\$)

Citibank N.A 1101 Pennsylvania Avenue, N.W. Suite 900 Washington, DC 20004	ABA: 254070116 Account No. 9250403781 Account Name: Covington & Burling LLP Swift Code: CITIUS33
---	---

Please reference invoice number

Please send remittance details to collections@cov.com

Re: call?

From: MTFLYNN <rpatriot@mailsol.net>
To: "Anthony, Stephen" <santhony@cov.com>
Cc: "Kelner, Robert" <rkelner@cov.com>, flynnlmmm@mailsol.net
Date: Wed, 30 Aug 2017 16:14:27 -0400

Rob, I assume we're using the conference call number?

Mike

Michael T Flynn

Lt. Gen. (R), U.S. Army
CEO, Resilient Patriot LLC
NYT Bestselling Author, The Field of Fight:
How We Can Win the War Against Radical Islam and Its Allies
<https://www.amazon.com/Field-Fight-Global-Against-Radical/dp/1250106222>

On Aug 30, 2017, at 15:54, Anthony, Stephen <santhony@cov.com> wrote:

Same for me. Or I could start at 4:30.

Sent from my iPhone

On Aug 30, 2017, at 3:52 PM, Kelner, Robert <rkelner@cov.com<mailto:rkelner@cov.com>> wrote:

Would you prefer to talk after dinner? It's not urgent, but we do need to update you on a development. I could talk later tonight if easier for you.

Robert Kelner

Covington & Burling LLP
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 5503 | rkelner@cov.com<mailto:rkelner@cov.com>
www.cov.com<http://www.cov.com>

<image001.jpg>

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From: MTFLYNN [<mailto:rpatriot@mailsol.net>]
Sent: Wednesday, August 30, 2017 3:49 PM

To: Kelner, Robert <rkelner@cov.com<<mailto:rkelner@cov.com>>>
Cc: Anthony, Stephen <santhony@cov.com<<mailto:santhony@cov.com>>>;
flynnlmmm@mailsol.net<<mailto:flynnlmmm@mailsol.net>>
Subject: Re: call?

Rob,

Five is good. We have dinner reservations at 5:30, so we will be in our car if that's okay.

Mike

Michael T Flynn
Lt. Gen. (R), U.S. Army
CEO, Resilient Patriot LLC
NYT Bestselling Author, The Field of Fight:
How We Can Win the War Against Radical Islam and Its Allies
<https://www.amazon.com/Field-Fight-Global-Against-Radical/dp/1250106222>

On Aug 30, 2017, at 15:31, Kelner, Robert <rkelner@cov.com<<mailto:rkelner@cov.com>>> wrote:
General, are you free for a call with me and Steve at 5pm today?

Robert Kelner

Covington & Burling LLP
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 5503 | rkelner@cov.com<<mailto:rkelner@cov.com>>
www.cov.com<<http://www.cov.com>>

<image001.jpg>

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Fwd: Chief Judge Howell's Order re Manafort's FARA Lawyer

From: "Anthony, Stephen" <santhony@cov.com>
To: "Kelner, Robert" <rkelner@cov.com>, "Polack, Roger" <rpolack@cov.com>, "Chertoff, Michael" <mchertoff@cov.com>, "DeBold, Joshua" <jdebold@cov.com>, "Smith, Brian" <bdsmith@cov.com>, "Langton, Alexandra" <alangton@cov.com>
Date: Mon, 30 Oct 2017 21:49:25 -0400

I just had a flash of a thought that we should consider, among many many factors with regard to Bob Kelley, the possibility that the SCO has decided it does not have, wrt Flynn, the same level of showing of crime-fraud exception as it had wrt Manafort. And that the SCO currently feels stymied in pursuing a Flynn-lied-to-his-lawyers theory of a FARA violation. So, we should consider the conceivable risk that a disclosure of the Kelley declaration might break through a wall that the SCO currently considers impenetrable. Much to consider...

