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Description of document: Office of Government Ethics (OGE) training presented as part of the Inspector General Criminal Investigator Academy's Public Corruption Investigations Training Program: Conflicts of Interests: OGE Wants To Help You And Your Investigations, 2017(?)

Requested date: 17-August-2017

Release date: 18-August-2017

Posted date: 15-April-2019

Source of document: FOIA Request
OGE FOIA Officer
Office of Government Ethics
Suite 500
1201 New York Avenue, NW
Washington, DC 20005-3917
Email: usoge@oge.gov

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UNITED STATES OFFICE OF
GOVERNMENT ETHICS



August 18, 2017

VIA ELECTRONIC MAIL ONLY

Tracking No: OGE FOIA FY 17/446

The U.S. Office of Government Ethics (OGE) is granting your Freedom of Information Act (FOIA) request, which was received by the OGE FOIA Office on August 17, 2017. In your request, you asked for “a digital/electronic copy of the most recent OGE training presented as part of the Inspector General Criminal Investigator Academy’s Public Corruption Investigations Training Program.” In response, we are providing one responsive document, which is enclosed.

If you have any questions or wish to discuss any aspect of your request, you may contact me by telephone at 202-482-9267. As OGE’s FOIA Public Liaison, I am available for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

The OGE official responsible for this FOIA determination is the undersigned. In accordance with the FOIA, as codified at 5 U.S.C. § 552(a)(6)(A), and OGE’s updated FOIA regulations, at 5 C.F.R. § 2604.304, you may administratively appeal this determination to the Program Counsel, U.S. Office of Government Ethics, 1201 New York Avenue, N.W., Suite 500, Washington, DC 20005-3917. Any such appeal must be in writing and must be sent within 90 days of the date you receive this response letter. If you do appeal, you should include copies of your request and this response, together with a statement of why you believe this initial determination is in error. Also, if you appeal, you



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should clearly indicate on the envelope and in the letter that it is a “Freedom of Information Act Appeal.”

Sincerely,

**RACHEL
DOWELL**

Digitally signed by RACHEL DOWELL
DN: c=US, o=U.S. Government,
ou=Office of Government Ethics,
cn=RACHEL DOWELL,
0.9.2342.19200300.100.1.1=9549100
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Date: 2017.08.18 07:55:59 -04'00'

Rachel K. Dowell
OGE FOIA Officer

Enclosure

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



Preventing Conflicts of Interest
in the Executive Branch

Conflicts of Interests:

**OGE WANTS TO HELP YOU AND
YOUR INVESTIGATIONS**

OGE



Who We Are & How We Can Help

1. Focus of Presentation
2. OGE in General
3. Primary Prevention Role

How OGE Helps Investigators



OGE FORM 202, PART 1

NOTIFICATION OF CONFLICT OF INTEREST REFERRAL PART 1: INITIAL NOTIFICATION

(to be filed by the referring office)

File Part 1 of this form with the U.S. Office of Government Ethics (OGE) upon any referral made to the U.S. Department of Justice (DOJ), pursuant to 28 U.S.C. § 535, involving:

- (1) A possible violation under section 203, 205, 207, 208, and/or 209 of title 18, United States Code;
- (2) A civil or criminal matter related to the filing or non-filing of a financial disclosure report under applicable legal authorities (*e.g.*, 5 U.S.C. app. § 104 or 18 U.S.C. § 1001); or
- (3) A civil matter involving outside earned income under 5 U.S.C. app. § 501 or outside activities under 5 U.S.C. app. § 502.

Submit this form via email to referrals@oge.gov. OGE will confirm receipt and notify the referring office of the OGE tracking number assigned.

1. Federal office referring the matter to the Department of Justice:

2. Date of referral:

3. Point of contact at the referring office:

Name:

Title:

Telephone:

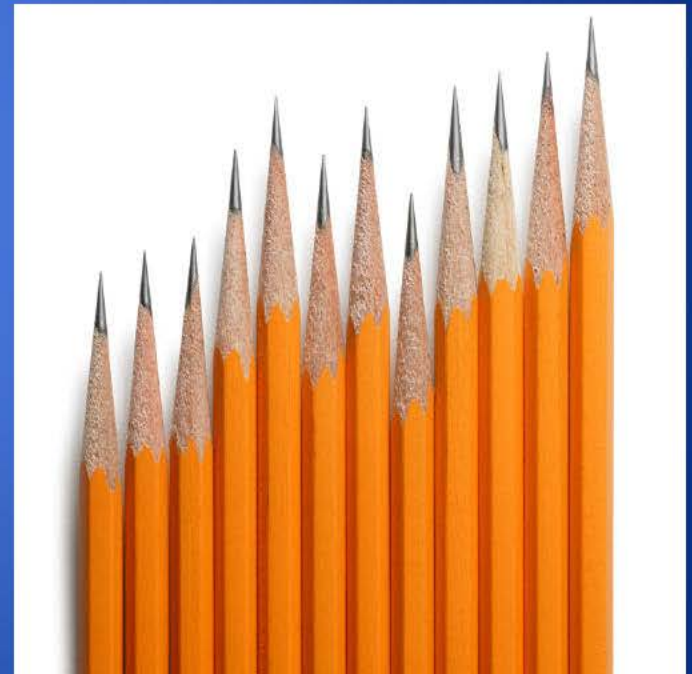
Email:

