Nonresponsive record		

ID	1262
Caller	National Transportation Safety Board
Question	Questions related to gift acceptance in the context of political conventions
Resolved By	Wendy Pond
Resolved Date	6/28/2012
Category	Gifts
Call Details	(b) (5)
Call Resolution	(b) (5)

Ionresponsive record

Morning...

Wondering if your office is looking into the use of WH grounds and the participation of admin officials such as the Secretary of State, the acting DHS Secretary or economic advise Larry Kudlow during the GOP convention. Many thanks.

Jim Acosta CNN

Sent from my iPhone

From:	(b) (6)	
To:	Contact OGE	
Subject:	RE: Violations of Hatch Act	
Date:	Wednesday, August 26, 2020 4:47:07 PM	

As I stated in my original email "I'm aware that Mr. Trump & Mr. Pence are INDIVIDUALLY exempted from the Hatch Act". We're inquiring as to what actions you are taking for the OTHER Employees of the Executive Branch...in other words ALL of those cited EXCEPT the President & the Vice President. It really sounds like you're trying to shirk your responsibilities.

Dwayne & Maxine Dvoracek (b) (6)

From: Contact OGE <contactoge@oge.gov> Sent: 26 August 2020 16:24 To: (b) (6)

Subject: RE: Violations of Hatch Act

Thank you for your response,

In most cases, it would be the Inspector General of the department or agency involved who would determine whether to investigate such alleged misconduct. In addition, in appropriate cases, the Federal Bureau of Investigation of the Department of Justice may determine to investigate alleged misconduct of federal employees. OGE has no enforcement authority.

Regarding the President.

Most of the Standards of Ethical Conduct for Employees of the Executive Branch do not apply to a President or Vice President. For instance, OGE's regulations on gifts from outside sources and gifts from employees apply to a President, but OGE's regulations on impartiality in performing official duties and misuse of position do not. Since 1983, however, when OGE issued Legal Advisory 83x16, OGE has consistently held that a President should conduct himself "as if" he or she was bound by the same criminal conflict of interest laws and standards of conduct applicable to executive branch employees.

A President is also bound by the Stop Trading on Congressional Knowledge Act (STOCK Act), which imposes limited ethics-related restrictions on the President. For instance, The STOCK Act bars the President from: using nonpublic information for private profit; engaging in insider trading; participating in an initial public offering; intentionally influencing an employment decision or practice of a private entity solely on the basis of partisan political affiliation; and participating in a particular matter directly and predictably affecting the financial interests of any person with whom he has, or is negotiating for, an agreement of future employment or compensation. In addition, OGE is authorized to review the President's annual, periodic transaction, and termination financial disclosure reports.

Ultimately, under the Constitution, the primary authority to oversee the President's ethics rests with Congress, and, ultimately, with the American people.

For more information on the ethics laws and rules which apply to a President, Vice President and executive branch employees, education materials, letters to Congress, where to report misconduct, and more, please visit the OGE website. Thank you.

Contact OGE U.S. Office of Government Ethics Follow OGE on Twitter: @OfficeGovEthics

From: (b) (6) Sent: Wednesday, August 26, 2020 4:04 PM To: Contact OGE <<u>contactoge@oge.gov</u>> Subject: RE: Violations of Hatch Act

Ok so the RNC is outside of your jurisdiction BUT since when are ANY of the others outside the executive branch? Last time I checked the President, Cabinet members & their staffs ARE THE EXECUTIVE BRANCH!

Dwayne & Maxine Dvoracek (b) (6)

From: Contact OGE <<u>contactoge@oge.gov</u>> Sent: 26 August 2020 13:20 To: (b) (6)

Subject: RE: Violations of Hatch Act

Dear Dwayne & Maxine Dvoracek,

This is in response to your e-mail to the United States Office of Government Ethics (OGE).

While we appreciate your e-mail, OGE was established by the Ethics in Government Act of 1978 to be the office responsible for setting policies aimed at the prevention of conflicts of interest in the executive branch of the Federal Government. OGE, a small agency within the executive branch, assists other executive branch departments and agencies to implement ethics rules and policies that deal with conflict-of-interest laws, post-employment restrictions, the standards of ethical conduct,

and the public and confidential financial disclosure systems for executive branch federal employees.

