

[My Dashboard](#)

[New Interaction](#)

[New Outreach](#)

[Search](#)

[Trends](#)

[Agencies](#)

[Administration](#)

Resolved Interaction

Interaction Number: 18875

Initiation Date*:	2020-01-15
Title*:	contact OGE Leg staffer call
Question*:	A legislative branch staffer called seeking requirements for initial ethics training for executive branch members. The staffer was creating a response to a constituents who ask about ethics training requirement for legisla ive and executive branch principles and employees.
Update:	
Categories*:	Training
Origin Of Interaction*:	Phone
Source*:	Non-Agency Congress
First Name:	
Last Name:	
Title:	
Position:	
Email:	
Phone:	
Other Contact Notes:	
Assignment:	Rolando DeLeon
Watching:	
Temporary Notes:	
<i>created by:</i>	<i>Rolando DeLeon</i>

Resolution Information

Resolution Date*:	2020-01-15
Resolution Category*:	Resolved
Response*:	Provided the staffer with the regulatory guidance information provided in 2638 part C. (Assigned to: Rolando DeLeon)
Complexity (level):	1 <input type="button" value="[Click to view/hide complexity guidelines]"/>
Time Spent (hours):	0-1 hour
Contributor:	
<input type="button" value="reopen"/>	

Interaction History Log

Closed	01/15/2020 11:21:10 AM by Rolando DeLeon
Now Assigned: Rolando DeLeon	01/15/2020 11:21:10 AM by Rolando DeLeon

Division(s) assigned: PCD

AIMS Agency Information Management System

[My Dashboard](#)

[New Interaction](#)

[New Outreach](#)

[Search](#)

[Trends](#)

[Agencies](#)

[Administration](#)

Resolved Interaction

Interaction Number: 18895

Initiation Date*:	2020-01-14
Title*:	Question on ethics summits & DAEO engagement
Question*:	Follow-up call on FSGG approps language on the importance of ethics. H. Rept. 116-122, at 74 (2019): "The Committee urges OGE to more frequently hold these summits [National Government Ethics Summits], and to increase engagement with designated agency ethics officials across agencies to reaffirm the importance of ethics."
Update:	
Categories*:	Appropriations, Other
Origin Of Interaction*:	Email
Source*:	Non-Agency Congress
First Name:	Nick
Last Name:	Kazvini-Gore
Title:	Legislative Assistant, Rep. Kaptur
Position:	Other
Email:	(b) (6)
Phone:	
Other Contact Notes:	(b) (6)
Assignment:	Grant Anderson, Shelley K. Finlayson
Watching:	
Temporary Notes:	
created by:	Grant Anderson

Resolution Information

Resolution Date*:	2020-01-21
Resolution Category*:	Resolved
Response*:	Had a call with the staffer about OGE's upcoming National Government Ethics Summit in March and OGE's engagement with designated agency ethics officials, including quarterly meetings and training resources available on OGE's website. Also sent an email to the staffer with a link to the Director's note previewing the summit and looking ahead to the upcoming year: https://www.oge.gov/Web/OGEnsf/Director's%20Notes/B505BFD1DE6A319C852584E90052F297 (Assigned to: Grant Anderson; Shelley K. Finlayson)
Complexity (level):	5 <input type="text" value="[Click to view/hide complexity guidelines]"/>
Time Spent (hours):	1-4 hours
Contributor:	Nicole Stein
<input type="button" value="reopen"/>	

Reopen Information

--	--

Date:	2020-01-21
Reason:	Quick edits

Interaction History Log	
Closed	01/21/2020 03:55:24 PM by Grant Anderson
Reopen	01/21/2020 03:55:03 PM by Grant Anderson
Closed	01/21/2020 03:53:19 PM by Grant Anderson
Now Assigned: Grant Anderson Shelley K. Finlayson	01/21/2020 03:53:19 PM by Grant Anderson

Division(s) assigned: PCD

AIMS Agency Information Management System

[My Dashboard](#)

[New Interaction](#)

[New Outreach](#)

[Search](#)

[Trends](#)

[Agencies](#)

[Administration](#)

Resolved Interaction

Interaction Number: 18947

Initiation Date*:	2020-01-30
Title*:	Call w/Senate H.E.L.P. minority staff
Question*:	The committee minority staff wanted to receive OGE technical assistance in understanding more about the relationship between OGE and DAEOs as well as understanding how best to "think about" particular matters when dealing with adjudicatory bodies.
Update:	
Categories*:	208, Ethics Pledge (E.O. 13770), Impartiality
Origin Of Interaction*:	Phone
Source*:	Non-Agency Congress
First Name:	Carley
Last Name:	Rush
Title:	General Counsel & Chief Oversight Counsel, Minority Staff
Position:	Other
Email:	(b) (6)
Phone:	(b) (6)
Other Contact Notes:	Nikki McKinney & Leith Solomon (Labor Counsel for the committee) were on the call and Carly was unable to attend the call. Elizabeth Letter was also was unable to attend the call.
Assignment:	Seth Jaffe, Shelley K. Finlayson
Watching:	
Temporary Notes:	
<i>created by:</i>	Seth Jaffe

Resolution Information

Resolution Date*:	2020-01-30
Resolution Category*:	Resolved
Response*:	We provided the committee staff advice consistent with and referred them to, among other ethics rules, and documents: 5 CFR § 2635.502, 5 CFR § 2635.102(b); 5 CFR § 2638 subparts A & E; DO-06-29. In addition we subsequently provided them with a one page overview of "particular matter" as well as DO-06-29 concerning matters, particular matters and party matters. Finally, we provided assistance concerning OGE's recent consultation with the NLRB concerning its November 19, 2019, "National Labor Relations Board's Ethics Recusal Report". (Assigned to: Seth Jaffe; Shelley K. Finlayson)
Complexity (level):	4 [Click to view/hide complexity guidelines]
Time Spent (hours):	1-4 hours
Contributor:	
<input type="button" value="reopen"/>	

Interaction History Log

Closed	01/31/2020 02:01:32 PM by Seth Jaffe
Now Assigned: Seth Jaffe Shelley K. Finlayson	01/31/2020 02:01:32 PM by Seth Jaffe

Division(s) assigned: GCLPD; PCD

My Dashboard

New Interaction

New Outreach

Search

Trends

Agencies

Administration

Resolved Interaction

Interaction Number: 19093

Initiation Date*:	2020-02-13
Title*:	Congressional Inquiry
Question*:	Staffer called to ask for a copy of OGE's FY21 budget request.
Update:	
Categories*:	Appropriations
Origin Of Interaction*:	Phone
Source*:	Non-Agency Congress
First Name:	Kadeem
Last Name:	Cooper
Title:	Counsel, House Committee on Oversight and Reform
Position:	Other
Email:	(b) (6)
Phone:	(b) (6)
Other Contact Notes:	
Assignment:	Grant Anderson
Watching:	
Temporary Notes:	
<i>created by:</i>	Grant Anderson

Resolution Information

Resolution Date*:	2020-02-13
Resolution Category*:	Resolved
Response*:	Sent staffer a follow-up email with link to OGE's FY 21 budget request. * Congressional Budget Justification and Annual Performance Plan (FY 2021) https://www.oge.gov/web/oge.nsf/5885bea992e0b985257f11004bff95/9a6ff83ac766857f8525850a006ea57b (Assigned to: Grant Anderson)
Complexity (level):	1 <input type="text" value="[Click to view/hide complexity guidelines]"/>
Time Spent (hours):	0-1 hour
Contributor:	
<input type="button" value="reopen"/>	

Interaction History Log

Closed	02/19/2020 11:43:35 AM by Grant Anderson
Now Assigned:	02/19/2020 11:43:35 AM by Grant Anderson

Division(s) assigned: PCD

[My Dashboard](#)

[New Interaction](#)

[New Outreach](#)

[Search](#)

[Trends](#)

[Agencies](#)

[Administration](#)

Resolved Interaction

Interaction Number: 19100

Initiation Date*:	2020-01-17
Title*:	Congressional request to IG referred by IG to OGE
Question*:	Staff had questions about a congressional inquiry they sent to an IG (HHS) to investigate that the IG then referred to OGE (and OGE subsequently referred back to the IG).
Update:	
Categories*:	Conflicting Financial Interests
Origin Of Interaction*:	Letter
Source*:	Non-Agency Congress
First Name:	Lauren
Last Name:	Convington
Title:	
Position:	Other
Email:	(b) (6)
Phone:	(b) (6)
Other Contact Notes:	
Assignment:	Dale A. Christopher, Shelley K. Finlayson
Watching:	
Temporary Notes:	
<i>created by:</i>	Shelley K. Finlayson

Resolution Information

Resolution Date*:	2020-01-22
Resolution Category*:	Resolved
Response*:	Explained interaction of IGs and OGE. Discussed unusual nature of this referral from an IG to OGE. Time includes preparing OGE's related written responses (letter to Congress and letter to HHS IG). (Assigned to: Dale A. Christopher; Shelley K. Finlayson)
Complexity (level):	2 [Click to view/hide complexity guidelines]
Time Spent (hours):	More than 8 hours
Contributor:	Dale A. Christopher
<input type="button" value="reopen"/>	

Interaction History Log

Closed	02/20/2020 07:47:08 AM by Shelley K. Finlayson
Now Assigned: Shelley K. Finlayson	02/20/2020 07:47:08 AM by Shelley K. Finlayson

Dale A. Christopher

Division(s) assigned: CD; PCD

[My Dashboard](#)

[New Interaction](#)

[New Outreach](#)

[Search](#)

[Trends](#)

[Agencies](#)

[Administration](#)

Resolved Interaction

Interaction Number: 19101

Initiation Date*:	2020-01-29
Title*:	Questions regarding EPA's ethics program/OGE recommendations & reviews
Question*:	Oversight inquiry regarding EPA ethics program, specifically: status of OGE recommendations in 2017 program review, status of current review, timelines for written recusal statements, and consultation on and provision of 208(b)(1) waivers.
Update:	
Categories*:	208, Conflic ing Financial Interests, Ethics Pledge (E.O. 13770), Ethics Program Administration, Waivers (208 b(1) and (3))
Origin Of Interaction*:	Email
Source*:	Non-Agency Congress
First Name:	Erinn
Last Name:	Sauer
Title:	
Position:	Other
Email:	(b) (6)
Phone:	
Other Contact Notes:	
Assignment:	Dale A. Christopher, Shelley K. Finlayson
Watching:	
Temporary Notes:	
<i>created by:</i>	Shelley K. Finlayson

