

## Clark K. Ervin

**Senior Partner**

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### About Clark

As a member of the Government Investigations & White Collar Practice, Clark Ervin specializes in representing clients under investigation, or facing the prospect of investigation, by federal Offices of Inspector General. An integral member of the firm's National Security team, as well as our International Public Policy Practice, Clark also provides strategic counsel to clients, both corporations and foreign sovereigns, on issues of national security and foreign policy.

Having served as Inspector General of three federal agencies as an appointee of President George W. Bush, Clark brings extensive experience and notable expertise to the firm's Government Investigations & White Collar Practice. From 2003 to 2004, he served as the very first Inspector General of the Department of Homeland Security (DHS), and from 2001 to 2002, as the Inspector General of the Department of State (State) and, simultaneously, the Broadcasting Board of Governors, the then-global media arm of the US government.

In addition to counseling clients facing Inspector General-led investigations, Clark's work focuses on other executive branch, congressional and internal corporate investigations, and he plays an active role in the firm's dealings with State Attorneys General, applying knowledge gained while he served the State of Texas as Assistant Secretary of State and a Deputy Attorney General during then-Governor George W. Bush's administration. In this capacity, he represents clients being investigated by State Attorneys General and he also advocates clients' policy positions to State Attorneys General. Finally, drawing on his experience at State and DHS, Clark counsels clients on visa and other immigration-related matters.

Clark also has considerable expertise in monitorships. In May 2016, the US Department of Education approved Zenith Education Group's selection of the Firm, with Clark leading the team, as the Monitor with respect to certain provisions the department required Zenith to comply with as a condition of its approval of Zenith's acquisition of some formerly for-profit colleges owned by the now defunct Corinthian Colleges. In July 2016, the US Department of Justice (DOJ) and the City of Ferguson, Missouri, selected the firm, with Clark leading the team, as the Monitor with respect to the Ferguson Police Department's and the city's municipal court system's compliance with the terms of a consent decree. He also counsels companies on compliance-related matters, and has served as Special Counsel to private companies and public bodies (including the Port Authority of New York and New Jersey) on governance and ethics matters.

In 2008, Clark served as the co-chairman of then-President-elect Barack Obama's Transition Team for DHS, adding to the experience he gained while previously serving as the department's first Inspector General. From its inception in 2008 to its expiration in September 2011, Clark, an appointee of then-House Speaker Nancy Pelosi, served as one of the eight members of the independent, bipartisan presidential/congressional Commission on Wartime Contracting in Iraq and Afghanistan.

Clark founded the Aspen Security Forum, the nation's premier conference on national security and foreign policy matters, and led it until 2018. For a number of years, he was an on-air national security analyst for CNN, and his opinion pieces on national security issues have appeared in publications such as *The New York Times*, *The Washington Post* and *The Wall Street Journal*. Clark's book on homeland security, *Open Target: Where America is Vulnerable to Attack*, was published by the St. Martin's Press imprint, Palgrave Macmillan, in 2006.

## Experience

- Represented a government contractor with respect to a voluntary self-disclosure (VSD) to the Justice Department's National Security Division (NSD), the Commerce Department's Bureau of Industry and Security (BIS) and the Treasury Department's Office of Foreign Asset Control (OFAC), as well as a mandatory disclosure to the contracting agency's Office of Inspector General of export control violations. "No action" letters were issued by BIS and OFAC, and NSD resolved with a declination letter, only the second declination since the issuance of NSD's VSD policy.
- Representing a university in congressional investigations and inquiries regarding COVID-19 origins and alleged "gain-of-function" research.
- Conducted an internal investigation on behalf of a university concerning alleged fraud in the administration of a government contract.
- Representing a government contractor in response to a criminal grand jury subpoena demanding information related to sensitive technologies and foreign scientists.
- Representing a company in an inquiry by the Special Inspector General for Afghanistan Reconstruction concerning processes and procedures to prevent the diversion of US government funds to the Taliban.
- Counseling an airline with respect to CARES Act compliance issues.
- Represented a closely held government contractor whose owners were accused by the Department of Defense's Inspector General, DOJ, certain members of Congress and the news media of being "delinquent" on their federal income taxes and, thus, falsely certifying that they were eligible to receive federal contracts. Ultimately, there was no finding of wrongdoing.
- Represented one of the owners of a small, disabled veteran-owned business that was investigated by the Small Business Administration's Inspector General and the DOJ for falsely claiming to be such a business. Ultimately, no action was taken against the client.
- Represented a government contractor accused by the Navy's Inspector General and the DOJ of failing to disclose a conflict of interest that facilitated the company's obtaining government contracts. Ultimately, no action was taken against the client.
- Represented a nonprofit organization funded in part by DOJ grants in an investigation by the department and its Inspector General as to whether the organization misused grant funds. Negotiated a favorable settlement.
- Represented, as a potential third-party witness, a consultant to school districts with regard to the federal "E-Rate" program that subsidizes the cost of certain technology purchases for districts with significant numbers of economically disadvantaged children in an investigation by the Federal Communications Commission's Inspector General as to whether those districts were obtaining subsidies to which they were not entitled. Ultimately, the consultant was not required to testify.