Sent from my iPhone

Begin forwarded message:

From: "Anthony, Stephen" <santhony@cov.com>
Date: October 30, 2017 at 9:32:19 PM EDT
To: "Polack, Roger" <RPolack@cov.com>, "Kelner, Robert" <rkelner@cov.com>, "Chertoff, Michael" <mchertoff@cov.com>, "DeBold, Joshua" <jdebold@cov.com>, "Smith, Brian" <bdsmith@cov.com>, "Langton, Alexandra" <ALangton@cov.com>
Cc: "Anthony, Stephen" <santhony@cov.com>
Subject: Chief Judge Howell's Order re Manafort's FARA Lawyer

Attached (if I succeeded in attaching).

<f.pdf>

Sent from my iPhone

Re: Robert Kelley Declaration

From: "Anthony, Stephen" </o=covington & burling/ou=cb/cn=recipients/cn=c&b.cbpowa01.anthonysp">
To: "Chertoff, Michael" <mchertoff@cov.com>
Date: Sat, 28 Oct 2017 07:33:37 -0400

I tip my cap to Kelley for his candor in this.

Sent from my iPhone

On Oct 28, 2017, at 7:16 AM, Chertoff, Michael
<mchertoff@cov.com<mailto:mchertoff@cov.com>> wrote:

Home run.

From: Kelner, Robert
Sent: Saturday, October 28, 2017 12:33 AM
To: Anthony, Stephen
Cc: Polack, Roger; Chertoff, Michael; DeBold, Joshua; Smith, Brian; Langton, Alexandra
Subject: Re: Robert Kelley Declaration

I'm just getting to this now. I think it came out great, all things considered. It reads like it's in his voice and not heavily lawyered at all, which it wasn't. The mix of things he included adds to its credibility. It does what we hoped it would do. Thanks, Steve, for great work in bringing this to a conclusion. Frankly, there are not many lawyers who would be as frank as Kelley has been here.

Sent from my iPhone

On Oct 27, 2017, at 9:45 PM, Anthony, Stephen
<santhony@cov.com<mailto:santhony@cov.com>> wrote:

See the attached. I believe our private investigator has succeeded in getting a declaration from FIG's counsel that (a) makes clear that Bijan/FIG intended to make a FARA filing, (b) establishes that counsel gave legal advice that FIG did not need to file under FARA, (c) shows that it was the lawyer who spontaneously came up with the idea of not filing under FARA, and (d) confesses that it was the lawyer's idea to put the [inaccurate] information on the LDA filing, with no input from anyone else. There are a few points that Bob Kelley throws in that I would not have scripted (e.g., his assertion that no one told him about the NY meeting with Turkish officials), but he does not say or imply that that fact would have changed his advice — indeed, he specifies that he didn't ask any further questions when he spoke to Bijan. So, the record now establishes that FIG acted on advice of counsel, having truthfully answered all of the questions that its counsel saw fit to ask. Further, it's helpful to us that the attached declaration was drafted to summarize the facts that Kelley recollected in speaking with a private investigator (not Flynn's lawyers, who weren't there), and no one even suggested to Kelley that he omit any of the facts he recollected—this is a true rendition of his memory, and thus will not be vulnerable on cross-examination.

Sent from my iPhone

Begin forwarded message:

From: George Kucik
<gkucik@columbiaprocess.com<mailto:gkucik@columbiaprocess.com>>
Date: October 27, 2017 at 6:40:33 PM EDT
To: "Anthony, Stephen" <santhony@cov.com<mailto:santhony@cov.com>>
Subject: RK Signed Declaration

I just met with Mr. Kelley. He carefully reviewed the declaration and stated: "This is great!. I'll sign it." He initialed the first two pages and signed the last page. He then said, "You did a great job. That's exactly what I said."

Please see attached.