Resolution Information

Resolution Date*:	2020-02-11
Resolution Category*:	Resolved
Response*:	Answered questions regarding EPA ethics program, including: status of OGE recommendations in 2017 program review, status of current review, timelines for written recusal statements, and consultation on and provision of 208(b)(1) waivers. (Assigned to: Dale A. Christopher; Shelley K. Finlayson)
Complexity (level):	3 [Click to view/hide complexity guidelines]
Time Spent (hours):	1-4 hours
Contributor:	Dale A. Christopher
<input type="button" value="reopen"/>	

Interaction History Log

Closed	02/20/2020 07:55:05 AM by Shelley K. Finlayson
Now Assigned: Shelley K. Finlayson	02/20/2020 07:55:05 AM by Shelley K. Finlayson

Dale A. Christopher

Division(s) assigned: CD; PCD

[My Dashboard](#)

[New Interaction](#)

[New Outreach](#)

[Search](#)

[Trends](#)

[Agencies](#)

[Administration](#)

Resolved Interaction

Interaction Number: 19137

Initiation Date*:	2020-02-27
Title*:	Recusal Question
Question*:	Question about recusals regarding former employees and differences between the pledge and regulations.
Update:	
Categories*:	Ethics Pledge (E.O. 13770)
Origin Of Interaction*:	Phone
Source*:	Non-Agency Congress
First Name:	Mary Beth
Last Name:	Schultz
Title:	Chief Counsel, Senate Agriculture Committee (minority)
Position:	Other
Email:	(b) (6)
Phone:	(b) (6)
Other Contact Notes:	(b) (6)
Assignment:	Grant Anderson
Watching:	
Temporary Notes:	
<i>created by:</i>	Grant Anderson

Resolution Information

Resolution Date*:	2020-02-28
Resolution Category*:	Resolved – ELPB Consultation
Response*:	<p>Provided advice consistent with and referred the staffer to:</p> <p>* Executive Order 13770, section 1, paragraph 6 ("I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.");</p> <p>* Executive Order 13770, section 2 ("(j) "Former employer" is any person for whom the appointee has within the 2 years prior to the date of his or her appointment served as an employee, officer, director, trustee, or general partner, except that "former employer" does not include any executive agency or other entity of the Federal Government, State or local government, the District of Columbia, Native American tribe, or any United States territory or possession.")</p> <p>* 5 C.F.R. § 2635.502 (b) (1) (iv) ("(b) Definitions. For purposes of this section: (1) An employee has a covered relationship with: . . . (iv) Any person for whom the employee has, within the last year, served as officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee; or...") (Assigned to: Grant Anderson)</p>
Complexity (level):	3 <input type="button" value="Click to view/hide complexity guidelines"/>
Time Spent (hours):	1-4 hours
Contributor:	Seth Jaffe
<input type="button" value="reopen"/>	

Interaction History Log

Closed	02/28/2020 07:04:11 PM by Grant Anderson
Now Assigned: Grant Anderson	02/28/2020 07:04:11 PM by Grant Anderson

Division(s) assigned: PCD

AIMS Agency Information Management System

My Dashboard

New Interaction

New Outreach

Search

Trends

Agencies

Administration

Resolved Interaction

Interaction Number: 19140

Initiation Date*:	2020-02-25
Title*:	Congressional Inquiry
Question*:	Staffer had questions related to the February 5 letter from Ranking Member Brown and Senator Warren to CFPB regarding a taskforce (https://www.banking.senate.gov/newsroom/minority/brown-warren-request-answers-from-cfpb-director-regarding-federal-consumer-law-taskforce), as well as the February 19 response from CFPB.
Update:	
Categories*:	208, Ethics Program Administration, Waivers (208 b(1) and (3))
Origin Of Interaction*:	Phone
Source*:	Non-Agency Congress
First Name:	Jan
Last Name:	Singelmann
Title:	Counsel, Senate Banking Committee (minority)
Position:	Other
Email:	(b) (6)
Phone:	(b) (6)
Other Contact Notes:	
Assignment:	Grant Anderson, Seth Jaffe
Watching:	
Temporary Notes:	
<i>created by:</i>	Grant Anderson

Resolution Information

Resolution Date*:	2020-02-28
Resolution Category*:	Resolved – ELPB Consultation
Response*:	<p>Provided advice consistent with and referred the staffer to: DO-07-006; 18 USC § 208(d)(1); 5 USC app. § 105(b); 5 CFR § 2640.301; 5 CFR § 2640.303; 5 CFR § 2640.304; 5 USC app. § 107; routine use under SORN Gov. 1 and Gov. 2.</p> <p>Concerning congressional access to waivers, gave advice consistent with following OGE position on whether members of congress have to file a 201 request for 278 reports: "OGE has a unique role within the nominee confirmation process. We routinely send reports to the Senate and engage with them regarding the reports. Outside of that context, OGE provides 278s to a committee of jurisdiction (this means the Chairman of a committee, not the minority staff, not the Ranking Member or any individual Member of Congress) pursuant to their Congressional oversight authority, treating it as a separate document request authority outside the 201 process. OGE has not taken an official position on the issue. Consult with your leg affairs office." (Assigned to: Grant Anderson; Seth Jaffe)</p>
Complexity (level):	4 <input type="button" value="Click to view/hide complexity guidelines"/>
Time Spent (hours):	4-8 hours
Contributor:	
<input type="button" value="reopen"/>	

Interaction History Log

Closed	03/02/2020 02:37:31 PM by Grant Anderson
Now Assigned: Grant Anderson Seth Jaffe	03/02/2020 02:37:31 PM by Grant Anderson

Division(s) assigned: PCD, GCLPD

[My Dashboard](#)

[New Interaction](#)

[New Outreach](#)

[Search](#)

[Trends](#)

[Agencies](#)

[Administration](#)

Resolved Interaction

Interaction Number: 19320

Initiation Date*:	2020-03-26
Title*:	Congressional Technical Assistance
Question*:	Asked whether the conflict of interest provision in the stimulus bill (HR 748) would have any impact in light of criminal conflict of interest laws.
Update:	
Categories*:	208
Origin Of Interaction*:	Phone
Source*:	Non-Agency Congress
First Name:	Kadeem
Last Name:	Cooper
Title:	House Committee on Oversight and Reform
Position:	
Email:	
Phone:	(b) (6)
Other Contact Notes:	
Assignment:	Jennifer Matis, Maura Leary, Patrick J. Lightfoot, Seth Jaffe
Watching:	
Temporary Notes:	
created by:	Jennifer Matis

Resolution Information

Resolution Date*:	2020-03-27
Resolution Category*:	Resolved
Response*:	Provided technical assistance regarding the interplay between the provision at issue and government ethics rules. (Assigned to: Jennifer Matis; Maura Leary; Patrick J. Lightfoot; Seth Jaffe)
Complexity (level):	4 [Click to view/hide complexity guidelines]
Time Spent (hours):	1-4 hours
Contributor:	
<input type="button" value="reopen"/>	

Interaction History Log

Closed	03/27/2020 01:14:57 PM by Jennifer Matis
Now Assigned: Jennifer Matis	03/27/2020 01:14:57 PM by Jennifer Matis

Maura Leary
Patrick J. Lightfoot
Seth Jaffe

Division(s) assigned: PCD, GCLPD

[My Dashboard](#)

[New Interaction](#)

[New Outreach](#)

[Search](#)

[Trends](#)

[Agencies](#)

[Administration](#)

Resolved Interaction

Interaction Number: 19547

Initiation Date*:	2020-05-01
Title*:	Question about SGEs and financial disclosure
Question*:	<p>Elizabeth:</p> <p>I hope you are well during these trying times. Excuse the late email (trying to catch up).</p> <p>I have a few questions about SGE financial disclosure filings:</p> <ul style="list-style-type: none"> • All SGE financial disclosure filings are confidential, correct? • Are they subject to FOIA? • Have members of Congressionally-created commissions (e.g., the Commission on the Causes of the Financial Crisis, report here) filed reports as SGEs? (We are looking at related legislation and I understand that past commissioners of such commissions are considered SGEs, but am unclear if OGE would have any role or insight on those filings, or if they would just be filed with the Commission itself). <p>Many thanks, Megan</p>
Update:	
Categories*:	450s, SGE
Origin Of Interaction*:	Email
Source*:	Non-Agency Congress
First Name:	Megan
Last Name:	Bartley
Title:	Chief Investigative Counsel, Senate Foreign Relations Committee
Position:	
Email:	(b) (6)
Phone:	(b) (6)
Other Contact Notes:	
Assignment:	Elizabeth D. Horton
Watching:	
Temporary Notes:	
<i>created by:</i>	<i>Elizabeth D. Horton</i>

Resolution Information

Resolution Date*:	2020-05-01
Resolution Category*:	Resolved
Response*:	<p>I told the staffer that an SGE is defined as a public filer if he is expected to perform the duties of the office for more than 60 days in a calendar year and he meets the pay conditions for public filing. If an SGE is not a public filer, he is normally a confidential filer. I told her that public financial disclosure reports are not obtainable under the FOIA because EIGA dictates the mechanism under which they can be obtained and that confidential reports are not obtainable under any mechanism. Finally, I told her that OGE only gets a fraction of public financial disclosure reports and those we don't get can be obtained from the employing agencies.</p> <p><i>(Assigned to: Elizabeth D. Horton)</i></p>
Complexity (level):	<p>2</p> <p>[Click to view/hide complexity guidelines]</p>
Time Spent (hours):	0-1 hour

Contributor:

reopen

Interaction History Log

Closed	05/01/2020 05:09:44 PM by Elizabeth D. Horton
Now Assigned: Elizabeth D. Horton	05/01/2020 05:09:44 PM by Elizabeth D. Horton

Division(s) assigned: PCD

My Dashboard

New Interaction

New Outreach

Search

Trends

Agencies

Administration

Resolved Interaction

Interaction Number: 19623

Initiation Date*: 2020-05-05

Title*: House H.E.L.P. Committee Consult on NLRB 11/19/19 Recusal Report

Question*: We were wondering if you have time on Friday or early next week to discuss steps that OGE and the NLRB have taken after the exchange of letters on December 19 and January 9, respectively, regarding the NLRB's report on ethics and recusal policies. Our Committee has conducted significant oversight of ethics and recusal issues at the NLRB; we continue to have concerns in this space, and are interested in whether the Board will update its report in light of OGE's concerns.