How OGE Helps Investigators



Assistance in Understanding:

- Criminal COI Laws
- Non-Criminal COI Laws
- Standards of Conduct
- Ethics Documents



Ethics Documents To Know



- Public Financial Disclosure Reports (OGE 278)
- Confidential Financial Disclosure Reports (OGE 450, alternatives)
- Ethics Agreements
- Ethics Pledge
- Outside Activity Prior Approval Forms
- Conflict of Interest Waivers
- Training Files
- Advice Files & Opinion Letters

Ethics Documents



Public Financial Disclosure Reports (OGE 278)

New Entrant Report | U.S. Office of Government Ethics; 5 C.F.R. part 2634 | Form Approved: OMB No. (3209-0001) (March 2014)

Executive Branch Personnel Public Financial Disclosure Report (OGE Form 278e)

Filer's Information

Doe, John Q.

Deputy Assistant Secretary, Department of Technology

Date of Appointment: 02/22/2015

Other Federal Government Positions Held During the Preceding 12 Months:

Senior Technology Specialist (8/2007 – 2/2015)

Electronic Signature - I certify that the statements I have made in this form are true, complete and correct to the best of my knowledge.

/s/ Doe, John Q [electronically signed on 2/27/15 by Doe, John Q in Integrity.gov]

Agency Ethics Official's Opinion - On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments below).

/s/ Smith, Jane Q, Certifying Official [electronically signed on 2/27/15 by Smith, Jane Q in Integrity.gov]

Ethics Documents



Confidential Financial Disclosure Reports (OGE 450)

OGE Form 450, 5 CFR Part 2634, Subpart I
U.S. Office of Government Ethics (June 2008)
(Replaces January 2007 edition)

Form Approved
OMB No. 3209-0006

Date Received by Agency

Page Number

CONFIDENTIAL FINANCIAL DISCLOSURE REPORT Executive Branch

Employee's Name (<i>Print last, first, middle initial</i>)		E-mail Address	
Position/Title		Grade	
Agency		Branch/Unit and Address	
Work Phone	Reporting Status New Entrant <input type="checkbox"/> Annual <input type="checkbox"/>	If New Entrant, Date of Appointment to Position (<i>mm/dd/yy</i>)	
Check box if Special Government Employee (SGE) <input type="checkbox"/>	An SGE is an executive branch officer or employee who is retained, designated, appointed, or employed to perform temporary duties either on a full-time or intermittent basis, with or without compensation, for a period not to exceed 130 days during any consecutive 365-day period.		
If an SGE, Mailing Address (<i>Number, Street, City, State, ZIP Code</i>)			

Ethics Documents



Ethics Agreements

MODEL ETHICS AGREEMENT

(Date)

John H. Burns
Designated Agency Ethics Official
Department of XXX
Washington, DC XXXXX

Dear Mr. Burns:

The purpose of this letter is to describe the steps that I intend to take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Deputy Secretary, Department of XXX.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a

Ethics Documents



Ethics Pledge

Executive Order: ETHICS COMMITMENTS BY EXECUTIVE BRANCH APPOINTEES

EXECUTIVE ORDER

ETHICS COMMITMENTS BY EXECUTIVE BRANCH APPOINTEES

By the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and sections 3301 and 7301 of title 5, United States Code, it is hereby ordered as follows:

Section 1. Ethics Pledge. Every appointee in every executive agency appointed on or after January 20, 2017, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee:

Ethics Documents



Outside Activity Prior Approval Forms

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY		
USDA Supplemental Standards of Conduct (5 CFR 8301.101-102)		
<input type="radio"/> Initial Request <input type="radio"/> Revised Request		DATE <input type="text"/>
Part I - EMPLOYEE INFORMATION		
1. EMPLOYEE'S NAME (Last, First, MI) <input type="text"/>		
2. AGENCY/PROGRAM (Address) <input type="text"/>	TELEPHONE, FAX & E-MAIL Phone: <input type="text"/> Fax: <input type="text"/> E-Mail: <input type="text"/>	
3. TITLE OF POSITION <input type="text"/>	4. GRADE/STEP <input type="text"/>	5. SALARY \$ <input type="text"/>
6. FINANCIAL DISCLOSURE FILING STATUS <input type="radio"/> Public (SF 278) <input type="radio"/> Confidential (OGE 450) <input type="radio"/> Other <input type="text"/>		
7. NAME OF IMMEDIATE SUPERVISOR <input type="text"/>	SUPERVISOR'S TELEPHONE, FAX & E-MAIL Phone: <input type="text"/> Fax: <input type="text"/> E-Mail: <input type="text"/>	

