



April 20, 2026

Ms. Kateland Jackson  
Designated Agency Ethics Official  
U.S. Department of Homeland Security  
2707 Martin Luther King Jr. Ave., SE  
Washington, DC 20528

Dear Ms. Jackson:

On March 17, 2026, Secretary of Homeland Security Markwayne “Mark” Mullin signed an Ethics Agreement with your office committing to take steps to comply with the federal ethics rules.<sup>1</sup> However, on Page 3 of his Ethics Agreement, Secretary Mullin provided that he will retain his position as managing member of Allotment Services, LLC, a “real estate management company,”<sup>2</sup> whose only reported holding is Apres Spectrum LLC:

I will retain my position with Allotment Services LLC. I have been advised that the duties of the position of Secretary may involve particular matters affecting the financial interests of Apres Spectrum LLC, which is owned by Allotment Services, LLC. The agency has determined that it is not necessary at this time for me to divest my interest in Apres Spectrum LLC because the likelihood that my duties will involve any such matter is remote. Accordingly, with regard to Allotment Services LLC, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of this entity for as long as I own it, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1).<sup>3</sup>

Democracy Defenders Fund (DDF) is writing to raise two concerns regarding Secretary Mullin’s continued association with Allotment Services, LLC, and Apres Spectrum, LLC. First, Secretary Mullin’s position with and receipt of compensation from Allotment Services, LLC, appears to raise outside earned income concerns under both Executive Order 12674 and the Ethics Reform Act of 1989. Second, it appears that while he was a Senator, Secretary Mullin never filed a transaction report for his investment in Allotment Services, LLC, or its underlying holding Apres Spectrum, LLC, in possible violation of the Ethics in Government Act (EIGA).

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<sup>1</sup> Markwayne Mullin, Ethics Agreement (Mar. 17, 2026), [https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/4FF5BEC82674CDCB85258DBE005422C5/\\$FILE/Mullin%2C%20Markwayne%20%20finalEA.pdf](https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/4FF5BEC82674CDCB85258DBE005422C5/$FILE/Mullin%2C%20Markwayne%20%20finalEA.pdf).

<sup>2</sup> Markwayne Mullin, Nominee Public Financial Disclosure Report (OGE Form 278e) (Mar. 10, 2026), [https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/6DC06006E0C3364C85258DBE00531737/\\$FILE/Mullin%2C%20Markwayne%20final278.pdf](https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/6DC06006E0C3364C85258DBE00531737/$FILE/Mullin%2C%20Markwayne%20final278.pdf).

<sup>3</sup> Mullin, Ethics Agreement, *supra* nt. 1.

As the Designated Agency Ethics Official for the Department of Homeland Security, you have “primary responsibility for directing the daily activities of the agency's ethics program.”<sup>4</sup> That includes directing officers and employees, such as Secretary Mullin, to comply with their ethics responsibilities.<sup>5</sup> DDF therefore asks that you direct Secretary Mullin to amend his Ethics Agreement to agree to either (1) divest of Allotment Services, LLC or (2) reduce his interest in Allotment Services, LLC, to passive investment income and to prevent him from taking any actions that are material to the production of such income, and (3) file a periodic transaction report disclosing the purchase of Allotment Service, LLC, or Apres Spectrum, LLC, as appropriate.

### **Outside Earned Income**

The EIGA requires that each new public financial disclosure filer report any source of compensation exceeding \$5,000 in a year.<sup>6</sup> The term “compensation” refers to income that is paid in exchange for the filer's services.<sup>7</sup> Secretary Mullin reported receiving over \$5,000 in compensation for his personal services as managing member of Allotment Services, LLC, on Part 4 of his Nominee Financial Disclosure, signed March 10, 2026.<sup>8</sup> Elsewhere in his report, Secretary Mullin reported over \$89,000<sup>9</sup> in “business income and interest” derived from Apres Spectrum, LLC, the underlying holding of Allotment Services, LLC.<sup>10</sup>

Secretary Mullin’s Ethics Agreement does not include a commitment to step down from his position as managing member or to stop providing services to Allotment Services, LLC.<sup>11</sup> Rather, his Ethics Agreement states that he will “retain” his position with that entity.<sup>12</sup> The treatment of Allotment Services, LLC, is in sharp contrast with the only other entity Secretary Mullin reported both holding a position with and receiving compensation from: Mullin Properties, LLC.<sup>13</sup> Secretary Mullin’s Ethics Agreement shows that he agreed to both resign from his position with Mullin Properties, LLC, and to “not provide services material to the production of income” to that entity.<sup>14</sup>

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<sup>4</sup> 5 C.F.R. § 2638.104(a).