5/18/20 Follow up questions from committee staff:
 Hi Shelley,

Thanks for taking the time to speak with us last week. As we noted over the phone, we continue to have concerns regarding the Board's ethics and recusal report, and continue to believe that a special report is necessary to determine whether Board Members have been complying with applicable statutes, regulations, and other governing authorities, particularly with respect to the joint employer rulemaking and the adjudication in McDonald's. We note that OGE has recently completed a similar special review of the Federal Energy Regulatory Commission.

We understand from last week's call that OGE has arrived at an understanding with the Board that the Board would post its January 9 letter, which contained proposed revisions to the report, on its ethics page with the understanding that the Board would consider those revisions as encapsulated in the report. However, we continue to be concerned about three things relating to this arrangement. First, nothing on this page informs the public that the Board has revised the Ethics Report since November 2019. Second, although the Board's revision to page 34 of the report crosses out that the Member can "invoke statutory process" to challenge a DAEO, it leaves in that the Member can "ultimately, insist on participating in the matter" even after the DAEO report disqualifies the Member. We have especially strong concerns regarding the Board's claim that a Member can be both "disqualified" from a case under 5 CFR § 2635.502(c) and also legally be able to participate in a case. Our understanding of the regulation is that a DAEO's determination that recusal is necessary is binding on an employee. Third, in the Board's April 7 letter to Senator Warren, the Board provides the unrevised language that includes "invoke statutory process" and even claims that "OGE has assured us, through our DAEO, that our conclusion is correct" but does not mention that it revised this very language at OGE's request.

The very fact of the Hy-Brand incident means that an OGE special review would be more appropriate than the Board conducting its own review, and the three concerns above indicate that the NLRB may not be adhering to its arrangement with OGE in good faith. Moreover, our Committee continues to raise serious concerns over how the Board has handled conflicts of interest in joint employer cases, as we discussed on the phone. Immediately after vacating Hy-Brand, the Board initiated a rulemaking to implement the same rule it sought to implement through Hy-Brand. I have attached our public comment in this rulemaking—pages 14-16 note that Committee staff conducted an in camera review of the DAEO memo permitting Member Emanuel to participate in the case, and raises the concern that the memo nowhere considers the specific facts of that rulemaking. The Final Rule on page 7 confirms that Committee staff reviewed the memorandum that "determined that Member Emanuel was not disqualified from participating in this rulemaking," but rejected our concerns that it did not analyze the facts by writing, "This vague claim does not undermine the DAEO's determination." On the phone, you noted that these memos involve fact-specific analysis, but there is a distinction to be drawn between deferring to a DAEO's factual findings and deferring to a DAEO's failure to consider the facts at all.

Our concern here is that the DAEO did not analyze any facts involving the rulemaking, let alone the timing of the rulemaking immediately after vacating Hy-Brand and the fact that it proposed the same rule as the standard in Hy-Brand. I have also attached the Board's decision in McDonald's, which describes the DAEO memo clearing Member Emanuel (although the Board has refused to produce this memo in response to Congressional oversight). The memo does not appear to address the fact that Member Emanuel's former law firm ran a hotline advising McDonald's of the exact labor law issues that were before the agency, and I have attached a flier McDonald's supplied its franchisees about the hotline. The flier was submitted into the record of that case, and the number for the hotline has been up for the duration of the case. This indicates that Litaler was providing legal services to McDonald's and its franchisees while the Member Emanuel was participating in the case.

There is a broader concern at issue here, as well. In issuing this lengthy report and pushing back against the OGE's guidance, the Board has focused on finding ways to override mandatory recusals ordered by the DAEO. This raises questions about the independence of the ethics program, and we are concerned that OGE is not doing enough to prevent agency capture of ethics officials at the Board. Chairman Ring's revisions to the ethics report do not answer the question of what happens when the Chairman or other Board Members disagree with a DAEO's recusal determination. Further, the back-and-forth over this report has also left unresolved concerns that the DAEO and other ethics officials may be pressured to ignore the appearance of a conflict of interest.

In light of all this, we remain extremely concerned about whether the NLRB's ethics program is able to operate independently of the Chairman, and continue to believe that a special review from OGE is necessary to examine this problem. We also ask that you provide us answers to the following questions:

1. What standard does OGE apply when determining whether to conduct a special review at an agency?

2. What steps has OGE taken to ensure that DAEOs across the government are able to function with independence from the senior political leaders of their agencies?
3. How would OGE know if an agency's DAEO and ADAEO lack independence from the senior political leaders of the DAEO's agency? How does OGE gather information regarding their independence and what indicators does OGE consider?
4. Has OGE's monitoring of agencies ever identified a DAEO or ADAEO lacking independence from the political leaders of their agency in the past five or 10 years? If so, please provide a brief explanation of the circumstances, including the year in which this occurred and the name of the agency.
5. What assurance does OGE have that the NLRB's ethics program is able to operate independently from the Chairman, and what assurance does OGE have that the Board's DAEO and ADAEO are not under pressure to refrain from directing Board Members to recuse themselves from cases?
6. What is OGE's understanding as to how, going forward, the Board will resolve a disagreement between the DAEO or ADAEO and a Board Member regarding the need to recuse from a case?
7. For the Inspection Report of the NLRB OGE issued in June 2019, how many pieces of advice and guidance did you sample? What time period did the samples cover? How many of them were directed to the Board Members or General Counsel? How many of the ones directed to Board Members or General Counsel involved a question as to the necessity of recusal?
8. How often have Board Members requested advice from the DAEO or ADAEO regarding the need to recuse from specific cases over the past three years? In each case, did the DAEO or ADAEO consider all relevant facts and correctly apply the legal standards to the facts they found?
9. What steps are the Board's DAEO and ADAEO taking to screen cases to ensure that Board Members are not participating, during the relevant period, in decisions that either (a) involve their former employers and clients as parties, or (b) directly affect the interests of their former employers and clients? Are these steps adequate?

Update:	
Categories*:	Other
Origin Of Interaction*:	Phone
Source*:	Non-Agency Congress
First Name:	Kyle
Last Name:	deCant
Title:	Labor Policy Counsel
Position:	Other Committee on Education and Labor
Email:	(b) (6)
Phone:	(b) (6)
Other Contact Notes:	Katelyn Mooney, Cathy Yu, and Janice Nsor - staffers from the committee were also on the call.
Assignment:	Seth Jaffe, Shelley K. Finlayson
Watching:	Dale A. Christopher, Diana Veilleux
Temporary Notes:	
<i>created by:</i>	Seth Jaffe

Resolution Information

Resolution Date*:	2020-05-11
Resolution Category*:	Resolved
Response*:	<p>We outlined the decentralized nature of the executive branch ethic program under 5 CFR part 2638. In that context, we discussed OGE's consultation process with NLRB on its 11/19/19 ethics recusal report as well as the changes to the report that were made by NLRB in light of the concerns OGE expressed in our 1/9/20 letter to NLRB. As a result of the call OGE's desk officer is reaching out to clarify one issue raised by the committee staff in relation to a 4/7/20 letter written by the NLRB on this topic to Senator Warren.</p> <p>On a 5/20/20 follow up call, Shelley, Seth, Diana & Dale provided the committee staff with more clarifying information concerning the decentralized nature of the executive branch ethics program, the E.I.G.A.; 5 CFR part 2638 and 5 CFR § 2635.502. We also provided staff with an update on our follow up with NLRB concerning NLRB's 4/7/20 letter to Senator Warren. The call ended with Kyle de Cant saying that we had been extremely helpful and that he greatly appreciated all the time and thought that we had put into their requests for information. He indicated that he and the other staff on the call would let us know whether the committee would be requesting a further response in writing - or not.</p> <p><i>(Assigned to: Seth Jaffe; Shelley K. Finlayson)</i></p>
Complexity (level):	4 [Click to view/hide complexity guidelines]
Time Spent (hours):	1-4 hours
Contributor:	
<input type="button" value="reopen"/>	

Reopen Information

Date:	2020-05-21
--------------	------------

Reason: Follow up questions from Committee.

Interaction History Log

Closed	05/21/2020 10:23:26 AM by Seth Jaffe
Reopen	05/21/2020 10:12:50 AM by Seth Jaffe
Closed	05/12/2020 09:32:56 AM by Seth Jaffe
Now Assigned: Seth Jaffe Shelley K. Finlayson	05/12/2020 09:32:56 AM by Seth Jaffe

Division(s) assigned: GCLPD; PCD

AIMS Agency Information Management System

[My Dashboard](#)

[New Interaction](#)

[New Outreach](#)

[Search](#)

[Trends](#)

[Agencies](#)

[Administration](#)

Resolved Interaction

Interaction Number: 19688

Initiation Date*:	2020-05-15
Title*:	Congressional request for technical assistance: "Clean Congress Act" blind trust bill
Question*:	<p>I would like to ask for your assistance in providing technical input on a bill my boss is working on. The bill would require Members of Congress, their spouses and dependent children, and senior congressional staff to put certain assess into a blind trust during their federal service. Draft leg text is attached here and it is quite short.</p> <p>My colleagues on the House Oversight Committee suggested that you would be the right person to provide technical assistance on the text itself, to make sure we are not missing anything key or leaving anything unclear.</p> <p>Would you be able to review the leg text and provide any feedback you have? If possible, it would be really great to get your input by early next week, although I am not sure what your typical review timeline looks like. Please let me know if you would be able to take a look and what you think your estimated review time would look like.</p>
Update:	
Categories*:	Qualified Trusts
Origin Of Interaction*:	Phone
Source*:	Non-Agency Congress
First Name:	Jessie
Last Name:	Durrett
Title:	Legislative Assistant
Position:	Other Office of Rep. Abigail Spanberger (VA-7)
Email:	(b) (6)
Phone:	(b) (6)
Other Contact Notes:	
Assignment:	Diana Veilleux, Maura Leary, Seth Jaffe
Watching:	
Temporary Notes:	
<i>created by:</i>	Seth Jaffe

Resolution Information

Resolution Date*:	2020-05-22
Resolution Category*:	Resolved
Response*:	<p>We provided advice consistent with and referred Jessie to: 5 CFR part 2634 subpart D; EIGA §§ 102(f)(3), (4), (8); and 18 USC § 208. <i>(Assigned to: Diana Veilleux; Maura Leary; Seth Jaffe)</i></p>
Complexity (level):	<p>3</p> <p>[Click to view/hide complexity guidelines]</p>
Time Spent (hours):	1-4 hours
Contributor:	
<input type="button" value="reopen"/>	

Interaction History Log

Closed	05/22/2020 02:07:18 PM by Seth Jaffe
Now Assigned: Seth Jaffe Diana Veilleux Maura Leary	05/22/2020 02:07:18 PM by Seth Jaffe