OGE's jurisdiction extends only to the specific ethics issues described above within the executive branch of the U.S. Government. OGE does not undertake for investigation the allegations of misconduct of the type you describe in your e-mail. In most cases, it would be the Inspector General of the department or agency involved who would determine whether to investigate such alleged misconduct. In addition, in appropriate cases, the Federal Bureau of Investigation of the Department of Justice may determine to investigate alleged misconduct of federal employees.

We regret that this office could not be of further assistance. Thank you.

Contact OGE U.S. Office of Government Ethics Follow OGE on Twitter: @OfficeGovEthics

From: (b) (6) Sent: Wednesday, August 26, 2020 12:27 PM To: Contact OGE <<u>contactoge@oge.gov</u>> Subject: Violations of Hatch Act Importance: High

Is this office doing ANYTHING to bring charges against the numerous & frequent violations of the Hatch Act by the RNC & Trump administration this week? I personally witnessed violations by SOS Pompeo, Sec. of Ag Perdue, Ivanka Trump, Donald Trump Jr., not to mention ALL of the Trump Administrations support staff working on the US Taxpayer's time & dime!!. I spent more than 30 years in combined military & Federal service & was CONTINUALLY reminded of my duties & obligations under the Hatch Act. I'm aware that Mr. Trump & Mr. Pence are INDIVIDUALLY exempted from the Hatch Act but that does NOT exempt everyone around them!

We expect PROSECUTIONS,

Dwayne & Maxine Dvoracek



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All—

Below is a recent press release from the Office of Special Counsel in which they clarify their role.

Best, Cheryl

Cheryl Kane-Piasecki ADAEO Program Counsel Division T: 202-482-9252 Email: <u>clkanepi@oge.gov</u> <u>www.oge.gov</u> Follow OGE on Twitter @OfficeGovEthics

From: Hatchact Update [mailto:0000002b1f8701b-dmarc-request@LISTSERV.OSC.GOV]
Sent: Wednesday, August 26, 2020 3:18 PM
To: HATCHACT@LISTSERV.OSC.GOV
Subject: OSC Clarifies its Hatch Act Role in Light of Republican National Convention

Below please find a press release the U.S. Office of Special Counsel issued earlier today.

U.S. Office of Special Counsel 1730 M Street, N.W., Suite 218 Washington, D.C. 20036-4505

OSC Clarifies its Hatch Act Role in Light of Republican National Convention

FOR IMMEDIATE RELEASE CONTACT: Zachary Kurz, (202) 804-7065; <u>zkurz@osc.gov</u>

WASHINGTON, D.C./August 26, 2020 – In light of significant media interest in the Hatch Act over the last several days, and specifically its application to the Republican National Convention, the U.S. Office of Special Counsel (OSC) today released the following information to clarify its role. OSC has jurisdiction to enforce the Hatch Act, a civil administrative law that limits the political activities of federal executive branch employees. But the law expressly does not apply to the President or the Vice President. OSC also has no statutory authority to enforce or advise on criminal provisions derived from the Hatch Act and found in title 18 of the U.S. Code—including 18 U.S.C. § 610. That task belongs solely to the U.S. Department of Justice.

Under longstanding regulations governing the Hatch Act, there are certain areas of the White House where the Hatch Act does not prohibit federal employees from engaging in political activity. The West Lawn and Rose Garden are two such areas. Therefore, covered federal employees would not necessarily violate the Hatch Act merely by attending political events in those areas.

Special Counsel Henry J. Kerner: "Under the Hatch Act, OSC is charged with encouraging compliance with the law through its robust training and advisory functions. OSC's role does not include grandstanding or holding press conferences about potential violations that may or may not occur. Ultimately, officials and employees choose whether to comply with the law. Once they make that choice, it is OSC's statutory role to receive complaints, investigate alleged Hatch Act violations, and determine which ones warrant prosecution. Through this statutory scheme, OSC holds officials and employees accountable when they don't comply with the law. OSC takes its job seriously and in recent months has increased the number of Hatch Act Unit staff to respond to the growing number of complaints typically received during election years. OSC will continue to vigorously and even-handedly enforce the Hatch Act, consistent with its statutory authorities."