<sup>5</sup> *Id.* at § 2638.104(c).

<sup>6</sup> 5 U.S.C. § 13104(a)(6)(B); 5 C.F.R. § 2634.308(a).

<sup>7</sup> 5 C.F.R. § 2634.308(a); *see also* EXECUTIVE BRANCH PERSONNEL PUBLIC FINANCIAL DISCLOSURE REPORT (OGE FORM 278E), INSTRUCTIONS FOR COMPLETING PART 4 OF THE OGE FORM 278E: FILER’S SOURCES OF COMPENSATION EXCEEDING \$5,000 IN A YEAR (Aug. 2024), (explaining that a filer should report any source that paid more than \$5,000 for “your services”); U.S. OFFICE OF GOVERNMENT ETHICS, PUBLIC FINANCIAL DISCLOSURE GUIDE, OGE FORM 278E: PART 4, YOUR SOURCES OF COMPENSATION EXCEEDING \$5,000 IN A YEAR (Nominee and New Entrant Reports Only) (Nov. 2024), [https://www.oge.gov/web/278eGuide.nsf/Part\\_4](https://www.oge.gov/web/278eGuide.nsf/Part_4) (“Report any source that paid more than \$5,000 for your personal services in any calendar year during the reporting period”).

<sup>8</sup> Mullin OGE Form 278e, *supra* nt. 2.

<sup>9</sup> Secretary Mullin’s Nominee Financial Disclosure Report lists this as an income estimate based on the previous year’s K-1.

<sup>10</sup> Mullin OGE Form 278e, *supra* nt. 2.

<sup>11</sup> Mullin Ethics Agreement, *supra* nt. 1.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

Secretary Mullin’s continued position with, and receipt of income from, Allotment Services, LLC, poses several potential issues under the federal ethics rules. In general, presidential appointees requiring Senate-confirmation are prohibited from accepting any form of compensation or outside earned income.<sup>15</sup> Executive Order 12674, as implemented by regulations promulgated by the U.S. Office of Government Ethics (OGE), provides that no full-time presidential appointee is authorized to receive *any* outside earned income or compensation.<sup>16</sup> Secretary Mullin is also subject to several statutory limits on accepting outside earned income that apply to “covered non-career employees”<sup>17</sup> pursuant to the Ethics Reform Act of 1989.<sup>18</sup> Secretary Mullin qualifies as a covered non-career employee and, as a result, is subject to these additional statutory provisions. Among those limitations, is a *per se* prohibition on the ability of any covered non-career employee to “serve for compensation as an officer . . . of any association, corporation, or other entity.”<sup>19</sup> In addition, because Secretary Mullin is a covered non-career employee, he is statutorily prohibited from receiving more than \$26,249.00 in outside earned income in 2026.<sup>20</sup> While the Executive Order banning outside earned income is broader than the statutory prohibition, failure to abide by the statutory prohibition can result in civil penalties.<sup>21</sup> It is unclear how Secretary Mullin’s continued acceptance of compensation for his services as managing member of Allotment Services, LLC, could be consistent with Executive Order 12674 or the Ethics Reform Act of 1989.

Given the risks outlined above, we urge your office to direct Secretary Mullin to amend his Ethics Agreement to either (1) divest of Allotment Services, LLC or (2) to limit his interest to passive investment income and prevent him from taking any actions that are material to the production of income.

### **Financial Disclosure Reporting**

As a Senator, Secretary Mullin was required to file both annual and periodic public financial disclosure reports.<sup>22</sup> Among required disclosures, Secretary Mullin was required to report periodically any “purchase, sale, or exchange of . . . which exceeds \$1,000 . . . in stocks,

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<sup>15</sup> The terms “compensation” and “outside earned income” are used interchangeably by OGE and refer to income for services. *See, e.g.*, OGE Legal Advisory LA-25-02 (Feb. 5, 2025).