- Conducted an internal investigation for a major metropolitan school district as to why it obtained millions less in reimbursements under the federal E-Rate program than it was approved by the government to receive.
- Represented a major insurance company with respect to an audit by the DHS' Inspector General of various insurance companies' participation in the "Write Your Own" program.
- Represented a supplier of critical aerospace components to the Defense Department in an investigation by the Inspector General and a congressional committee of the company's pricing practices.
- Represented a "life support" contractor to the State Department and the Defense Department in its efforts to rebut an accusation of "trading with the enemy" and preserve its eligibility to contract with the government.
- Served as Special Counsel to the Governance and Ethics Committee of the Board of Commissioners of the Port Authority of New York and New Jersey.
- Represented a National Science Foundation (NSF) grant recipient being investigated by that agency's Inspector General and a congressional committee for allegedly misusing grant funds. Ultimately, there was no finding of wrongdoing.
- Represented a NASA grantee in an investigation by NASA's Inspector General, NSF's Inspector General and NASA's Suspension and Debarment Office of alleged misallocation of time. Ultimately, the matter was settled, with no finding of wrongdoing.
- Conducted an internal investigation into alleged kickbacks, conflicts of interest, and related issues for a foreign pharmaceutical company seeking to enter the US drug market.
- Conducted an audit of a medical college's compliance with Title IV requirements.
- Audited a global defense and aerospace company's third-party due diligence program, with a particular focus on compliance with the Foreign Corrupt Practices Act.

## Credentials

### Education

- Harvard University, J.D., *cum laude*, 1985
- Oxford University, M.A., Rhodes Scholar, 1982
- Harvard University, B.A., *cum laude*, 1980

### Admissions

- District of Columbia, 2012
- Texas, 1986

### Memberships & Affiliations

- Member, American Association of Rhodes Scholars
- Member, Council on Foreign Relations

## Recognitions

- Rhodes Scholar (Texas and St. Catherine's 1980)

## Expertise

### Services

## Publications & Speaking Engagements

- Litigation
- Business Immigration
- Public Policy
- Government Investigations & White Collar

  

- Author, "[Feature Comment: Inspector General Update](#)," *The Government Contractor*, March 2025.
- Co-author, "Updates to the Department of Justice Corporate Monitorship Policy: A Potential Increase in New Monitorships," *Squire Patton Boggs Global Investigations & Compliance Review* April 2023.
- Author, "Pandemic Watchdogs Could Soon Get a Bigger Bite," *Squire Patton Boggs Global Investigations & Compliance Review* March 2023.
- Co-author, "New DOJ/Commerce 'Disruptive Technology Strike Force'," *Global Investigations & Compliance Review* February 2023.
- Author, "Watchdogs Will Be Watching," *Squire Patton Boggs Global Investigations & Compliance Review* April 2020.
- Quoted, "Trump Wages Major Assault on Government Watchdogs," *Voices of America*, May 21, 2020.
- Quoted, "Companies Refocusing Internal Investigations Amid Pandemic," *Bloomberg Law*, April 17, 2020.
- Quoted, "Amid coronavirus, Trump seizes chance to carry out a long-desired purge of government watchdogs," *CNN*, April 8, 2020.
- Co-Author, "An Overview of Oversight For COVID-19 Relief," *Law360*, March 27, 2020.
- Moderator, "2018 Post-Midterm Elections Briefing What to Expect From the 116th Congress and the Trump Administration," *Squire Patton Boggs Event*, Washington DC, November 8, 2018.
- Moderator, "Practical Considerations Before and After an Attack or Event at a Chemical Facility," *Squire Patton Boggs 2016 US Roundtable for General Counsel in the Chemical and Performance Materials Industry*, Washington DC, April 7-8, 2016.
- Author, "Agreement Includes New Visa and Business Registration Requirements for US Contractors in Afghanistan," *Squire Patton Boggs Client Alert*, January 2016.
- Speaker, "What Does the President's Executive Order on Immigration Mean for Your Company?" *Squire Patton Boggs Webinar*, December 2, 2014.
- Contributor, "2014 Mid-Term Congressional Elections Analysis," *Squire Patton Boggs Publication*, November 2014.
- Speaker, "Government Investigations – An Inspector General's Perspective," *National 8a Conference*, Orlando, Florida, February 11, 2014.
- Author, "What to Expect when an Inspector General Investigates You – Answers to Frequently Asked Questions," *The Government Contractor*, January 30, 2013.
- Guest, "Government Shutdown," Segment One and Two, *Capital Thinking Radio Show*, October 17, 2013.

- Witness, Hearing: "A New Perspective on Threats to the Homeland," House of Representatives Committee on Homeland Security, February 13, 2013.
- Author, "Open Target: Where America is Vulnerable to Attack," Palgrave MacMillan, May 2006.

## About our firm

One of the world's strongest integrated law firms, providing insight at the point where law, business and government meet. We deliver commercially focused business solutions by combining our legal, lobbying and political capabilities and invaluable connections on the ground to a diverse mix of clients, from long-established leading corporations to emerging businesses, startup visionaries and sovereign nations. More than 1,500 lawyers in over 40 offices across four continents provide unrivaled access to expertise.