Division(s) assigned: PCD; GCLPD

[My Dashboard](#)

[New Interaction](#)

[New Outreach](#)

[Search](#)

[Trends](#)

[Agencies](#)

[Administration](#)

Resolved Interaction

Interaction Number: 19724

Initiation Date*:	2020-05-29
Title*:	Questions about providing 278 to law enforcement
Question*:	<p>Hi Elizabeth:</p> <p>Hope you are well. A few of my colleagues and I are interested in chatting with you (or any appropriate OGE staff) about any parameters or considerations for providing a copy of a nominee's 278 that was provided to Congress in connection with their nomination to a law enforcement entity, in response to a request for documents. (The 278 and EA are also available publicly through your website).</p> <p>Let me know if there's a good time, perhaps early afternoon.</p> <p>Will do. 3:30 works, and thanks so much for accommodating. Basically we want to make sure there aren't any constraints that we should be aware of in terms of sharing a 278 that we received from OGE. Specifically, whether the Ethics in Government Act says anything about Congress providing a copy to a law enforcement entity in response to a request for information, and whether that would be considered an authorized use.</p>
Update:	
Categories*:	278s
Origin Of Interaction*:	Email
Source*:	Non-Agency Congress
First Name:	Megan
Last Name:	Bartley
Title:	Chief Investigative Counsel, Senate Foreign Relations Committee
Position:	
Email:	(b) (6)
Phone:	(b) (6)
Other Contact Notes:	
Assignment:	Elizabeth D. Horton
Watching:	Shelley K. Finlayson
Temporary Notes:	
<i>created by:</i>	Elizabeth D. Horton

Resolution Information

Resolution Date*:	2020-05-29
Resolution Category*:	Resolved
Response*:	<p>On a conference call with the staffer and two of her majority staff counterparts (Matt Sullivan and Katy Shodoen (sp?)), I told them that the EIGA (105 (b)(2)) provides the information required to be submitted to request a public financial disclosure report in the context of OGE and agencies making reports publicly available. I also told them that subsection (c)(1) lists unlawful purposes for a person to obtain or use a report and that OGE GOVT-1 provides routine uses for disclosure. Finally, I referred them to example 2 to 2634.603(f) which discusses a state law enforcement agent seeking a report.</p> <p><i>(Assigned to: Elizabeth D. Horton)</i></p>
Complexity (level):	3
	<input type="button" value="[Click to view/hide complexity guidelines]"/>
Time Spent (hours):	0-1 hour

Contributor: Diana Veilleux

reopen

Interaction History Log

Closed	05/29/2020 04:38:51 PM by Elizabeth D. Horton
Now Assigned: Elizabeth D. Horton	05/29/2020 04:38:51 PM by Elizabeth D. Horton

Division(s) assigned: PCD

[My Dashboard](#)

[New Interaction](#)

[New Outreach](#)

[Search](#)

[Trends](#)

[Agencies](#)

[Administration](#)

Resolved Interaction

Interaction Number: 19730

Initiation Date*:	2020-06-01
Title*:	Congressional inquiry
Question*:	We're interested in the 278 + certificate of divestiture for (b) (6) at the State Department, and any other files OGE has on him. We have his ethics agreement, but are looking to obtain these other documents. Any chance you could locate them and send my way?
Update:	
Categories*:	278s, CDs
Origin Of Interaction*:	Email
Source*:	Non-Agency Congress
First Name:	Ian
Last Name:	Nicholson
Title:	Investigator U.S. Senate Committee on Finance
Position:	
Email:	
Phone:	(b) (6)
Other Contact Notes:	
Assignment:	Jennifer Matis
Watching:	
Temporary Notes:	
<i>created by:</i>	Jennifer Matis

Resolution Information

Resolution Date*:	2020-06-01
Resolution Category*:	Resolved
Response*:	Referred him to the online 201 system and provided a link. (Assigned to: Jennifer Matis)
Complexity (level):	1 [Click to view/hide complexity guidelines]
Time Spent (hours):	0-1 hour
Contributor:	
<input type="button" value="reopen"/>	

Interaction History Log

Closed	06/01/2020 01:49:13 PM by Jennifer Matis
Now Assigned: Jennifer Matis	06/01/2020 01:49:13 PM by Jennifer Matis

Division(s) assigned: PCD

[My Dashboard](#)

[New Interaction](#)

[New Outreach](#)

[Search](#)

[Trends](#)

[Agencies](#)

[Administration](#)

Resolved Interaction

Interaction Number: 19732

Initiation Date*:	2020-05-28
Title*:	Call w/ HCOR staff
Question*:	We would like to chat about OGE efforts as they relate to the preparation for a possible Presidential transition, as well as some recent news developments about a potential conflict of interest violation.
Update:	
Categories*:	Conflic ing Financial Interests, Other
Origin Of Interaction*:	Email
Source*:	Non-Agency Congress
First Name:	Brandon
Last Name:	Rios
Title:	House Committee on Oversight and Reform - Majority Staff
Position:	Other
Email:	(b) (6)
Phone:	(b) (6)
Other Contact Notes:	Krista Boyd and Aaron Blacksberg were also on the call
Assignment:	Grant Anderson, Seth Jaffe, Shelley K. Finlayson
Watching:	
Temporary Notes:	
<i>created by:</i>	Grant Anderson

Resolution Information

Resolution Date*:	2020-06-01
Resolution Category*:	Resolved
Response*:	Gave technical assistance concerning OGE's transition related activities, as well as conflict of interest issues. (Assigned to: Grant Anderson; Seth Jaffe; Shelley K. Finlayson)
Complexity (level):	5 [Click to view/hide complexity guidelines]
Time Spent (hours):	1-4 hours
Contributor:	
<input type="button" value="reopen"/>	

Interaction History Log

Closed	06/01/2020 02:49:46 PM by Grant Anderson
Now Assigned: Grant Anderson	06/01/2020 02:49:46 PM by Grant Anderson

Shelley K. Finlayson
Seth Jaffe

Division(s) assigned: PCD; GCLPD

[My Dashboard](#)

[New Interaction](#)

[New Outreach](#)

[Search](#)

[Trends](#)

[Agencies](#)

[Administration](#)

Resolved Interaction

Interaction Number: 19815

Initiation Date*:	2020-06-03
Title*:	Congressional Inquiry
Question*:	Staffer had question about paperwork related to privileged nominees referred to HSGAC.
Update:	
Categories*:	450s, Ethics Program Administration
Origin Of Interaction*:	Email
Source*:	Non-Agency Congress
First Name:	Andrew
Last Name:	Timm
Title:	Professional Staff, HSGAC
Position:	Other
Email:	(b) (6)
Phone:	(b) (6)
Other Contact Notes:	
Assignment:	Grant Anderson
Watching:	
Temporary Notes:	
<i>created by:</i>	Grant Anderson

Resolution Information

Resolution Date*:	2020-06-05
Resolution Category*:	Resolved
Response*:	Provided staffer with background regarding review and transmittal of 450 forms related to privileged nominees. (Assigned to: Grant Anderson)
Complexity (level):	4 [Click to view/hide complexity guidelines]
Time Spent (hours):	1-4 hours
Contributor:	Teresa L. Williamson
<input type="button" value="reopen"/>	

Interaction History Log

Closed	06/09/2020 11:56:17 AM by Grant Anderson
Now Assigned: Grant Anderson	06/09/2020 11:56:17 AM by Grant Anderson

Division(s) assigned: PCD

AIMS Agency Information Management System

[My Dashboard](#)

[New Interaction](#)

[New Outreach](#)

[Search](#)

[Trends](#)

[Agencies](#)

[Administration](#)

Resolved Interaction

Interaction Number: 19863

Initiation Date*:	2020-06-11
Title*:	Sen Warren Office Inquiry into status of NLRB Recusal Report
Question*:	I'm writing to see if you'd be available for a call this week or early next week. I'm seeking to understand if OGE has approved, verbally or in writing, the edits NLRB proposed to their ethics report in response to Director Rounds' letter. Thanks so much.
Update:	
Categories*:	Other
Origin Of Interaction*:	Phone
Source*:	Non-Agency Congress
First Name:	Sara
Last Name:	Kugler
Title:	Legislative Aide
Position:	Other Office of Senator Warren
Email:	(b) (6)
Phone:	(b) (6)
Other Contact Notes:	Bruce Cohen was also on the phone from Senator Warren's office.
Assignment:	Seth Jaffe, Shelley K. Finlayson
Watching:	
Temporary Notes:	
<i>created by:</i>	Seth Jaffe

Resolution Information

Resolution Date*:	2020-06-18
Resolution Category*:	Resolved
Response*:	We provided an update on the status of OGE's consult with NLRB on its recusal report as well as the status of NLRB's implementation of the changes to the report OGE's Director requested on 12/19/19. We informed Senator Warren's staff that NLRB staff assured OGE that they are implementing the corrected version of the report reflecting the changes made to the report at the suggestion of OGE's Director on 1/9/20. We also indicated the NLRB staff told us that the 4/7/20 letter it sent to Senator Warren quoting from the older version of the report was in error. We indicated that since NLRB is implementing the report with the changes OGE recommended, that OGE considers the matter closed. In addition, at Sara's request we also sent her a citation to 5 CFR section 2638.209 and 5 USC app. section 402(b)(8) concerning OGE's formal advisory opinion process. <i>(Assigned to: Seth Jaffe; Shelley K. Finlayson)</i>
Complexity (level):	4 [Click to view/hide complexity guidelines]
Time Spent (hours):	1-4 hours
Contributor:	
<input type="button" value="reopen"/>	

Reopen Information

Date:	2020-06-18
Reason:	Typo

Interaction History Log	
Closed	06/18/2020 03:46:49 PM by Seth Jaffe
Reopen	06/18/2020 03:46:00 PM by Seth Jaffe
Closed	06/18/2020 03:45:12 PM by Seth Jaffe
Now Assigned: Seth Jaffe Shelley K. Finlayson	06/18/2020 03:45:12 PM by Seth Jaffe

Division(s) assigned: GCLPD; PCD

[My Dashboard](#)

[New Interaction](#)

[New Outreach](#)

[Search](#)

[Trends](#)

[Agencies](#)

[Administration](#)

Resolved Interaction

Interaction Number: 19878

Initiation Date*:	2020-06-18
Title*:	USDA official - conflict of interest concern
Question*:	Follow up on a non-profit law firm request to investigate possible wrongdoing by USDA official regarding renewable fuel standards
Update:	
Categories*:	Ethics Pledge (E.O. 13770), Impartiality
Origin Of Interaction*:	Phone
Source*:	Non-Agency Congress
First Name:	Jaci
Last Name:	Evans
Title:	GAO Analyst
Position:	Other
Email:	(b) (6)
Phone:	(b) (6)
Other Contact Notes:	
Assignment:	Shelley K. Finlayson
Watching:	
Temporary Notes:	
<i>created by:</i>	Shelley K. Finlayson

