

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



Preventing Conflicts of Interest
in the Executive Branch

Exercise Booklet 207(a)(2)

August 2020

POST-EMPLOYMENT CHECKLIST

1. Name: Ken Dickens

2. Date you anticipate leaving agency: My last day of service will be **10/01/XX**

3. Most recent position title and pay grade/rate: Supervisory Counsel / GS-15

4. Briefly Describe Your Duties:

I supervised staff in drafting regulations regarding drug marketing and advertising. My staff also provided legal support to Consumer Safety Officers and the Compliance Division in interpreting and implementing regulations in the course of their monitoring, auditing and investigative activities.

5. Prospective employer (full name):

Wellness Pharmaceutical

6. Describe Anticipated Position/Duties with Prospective Employer:

Legal Counsel—coordinate company’s regulatory program, including reviewing and approving documentation to be submitted to governmental regulators. Point person for all communications regarding compliance with regulatory requirements in the areas of marketing, advertising and communications.

(*Note whether you are referring to your involvement or a subordinate’s)	<u>YES</u>	<u>NO</u>
1. Have you or has anyone you supervise been involved in reviewing Investigational New Drug or New Drug applications?		X
2. Have you or has anyone you supervise been involved in reviewing or approving grant applications, or administering existing grants?		X
3. Have you or has anyone you supervise been involved with monitoring or directing work under an existing grant or agreement between FDA and this company?		X
4. Have you or has anyone you supervise participated in compliance monitoring involving this company? If so, please explain. Wellness was cited for marketing and advertising its drug Wellarest for additional uses beyond those for which it received FDA approval. My staff provided legal review support to the investigative team.	*X	
5. Have you or your subordinates had any other involvement with this company not referred to otherwise on this checklist? If so, please explain.		X

207(a)(2)--Questions Relating to Ken Dickens' Post Employment

Specific Party Matters Pending Under Official Responsibility/ Personal and Substantial Participation

What additional information do we need regarding the Wellness investigation to determine if any 207 restrictions apply?

What about the regulatory matters that Ken and his staff worked on?

Communications, Appearances & Behind-the-Scenes Assistance

May Ken communicate with FDA/HHS about the regulations he and his staff worked on?

May Ken submit comments on behalf of Wellness on new regulations HHS issues?

May Ken communicate with Government auditors and investigators about the Wellness compliance program?

Intent to Influence

What types of communications would be permitted/prohibited with respect to the compliance investigation?

What if Ken attends a meeting but does not speak?

On Behalf of Any Other Person

When, if ever, might Ken be deemed to be representing himself?

To or Before an Employee of the US

Are Ken's communications restricted only as to FDA?

Same Particular Matter in a Different Form

Might Ken have any restrictions with respect to any administrative or judicial proceeding against Wellness based upon the investigation?

18 U.S.C. 207 Post Employment Analysis Worksheet

Employee Name:

18 U.S.C. 207(a)(1) and (a)(2)			
	Yes	No	
1. Did employee's duties involve any specific party matters? (If yes, list them below.)		No restrictions apply	
2. List of specific party matters. <i>For each indicate whether the employee either participated personally and substantially in the matter, or (if a supervisor or manager) had the matter pending under his/her official responsibility during the last year of service.</i>	Personal and substantial participation (a)(1)	Pending under official responsibility <i>(during last year)</i> (a)(2)	
3. Identify employee's post government employment (if known).			
Post employment matters--For any matters identified indicate whether they are the same particular matters as any listed above. If the same, decide whether any proposed activities would involve a prohibited communication/appearance.	Communication Appearance with Intent to Influence	To or Before U.S.	On Behalf of 3rd Party
<i>Same particular matter</i> Yes No			
1.			
2.			
3.			
4. Is there an exception? (list activity)	5 CFR 2641.301		