

## **Office of Government Ethics**

**84 x 11 -- 06/14/84**

### **Letter to an Agency General Counsel dated June 14, 1984**

In accordance with your request, we have reviewed [a] book written by [a private citizen] and the proposed foreword by [the head of your agency].

The book has been written to advise persons on the problems and advantages of becoming a small business entrepreneur and how to make the best use of [your agency]. [The head of your agency] in his foreword states that entrepreneurs should obtain advice and counsel from professionals with practical experience in successful small businesses. [He] continues:

One of the best sources of information that a new business owner can turn to is a person with practical experience. As President of [a company], [the author] has experienced the ups and downs of owning his own business. As [an agency program award winner] he understands the importance of an organized business plan and good resource management. He has been sharing his practical experiences as a member of [an agency] Advisory Council and now will hopefully convey his message to a greater number of people. Entrepreneurs now realize how important it is to have good management and a specific plan that pinpoints income and expenses instead of just relying on good ideas.

At the present time, you state, you do not know how [the head of your agency's] name and official position would be used in the marketing and sale of the book.

It would be violative of Executive Order 11222, 5 C.F.R. Part 735 and your own agency's regulations -- [citation omitted] -- for [the agency head] to write a foreword to this book in his name as [head of the agency] or for his name and title to be used in the marketing and sale of the book. Executive Order 11222 provides in section 201(c) that officers and employees must avoid any action which might result in or create the appearance of "giving preferential treatment to any organization or person." A similar provision is contained in section 735.201a(b) of 5 C.F.R. [The agency head] would be

giving preferential treatment to [the author] by his foreword and it could be said that, as author of [this book], [he] would be "trading" on [the agency head's] name and position to stimulate the purchase of his book by small business entrepreneurs.

In view of the foregoing, we are of the opinion that [the head of your agency] should not write a foreword to this book if his official title or status is used in the foreword or in any publicity about the book.

Sincerely,

David H. Martin  
Director