<sup>16</sup> Exec. Order No. 12,674, § 102, 54 Fed. Reg. 15,159 (Apr. 14, 1989), as modified by Exec. Order No. 12,731, 55 Fed. Reg. 42,547 (Oct. 19, 1990); 5 C.F.R. § 2635.804(b)(2).

<sup>17</sup> 5 C.F.R. § 2636.303(a).

<sup>18</sup> 5 U.S.C. § 13143-42; 5 C.F.R. § 2636 subpart C.

<sup>19</sup> 5 C.F.R. § 2636.303(b)(6). As OGE recently expounded on the breadth of this limitation, explaining that “a [covered non-career employee] who is an officer of a homeowners association could not accept compensation for their service, but could accept reimbursement for supplies purchased for the association’s annual picnic.” OGE Legal Advisory LA-25-02 (Feb. 5, 2025).

<sup>20</sup> 5 U.S.C. § 13143(a)(1)-(2). Pursuant to section 13143(a), covered non-career employees can not receive any outside earned income that exceeds 15 percent of the rate of basic pay for level II of the Executive Schedule” prorated for any period of time not in government. Because Secretary Mullin was appointed on March 24, 2026, the statutory threshold is capped at \$26,249.00. OGE Program Advisory PA-26-01, Attachment (Jan. 20, 2026), [https://www.oge.gov/web/OGE.nsf/0/A164EC42DD7E135285258D860043FCC6/\\$FILE/PA-26-01%20Attachment.pdf](https://www.oge.gov/web/OGE.nsf/0/A164EC42DD7E135285258D860043FCC6/$FILE/PA-26-01%20Attachment.pdf).

<sup>21</sup> 5 U.S.C. § 13145(a).

<sup>22</sup> 5 U.S.C. § 13103(f)(9).

bonds, commodities futures, and other forms of securities.”<sup>23</sup> Covered securities transactions are required to be reported within “30 days after receiving notification of any transaction . . . but in no case later than 45 days after such transaction.”<sup>24</sup>

Secretary Mullin does not appear to have disclosed any transaction concerning his ownership of Allotment Services, LLC, or its underlying holding, Apres Spectrum LLC. The first time this asset appears on Secretary Mullin’s financial disclosure reports is his Annual Report for CY’2024, filed on August 13, 2025.<sup>25</sup> Secretary Mullin did not disclose this asset on his CY’2023 report (including the amendment then-Senator Mullin filed to his CY’2023 report on the same day he filed his CY’2024 report).<sup>26</sup> Neither did he file a periodic transaction report for his interest in either company.<sup>27</sup> Even if Secretary Mullin was not required to report a transaction related to Allotment Services, LLC (e.g., because he established the LLC as opposed to purchased it), Secretary Mullin would have been required to report any “purchase, sale, or exchange” of underlying holdings like Apres Spectrum, LLC.<sup>28</sup>

Secretary Mullin has failed to timely disclose security transactions in the past. In 2024, the Campaign Legal Center issued a letter highlighting nine stock purchases that then-Senator Mullin did not timely disclose.<sup>29</sup> As a public financial disclosure filer, Secretary Mullin is obligated to amend his previous reports to correct any material omissions. We therefore urge your office to work with the Senate Select Committee on Ethics to ensure that Secretary Mullin files the appropriate periodic transaction reports and pays any associated late fees.

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<sup>23</sup> 5 U.S.C. §§ 13104(a)(5), 13105(l)(9).

<sup>24</sup> 5 U.S.C. § 13105(l)(9).

<sup>25</sup> Markwayne Mullin, Annual Report for Calendar 2024 (Aug. 13, 2025), <https://efdsearch.senate.gov/search/view/annual/1536b22a-9260-4cc9-9d88-736a81dfd3e7/>.