Ethics Documents



Conflict of Interest Waivers

SAMPLE 208(B)(1) WAIVER
OUTSIDE ORGANIZATIONS: SERVICE AS OFFICER
OR DIRECTOR IN OFFICIAL CAPACITY

[Date]

MEMORANDUM

TO: [Official with Waiver Authority]

FROM: [Deputy Ethics Counselor]

SUBJECT: Conflict of Interest Waiver for [Employee]

The purpose of this memorandum is to request that you grant **[name of employee]** a waiver of the criminal conflict of interest provisions that may apply to **[his or her]** service in an official capacity as **[an officer or a member of the board of directors, or other position]** of an outside non-profit organization. The need for a waiver is discussed below.

The criminal conflict of interest statute, 18 U.S.C. § 208(a), requires that an employee refrain from participating personally and substantially in an official capacity in any particular matter that will have a direct and predictable effect on the financial interests of any organization in which the individual serves as an officer, director, trustee, or employee.

Ethics Documents



Training Files



Ethics Documents



Advice Files



EXERCISES



Three Fact Patterns

1. Entering Government



2. During Government Service



3. Post-Government Employment



18 U.S.C. 208



An officer or employee may not participate personally and substantially in a particular matter in which, to his knowledge, he has a financial interest*



*Including those imputed to him.

FACT PATTERN #1



- What else would I like to know?
- What information can I get from ethics officials?
- What ethics documents might be helpful?
- Where can I get these documents?
- Possible crimes?
- Possible ethics violations?
- Consult with OGE?

18 U.S.C. 209



Prohibits an employee from getting paid from a source outside the Government for doing his or her Government job



18 U.S.C. 208



An officer or employee may not participate personally and substantially in a particular matter in which, to his knowledge, he has a financial interest*



*Including those imputed to him.

FACT PATTERN #2



- What else would I like to know?
- What information can I get from ethics officials?
- What ethics documents might be helpful?
- Where can I get these documents?
- Possible crimes?
- Possible ethics violations?
- Consult with OGE?

18 U.S.C. 203 & 205



**Prohibitions against
representing third
parties before the
Government
with or without
compensation**

18 U.S.C. 203



Generally employees are **prohibited** from directly or indirectly:

- Demanding, seeking, receiving, accepting or agreeing to receive any compensation
- for any representational services
- rendered by the employee or someone else,
- before any department, agency, court, or certain other entities
- in connection with any particular matter in which the United States is a party or has an interest
- if any part of the representation occurs while a Government employee

18 U.S.C. 205



(a)(1) generally prohibits an employee from:

- acting as agent or attorney
- for prosecuting any claim against the United States
- or receiving any gratuity, or any share of or interest in any such claim, in consideration of assistance in the prosecution of such claim



18 U.S.C. 205 (cont.)



(a)(2) generally prohibits an employee from:

- acting as an agent or attorney for, or otherwise representing, someone else
- before any department, agency, court, or certain other entities
- concerning any matter in which the United States is a party or has a direct and substantial interest

18 U.S.C. 207



Three primary post-Government employment prohibitions

1. 207(a)(1)—Lifetime bar
2. 207(a)(2)—2 year bar
3. 207(c)—1 year bar



18 U.S.C. 207(a)(1)



Lifetime Bar

Applies to a former employee and prohibits:

- any communication or appearance
- made with intent to influence
- to or before an officer or employee of the US
- in connection with any specific party matter
- in which the employee participated personally and substantially while a Government employee

18 U.S.C. 207(a)(2)



Two-Year Bar

Essentially the same as the (a)(1) restriction except:

Applies only to specific party matters that were pending under the employee's official responsibility during his last year of Government service



18 U.S.C. 207(c)



One-Year Bar

Prohibits a former “**senior employee**” from:

- making a communication or appearance with the intent to influence
- to or before an officer or employee of the agency where he served within one year prior to his termination as a senior employee
- on behalf of any other person
- in connection with any matter in which he seeks official action

FACT PATTERN #3



- What else would I like to know?
- What information can I get from ethics officials?
- What ethics documents might be helpful?
- Where can I get these documents?
- Possible crimes?
- Possible ethics violations?
- Consult with OGE?

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



Preventing Conflicts of Interest
in the Executive Branch

Seth Jaffe
Chief, Ethics Law & Policy Branch
(202) 482-9303

OGE Website:
www.oge.gov