The U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency. Our basic authorities come from four federal statutes: The Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act (USERRA). OSC's primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing, and to serve as a safe channel for allegations of wrongdoing. For more information, please visit our website at <u>www.osc.gov</u>.

Please do not send a reply e-mail message to the above-listed address as it is not monitored. However, if you have any Hatch Act related questions, feel free to contact the Hatch Act Unit at 202-804-7002 or send an e-mail to Hatchact@osc.gov.

To unsubscribe from the HATCHACT list, click the following link: <u>http://listserv.osc.gov/scripts/wa-OSC.exe?SUBED1=HATCHACT&A=1</u>



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Resolved Interaction

Interaction Number: 20328		
Initiation Date*:	2020-08-27	
Title*:	Contact OGE citizen complaint	
Question*:	I am deeply concerned about the unethical behavior demonstrated by the President of the United States and the Secretary of the U.S. Department of State during the Republican National Convention. Specifically, I have issue with the following actions: 1. During an official business trip overseas which was paid for by the American people, the Secretary of State delivered a speech at the Republican National Convention. It is unethical and appears to be in violation of the Hatch Act. 2. The President of the United States is blurring the line between public office and politics by using the White House as the backdrop for political activity/Republican National Convention. It might be one thing to deliver speeches via zoom from their private quarters, but entirely different thing for the President and First Lady to use other White House spaces as their back drop. As any honest and decent federal employee knows, ethical behavior is measured by what you do and the appearance of what your behavior and actions. The behaviors of this administration would not have been tolerated by a career federal employee. Therefore, I would like to know what specific action the United States Office of Government Ethics done to prohibit this unethical behavior by the U.S. Department of State and the White House? Thank you for your prompt response. I would appreciate it if you would tell me who, if anyone, is accountable for ensuring ethical behavior from the White House? Or does the current president co tongue to behave unethically without accountability?	
	Is the Secretary of State bound to ethics regulations?	
Update:		
Categories*:	Hatch Act, Misuse of Position	
Origin Of Interaction*:	Email	
Source*:	Non-Agency Public Citizen	
First Name:		
Last Name:		
Title:		
Position:		
Email:		
Phone:		
Other Contact Notes:		
Assignment:	Rolando DeLeon	
2.65		
Watching:		
Watching: Temporary Notes:		

Resolution Information	
Resolution Date*:	2020-08-28
Resolution Category*:	Resolved
Response*:	However, OGE does not undertake for investigation the allegations of misconduct. In most cases, it would be the Inspector General of the department or agency involved who would determine whether to investigate such alleged misconduct. In addition, in

	appropriate cases, the Federal Bureau of Investigation of the Department of Justice may determine to investigate alleged misconduct of federal employees. The Office Of Special Counsel has the authority regarding Hatch Act violations. OGE is not empowered to take the above actions.
	In addition to the above organizations Congress has oversight of senior official who are Presidentially appointed and Senate confirmed; and thus have the authority to impeach cabinet officers. (Assigned to: Rolando DeLeon)
Complexity (level):	1 [Click to view/hide complexity guidelines]
Time Spent (hours):	0-1 hour
Contributor:	
reopen	

Interaction History Log	
Closed	08/28/2020 02:07:16 PM by Rolando DeLeon
Now Assigned: Rolando DeLeon	08/28/2020 02:07:16 PM by Rolando DeLeon

Division(s) assigned: PCD

Yes Ma'am,

However, OGE does not undertake for investigation the allegations of misconduct. In most cases, it would be the Inspector General of the department or agency involved who would determine whether to investigate such alleged misconduct. In addition, in appropriate cases, the Federal Bureau of Investigation of the Department of Justice may determine to investigate alleged misconduct of federal employees. The Office Of Special Counsel has the authority regarding Hatch Act violations.