--

George Kucik
Columbia Process and Investigative Services, LLC
5406 Connecticut Avenue, NW, Suite 108
Washington, DC, 20015
Office (202) 686-5000
Cell (<tel:%28240%29%20507-3669>202) 497-1415
Email Gkucik@columbiaprocess.com<mailto:Gkucik@columbiaprocess.com>

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify us. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.
<RK Declaration Signed.PDF>

DECLARATION OF ROBERT K. KELLEY

1. My name is Robert Kelley. I am over 18 and competent to testify. The information contained herein is true and correct and is based on my personal knowledge.
2. I attended law school at the University of California, Berkeley from 1969-1972. I am a member of the District of Columbia Bar and licensed to practice law in D.C.
3. My background includes the Foreign Service in Germany (1966-1969), Law School at the University of California, Berkeley (1969-1972), Wilmer, Cutler, & Pickering Law Firm (1972-1975), Senate Intelligence Committee (1975-1976), Chief of Staff for Senator Charles Mathias (1977), U.S. Embassy in Iraq (2003-2005), Chief Counsel to the National Security Sub-Committee of the U.S. House of Representatives (2006).
4. Currently, I have my own law firm, The Law Offices of Robert Kelley. My practice includes representing foreign governments as well as other persons and businesses.
5. I knew Bijan Kian when he was at the U.S. Export/Import Bank. He was one of three guys nominated by the President to run the bank.
6. Bijan co-founded the Nowruz Commission which was set up to coordinate a Persian Spring festival each year on the first day of Spring. Bijan was the Vice Chairman and I was the Secretary General.
7. Bijan called me up last year and said that his company had to register with FARA, the Foreign Agents Registration Act. At this time, I was not affiliated with FIG, Flynn Intel Group. It is important to note that I remember he said: "We have to register with FARA at the Justice Department." FARA is an Act, the Foreign Agents Registration Act, but it's administered by the National Security Division of the Department of Justice. You just register on line. Bijan asked me to come out to his house to assist with the registration.
8. A few days later, on a Sunday afternoon, I went to Bijan's house. It was in September of 2016. While there, I said to Bijan: "Is this a foreign government or a foreign political party?" Bijan replied: "No, it's a foreign private company." I said: "Well, you don't have to register at FARA if it's a foreign private company." I asked Bijan if they were going to do any lobbying. Bijan told me that they might. I then said: "You can register with the U.S. Congress under the LDA which is the Lobby Disclosure Act." I also showed him the Federal Register that says it is not necessary for a private company to register with FARA. I did not ask any



additional questions nor did I see the contract. I only asked if it was a private company.

9. Later that same week, I registered the company under the LDA.
10. On the form I had to put down what the company would lobby about. I had no idea so I put the registrant will advise the client on U.S. domestic and foreign policy regarding S.1635 and the House counterpart, and H.R. 1735 and the Senate counterpart. I made this decision on my own without guidance from anyone else.
11. The form also requested the name of who would lobby for the company. I put my name down. Somebody had to put a name down so I decided I would put my name down. I never actually did any lobbying. I made this decision on my own without guidance from anyone else.
12. In October Bijan asked me if I would like to be general counsel and a principal for the Flynn Intel Group. This was a few days after I filed for registration under the LDA. I agreed. Bijan took my picture in front of the Flynn logo at their office at 44 Canal Square, Alexandria, VA., and put it on the website.
13. The next thing was after the November 8th election. Bijan called me and told me to terminate the registration. The reason he gave me was that he was involved with the transition team of President Elect Trump and he was not allowed to be a lobbyist. I terminated the registration. This was on-line.
14. One day in December, on a Friday, I went to the FIG office at 44 Canal Square for a meeting with Bijan. While there, we got Ekim Alptekin on the phone. We called him. Ekim said that his company, INOVA, was a private company and it had no government funding and no relation to the Turkish government. Then Ekim sent us an e-mail to the Flynn Intel Group to that effect. That is, INOVA didn't receive any government funds or have any relationship with any government. It was just a one line e-mail to Bijan. I saw the e-mail.
15. While at this meeting, we received a call from General Flynn. He asked that we reach out to another attorney from Jones Day. I did not make the call but I understand that Bijan did reach out.
16. My involvement with FIG was limited. I did not know about or have any involvement with the op-ed in the Hill Newspaper by General Flynn. Nor did I know about any meeting in New York with Turkish government officials or any other matter involving the Flynn Intel Group. To be complete, on one occasion Bijan asked me to draft a letter to a company in Boston MA. Later, I was told to



disregard writing the letter. On another occasion, Bijan asked that I coordinate a meeting with a friend of mine to see if they were interested in working with FIG. We met two times but nothing ever formed out of these meetings.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on October 27, 2017.



Robert K. Kelley