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St. Thomas University College of Law
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ACADEMIC EMPLOYMENT

St. Thomas University School of Law, Miami, FL

Associate Professor of Law (February 2025 – present)

Assistant Professor of Law (August 2023 – present)

Radzyner Law School, Reichman University, Herzliya, Israel

Visiting Professor of Law (2025)

George Washington University, Department of Political Science, Washington, D.C.

Adjunct Professor (2021)

RESEARCH/TEACHING

Areas of Specialization: Administrative law, regulation of innovation, federal regulatory investigations and enforcement, congressional oversight and investigations, legislation, bureaucratic politics, and federal information law.

Areas of Competence: Constitutional law; American legal history; Federal courts; Jurisprudence; Civil procedure.

EDUCATION

George Washington University, Department of Political Science, Washington, D.C.

Ph.D. in Political Science, May 2022.

- Dissertation: “The Investigative State”; Committee: Sarah Binder (Chair), Eric Lawrence, Steve Balla, Charles Shipan (Michigan), Richard Pierce (GWU Law)
- Editor, *The Public Purpose*, School of Public Affairs, American University (2011, 2012); Editorial Reviewer, *Historia Medicinæ* (bioethics journal), George Washington University School of Medicine (*October 2008 – 2012*).
- Research Assistant, Professor Susan Karr, American University (2012).

Emory University, School of Law, Atlanta, GA

J.D., May 2008.

- Research Assistant to Professor Timothy Terrell (*2006*).
- *Emory International Law Review* (Contributor, *2007, 2008*).
- Emory Moot Court Honor Society (*2007, 2008*).
- *Elected* Order of Emory Advocates.

EDUCATION (cont.)

Kenyon College, Gambier, OH

A.B. in Political Science & Philosophy (distinction), *cum laude*, May 2005.

- Editor-in-Chief, *The Kenyon Observer* (2004-2005, staff writer 2001-2004).
- Kenyon College Excellence in Leadership Award
- *Elected* Pi Sigma Alpha, Department of Political Science, Kenyon College.
- Walter Judd Scholar, Institute on Political Journalism, Georgetown University (Summer 2002).

BOOKS

THE INVESTIGATIVE STATE (Palgrave Macmillan, 2023)

SCHOLARLY PUBLICATIONS

A Conflict in Constitutional Visions: Building a Government Efficiency Department of Disruption, 43 YALE J. REG. NOTICE & COMMENT (four-part series) (2025).

Criminalizing Legislative Impairment, 63 U. LOUISVILLE L. REV. __ (forthcoming 2025).

- Featured on the Legal Theory blog.

"Aftermath Records": Former Presidents' Confidentiality Interests Over White House Records, 84 MARYLAND L. REV. ONLINE 33 (2024).

Administrative Law's Unavailing Duties, 12 TEXAS A&M L. REV. 263 (2024).

Procedural Pluralism: A Model for Enforcing Internal Administrative Law, 51 HASTINGS CONST'L QRTL'Y 311 (2024)

Congressional Incentives and the Administrative State (with Hon. Steven Menashi), 17 N.Y.U. J. OF L. & LIBERTY 172 (2024).

Industrial Jurisdiction, 128 DICKINSON L. REV. 305 (2023).

The Illusory Precedent of McGrain v. Daugherty, 4 UNT DALL. L. REV. 1-9 (2021).
Originally published at 38 YALE J. REG. NOTICE AND COMMENT (2020)).

'Drive By' Jurisdictional Rulings: Congressional Oversight in Court, 48 PEPPERDINE L. REV. (2020) 37-50.

Kendall v. United States and the Inspector General Dilemma, 88 U. CHICAGO L. REV. ONLINE (2020).

Congressional Oversight Disputes as Political Questions, Part I: The Decline of the Interbranch Accommodation Doctrine, 38 YALE J. REG. NOTICE AND COMMENT (2020).

Congressional Oversight Disputes as Political Questions, Part II: Accommodation as an Intrabranh Doctrine Governing Committee Investigations, 38 YALE J. REG. NOTICE AND COMMENT (2020).