OGE is not empowered to take the above actions.

In addition to the above organizations Congress has oversight of senior official who are Presidentially appointed and Senate confirmed; and thus have the authority to impeach cabinet officers.

Rolando DeLeon Government Ethics Specialist U.S. Office of Government Ethics 1201 New York Avenue NW, Suite 500 Washington DC 20005 202.482.9284 <u>Rolando.DeLeon@oge.gov</u>

From: Eleni Martin (b) (6)
Sent: Thursday, August 27, 2020 11:36 AM
To: Contact OGE <contactoge@oge.gov>
Subject: Re: Report of unethical behavior/response requested

Is the Secretary of State bound to ethics regulations?

Sent from Yahoo Mail for iPhone

On Thursday, August 27, 2020, 11:32 AM, Contact OGE <<u>contactoge@oge.gov</u>> wrote:

Ma'am,

Most of the Standards of Ethical Conduct for Employees of the Executive Branch do not apply to a President or Vice President. For instance, OGE's regulations on gifts from outside sources and gifts from employees apply to a President, but OGE's regulations on impartiality in performing official duties and misuse of position do not. Since 1983, however, when OGE issued Legal Advisory 83x16, OGE has consistently held that a President should conduct himself "as if" he or she was bound by the same criminal conflict of interest laws and standards of conduct applicable to executive branch employees.

A President is also bound by the Stop Trading on Congressional Knowledge Act (STOCK Act), which imposes limited ethics-related restrictions on the President. For instance, The STOCK Act bars the President from: using nonpublic information for private profit; engaging in insider trading; participating in an initial public offering; intentionally influencing an employment decision or practice of a private entity solely on the basis of partisan political affiliation; and participating in a particular matter directly and predictably affecting the financial interests of any person with whom he has, or is negotiating for, an agreement of future employment or compensation. In addition, OGE is authorized to review the President's annual, periodic transaction, and termination financial

disclosure reports.

Ultimately, under the Constitution, the primary authority to oversee the President's ethics rests with Congress, and, ultimately, with the American people.

Thank you.

Contact OGE

U.S. Office of Government Ethics

Follow OGE on Twitter: @OfficeGovEthics

From: Eleni Martin (b) (6) Sent: Thursday, August 27, 2020 11:08 AM To: Contact OGE <<u>contactoge@oge.gov</u>> Subject: Re: Report of unethical behavior/response requested

Thank you for your prompt response.

I would appreciate it if you would tell me who, if anyone, is accountable for ensuring ethical behavior from the White House? Or does the current president co tongue to behave unethically without accountability?

Thank you for your time

Eleni Martin

Sent from Yahoo Mail for iPhone

On Thursday, August 27, 2020, 9:52 AM, Contact OGE <<u>contactoge@oge.gov</u>> wrote:

Ma'am,

This is in response to your e-mail to the United States Office of Government Ethics (OGE).

While we appreciate your e-mail, OGE was established by the Ethics in Government Act of 1978 to be the office responsible for setting policies aimed at the prevention of conflicts of interest in the executive branch of the Federal Government. OGE, a small agency within the executive branch, assists other executive branch departments and agencies to implement ethics rules and policies that deal with conflict-of-interest laws, post-employment restrictions, the standards of ethical conduct, and the public and confidential financial disclosure systems for executive branch federal employees.

OGE's jurisdiction extends only to the specific ethics issues described above within the executive branch of the U.S. Government. OGE does not undertake for investigation the allegations of misconduct of the type you describe in your e-mail. In most cases, it would be the Inspector General of the department or agency involved who would determine whether to investigate such alleged misconduct. In addition, in appropriate cases, the Federal Bureau of Investigation of the Department of Justice may determine to investigate alleged misconduct of federal employees.

The Office of Special Counsel is organization responsible for violations of the Hatch act. <u>https://osc.gov/Contact</u>

We regret that this office could not be of further assistance.

Thank you.

