

## **Office of Government Ethics**

**82 x 20 -- 12/20/82**

### **Letter to an Employee dated December 20, 1982**

This is in response to your letter of November 29, 1982 in which you asked for guidelines concerning your outside employment activities. Your request concerns the application of 18 U.S.C. §§ 203 and 205.

In your letter you provided us with the following information. You presently are employed as a Safety Manager for [a] Department. In addition, as an outside activity you provide management consulting services. You were recently contacted by a private firm which is currently negotiating for a contract with [an agency] to conduct preliminary surveys at three installations for the purpose of determining the amount of work necessary to decontaminate areas at each installation. You indicated your services would be provided to and paid for by the private firm; you would not use any official time, resources or nonpublic information of the Department; and, there is no conflict of interest between your position at [the Department] and the substance of this work or your employment by this firm. Finally, you have discussed this outside activity with an ethics attorney at [your] Department and he referred you to us for advice on the criminal statutes.

As the ethics attorney informed you, the relevant statutes are 18 U.S.C. §§ 203 and 205. Section 203 prohibits a Government employee from directly or indirectly receiving any compensation for services to be rendered by himself or another before a Government agency in relation to any particular matter in which the United States is a party or has an interest. Section 205 prohibits a Government employee from personally representing anyone before a Government agency in a particular matter in which the United States is a party or has an interest or from prosecuting any claim against the Government or receiving any gratuity or interest in such claim for assistance in prosecuting the claim.

In practical terms, these statutes would prohibit you from representing your prospective employer before the [contracting agency] either orally or in writing. Thus, you should always be careful when visiting the facilities involved to avoid

discussions with any [agency] personnel in which you may have to argue a position for the private firm. Further, if you write a report which the firm intends to submit, the report should not be submitted under your name. That would constitute a written representation by you on the firm's behalf. You may identify yourself as being associated with the firm for such things as being able to gain admittance to the facility where the work is to be performed and you may always seek any public documents which are necessary to complete your work.

If you accept the work with the private firm and then have further questions concerning specific matters associated with your performing these outside duties, please feel free to contact this Office.

Sincerely,

David R. Scott  
Acting Director