SCHOLARLY PUBLICATIONS (cont.)

The Law: White House Equities: The New Executive Privilege, 45 PRES. STUD. QRTL'Y (2015) (with Mark Rozell).

Rationality, Legitimacy, & The Law, 7 WASH. U. JURISPRUDENCE REV. (2014).

Redressing Politicized Spending, 15 ENGAGE: J. OF THE FED'ST SOC'YS PRAC. GRPS. No. 1 (2014).

The Reductio Ad Absurdum of Regulating Corruption, JURIST (2013).

Gmail.gov: When Politics Gets Personal Does the Public Have a Right to Know?
13 ENGAGE: J. OF THE FED'ST SOC'YS PRAC. GRPS (2012)
(with Michael Pepson).

Romance is Dead: Mail Order Brides as Surrogate Corpses, 17 BUFFALO J. GENDER L. & SOC. JUSTICE (2009).

- Featured on the Legal Theory blog.

SCHOLARLY PRESENTATIONS

You're Fired! Trump, Tenure Protection, and the Future of Humphrey's Executor, Federalist Society (March 4, 2025).

Criminalizing Legislative Impairment, St. Thomas University School of Law, Faculty Workshop (Oct. 8, 2024).

Regulations & the Gig Economy, Liberty Ventures (Aug. 15, 2024).

Administrative Law's Unavailing Duties, St. Thomas University School of Law, Faculty Workshop (March 14, 2024).

Participant, *Chevron on Trial*, George Mason University Center for the Study of the Administrative State (2023).

Participant, Workshop: Power in the Administrative State (once a month paper discussion workshop).

Regulatory Pluralism, Federalist Society Junior Scholars Colloquium (June 2-4, 2023) (competitively selected).

Political Pluralism as a Model for Regulatory Process, George Mason University Law School (Oct. 28, 2022).

The Law of Congressional Oversight, Heritage Foundation (November 29, 2022).

Humphrey's Executor Teleforum, Federalist Society (November 15, 2022).

SCHOLARLY PRESENTATIONS (cont.)

The Myth of Accommodation: A Doctrinal and Empirical Assessment, American University Law School, Oversight Project (Nov. 6, 2020).

Administrative Law Consequentialism, Center for the Study of the Administrative State, George Mason University (Sep. 17-18, 2020).

The Freedom of Information Act, Charles Koch Institute (April 28, 2016).

Make Your Job Easier With Open Government Tools, Sunlight Foundation, Advisory Committee on Transparency (Feb. 18, 2015).

Freedom of Information Act Workshop, Am. Bar. Assn. Section on Administrative Law and Regulatory Practice (Jan. 26, 2015).

Helping the 114th Congress build a more transparent government, Sunlight Foundation, Advisory Committee on Transparency (Dec. 11, 2014).

The Dog Ate My E-mails: Document Retention Policies, Litigation Holds, and Legal Ethics, Federalist Society 2014 National Lawyers Convention (Nov. 17, 2014).

DC Transparency Crisis Panel, Sponsored by Judicial Watch (Mar. 19, 2014).

State Policy Network: 20th Annual Meeting (November 2012).

Reporter's Toolbox: Practical Tips and Tools for Citizen Journalists, Americans for Prosperity: Defending the American Dream Summit (Aug. 3, 2012).

Proposed Freedom of Information Act Regulations, The White House Office of Science and Technology Policy (June 11, 2012).

Civil & Human Rights Conference, Sponsored by Make It Safe Coalition, 226 Dirksen Senate Office Building (May 21, 2012).

The Ossification of Reason, Social Change Workshop, University of Virginia (June 2005).

On Morals and Truth: Introspection into Metaphysical Distinction and Moral Law, University of Pittsburgh, Department of Philosophy (March 2002).

ACADEMIC SERVICE

Advisor, Federalist Society (2023 – 2025)

Advisor, St. Thomas University Law Review (2024 – 2025)

Advisor, St. Thomas Law Golf Society (2023 – present)

Member, Clinical Education Committee (2023 – present)

Member, Academic Standards Committee (2024 – present)

CONGRESSIONAL TESTIMONY

Testimony before the U.S. House of Representatives, Committee on the Judiciary, Subcommittee on the Constitution and Limited Government, *Legislative Reforms to End Lawfare by State and Local Prosecutors* (Mar. 4, 2025).