Contact OGE

U.S. Office of Government Ethics

Follow OGE on Twitter: @OfficeGovEthics

From: Eleni Martin (b) (6) Sent: Thursday, August 27, 2020 8:52 AM To: Contact OGE <<u>contactoge@oge.gov</u>> Subject: Report of unethical behavior/response requested

I am deeply concerned about the unethical behavior demonstrated by the President of the United States and the Secretary of the U.S. Department of State during the Republican National Convention. Specifically, I have issue with the following actions:

1. During an official business trip overseas which was paid for by the American people, the Secretary of State delivered a speech at the Republican National Convention. It is unethical and appears to be in violation of the Hatch Act.

2. The President of the United States is blurring the line between public office and politics by using the White House as the backdrop for political activity/Republican National Convention. It might be one thing to deliver speeches via zoom from their private quarters, but entirely different thing for the President and First Lady to use other White House spaces as their back drop.

As any honest and decent federal employee knows, ethical behavior is measured by what you do and the appearance of

what your behavior and actions.

The behaviors of this administration would not have been tolerated by a career federal employee. Therefore, I would like to know what specific action the United States Office of Government Ethics done to prohibit this unethical behavior by the U.S. Department of State and the White House?

Sincerely,

Eleni Martin

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From:	KATHY BOYLON
To:	Contact OGE
Subject:	Enforce the Hatch Act
Date:	Friday, August 28, 2020 7:16:36 PM

To whom it may concern,

Could you please do your job and arrest Mike Pompeo, the current Secretary of State, for violating the Hatch Act? Making a speech at the Republican National Convention while traveling as a US government representative.

I think you have failed to maintain any sort of ethical Behavior in the White House in the last three and a half years but at least you should arrest Mike f or such an obvious breaking of the law. Sincerely,

Kathy Boylon





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Resolved Interaction

Interaction Number: 20325	
Initiation Date*:	2020-08-26
Title*:	Contact OGE citizen complaint
Question*:	Is this office doing ANYTHING to bring charges against the numerous & frequent violations of the Hatch Act by the RNC & Trump administration this week? I personally witnessed violations by SOS Pompeo, Sec. of Ag Perdue, Ivanka Trump, Donald Trump Jr., not to mention ALL of the Trump Administrations support staff working on the US Taxpayer's time & dime!!. I spent more than 30 years in combined military & Federal service & was CONTINUALLY reminded of my duties & obligations under the Hatch Act. I'm aware that Mr. Trump & Mr. Pence are INDIVIDUALLY exempted from the Hatch Act but that does NOT exempt everyone around them! Ok so the RNC is outside of your jurisdiction BUT since when are ANY of the others outside the executive branch? Last time I checked the President, Cabinet members & their staffs ARE THE EXECUTIVE BRANCH! As I stated in my original email "I'm aware that Mr. Trump & Mr. Pence are INDIVIDUALLY exempted from the Hatch Act". We're
	inquiring as to what actions you are taking for the OTHER Employees of the Executive Branchin other words ALL of those cited EXCEPT the President & the Vice President. It really sounds like you're trying to shirk your responsibilities.
Update:	
Categories*:	Hatch Act
Origin Of Interaction*:	Email
Source*:	Non-Agency Public Citizen
First Name:	
Last Name:	
Title:	
Position:	
Email:	
Phone:	
Other Contact Notes:	
Assignment:	Rolando DeLeon
Watching:	
Temporary Notes:	
created by:	Rolando DeLeon

Resolution Information		
Resolution Date*:	2020-08-27	
Resolution Category*:	Resolved	
Response*:	This is in response to your e-mail to the United States Office of Government Ethics (OGE),	
	While we appreciate your e-mail, OGE was established by the Ethics in Government Act of 1978 to be the office responsible for setting policies aimed at the prevention of conflicts of interest in the executive branch of the Federal Government. OGE, a small agency within the executive branch, assists other executive branch departments and agencies to implement ethics rules and policies that deal with conflict-of-interest laws, post-employment restrictions, the standards of ethical conduct, and the public and confidential financial disclosure systems for executive branch federal employees.	
	OGE's jurisdiction extends only to the specific ethics issues described above within the executive branch of the U.S. Government, OGE does not undertake for investigation the allegations of misconduct of the type you describe in your e-mail. In most cases, it would be the Inspector General of the department or agency involved who would determine whether to investigate such alleged misconduct. In addition, in appropriate cases, the Federal Bureau of Investigation of the Department of Justice may determine to	

