OGE

Who We Are & How We Can Help

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

OGF FORM 202, PART 1

NOTIFICATION OF CONFLICT OF INTEREST REFERRAL
PART 1: INITIAL NOTIFICATION
(to be filed by the referring office)

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

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

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

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

2. Date of referral: ____________________________

3. Point of contact at the referring office:

   Name: ____________________________  Title: ____________________________
   Telephone: ____________________________  Email: ____________________________
How OGE Helps Investigators

Assistance in Understanding:

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

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

Filer's Information

Doe, John Q.

Deputy Assistant Secretary, Department of Technology

Date of Appointment: 02/22/2015

Other Federal Government Positions Held During the Preceding 12 Months:

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

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

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

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

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

## Confidential Financial Disclosure Reports (OGE 450)

![Confidential Financial Disclosure Report](image)

**CONFIDENTIAL FINANCIAL DISCLOSURE REPORT**

**Executive Branch**

<table>
<thead>
<tr>
<th>Employee’s Name (Print last, first, middle initial)</th>
<th>E-mail Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Position/Title</td>
<td>Grade</td>
</tr>
<tr>
<td>Agency</td>
<td>Branch/Unit and Address</td>
</tr>
<tr>
<td>Work Phone</td>
<td>Reporting Status</td>
</tr>
<tr>
<td></td>
<td>New Entrant □</td>
</tr>
<tr>
<td>If New Entrant, Date of Appointment to Position (mm/dd/yy)</td>
<td></td>
</tr>
</tbody>
</table>

**Check box if Special Government Employee (SGE)**

An SGE is an executive branch officer or employee who is retained, designated, appointed, or employed to perform temporary duties either on a full-time or intermittent basis, with or without compensation, for a period not to exceed 130 days during any consecutive 365-day period.

If an SGE, Mailing Address (Number, Street, City, State, ZIP Code)
MODEL ETHICS AGREEMENT

(Date)

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

Dear Mr. Burns:

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

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a
Executive Order: ETHICS COMMITMENTS BY EXECUTIVE BRANCH APPOINTEES

EXECUTIVE ORDER

ETHICS COMMITMENTS BY EXECUTIVE BRANCH APPOINTEES

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

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

Outside Activity Prior Approval Forms

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY
USDA Supplemental Standards of Conduct
(5 CFR 8301.101-102)

Part I - EMPLOYEE INFORMATION

1. EMPLOYEE'S NAME (Last, First, MI)

2. AGENCY/PROGRAM (Address)  TELEPHONE, FAX & E-MAIL
   Phone:   Fax:  E-Mail:

3. TITLE OF POSITION

4. GRADE/STEP

5. SALARY

6. FINANCIAL DISCLOSURE FILING STATUS  Public (SF 278)  Confidential (OGE 450)  Other

7. NAME OF IMMEDIATE SUPERVISOR

8. SUPERVISOR'S TELEPHONE, FAX & E-MAIL
   Phone:   Fax:  E-Mail:
SAMPLE 208(B)(1) WAIVER
OUTSIDE ORGANIZATIONS: SERVICE AS OFFICER
OR DIRECTOR IN OFFICIAL CAPACITY

[Date]

MEMORANDUM

TO: [Official with Waiver Authority]

FROM: [Deputy Ethics Counselor]

SUBJECT: Conflict of Interest Waiver for [Employee]

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

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

Training Files
Ethics Documents

Advice Files
EXERCISES

Three Fact Patterns

1. Entering Government

2. During Government Service

3. Post-Government Employment
18 U.S.C. 208

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

*Including those imputed to him.
FACT PATTERN #1

- What else would I like to know?
- What information can I get from ethics officials?
- What ethics documents might be helpful?
- Where can I get these documents?
- Possible crimes?
- Possible ethics violations?
- Consult with OGE?
18 U.S.C. 209

Prohibits an employee from getting paid from a source outside the Government for doing his or her Government job
18 U.S.C. 208

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

*Including those imputed to him.
FACT PATTERN #2

- What else would I like to know?
- What information can I get from ethics officials?
- What ethics documents might be helpful?
- Where can I get these documents?
- Possible crimes?
- Possible ethics violations?
- Consult with OGE?
18 U.S.C. 203 & 205

Prohibitions against representing third parties before the Government with or without compensation
18 U.S.C. 203

Generally employees are prohibited from directly or indirectly:

- Demanding, seeking, receiving, accepting or agreeing to receive any compensation
- for any representational services
- rendered by the employee or someone else,
- before any department, agency, court, or certain other entities
- in connection with any particular matter in which the United States is a party or has an interest
- if any part of the representation occurs while a Government employee
(a)(1) generally prohibits an employee from:

- acting as agent or attorney
- for prosecuting any claim against the United States
- or receiving any gratuity, or any share of or interest in any such claim, in consideration of assistance in the prosecution of such claim
(a)(2) generally prohibits an employee from:

- acting as an agent or attorney for, or otherwise representing, someone else
- before any department, agency, court, or certain other entities
- concerning any matter in which the United States is a party or has a direct and substantial interest
18 U.S.C. 207

Three primary post-Government employment prohibitions

1. 207(a)(1)—Lifetime bar
2. 207(a)(2)—2 year bar
3. 207(c)—1 year bar
18 U.S.C. 207(a)(1)

Lifetime Bar

Applies to a former employee and prohibits:

- any communication or appearance
- made with intent to influence
- to or before an officer or employee of the US
- in connection with any specific party matter
- in which the employee participated personally and substantially while a Government employee
18 U.S.C. 207(a)(2)

Two-Year Bar

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

Applies only to specific party matters that were pending under the employee’s official responsibility during his last year of Government service.
18 U.S.C. 207(c)

One-Year Bar

Prohibits a former “senior employee” from:

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

- in connection with any matter in which he seeks official action
FACT PATTERN #3

- What else would I like to know?
- What information can I get from ethics officials?
- What ethics documents might be helpful?
- Where can I get these documents?
- Possible crimes?
- Possible ethics violations?
- Consult with OGE?
Seth Jaffe
Chief, Ethics Law & Policy Branch
(202) 482-9303

OGE Website:
www.oge.gov