Testimony before the U.S. Senate, Committee on Homeland Security and Government Affairs, *Watchdogs Needed: Top Government Investigator Positions Left Unfilled for Years* (June 3, 2015).

Testimony before the U.S. House of Representatives, Committee on the Judiciary, Subcommittee on Regulatory Reform, Commercial and Antitrust Law, *Hearing: Ongoing Oversight: Monitoring the Activities of the Justice Department's Civil, Tax and Environment and Natural Resources Divisions and the U.S. Trustee Program*. (May 19, 2015).

LEGAL OP-EDS

- *Bragg's prosecution of Trump violates this important legal doctrine*, Washington Examiner (May 9, 2024).
- *How Obama's Secrets Could Save Trump In His Mar-A-Lago Documents Snafu*, The Federalist (Feb. 1, 2024).
- *DOL Independent Contractor Classification Rule Isn't Dead Yet*, Law360 (Jan. 28, 2021).
- *Hounded Out of Business by Regulators*, Wall Street Journal (November 19, 2015).
- *The Latest Progressive Attack on Speech*, Wall Street Journal (October 19, 2015).
- *A case study in pay-to-play cronyism*, The Hill (Aug. 4, 2015).
- *Forcing Clinton's Emails Into the Open*, Wall Street Journal (July 28, 2015).
- *Obama DOJ Channels Bank Shakedown Money To Private Groups*, Investor's Business Daily (July 7, 2015).
- *A Revolving Door for Confidential IRS Information*, RollCall (June 19, 2015).
- *Three transparency laws Hillary may have violated*, USA Today (Mar. 16, 2015).
- *Six Recommendations to Make Washington More Transparent*, The Hill (Jan. 16, 2015).
- *How about Amnesty for Our Schools?* The Hill (Dec. 4, 2014).
- *Et tu, DOJ? Will Loretta Lynch Ignore IRS Fraud as AG as She Did in Her Own Backyard?* Roll Call (Nov. 26, 2014).
- *Fishy business at the Supreme Court: Florida Capt. John Yates' sad saga*, Fox News (Nov. 5, 2014).
- *After Holder: Four Things The Next Attorney General Must Address*, Daily Caller (Sept. 30, 2014).
- *The Dark Money Complex*, Roll Call (Aug. 14, 2014).
- *All IRS roads lead to the archivist*, Wash. Times. (July 28, 2014).
- *Gov. McAuliffe's outsized political clout*, Wash. Post. (July 17, 2014).
- *When regulators retaliate*, The Hill (June 24, 2014).
- *Despite Pledge of Transparency, Obama Is Clogging Information Flow*, NAT'L L. J. (April 14, 2014) (with Mark J. Rozell, Ph.D).
- *FTC's Data Security Grab is Adjudication without Authority*, Roll Call (Feb. 18, 2014).
- *The Politics of Targeting*, The Hill (Feb. 5, 2014).

LEGAL OP-EDS (cont.)

