

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

GABRIELLE D'ADAMO SINGER, STAFF DIRECTOR
DAVID M. WEINBERG, MINORITY STAFF DIRECTOR

February 24, 2020

The Honorable Gary C. Peters
Ranking Member
Committee on Homeland Security and Governmental Affairs
U.S. Senate
Washington, DC 20510

Dear Ranking Member Peters:

Pursuant to Rule 5(C) of the Rules of Procedure of the Committee on Homeland Security and Governmental Affairs, I write to notify you of my intent to issue a subpoena for attendance and the production of records to Andrii Telizhenko, a former consultant at Blue Star Strategies (Blue Star).¹ This subpoena is in furtherance of the Committee's ongoing work to address the many unanswered questions about potential conflicts of interest and the extent to which representatives of Burisma—including officials at Blue Star—used individuals with close personal connections to high level officials within the Obama administration to gain access to and potentially influence U.S. government agencies. This committee's oversight work is being conducted jointly with the Senate Committee on Finance and the Senate Committee on the Judiciary (the committees).

As you know, on December 6, 2019, the committees wrote to Mr. Telizhenko and requested the production of records and an interview about, among other topics, "whether certain officials within the Obama administration had actual or apparent conflicts of interest, or whether there was any other wrongdoing, because of Hunter Biden's role in Rosemont Seneca and related entities, and as a board member of Burisma Holdings."²

In response, Mr. Telizhenko confirmed his intention to "cooperate fully with the [committees'] investigation" and expressed his readiness "to provide any evidence" in his possession.³ During the course of our conversations with Mr. Telizhenko, he informed us that he worked as a consultant for Blue Star and he has responsive records from his time there, specifically, records relating to work the firm did for Burisma. However, because Mr. Telizhenko's employment contract with Blue Star included a non-disclosure agreement (NDA),

¹ According to Mr. Telizhenko, he was employed as a consultant at Blue Star Strategies from July 2016 through June 2017. Prior to his work at Blue Star Strategies, Mr. Telizhenko served as an official at the Embassy of Ukraine in Washington, D.C.

² Email from S. Comm. on Homeland Sec. & Governmental Affairs Staff to Andrii Telizhenko (Dec. 6, 2019) (on file with Comm.).

³ Email from Andrii Telizhenko to S. Comm. on Homeland Sec. & Governmental Affairs Staff (Dec. 10, 2019) (on file with Comm.).

he believes that he is unable to produce these records to the committees without being compelled to do so by a congressional subpoena.

These records are important to the committees' investigation for several reasons. First, records indicate that Blue Star sought to leverage Hunter Biden's role as a board member of Burisma to gain access to and potentially influence matters at the State Department. In a February 24, 2016, email with the subject line "Burisma," a State Department official wrote:

Per our conversation, Karen Tramontano of Blue Star Strategies requested a meeting to discuss with [Under Secretary] Novelli [U.S. Government] remarks alleging Burisma (Ukrainian energy company) of corruption. **She noted that two high profile U.S. citizens are affiliated with the company (including Hunter Biden as a board member). Tramontano would like to talk with U/S Novelli about getting a better understanding of how the U.S. came to the determination that the company is corrupt.** According to Tramontano, there is no evidence of corruption, has been no hearing or process, and evidence to the contrary has not been considered. Would appreciate any background you may be able to provide on this issue and suggested TPs for U/S Novelli's meeting.⁴

On March 1, 2016, Blue Star met with Under Secretary Catherine A. Novelli in an effort "to understand the State Department's position regarding Burisma," and in April 2016 Blue Star then reportedly met with Ukrainian prosecutors.⁵ According to what appears to be contemporaneous notes by one of those Ukrainian prosecutors during the April 2016 meeting, Blue Star apologized about allegedly "false information" promoted by the U.S. Government about the prosecutors' handling of the investigation of Burisma.⁶

On December 3, 2019, Chairman Charles Grassley and I sent a letter to Blue Star requesting information and records on this matter.⁷ On December 18, 2019, Blue Star provided a written response to the committees and produced 83 pages of records showing interactions

⁴ John Solomon, *Hunter Biden's Ukraine gas firm pressed Obama administration to end corruption allegations, memos show*, johnsolomonreports.com, Nov. 4, 2019, <https://johnsolomonreports.com/hunter-bidens-ukraine-gas-firm-pressed-obama-administration-to-end-corruption-allegations-memos-show/> (emphasis added).