Resolution Information

Resolution Date*:	2020-06-22
Resolution Category*:	Resolved
Response*:	Explained process of working with agency ethics officials when violations are alleged. (Assigned to: Shelley K. Finlayson)
Complexity (level):	2 [Click to view/hide complexity guidelines]
Time Spent (hours):	1-4 hours
Contributor:	Seth Jaffe
<input type="button" value="reopen"/>	

Interaction History Log

Closed	06/22/2020 11:20:41 AM by Shelley K. Finlayson
Now Assigned: Shelley K. Finlayson	06/22/2020 11:20:41 AM by Shelley K. Finlayson

Division(s) assigned: PCD

My Dashboard

New Interaction

New Outreach

Search

Trends

Agencies

Administration

Resolved Interaction

Interaction Number: 19886

Initiation Date*:	2020-06-24
Title*:	Questions about reporting requirements
Question*:	<p>Hi Elizabeth,</p> <p>Hope you're well. I have a couple 278e questions I was hoping you might be able to answer. Please give me a call at (b)(6) whenever you're free. Thanks!</p> <p>Regards, -Terrell</p> <p>The staffer had questions about whether a filer had to file a new entrant report if he came from one government position to another government position and which agency would have the report. He also asked whether a liability that was deemed by a bankruptcy court to be a debt to be repaid (unsecured personal loan of more than \$10K) was reportable.</p>
Update:	
Categories*:	278s
Origin Of Interaction*:	Email
Source*:	Non-Agency Congress
First Name:	Terrell
Last Name:	Henry
Title:	Investigator, Senate Committee on Foreign Relations
Position:	
Email:	(b) (6)
Phone:	(b) (6)
Other Contact Notes:	
Assignment:	Elizabeth D. Horton
Watching:	
Temporary Notes:	
created by:	Elizabeth D. Horton

Resolution Information

Resolution Date*:	2020-06-24
Resolution Category*:	Resolved
Response*:	<p>I informed the staffer that pursuant to 5 CFR 2634.201(b) that a public filer that goes from one public filing position to another public filing position within 30 days would not have to file a new entrant report. I also referred him to the note to the example that explains that the new employing agency should get a copy of the last report from the former agency to assess potential conflicts of interest.</p> <p>After consulting with Stephanie, I also informed him that there is no special exception related to bankruptcy if a liability is otherwise reportable. (Assigned to: Elizabeth D. Horton)</p>
Complexity (level):	2 <input type="text" value="[Click to view/hide complexity guidelines]"/>
Time Spent (hours):	0-1 hour
Contributor:	

reopen

Interaction History Log

Closed	06/24/2020 04:03:37 PM by Elizabeth D. Horton
Now Assigned: Elizabeth D. Horton	06/24/2020 04:03:37 PM by Elizabeth D. Horton

Division(s) assigned: PCD

AIMS Agency Information Management System

My Dashboard

New Interaction

New Outreach

Search

Trends

Agencies

Administration

Resolved Interaction

Interaction Number: 19893

Initiation Date*:	2020-06-29
Title*:	Questions about reporting requirements
Question*:	<p>Good morning Shelley!</p> <p>I hope you are doing as well as you can be in these unusual times. We are hanging in there!</p> <p>I got a inquiry the other day that I do not know the answer to and I am hoping you can help me. My requester asked whether a public financial disclosure filer who moves from a position at one agency to a position that also requires public filing at another agency has to re-file their financial disclosure statements with he new agency when they move or if the 278 form transfers with them and they continue to file on an annual basis, but just wi h the new agency?</p> <p>Does that question makes sense?</p> <p>Thank you in advance for your help! That is a new one for me ☐.</p> <p>Jacob</p>
Update:	
Categories*:	278s
Origin Of Interaction*:	Email
Source*:	Non-Agency Congress
First Name:	Jacob
Last Name:	Straus
Title:	Specialist on the Congress, Congressional Research Service
Position:	
Email:	(b) (6)
Phone:	(b) (6)
Other Contact Notes:	
Assignment:	Elizabeth D. Horton
Watching:	
Temporary Notes:	
<i>created by:</i>	Elizabeth D. Horton

Resolution Information

Resolution Date*:	2020-06-29
Resolution Category*:	Resolved
Response*:	I told Dr. Straus hat pursuant to 5 CFR 2634.201(b) that a public filer that goes from one public filing position to ano her public filing posi ion within 30 days would not have to file a new entrant report. I also referred him to the note to the example hat explains that the new employing agency should get a copy of the last report from the former agency to assess potential conflicts of interest. (Assigned to: Elizabeth D. Horton)
Complexity (level):	1 <input type="text" value="[Click to view/hide complexity guidelines]"/>
Time Spent (hours):	0-1 hour
Contributor:	

reopen

Interaction History Log

Closed	06/29/2020 09:56:15 AM by Elizabeth D. Horton
Now Assigned: Elizabeth D. Horton	06/29/2020 09:56:15 AM by Elizabeth D. Horton

Division(s) assigned: PCD

My Dashboard

New Interaction

New Outreach

Search

Trends

Agencies

Administration

Resolved Interaction

Interaction Number: 19917

Initiation Date*:	2020-06-23
Title*:	Divestiture Questions
Question*:	<p>Staffer's email requesting a technical assistance call related to divestiture is included below.</p> <p>-----</p> <p>Hi Shelley and Grant, I hope you are both doing well and staying healthy. I'm reaching out because we would like to schedule a call to ask some questions about a certain type of divestiture, and how OGE reviews and approves such an agreement. Some folks on our new Select Subcommittee on the Coronavirus Crisis would like to discuss this issue, and I am reaching out to schedule a call and facilitate discussion.</p> <p>To be more specific, we are interested in learning whether--and what circumstances--an agreement for loaning personally owned stock or stock options could qualify as a divestiture. Here is an article with an example of the type of loan-as-divestiture that we wish to learn about (see the portion of the article where it discusses "receiveable from family"): https://www.propublica.org/article/this-treasury-official-is-running-the-bailout-its-been-great-for-his-family. Additionally, I am interested in learning whether such an agreement would require filing of a 278-T if it occurs post-confirmation.</p>
Update:	
Categories*:	278s, Conflicting Financial Interests, Ethics Agreements
Origin Of Interaction*:	Email
Source*:	Non-Agency Congress
First Name:	Brandon
Last Name:	Rios
Title:	House Committee on Oversight and Reform - Majority Staff
Position:	Other
Email:	(b) (6)
Phone:	(b) (6)
Other Contact Notes:	Rachel Cotton (counsel, House Select Subcommittee on the Coronavirus Crisis) was also on the call
Assignment:	Grant Anderson, Heather A. Jones
Watching:	
Temporary Notes:	
<i>created by:</i>	Grant Anderson

Resolution Information

Resolution Date*:	2020-06-25
Resolution Category*:	Resolved
Response*:	<p>Provided technical assistance to staffers on questions related to divestiture.</p> <p>Selected Resources:</p> <ul style="list-style-type: none"> * https://bit.ly/2NLOsJf - Conflicts of Interest Considerations: Business or Farm Ownership (see page 6 - "note in return for the sale of the business or farm...") * https://bit.ly/2VEU82K - Conflict of Interest Considerations: Assets (see page 10 - Loan Made to Another Party) * https://bit.ly/3ilpZPU - Analyzing Potential Conflicts of Interest page on OGE's website (Assigned to: Grant Anderson; Heather A. Jones)

Complexity (level):	4 [Click to view/hide complexity guidelines]
Time Spent (hours):	1-4 hours
Contributor:	
<input type="button" value="reopen"/>	

Interaction History Log	
Closed	07/01/2020 08:59:06 PM by Grant Anderson
Now Assigned: Grant Anderson Heather A. Jones	07/01/2020 08:59:06 PM by Grant Anderson

Division(s) assigned: PCD; GCLPD

My Dashboard

New Interaction

New Outreach

Search

Trends

Agencies

Administration

Resolved Interaction

Interaction Number: 19920

Initiation Date*:	2020-06-25
Title*:	Transition Team Questions
Question*:	<p>Staffer emailed questions related to transition team guidance, included below.</p> <p>-----</p> <p>As we discussed, we are in the process of updating our Presidential Transition Team guidance. I have the following questions.</p> <ol style="list-style-type: none"> 1. Is the 18 USC §§ 203 and 205 guidance contained in the 2000 advisory still applicable? 2. If federal employees work volunteer, would §§ 203 and 205 apply? 3. Does the 2015 Act allow detailees or paid staff prior to the post-election period? The Act moves the GSA funding to six months prior to the election.
Update:	
Categories*:	203, 205, Other
Origin Of Interaction*:	Phone
Source*:	Non-Agency Congress
First Name:	Tonia
Last Name:	Smith
Title:	Director of Advice & Education, House Committee on Ethics
Position:	Other
Email:	(b) (6)
Phone:	(b) (6)
Other Contact Notes:	Tamar Nedzar was also on the call (Senior Counsel, House Committee on Ethics)(phone: (b) (6) , email: (b) (6)
Assignment:	Grant Anderson, Patrick J. Lightfoot, Se h Jaffe
Watching:	
Temporary Notes:	
<i>created by:</i>	Grant Anderson

Resolution Information

Resolution Date*:	2020-06-30
Resolution Category*:	Resolved
Response*:	<p>Assisted House Ethics Committee staffers in reviewing relevant opinions and guidance. After discussing the questions (detailed summary below), sent follow-up with selected discussed resources. Staffer said "Thanks so much for the call and quick follow-up. Both are very helpful!"</p> <p>-----</p> <p>Selected Resources: * 1980 OLC opinion, https://bit.ly/31Q8Fgf (search results narrowed - dated 3/17/1980, https://bit.ly/2AnLBTG) * Dan Koffsky contact info (b)(6)</p> <p>-----</p>

Summary of discussion related to specific questions:

1. Yes – this guidance was based on a 1980 OLC opinion (4 Op. O.L.C. 498), which found that federal employees detailed to state and local governments could represent those entities back to the government because doing so was in the “proper discharge of their official duties.” OLC confirmed with us informally in 1988 that the same logic applies to Presidential Transition Teams. We internally reaffirmed that analysis a few years ago.