<sup>26</sup> Markwayne Mullin, Annual Report for Calendar 2023 (Aug. 12, 2024), <https://efdsearch.senate.gov/search/view/annual/314cb4e0-b326-43be-adf7-c783beb591a0/>; Markwayne Mullin, Annual Report for Calendar 2023, Amd. 1 (Jul. 30, 2025), <https://efdsearch.senate.gov/search/view/annual/d0dbedad-0aa4-42c9-87e6-33bd272693fe/>; Markwayne Mullin, Annual Report for Calendar 2023, Amd. 2 (Aug. 13, 2025), <https://efdsearch.senate.gov/search/view/annual/b67ab0ce-52cb-43a1-85c3-2fbb491b5626/>.

<sup>27</sup> Then-Senator Mullin filed 13 periodic transactions in 2024, 21 periodic transaction reports in 2025 (including three amendments to reports filed in 2024), and five periodic transaction reports in 2026. None of these reports contains a purchase, sale, or exchange of either Allotment Services, LLC, or Apres Spectrum, LLC.

<sup>28</sup> U.S. SENATE SELECT COMMITTEE ON ETHICS, FINANCIAL DISCLOSURE INSTRUCTIONS FOR CALENDAR YEAR 2024 at 43 (Mar. 2025), [https://www.ethics.senate.gov/public/\\_cache/files/4f1978be-07df-40e3-97b4-46f25f2e3390/financial-disclosure-instructions-for-cy2024.pdf](https://www.ethics.senate.gov/public/_cache/files/4f1978be-07df-40e3-97b4-46f25f2e3390/financial-disclosure-instructions-for-cy2024.pdf); U.S. OFFICE OF GOVERNMENT ETHICS, PUBLIC FINANCIAL DISCLOSURE GUIDE, FAQs: TRANSACTIONS (OGE FORM 278E AND OGE FORM 278-T), Question 10 (Nov. 2024), [https://www.oge.gov/web/278eGuide.nsf/FAQs#\\_FAQs:Transactions\\_\(OGE\\_Form\\_278e\)](https://www.oge.gov/web/278eGuide.nsf/FAQs#_FAQs:Transactions_(OGE_Form_278e)) (“You do not need to report transactions of the fund or its underlying assets if the fund qualifies as an excepted investment fund (e.g., you do not need to report in an OGE Form 278-T purchases of mutual funds or purchases of stocks held by a mutual fund). *If the fund does not qualify, report transactions of the fund and its underlying assets*”) (emphasis added).

<sup>29</sup> Letter from Campaign Legal Center to the U.S. Senate Select Committee on Ethics (Sep. 25, 2024), <https://campaignlegal.org/sites/default/files/2024-09/Sep.%2025%2C%202024%20Letter%20from%20CLC%20to%20Senate%20Ethics%20Committee.pdf>.

### Conclusion

Secretary Mullin has an obligation to “exercise personal leadership” in the DHS’s ethics program and to “foster[] an ethical culture in the agency.”<sup>30</sup> That obligation begins with his own personal commitment to the ethics rules. As the DAEO, it is your responsibility to “[t]ake appropriate action to resolve conflicts of interest and the appearance of conflicts of interest” including “direct[ing] divestitures.”<sup>31</sup> You are also responsible for “[r]equiring public and confidential filers to comply with deadlines and requirements for financial disclosure reports.”<sup>32</sup> DDF calls on you to take appropriate action to ensure that Secretary Mullin complies with his ethical obligations, including by directing Secretary Mullin to amend his Ethics Agreement to either (1) divest of Allotment Services, LLC, or (2) agree to reduce his interest in the company to a passive investment income interest and (3) to file a periodic transaction report disclosing the purchase of Allotment Services, LLC, or Apres Spectrum, LLC, as appropriate.

Sincerely,

/s/

Ambassador Norman L. Eisen  
(ret.)  
Executive Chair and Founder  
Democracy Defenders Fund

/s/

Virginia Canter  
Chief Counsel and Director for Ethics and  
Anticorruption  
Democracy Defenders Fund

/s/

Christopher Swartz  
Senior Ethics Counsel  
Democracy Defenders Fund

Cc: U.S. Office of Government Ethics  
U.S. Senate Select Committee on Ethics

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<sup>30</sup> 5 C.F.R. § 2638.107.

<sup>31</sup> 5 C.F.R. § 2638.104(c)(6).

<sup>32</sup> 5 C.F.R. § 2638.104(c)(8)(ii).