- *With Its Report On The Financial Crisis, What Is The Federal Government Trying to Hide?* Forbes (Dec. 19, 2013).
- *Obamacare's Implementation Poses Grave, But Largely Unknown Risks for Beneficiaries*, Forbes (Sept. 30, 2013).
- *Cronyism becomes a way of life*, Wash. Times, (Aug. 14, 2013).
- *Who should be holding whom accountable*, The Hill, (July 12, 2013).
- *Lax IRS Oversight Fostered Costly Charity Scams*, Fiscal Times, (June 20, 2013).
- *Congress is Not the Answer: How We Really Should Be Investigating the IRS*, Roll Call (June 11, 2013).
- *Does the IRS believe that support for Israel is support for terrorism?* FoxNews (May 16, 2013).
- *Thomas Perez: Justice belabored*, The Hill (May 9, 2013).
- *When foreign investment and national security collide*, The Hill (Nov. 27, 2012).
- *Opacity of Hope: Obama broke FOIA promises*, Wash. Examiner (Oct. 16, 2012).
- *A muddled message on e-mails*, Wash. Post. (Aug. 17, 2012).
- *Ethics office audit of GSA fell far short*, Federal Times (Aug. 12, 2012).
- *Culture Must Protect Fed Whistleblowers*, Roll Call (May 22, 2012).
- *Occupy's Public Safety Threat Ignored by DOJ*, Breitbart (May 3, 2012).
- *Is the GSA Just the Tip of the Iceberg?*, Townhall, (Apr. 19, 2012).
- *Is Federal aid being misused?* Phila. Inquirer, (Mar. 27, 2012).
- *Does it take a lawsuit for the White House to be transparent?* Fox News, (Mar. 23, 2012).

PROFESSIONAL EMPLOYMENT

EPSTEIN & CO. LLC, Boca Raton, FL, 2024-present.

Managing Member

- Clients include President Donald J. Trump, the Republican National Committee, the 2024 Trump-Vance Presidential Transition, America First Legal, Nepa Wholesale, Thesis, The Helper Bees, Pathway Drugs, Parent Village, Dollinger Enterprises, and Trust Ventures.

TRUST VENTURES LLC, Austin, TX (*Fund has \$.5B AUM*), 2020–2024 (as *Director of Legal and Policy*); 2024-present (as *Venture Partner*).

- Board Director: Ribbon
- Board Observer: Steno, Visibly, Ironvest

THE WHITE HOUSE, Washington, D.C., 2017-2020.

Senior Associate Counsel and Special Assistant to the President

CAUSE OF ACTION INSTITUTE, INC., Washington, D.C., 2011-2017.

Founder, Executive Director, and President of the Board of litigation, investigations, and crisis communications firm focused on bet-the-company government investigations and enforcement as well as affirmative litigation in regulatory, constitutional, political, and public law matters.

U.S. HOUSE OF REPRESENTATIVES, Washington, D.C., 2009-2011.

Counsel for Oversight & Investigations, Committee on Oversight & Government Reform

PROFESSIONAL EMPLOYMENT (cont.)

KOCH, Washington, D.C., 2008-2009.

Associate, Legal Reform

SELECT REGULATORY MATTERS

- Developed the strategy behind the first challenge to the National Marine Fisheries Service's observer program. *Goethels v. NMFS* (D. Mass. & First Circuit 2016). **This case was the first case to challenge fisheries' council orders, which became the basis for the successful challenge to *Chevron* deference in *Loper Bright* before the Supreme Court.**
- Represent the former United States president in a Federal Tort Claims Act matter against the U.S. Department of Justice.
- Defended a medical testing laboratory in Federal Trade Commission (FTC) probe leading to only recorded loss to the FTC in its enforcement of Section 5 of the Federal Trade Commission Act to data security. *In the Matter of Labmd Inc., a Corp. Respondent.*, 9357, 2015 WL 7575033 (MSNET Nov. 13, 2015), <https://goo.gl/Kq1btv>; *FTC v. LabMD, LabMD v. FTC*, Case No. 1:12-cv-3005 (N.D. Ga. 2014, 11th Circuit 2014).
- Counsel to marine biologist prosecuted under the Marine Mammal Protection Act, securing no jail time for client. *United States v. Nancy Black* (N.D. CA 2014).
- Represented popular executive-office toymaker in successful challenge to the CPSC's authority to apply the responsible corporate officer doctrine to a former CEO, resulting in a settlement for less than 1 percent of the CPSC's damages request prior to litigation. *Craig Zucker v. CPSC*, Case No. 8:13-cv-03355-DKC (D. Md. 2013), <https://goo.gl/7SRZAZ>.
- Represented whistleblower in False Claims Act suit against a city transit authority in case of first impression concerning the public disclosure bar when the Federal government approved the alleged wrongdoing. *CoA ex rel. United States v. CTA*, Case No. 12-9673 (N.D. IL 2012, 7th Cir. 2015).
- Represented Silicon Valley startup in challenge to the DOE's loan guarantee program under a breach of contract theory and an Administrative Procedure Act (APA) claim, winning novel U.S. District Court decision applying the APA to an entirely discretionary spending decision. *XP Vehicles et al. v. United States*, Case No. 1:12-cv-00774-MMS (C.F.C. 2012); *XP Vehicles, Inc. v. DOE*, Case No. 1:13-cv-00037-KBJ (D.D.C. 2013), <https://goo.gl/bJP3fw>. Developed the appeal strategy and led briefing on the question of voluntary remand, which ultimately prevailed before the D.C. Circuit, <https://goo.gl/hm5oPg>.
- In case of first impression, represented multi-state children's clothing consignment franchisor in challenge to a U.S. Department of Labor (DOL) enforcement action to treat volunteers as employees under FLSA, obtaining unanimous judgment in client's favor before the U.S. Court of Appeals of the D.C. Circuit. *Rhea Lana, Inc. v. DOL*, (D.C. Cir. 2016).
- Represented a trade association of small business heater and refrigeration installers in successful challenge to the DOE's direct final rulemaking on energy efficiency standards. *American Public Gas Assoc. v. DOE*, Case No. 11-1485 (D.C. Circuit 2012), <https://goo.gl/RNmf7J>.