2. Probably, yes – the OLC guidance and our 2000 opinion only discussed employees who were detailed to the transition team. In absence of such a detail, they would likely run afoul of 203 (if they were compensated) and 205 (whether or not they are compensated) if they represented the transition team back to the government. OLC would be the final decisionmaker on this question, however—provided Dan Koffsky’s contact information.

3. GSA is in the best position to provide specific guidance, given their oversight of the transition process and responsibilities in the Act. But, it appears that the answer is no. The Presidential Transition Act was most recently amended in March 2020 (Presidential Transition Enhancement Act of 2019). From our review of the provisions, found at 3 U.S.C. § 102 note, sec. 3(a) describes the various services and facilities that GSA can provide to the President- and Vice President-Elect, who would not be identified until after Election Day. Sec. 3(h)(1) and (h)(2) describe the services available to “eligible candidates” as they are defined in the Act, but this excludes many of those available after election day, including compensation for staff and detailees (see Sec. 3(a)(2)). It essentially amounts to eligible candidates being eligible to receive office space, IT, communications services, etc.
(Assigned to: Grant Anderson; Patrick J. Lightfoot; Seth Jaffe)

Complexity (level):	5 [Click to view/hide complexity guidelines]
Time Spent (hours):	4-8 hours
Contributor:	
reopen	

Interaction History Log

Closed	07/02/2020 12:56:39 PM by Grant Anderson
Now Assigned: Grant Anderson Patrick J. Lightfoot Seth Jaffe	07/02/2020 12:56:39 PM by Grant Anderson

Division(s) assigned: PCD; GCLPD

[My Dashboard](#)

[New Interaction](#)

[New Outreach](#)

[Search](#)

[Trends](#)

[Agencies](#)

[Administration](#)

Resolved Interaction

Interaction Number: 19992

Initiation Date*:	2020-07-09
Title*:	Question re: Misuse of position
Question*:	A couple of our staff are working on something and have some questions mainly related to abuse of position. Is there a time tomorrow or Monday we could have a quick call with someone at OGE about what is and isn't allowed?
Update:	
Categories*:	Misuse of Position
Origin Of Interaction*:	Phone
Source*:	Non-Agency Congress
First Name:	Krista
Last Name:	Boyd
Title:	HOGGR Committee Majority Staff
Position:	Other
Email:	(b) (6)
Phone:	
Other Contact Notes:	Jennifer Gaspar was also on the call.
Assignment:	Seth Jaffe, Shelley K. Finlayson
Watching:	
Temporary Notes:	
created by:	Seth Jaffe

Resolution Information

Resolution Date*:	2020-07-13
Resolution Category*:	Resolved – ELPB Consultation
Response*:	We provided advice consistent with and referred the House HOGGR staff to: 18 USC § 208; 5 CFR 2635.502; .702; .703; .704 & .705, as well as LA 97 X 3. (Assigned to: Seth Jaffe; Shelley K. Finlayson)
Complexity (level):	3 [Click to view/hide complexity guidelines]
Time Spent (hours):	1-4 hours
Contributor:	
<input type="button" value="reopen"/>	

Interaction History Log

Closed	07/13/2020 05:23:19 PM by Seth Jaffe
Now Assigned: Seth Jaffe	07/13/2020 05:23:19 PM by Seth Jaffe

My Dashboard

New Interaction

New Outreach

Search

Trends

Agencies

Administration

Resolved Interaction

Interaction Number: 20047

Initiation Date*:	2020-07-24
Title*:	Accessing public financial disclosures
Question*:	Staffer had questions about accessing public financial disclosures.
Update:	
Categories*:	278s
Origin Of Interaction*:	Email
Source*:	Non-Agency Congress
First Name:	Patrick
Last Name:	Bailey
Title:	Chief Counsel for Governmental Affairs, Senate Committee on Homeland Security & Governmental Affairs
Position:	Other
Email:	(b) (6)
Phone:	(b) (6)
Other Contact Notes:	
Assignment:	Grant Anderson
Watching:	
Temporary Notes:	
<i>created by:</i>	Grant Anderson

Resolution Information

Resolution Date*:	2020-07-24
Resolution Category*:	Resolved
Response*:	<p>Answered staffer's questions regarding accessing public financial disclosures.</p> <p>In particular, noted OGE's Public Financial Disclosure FAQs (e.g., "Q. I can't find the financial disclosure reports for the official I'm searching for on your website. Why?").</p> <p>Public Financial Disclosure FAQs: https://www.oge.gov/web/oge.nsf/All Documents/7355CB77E0DEDEF7D85258225005BE8B0?opendocument</p> <p>Additional OGE resources discussed: https://www.oge.gov/web/oge.nsf/Presidential%20Appointee%20&%20Nominee%20Records https://extapps2.oge.gov/201/Presiden nsf/PAS%20Index?OpenView https://extapps2.oge.gov/201/Presiden nsf/201+Request?OpenForm (Assigned to: Grant Anderson)</p>
Complexity (level):	2 <input type="text" value="[Click to view/hide complexity guidelines]"/>
Time Spent (hours):	0-1 hour
Contributor:	
<input type="button" value="reopen"/>	

Interaction History Log

Closed	07/27/2020 04:12:04 PM by Grant Anderson
Now Assigned: Grant Anderson	07/27/2020 04:12:04 PM by Grant Anderson

Division(s) assigned: PCD

My Dashboard

New Interaction

New Outreach

Search

Trends

Agencies

Administration

Resolved Interaction

Interaction Number: 20050

Initiation Date*:	2020-07-20
Title*:	GAO consult on draft reg capture report 20-519
Question*:	<p>Dear Mr. Rounds:</p> <p>Attached is a copy of our proposed report entitled Bank Supervision: FDIC Could Better Address Regulatory Capture Risks (GAO-20-519). We are providing this draft for your review and comment before the report is issued. Our work was done under engagement code 103005.</p> <p>We would like to obtain the agency's written or oral comments from you or your designated representative by August 18, 2020. These comments will be reflected in the final report. We prefer written comments and request that the written comments be provided electronically. However, we will accept comments provided in hard copy, orally, or in an unsigned e-mail message. Please direct all comments and any questions you may have concerning this draft to Stefanie Jonkman, Assistant Director, (b)(6) or (b)(6)</p> <p>This draft has not been fully reviewed within GAO, is subject to change, and must be safeguarded to prevent its improper disclosure. Please do not show or release its contents for any purpose. All drafts remain the property of GAO. Upon request, all electronic copies of drafts must be destroyed and any hard copies of drafts must be returned. We appreciate your cooperation in this matter.</p> <p>Sincerely yours,</p> <p>Michael Clements Director, Financial Markets and Community Investment</p> <p>Attachment</p>
Update:	
Categories*:	Other
Origin Of Interaction*:	Phone
Source*:	Non-Agency Congress
First Name:	Michael
Last Name:	Clements
Title:	Director, Financial Markets and Community Investment
Position:	Other GAO
Email:	(b)(6)
Phone:	(b)(6)
Other Contact Notes:	Stefanie Jonkman, Assistant Director; Kirsten Noethen
Assignment:	Dale A. Christopher, Seth Jaffe
Watching:	Shelley K. Finlayson
Temporary Notes:	
<i>created by:</i>	Seth Jaffe

Resolution Information

Resolution Date*:	2020-07-27
Resolution Category*:	Resolved
Response*:	Call on 7/27/20 and subsequent email sent to GAO on 7/27/20:

Hello Steve,

It was a pleasure speaking with you and everyone at GAO this morning concerning the portion of your draft report on regulatory capture implicating federal ethics laws and rules (pages 20 -24). Per our conversation, I included some technical assistance comments as well as a few redlined suggestions to the attached report.

I am happy to discuss this further if anyone at GAO has any follow up questions. If not, it would be great if you could provide OGE with a draft of the proposed report prior to publication.

(Assigned to: Dale A. Christopher; Seth Jaffe)

Complexity (level):

4

[\[Click to view/hide complexity guidelines\]](#)

Time Spent (hours):

1-4 hours

Contributor:

[reopen](#)

Interaction History Log

Closed	07/27/2020 05:22:53 PM by Seth Jaffe
Now Assigned: Seth Jaffe Dale A. Christopher	07/27/2020 05:22:53 PM by Seth Jaffe

Division(s) assigned: CD; GCLPD

[My Dashboard](#)

[New Interaction](#)

[New Outreach](#)

[Search](#)

[Trends](#)

[Agencies](#)

[Administration](#)

Resolved Interaction

Interaction Number: 20242

Initiation Date*:	2020-08-18
Title*:	Reporting of Capital Calls
Question*:	How are capital calls reported in the executive branch?
Update:	
Categories*:	Other
Origin Of Interaction*:	Phone
Source*:	Non-Agency Congress
First Name:	Charlotte
Last Name:	Underwood
Title:	Counsel
Position:	Ethics Official
Email:	
Phone:	(b) (6)
Other Contact Notes:	Senate Ethics
Assignment:	Heather A. Jones
Watching:	
Temporary Notes:	
<i>created by:</i>	Heather A. Jones

Resolution Information

Resolution Date*:	2020-08-18
Resolution Category*:	Resolved
Response*:	I provided information about the reporting of capital call in the executive branch. I pointed her to the Public Financial Disclosure Guide (Assigned to: Heather A. Jones)
Complexity (level):	2 [Click to view/hide complexity guidelines]
Time Spent (hours):	0-1 hour
Contributor:	
<input type="button" value="reopen"/>	

Interaction History Log

Closed	08/18/2020 11:28 57 AM by Heather A. Jones
Now Assigned: Heather A. Jones	08/18/2020 11:28 57 AM by Heather A. Jones

[My Dashboard](#)

[New Interaction](#)

[New Outreach](#)

[Search](#)

[Trends](#)

[Agencies](#)

[Administration](#)

Resolved Interaction

Interaction Number: 20245

Initiation Date*:	2020-08-18
Title*:	Question about individual's ethics documents
Question*:	<p>Good afternoon –</p> <p>Does the U.S. Office of Government Ethics have a copies of Postmaster General Louis DeJoy's Public Financial Disclosure or Ethics Agreement (including any Certificates of Divestiture)? If so, can you please share those documents with our office?</p> <p>Thank you.</p> <p>Best,</p> <p>Josh Delaney</p>
Update:	
Categories*:	278s, Ethics Agreements
Origin Of Interaction*:	Email
Source*:	Non-Agency Congress
First Name:	Josh
Last Name:	Delaney
Title:	Senior Policy Advisor, Office of Senator Elizabeth Warren
Position:	
Email:	(b) (6)
Phone:	(b) (6)
Other Contact Notes:	
Assignment:	Elizabeth D. Horton
Watching:	
Temporary Notes:	
<i>created by:</i>	Elizabeth D. Horton