⁵ See Letter from Karen Tramontano, Chief Executive Officer, Blue Star Strategies, to Sen. Ron Johnson, Chairman, S. Comm. on Homeland Sec. & Governmental Affairs, and Sen. Charles E. Grassley, Chairman, S. Comm. on Finance (Dec. 18, 2019) (on file with Comm.); John Solomon, *These once-secret memos cast doubt on Joe Biden's Ukraine story*, The Hill, Sept. 26, 2019, <https://thehill.com/opinion/campaign/463307-solomon-these-once-secret-memos-cast-doubt-on-joe-bidens-ukraine-story>.

⁶ Solomon, *These once-secret memos cast doubt on Joe Biden's Ukraine story*, *supra* note 5.

⁷ Letter from Sen. Ron Johnson, Chairman, S. Comm. on Homeland Sec. & Governmental Affairs, and Sen. Charles E. Grassley, Chairman, S. Comm. on Finance, to Karen Tramontano, Chief Executive Officer, Blue Star Strategies (Dec. 3, 2019), available at <https://www.grassley.senate.gov/sites/default/files/documents/2019-12-03%20RHJ%20CEG%20to%20Blue%20Star%20Strategies%20%28Burisma%29.pdf>.

between the firm and U.S. government agencies about Burisma.⁸ Many of these records are emails arranging meetings between Blue Star and U.S. officials at different agencies, including the Departments of State, Commerce, and Energy.

Second, Blue Star's response to the committees was incomplete. Notably, although we asked Blue Star twice to identify its employees and contractors who worked on the Burisma matter, it never identified Mr. Telizhenko. Additionally, Mr. Telizhenko recently produced records to the committees that included some correspondence with Blue Star before he began his employment there (and, thus, not covered by his NDA) which indicate that Blue Star has records about its work on behalf of Burisma that are responsive to the committees' requests that it has not produced.

For example, the committees requested from Blue Star "the dates and descriptions, including a list of attendees, of all meetings between Blue Star representatives and Ukrainian officials regarding Burisma."⁹ This month, Mr. Telizhenko provided the committees a copy of a May 27, 2016, letter he received from a Blue Star official which was sent from John Buretta, Burisma's U.S. attorney, to Yuriy Lutsenko, the General Prosecutor of Ukraine, requesting a meeting "on behalf of my client, Burisma Holdings Limited, and its owner Mykola Zlochevskiy."¹⁰ Blue Star's Chief Executive Officer, Karen Tramontano, noted to the committees that she worked "in collaboration with Burisma's U.S. counsel, John Buretta."¹¹ The letter to Mr. Lutsenko and information about this meeting was not included in Blue Star's production to the committees.

Mr. Telizhenko also provided a March 23, 2016, email from a Blue Star official to individuals at the Embassy of Ukraine, including Oksana Shulyar, offering to help schedule a meeting between a Ukrainian official and Denis McDonough, the then-Chief of Staff to President Obama.¹² The committees did not receive this email or others related to it from Blue Star. It is unclear what the purpose of that meeting was and whether the meeting occurred. Mr. Telizhenko's responsive records on this matter from his time working for Blue Star will enable the committees to ensure that they are receiving complete and thorough productions from other subjects of this investigation, as well as ensure that the committees are gathering all relevant information to determine what actually occurred.

The American people have a right to know how their government officials conducted official business, whether certain parties received special treatment, and whether any apparent or actual conflict of interest unduly influenced U.S. policy. Gathering all of the relevant information is necessary to determine not only whether any wrongdoing occurred, but also if wrongdoing did not occur. Accordingly, pursuant to the committee rules, this letter constitutes

⁸ See Letter from Karen Tramontano, *supra* note 5.

⁹ Letter from Chairman Ron Johnson and Chairman Charles E. Grassley, *supra* note 7.

¹⁰ Letter from John D. Buretta, Counsel for Burisma Holdings, Ltd., to Yuriy Lutsenko, Gen. Prosecutor of Ukraine (May 27, 2016) (on file with Comm).

¹¹ Letter from Karen Tramontano, *supra* note 5.

¹² Email from Sally Painter, Chief Operating Office, Blue Star Strategies, to Andrii Telizhenko *et al.*, (Mar. 23, 2016) (on file with Comm.).

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official notice that I intend to issue a subpoena to Andrii Telizhenko, a former consultant at Blue Star Strategies, for the records and attendance described in the enclosed schedule.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ron Johnson", with a large, stylized loop at the end.

Ron Johnson
Chairman

Enclosure

Mr. Andrii Telizhenko
Sent Electronically

Schedule A

Please provide the following by March XX, 2020:

1. All records from your work for Blue Star Strategies (“Blue Star”) related to Burisma Holdings, including emails, memoranda, employment contract, or other electronically stored information (*e.g.*, text messages).
2. Your attendance, at a date and time to be determined by the Chairman, to discuss the matters described in Request 1.