

September 13, 2023

***Via Electronic Transmission***

The Honorable Jason Smith  
Chairman, Committee on Ways & Means  
U.S. House of Representatives

The Honorable Richard Neal  
Ranking Member, Committee on Ways & Means  
U.S. House of Representatives

The Honorable Ron Wyden  
Chairman, Committee on Finance  
U.S. Senate

The Honorable Mike Crapo  
Ranking Member, Committee on Finance  
U.S. Senate

Dear Chairs and Ranking Members:

Yesterday the *Washington Post* published a story reportedly based on a transcript it obtained of the House Committee on the Judiciary's interview of Federal Bureau of Investigation (FBI) Special Agent in Charge Thomas J. Sobocinski.<sup>1</sup> Mr. Sobocinski was one of seven attendees in the October 7, 2022 meeting at the Delaware U.S. Attorney's Office, including U.S. Attorney David Weiss and top officials in the FBI's Baltimore Field Office and the Internal Revenue Service (IRS) Criminal Investigation's Washington, D.C. Field Office. The meeting was documented that same day by our client, IRS Supervisory Special Agent (SSA) Gary Shapley, in an email to his chain of command that has since been made public by the House Ways and Means Committee.<sup>2</sup>

According to the *Washington Post* story, Mr. Sobocinski reportedly failed to recall in his interview with House Judiciary Committee staff certain details of the meeting recorded in SSA Shapley's email. However, Mr. Sobocinski apparently acknowledged that he took no notes in the meeting, nor did he document it in any contemporaneous fashion afterwards. By contrast, SSA Shapley took notes *during the meeting*. These notes, combined with his fresh memory of the meeting, formed the basis for the email he sent later that day and corroborate his current recollection.

In order for Congress to assess the truthfulness and reliability of Mr. Sobocinski's testimony, we are today providing, pursuant to 26 U.S.C. § 6103(f)(5) and the protections afforded by 5 U.S.C.

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<sup>1</sup> Jacqueline Alemany and Devlin Barrett, "Senior FBI agent disputes some whistleblowers' claims about Hunter Biden probe," *Washington Post* (Sep. 12, 2023), available at <https://www.washingtonpost.com/politics/2023/09/12/hunter-biden-fbi-transcript-weiss-sobocinski>.

<sup>2</sup> Transcribed Interview of Gary Shapley, U.S. House of Representatives Committee on Ways and Means, Exhibit 10.

§ 2302(b)(8)(C), SSA Shapley's contemporaneous handwritten notes. We have also disclosed to the House Judiciary Committee a version of the notes that redacts information not previously released by the House Ways and Means Committee.

Cordially,

[/Tristan Leavitt/](#)  
Tristan Leavitt  
President  
Empower Oversight

[/Mark D. Lytle/](#)  
Mark D. Lytle  
Partner  
Nixon Peabody LLP

ATTACHMENT

**Attachment**

47 III  
Lynnda  
Tom  
Darrell  
Gary  
David Weiss  
Shawn Wood  
Sharon

+ Post said IRJ/FBI Agents  
+ refer to DOJ OIG + TIGTA  
- W/Case - FBI and they have been over = who? what do they do?  
+ Weiss stated - He is not the deciding person = whose authority? level?  
+ Not going to change 14/15

- ① RSB reports the income - Archer pay taxes on a part of
- ② Schaefer - testified that Sm/Archer told him that taxes were being handled at that level - handled by Archer
- ③ 2015 - Archer pays some tax  
- Sm also pays taxes on same income } confusion
- ④ Archer/Schaefer have to be called as witnesses  
+ Montari  
+ Loughren
- ⑤ May 2015 Bean dies
- ⑥ Venue - have to go to D.C. 14/15/16

17/18/19 - CA

### Tax Process

+ If approved - Tax will grant discretion / not approve  
+

USA<sup>CA</sup> - Estate in charge of authorizing these changes in that jurisdiction  
+ Weiss requested Special Counsel status in D.C.  
+ Man DOT said "NO" - follow the process

+ If CA<sup>USA</sup> says no

> Weiss will request approval to proceed in CA

- CA decision not determinative

Gene change will proceed - Simultaneous

+ (10/13/22) - USA Weiss stated no offer has been presented or discussed <sup>with defendant</sup>

+ Investigative work essentially complete per USA