Resolution Information

Resolution Date*:	2020-08-19
Resolution Category*:	Resolved
Response*:	<p>I told the staffers that the report is available from the employing agency and will be available from OGE 30 days after we receive it or after OGE certifies the report via the form 201. I also told them that if a CD is issued, it is also available after it is issued via the 201 form.</p> <p>(Assigned to: Elizabeth D. Horton)</p>
Complexity (level):	<p>2</p> <p>[Click to view/hide complexity guidelines]</p>
Time Spent (hours):	0-1 hour
Contributor:	
<input type="button" value="reopen"/>	

Interaction History Log

Closed	08/19/2020 02:11:40 PM by Elizabeth D. Horton
Create	08/18/2020 04:47:59 PM by Elizabeth D. Horton
Now Assigned: Elizabeth D. Horton	08/18/2020 04:47:59 PM by Elizabeth D. Horton

Division(s) assigned: PCD

AIMS Agency Information Management System

My Dashboard

New Interaction

New Outreach

Search

Trends

Agencies

Administration

Resolved Interaction

Interaction Number: 20284

Initiation Date*:	2020-08-24
Title*:	Call w/Senate HSGAC staff re: Misuse of Position issue
Question*:	HSGAC staff wanted to speak with OGE staff as a follow up to Senators Carper and Warren's 7/20/20 letter to our Director and our Director's 8/21/20 response.
Update:	
Categories*:	Misuse of Position
Origin Of Interaction*:	Phone
Source*:	Non-Agency Congress
First Name:	Roberto
Last Name:	Berrios
Title:	Senator Carper/HSGAC staff
Position:	Other senate staff
Email:	(b) (6)
Phone:	
Other Contact Notes:	Brandon Reavis from Senator Carper's staff, as well as, Brian Cohen from Senator Warren's staff were also on the phone.
Assignment:	Grant Anderson, Seth Jaffe, Shelley K. Finlayson
Watching:	
Temporary Notes:	
<i>created by:</i>	Seth Jaffe

Resolution Information

Resolution Date*:	2020-08-27
Resolution Category*:	Resolved
Response*:	<p>We provided staff with technical assistance concerning the application of 5 CFR 2635 subpart G and specifically provided advice consistent with and referred them to LA-15-03. In addition, we provided them with the steps that OGE would generally take when we become aware of a potential violation of a rule in the Standards of Conduct by a high profile executive branch official. Roberto asked whether OGE took any of the steps described in this instance, and we said that we had called the WHO as well as wrote a letter to the WHO DAEO expressing our concerns. Senate staff also asked about the status of any program review to be conducted by OGE of the WHO ethics program. We indicated that, although discussions had been ongoing for a long time, the WHO had not communicated back to us on this topic much recently and on a recent call discussing the subject they had yet to agree on the timing or scope of a review.</p> <p><i>(Assigned to: Grant Anderson; Seth Jaffe; Shelley K. Finlayson)</i></p>
Complexity (level):	4 <input type="button" value="Click to view/hide complexity guidelines"/>
Time Spent (hours):	1-4 hours
Contributor:	
<input type="button" value="reopen"/>	

Interaction History Log

Closed	08/27/2020 01:46:23 PM by Seth Jaffe
Now Assigned: Seth Jaffe Grant Anderson Shelley K. Finlayson	08/27/2020 01:46:23 PM by Seth Jaffe

Division(s) assigned: PCD; GCLPD

My Dashboard

New Interaction

New Outreach

Search

Trends

Agencies

Administration

Resolved Interaction

Interaction Number: 20364

Initiation Date*:	2020-08-25
Title*:	Accessing financial disclosures
Question*:	Hi Grant, I was looking for previous financial disclosures for Robert Benedict Bowes on your website but I couldn't find any. He has worked at HUD and OPM before he was nominated to CFTC. Could you check and see if he has any previous financial disclosures? Thanks, Mary Beth Schultz Senate Agriculture, Nutrition, and Forestry Committee
Update:	
Categories*:	278s
Origin Of Interaction*:	Email
Source*:	Non-Agency Congress
First Name:	Mary Beth
Last Name:	Schultz
Title:	Chief Counsel, Senate Agriculture Committee (minority)
Position:	Other
Email:	(b) (6)
Phone:	(b) (6)
Other Contact Notes:	(cell: (b)(6))
Assignment:	Grant Anderson
Watching:	
Temporary Notes:	
<i>created by:</i>	Grant Anderson

Resolution Information

Resolution Date*:	2020-08-26
Resolution Category*:	Resolved
Response*:	Provided staffer with background on the process detailed on OGE's public financial disclosure FAQ page for reaching out to employing (or former employing) agencies if the official may not have filed with OGE. OGE's public financial disclosure FAQ page: https://www.oge.gov/web/oge.nsf/All%20Documents/7355CB77EDED7D85258225005BE8B0?opendocument (Assigned to: Grant Anderson)
Complexity (level):	2 <input type="text" value="[Click to view/hide complexity guidelines]"/>
Time Spent (hours):	0-1 hour
Contributor:	
<input type="button" value="reopen"/>	

Interaction History Log

Closed	09/02/2020 07:34:50 PM by Grant Anderson
Now Assigned: Grant Anderson	09/02/2020 07:34:50 PM by Grant Anderson

Division(s) assigned: PCD

My Dashboard

New Interaction

New Outreach

Search

Trends

Agencies

Administration

Resolved Interaction

Interaction Number: 20365

Initiation Date*:	2020-08-03
Title*:	Annual disclosure reports
Question*:	Staffer had questions about the process of reviewing and certifying an individual's annual financial disclosure report, specifically as it relates to considering an individual's ethics agreement.
Update:	
Categories*:	278s, Ethics Agreements
Origin Of Interaction*:	Phone
Source*:	Non-Agency Congress
First Name:	Mary Beth
Last Name:	Schultz
Title:	Chief Counsel, Senate Agriculture Committee (minority)
Position:	Other
Email:	(b) (6)
Phone:	(b) (6)
Other Contact Notes:	(cell: (b)(6))
Assignment:	Grant Anderson
Watching:	
Temporary Notes:	
<i>created by:</i>	Grant Anderson

Resolution Information

Resolution Date*:	2020-08-04
Resolution Category*:	Resolved
Response*:	Provided staffer with background regarding the process of reviewing and certifying an individual's annual financial disclosure report. (Assigned to: Grant Anderson)
Complexity (level):	3 <input type="text" value="[Click to view/hide complexity guidelines]"/>
Time Spent (hours):	1-4 hours
Contributor:	Megan V. Granahan, Diana Veilleux
<input type="button" value="reopen"/>	

Interaction History Log

Closed	09/02/2020 08:03:30 PM by Grant Anderson
Now Assigned: Grant Anderson	09/02/2020 08:03:30 PM by Grant Anderson

AIMS Agency Information Management System

[My Dashboard](#)

[New Interaction](#)

[New Outreach](#)

[Search](#)

[Trends](#)

[Agencies](#)

[Administration](#)

Resolved Interaction

Interaction Number: 20368

Initiation Date*:	2020-09-02
Title*:	Annual Ethics Training Requirement
Question*:	Email from staffer at CRS: "Good afternoon! I hope this email finds you well. I got a question about the annual ethics training required in 5 CFR 2638, Subpart C and whether it has a specific statutory authorization or is derived from OGE's more general authority under the Ethics in Government Act. Could you help clarify for me if there is a statutory authority? I thought it was just based on the Ethics and Government Act OGE authority, but I am not 100% sure. Thanks!"
Update:	
Categories*:	Training
Origin Of Interaction*:	Email
Source*:	Non-Agency Congress
First Name:	Jacob
Last Name:	Straus
Title:	Specialist on the Congress, Congressional Research Service (CRS), Library of Congress
Position:	Other
Email:	(b) (6)
Phone:	(b) (6)
Other Contact Notes:	(b) (6) (cell)
Assignment:	Grant Anderson
Watching:	
Temporary Notes:	
<i>created by:</i>	<i>Grant Anderson</i>

Resolution Information

Resolution Date*:	2020-09-03
Resolution Category*:	Resolved – ELPB Consultation
Response*:	<p>Called staffer and provided information on mandatory annual ethics training, which is established in Executive Order 12674 as modified by Executive Order 12731 § 301(c).</p> <p>Also, reviewed the variety of authorities and functions of OGE's Director in the Ethics in Government Act at 5 USC app. § 402 et seq. - particularly § 402(b)(14).</p> <p>Executive Order 12674, as modified by Executive Order 12731 § 301(c): "Sec. 301. Agency Responsibilities. Each agency head is directed to: . . . (c) Coordinate with the Office of Government Ethics in developing annual agency ethics training plans. Such training shall include mandatory annual briefings on ethics and standards of conduct for all employees appointed by the President, all employees in the Executive Office of the President, all officials required to file public or nonpublic financial disclosure reports, all employees who are contracting officers and procurement officials, and any other employees designated by the agency head."</p> <p>5 USC app. § 402(b)(14) "(b)The responsibilities of the Director shall include — . . . (14) providing information on and promoting understanding of ethical standards in executive agencies;" (Assigned to: Grant Anderson)</p>
Complexity (level):	4 <input type="button" value="[Click to view/hide complexity guidelines]"/>

Time Spent (hours):	1-4 hours
Contributor:	Seth Jaffe
<input type="button" value="reopen"/>	

Interaction History Log	
Closed	09/03/2020 06:21:47 PM by Grant Anderson
Now Assigned: Grant Anderson	09/03/2020 06:21:47 PM by Grant Anderson

Division(s) assigned: PCD

AIMS Agency Information Management System

[My Dashboard](#)

[New Interaction](#)

[New Outreach](#)

[Search](#)

[Trends](#)

[Agencies](#)

[Administration](#)

Resolved Interaction

Interaction Number: 20403

Initiation Date*:	2020-09-18
Title*:	Question about reporting requirements
Question*:	We are trying to get a better general understanding of subsequent financial disclosures after a government official complies with an ethics agreement in which the official agrees to transfer assets to an irrevocable trust that will have no benefit to the official or his spouse.
Update:	
Categories*:	278s, Trusts
Origin Of Interaction*:	Email
Source*:	Non-Agency Congress
First Name:	Mary Beth
Last Name:	Schultz
Title:	Democratic Chief Counsel, Senate Agriculture, Nutrition, and Forestry Committee
Position:	
Email:	(b) (6)
Phone:	(b) (6)
Other Contact Notes:	Susan Keith, Senate Agriculture, Nutrition, and Forestry Committee
Assignment:	Elizabeth D. Horton
Watching:	
Temporary Notes:	
<i>created by:</i>	Elizabeth D. Horton

