

## **Office of Government Ethics**

**79 x 5 -- 09/28/79**

### **Letter to a Private Attorney dated September 28, 1979**

This is in response to your letter of August 6, 1979, wherein you requested an opinion as to the application of the post-employment conflict of interest restrictions of the Ethics in Government Act of 1978 (Pub. L. No. 95-521, as amended), to [a former Government employee] in connection with the issue of special dumping duties upon [a specific product] from [a foreign country].

Based on information supplied to [a staff member] of this Office by [a member] of your firm and [the former employee], by telephone on September 12, 1979, it appears that [the former employee] was previously employed as a GS-12 at the then Tariff Commission, with the position title "International Economist." His employment at the Tariff Commission terminated in 1975. He was last employed as a GS-12 with the position title "Economist" at the Treasury Department, terminating his employment there [in] July 1979. During his tenure at the Treasury Department, from 1975 through July 1979, he had no direct administrative or operating authority with respect to any aspect of matters related to assessments on [the specific product] imported from [the foreign country]. On the basis of these facts, we conclude that [the former employee] is not a person referred to in section 207(d), 18 U.S.C., as amended, nor was any question relating to [this product] from [the foreign country] "under his official responsibility" during the last year of his Government employment. Accordingly, the provisions of sections 207(b) and (c) are not applicable.

However, in view of [the former employee's] "personal and substantial" participation in the injury from dumping determination by the Tariff Commission with respect to [this product] from [this foreign country], it is our opinion that he is subject to the prohibitions of section 207(a) and section 737.5 of the interim regulations on Post Employment Conflict of Interest, 44 Fed. Reg. 19978 (1979), with respect to the issue of the assessment of special dumping duties upon such goods. It is our view that the assessment of dumping duties subsequent to the injury determination relates to the same "particular matter." [The former employee] is thus precluded from making "any formal or

informal appearance before, or, with the intent to influence . . . any oral or written communication" to a Federal agency or court on this matter. He may, however, aid and assist members of your firm in preparing for such appearances and communications. His permitted activities would include, as we understand you to contemplate, the preparation of charts, graphs and tables showing the results of his mathematical and statistical computations with respect to the assessment issue for the use by your firm in such appearances and communications.

For your information I have enclosed a copy of a memorandum summarizing the post-employment conflict of interest restrictions.

Sincerely yours,

Bernhardt K. Wruble  
Director