	investigate alleged misconduct of federal employees.
	OGE lacks the authority to investigate or pursue corrective actions for violations of statutes.
	Each individual agency holds the responsibility to enforce the standards established by OGE regulations. For each agency the Office of the Inspector General typically investigates violations of regulations.
	The department of justice is responsible for the investigation and enforcement of criminal statutes and may bring civil cases as well.
	The Office of Special Counsel has the express authority to investigate the issues you raise related to the Hatch Act. https://osc.gov/Contact
	We regret that this office could not be of further assistance.
	(Assigned to: Rolando DeLeon)
Complexity (level):	1
	[Click to view/hide complexity guidelines]
Time Spent (hours):	0-1 hour
Contributor:	
reopen	

	Interaction History Log
Closed	08/28/2020 02:00:55 PM by Rolando DeLeon
Now Assigned: Rolando DeLeon	08/28/2020 02:00:55 PM by Rolando DeLeon

Division(s) assigned: PCD



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Resolved Interaction

	Interaction Number: 20340		
Initiation Date*:	2020-08-28		
Title*:	Contact OGE citizen complaint		
Question*:	It has come to my attention that the use of the White House and property as during the final night of the Republic National Convention is a clear violation of the Hatch Act. Additionally, government personnel, other than the President and Vice President, participating in the RNC on White House property are also in violation of the Hatch Act. Finally, Pompeo's speech Wednesday night for the RNC would also seem to be a violation. He was on official U.S. business in a foreign country. This must be addressed immediately. The flagrant violation of the Hatch Act concerns me greatly. It is a sad nation that picks and chooses which violations of the law will be investigated. I thank you for your time and attention to this grave matter.		
Update:			
Categories*:	Hatch Act		
Origin Of Interaction*:	Email		
Source*:	Non-Agency Public Citizen		
First Name:			
Last Name:			
Title:			
Position:			
Email:			
Phone:			
Other Contact Notes:			
Assignment:	Rolando DeLeon		
Watching:			
Temporary Notes:			
created by:	Rolando DeLeon		

Resolution Information	
Resolution Date*:	2020-08-28
Resolution Category*:	Resolved
Response*:	This is in response to your e-mail to the United States Office of Government Ethics (OGE). While we appreciate your e-mail, OGE was established by the Ethics in Government Act of 1978 to be the office responsible for setting policies aimed at the prevention of conflicts of interest in the executive branch of the Federal Government. OGE, a small agency within the executive branch, assists other executive branch departments and agencies to implement ethics rules and policies that deal with conflict-of-interest laws, post-employment restrictions, the standards of ethical conduct, and the public and confidential financial disclosure systems for executive branch federal employees. OGE's jurisdiction extends only to the specific ethics issues described above within the executive branch of the U.S. Government. OGE does not undertake for investigation the allegations of misconduct of the type you describe in your e-mail. In most cases, it would be the Inspector General of the department or agency involved who would determine whether to investigate such alleged misconduct. In addition, in appropriate cases, the Federal Bureau of Investigation of the Department of Justice may determine to investigate alleged misconduct of federal employees. The Office of Special Counsel holds the authority to investigate violations of the Hatch Act. https://osc.gov/pages/file-complaint.asp

	We regret that this office could not be of further assistance. (Assigned to: Rolando DeLeon)
Complexity (level):	1
	[Click to view/hide complexity guidelines]
Time Spent (hours):	0-1 hour
Contributor:	
reopen	

	Interaction History Log	
Closed	08/28/2020 03:32:12 PM by Rolando DeLeon	
Now Assigned: Rolando DeLeon	08/28/2020 03:32:12 PM by Rolando DeLeon	

Division(s) assigned: PCD