SELECT REGULATORY MATTERS (cont.)

- Represented nonprofit organization in landmark D.C. Circuit decision striking down the FTC's interpretation of "news media" organization under the Freedom of Information Act (FOIA). *CoA v. FTC*, Case No. 1:12-cv-00850-EGS (D.D.C. 2012, D.C. Cir 2015), <https://goo.gl/qnJUB9>. Supreme Court nominee Hon. Merrick Garland listed the case as one of his "top 10" most important decisions, <https://goo.gl/md71MS>.
- Represented nonprofit before the D.C. Circuit in establishing the Attorney General's nondiscretionary duty to investigate under the Federal Records Act. *Cause of Action v. Kerry & Ferriero* (D.D.C 2015, D.C. Cir. 2016), <https://goo.gl/psRl2o>.
- In novel dormant commerce clause action, represented Connecticut-based renewable energy company in successful grant of summary judgment motion in favor of dormant commerce clause challenge to a Delaware subsidy that benefited an in-state corporation. *Nichols and Fuel Cell Energy v. Markell et al.*, Case No. 1:12-cv-00777 (D. Del. 2014), <https://goo.gl/LCM6rO>.
- Lead counsel in amicus brief on behalf of Hispanic outreach organization, Libre Initiative, in challenge to enforcement against community-based cash services. *Community Financial Services Association of America, et al. v. FDIC* (D.D.C. 2014), <https://goo.gl/HSgi6l>.
- Represented nonprofit in successfully challenging the Treasury Inspector General for Tax Administration's claim that 26 U.S.C. § 6103 protects from disclosure the existence of investigations into unauthorized disclosures of tax information by the IRS. *CoA v. TIGTA*, (D.D.C. 2014), <https://goo.gl/taw0qV>.
- Represented nonprofit in successfully challenging the IRS's ability to use 26 U.S.C. § 6103 to shield presidential communications concerning access to taxpayer return information. *CoA v. IRS*, Case No. 1:13-cv-00920-ABJ (D.D.C. 2015), <https://goo.gl/t7OZyZ>.
- Represented nonprofit in high profile challenge to the President's directives on the Freedom of Information Act. *CoA v. Office of White House Counsel et al.* (D.D.C. 2016).
- Argued before the D.C. Circuit in representation of nonprofit seeking records of the Financial Crisis Inquiry Commission (FCIC) in possession of the National Archives. *CoA v. NARA*, Case No. 13-5127 (D.D.C. 2013, D.C. Cir 2013), <https://goo.gl/DVsigb>.
- Led investigations into politicization of FOIA (led to House Oversight and Government Reform subpoenas and hearing), <https://goo.gl/bSVeEB>.
- Led numerous investigations for nonprofit client into *ex parte* communications from interested parties in both formal and informal agency adjudications, <https://goo.gl/j8FQ3H> (led to House Education and Workforce committee investigation and NLRB IG investigation); Greentech Automotive, <https://goo.gl/OShqHk> (led to DHS OIG investigation); conflicts of interest with taxpayer funded lobbying, <https://goo.gl/urwUJk> (led to suspension of contract).
- Led numerous investigations into misuse of Federal funds by grant or loan recipients. Lobbying with Federal grants (18 U.S.C. 1913), <https://goo.gl/dYGpaB> (led to HHS OIG investigation), E.O. 13457 compliance with executive branch earmarking, <https://goo.gl/UG8N6G>; politicization of DOE loan programs, <https://goo.gl/rghdAZ> (led to GAO investigation).
- Led investigations into tax-exempt entity compliance with Federal regulations, <https://goo.gl/B8iWsD>; tax-exempt entity fraud, <https://goo.gl/kWUmf2> (led to DOE OIG investigation and investigation by Senate Environment and Public Works Committee).