Resolution Information

Resolution Date*:	2020-09-18
Resolution Category*:	Resolved
Response*:	I briefly explained that if assets were gifted to an irrevocable trust, it would not be reportable but if assets were sold to an irrevocable trust, that would be reportable on a transaction report or annual report. I also provided additional information included in the Public Financial Disclosure Guide in response to their additional questions and provided them a link to PA 19-09. (Assigned to: Elizabeth D. Horton)
Complexity (level):	3 <input type="text" value="[Click to view/hide complexity guidelines]"/>
Time Spent (hours):	1-4 hours
Contributor:	Heather A. Jones
<input type="button" value="reopen"/>	

Interaction History Log

Closed	09/18/2020 01:55:58 PM by Elizabeth D. Horton
--------	---

Now Assigned:
Elizabeth D. Horton

09/18/2020 01:55:58 PM by Elizabeth D. Horton

Division(s) assigned: PCD

[My Dashboard](#)

[New Interaction](#)

[New Outreach](#)

[Search](#)

[Trends](#)

[Agencies](#)

[Administration](#)

Resolved Interaction

Interaction Number: 20517

Initiation Date*:	2020-10-14
Title*:	Question about individual's financial disclosure report
Question*:	The staffer had questions about the status of the Postmaster General's financial disclosure report.
Update:	
Categories*:	278s
Origin Of Interaction*:	Phone
Source*:	Non-Agency Congress
First Name:	Wendy
Last Name:	Ginsberg
Title:	Staffer, House Committee on Oversight and Reform
Position:	
Email:	none provided
Phone:	(b) (6)
Other Contact Notes:	
Assignment:	Elizabeth D. Horton
Watching:	Shelley K. Finlayson
Temporary Notes:	
<i>created by:</i>	Elizabeth D. Horton

Resolution Information

Resolution Date*:	2020-10-14
Resolution Category*:	Resolved
Response*:	I told the staffer that I do not discuss the status of specific reports but I briefly explained the review process and general timeline for review. I also explained that the period of review for each report is case specific depending on several factors such as the complexity of the report, questions that may arise, and the responsiveness of the agency and/or the filer. (Assigned to: Elizabeth D. Horton)
Complexity (level):	2 [Click to view/hide complexity guidelines]
Time Spent (hours):	0-1 hour
Contributor:	
<input type="button" value="reopen"/>	

Interaction History Log

Closed	10/15/2020 04:10:54 PM by Elizabeth D. Horton
Now Assigned: Elizabeth D. Horton	10/15/2020 04:10:54 PM by Elizabeth D. Horton

Division(s) assigned: PCD

AIMS Agency Information Management System

[My Dashboard](#)

[New Interaction](#)

[New Outreach](#)

[Search](#)

[Trends](#)

[Agencies](#)

[Administration](#)

Resolved Interaction

Interaction Number: 20674

Initiation Date*:	2020-10-29
Title*:	Fiduciary Question
Question*:	Staffer had question related to whether an individual would be subject to restrictions as a fiduciary for compensation. The individual is a senior congressional staffer, who has taken a program to become a cognitive behavioral counselor, which she plans to do when she retires. She wants to apprentice with someone now in DC/Maryland. Staffer's initial thought was that therapeutic counseling should be treated as fiduciary trust, but she was looking for any guidance or insights we might have related to this issue.
Update:	
Categories*:	Outside Activities
Origin Of Interaction*:	Phone
Source*:	Non-Agency Congress
First Name:	Tamar
Last Name:	Nedzar
Title:	Senior Counsel, House Committee on Ethics
Position:	Other
Email:	(b) (6)
Phone:	(b) (6)
Other Contact Notes:	(b) (6)
Assignment:	Grant Anderson
Watching:	
Temporary Notes:	
<i>created by:</i>	Grant Anderson

Resolution Information

Resolution Date*:	2020-10-30
Resolution Category*:	Resolved – ELPB Consultation
Response*:	<p>Called staffer and provided information on 5 CFR § 2636.305 (b)(2), "Profession which involves a fiduciary relationship" and 5 USC app. § 502(a)(3). Noted the agency level determination provision in 5 CFR § 2636 305 (b)(2). Also, discussed the preamble in 56 FR 1721 and meaning of the phrase "profession involving a fiduciary relationship."</p> <p>5 CFR § 2636.305 (b)(2) "Profession which involves a fiduciary relationship means a profession in which the nature of the services provided causes the recipient of those services to place a substantial degree of trust and confidence in the integrity, fidelity and specialized knowledge of the practitioner. Such professions are not limited to those whose practitioners are legally defined as fiduciaries and include practitioners in such areas as law, insurance, medicine, architecture, financial services and accounting. A covered noncareer employee who is uncertain whether a particular field of endeavor is a profession which involves a fiduciary relationship may request an advisory opinion under § 2636.103." (Assigned to: Grant Anderson)</p>
Complexity (level):	4 <input type="button" value="Click to view/hide complexity guidelines"/>
Time Spent (hours):	1-4 hours
Contributor:	Monica M. G. Ashar
<input type="button" value="reopen"/>	

Interaction History Log

Closed	11/17/2020 05:32:04 PM by Grant Anderson
Now Assigned: Grant Anderson	11/17/2020 05:32:04 PM by Grant Anderson

Division(s) assigned: PCD

[My Dashboard](#)

[New Interaction](#)

[New Outreach](#)

[Search](#)

[Trends](#)

[Agencies](#)

[Administration](#)

Resolved Interaction

Interaction Number: 20727

Initiation Date*:	2020-11-30
Title*:	Question about individual's financial disclosure report
Question*:	Elizabeth, not sure if we've formally met, but I am one of the attorneys on the House Oversight Committee working on issues related to the Postal Service. Could you tell me if OGE has formally certified Postmaster General DeJoy's Form 278, or is that review still in process? Thanks for your help.
Update:	
Categories*:	278s
Origin Of Interaction*:	Email
Source*:	Non-Agency Congress
First Name:	Greta
Last Name:	Gao
Title:	Counsel, Majority Staff, House Committee on Oversight and Reform
Position:	
Email:	(b) (6)
Phone:	(b) (6)
Other Contact Notes:	
Assignment:	Elizabeth D. Horton
Watching:	
Temporary Notes:	
<i>created by:</i>	Elizabeth D. Horton

Resolution Information

Resolution Date*:	2020-12-01
Resolution Category*:	Resolved
Response*:	When I got the staffer's voicemail, I sent an email response saying that I cannot discuss specific individuals. However, I told her after looking at our website that 2 transaction reports have been posted, but the new entrant report has not yet been posted so it is still under review. (Assigned to: Elizabeth D. Horton)
Complexity (level):	1 [Click to view/hide complexity guidelines]
Time Spent (hours):	0-1 hour
Contributor:	
<input type="button" value="reopen"/>	

Interaction History Log

Closed	12/01/2020 02:57:47 PM by Elizabeth D. Horton
--------	---

Now Assigned:
Elizabeth D. Horton

12/01/2020 02:57:47 PM by Elizabeth D. Horton

Division(s) assigned: PCD

[My Dashboard](#)

[New Interaction](#)

[New Outreach](#)

[Search](#)

[Trends](#)

[Agencies](#)

[Administration](#)

Resolved Interaction

Interaction Number: 20737

Initiation Date*:	2020-12-02
Title*:	Questions about 278 public availability
Question*:	Hope all is well. I have a quick question on 278 timing if you have a chance. The staffer more specifically had questions about when PAS reports (i.e., Cabinet secretaries) were publicly available.
Update:	
Categories*:	278s
Origin Of Interaction*:	Email
Source*:	Non-Agency Congress
First Name:	Megan
Last Name:	Bartley
Title:	Chief Investigative Counsel, Senate Foreign Relations Committee
Position:	
Email:	(b) (6)
Phone:	(b) (6) (c)
Other Contact Notes:	
Assignment:	Elizabeth D. Horton
Watching:	
Temporary Notes:	
<i>created by:</i>	Elizabeth D. Horton

Resolution Information

Resolution Date*:	2020-12-02
Resolution Category*:	Resolved
Response*:	I explained to the staffer that PAS reports are publicly available after they are sent to the Senate. I told her that for Level 1 and 2 officials, their reports are typically posted within 2 business days and for other PAS officials, their reports are typically available upon request within that time period as well. (Assigned to: Elizabeth D. Horton)
Complexity (level):	1 [Click to view/hide complexity guidelines]
Time Spent (hours):	0-1 hour
Contributor:	
<input type="button" value="reopen"/>	

Interaction History Log

Closed	12/02/2020 11:24:55 AM by Elizabeth D. Horton
--------	---

Now Assigned:
Elizabeth D. Horton

12/02/2020 11:24:55 AM by Elizabeth D. Horton

Division(s) assigned: PCD

[My Dashboard](#)

[New Interaction](#)

[New Outreach](#)

[Search](#)

[Trends](#)

[Agencies](#)

[Administration](#)

Resolved Interaction

Interaction Number: 20757

Initiation Date*:	2020-12-07
Title*:	Questions about nominee process
Question*:	Hi again -- do you have another minute this afternoon? Quick ques ion when you have a chance. The staffer had additional questions about the nominee process and the review ime.
Update:	
Categories*:	278s
Origin Of Interaction*:	Email
Source*:	Non-Agency Congress
First Name:	Megan
Last Name:	Bartley
Title:	Chief Investigative Counsel, Senate Foreign Relations Committee
Position:	
Email:	(b) (6)
Phone:	(b) (6) (c)
Other Contact Notes:	
Assignment:	Elizabeth D. Horton
Watching:	
Temporary Notes:	
<i>created by:</i>	Elizabeth D. Horton

Resolution Information

Resolution Date*:	2020-12-07
Resolution Category*:	Resolved
Response*:	I briefly explained preclearance and the nominee process and told her that review time is very case specific depending on the complexity of the report, responsiveness of the agency, the filer and possible third parties, etc. (Assigned to: Elizabeth D. Horton)
Complexity (level):	1 [Click to view/hide complexity guidelines]
Time Spent (hours):	0-1 hour
Contributor:	
<input type="button" value="reopen"/>	

Interaction History Log

Closed	12/07/2020 04:26:56 PM by Elizabeth D. Horton
Now Assigned:	12/07/2020 04:26:56 PM by Elizabeth D. Horton