AMICUS BRIEFS

- On the request of the Federal Defenders' Office of the Middle District of Florida, coauthored amicus brief in support of certiorari petition and on the merits, where the Supreme Court both granted certiorari and reversed 5-4 in support of petitioner in *United States v. Yates* – a landmark case on the application of Sarbanes-Oxley, <https://goo.gl/GpBwPi>.
- Co-authored amicus brief in Supreme Court case of *McCutcheon v. FEC*, which was cited in Chief Justice Roberts' majority opinion. *McCutcheon v. FEC*, No. 12-536 (U.S. Supreme Court 2013) (Amicus Brief, <https://goo.gl/tl2Yso>, cited in Majority Opinion at 36), <https://goo.gl/eSgWbH>.
- Co-authored amicus brief before D.C. Circuit in *Van Hollen v. FEC*, leading to reversal (only brief to cite *McIntyre* – which was cited 11 times by the majority), <https://goo.gl/DslJ81>.
- Co-authored amicus brief before Ninth Circuit in *U.S. v. Sierra Pacific Ind. Inc.*, <https://shorturl.at/WnSib>.
- Co-authored amicus brief before the S.D. FL in *U.S. v. Trump et al.*, <https://shorturl.at/t4Zbj>.
- Represented Rep. Loudermilk in amicus before the Supreme Court in *Bannon v. U.S.A.*, <https://shorturl.at/DdKE3>.
- Represented the Majority Members of the House Judiciary Committee in *Washington v. Trump*, <https://perma.cc/28LP-4A8T>.
- Co-authored amicus brief before the Supreme Court in *O'Keefe et al. v. Chisolm et al.*, <https://shorturl.at/lNr3C>.

BAR AND COURT MEMBERSHIPS

Member of the State Bars of Texas, D.C. and Maryland; Supreme Court of the United States; U.S. Court of Appeals for the D.C. Circuit; U.S. Court of Appeals for the Seventh Circuit; U.S. District Court for the District of Maryland; U.S. District Court for the Northern District of Illinois; U.S. District Court for the District of Columbia; U.S. District Court for the Northern District of Texas; U.S. Court of Federal Claims.

PROFESSIONAL ASSOCIATIONS AND SERVICE

Member, Fourth District Court of Appeal Judicial Nominating Commission

Vice Chairman (since August 2024), Trustee and Finance Chair, Palm Beach State College (2024 – present)

Editorial Reviewer, *Yale Law Journal* (2024)

Tenure Reviewer, Emily Understood (University of Chicago Law School)

Council Member, Administrative Conference of the United States (2020-2021)

Member, D.C. Advisory Committee, U.S. Commission on Civil Rights (2016-2020)

Affiliated Scholar, GWU Regulatory Studies Center (2016-2017)

Member, Advisory Committee on Transparency, Sunlight Foundation (2011-2017)

Member, Federalist Society Executive Committee on Administrative Law (2011-2017)

Madison Fellow, Hillsdale College (2009-2011)

The President's Volunteer Service Award (2005)

Eagle Scout (1999)