

**ETHICS PROGRAM INSPECTION REPORT**

Agency: Advisory Council on Historic Preservation

Report No.: 17-34I

Date: June 29, 2017

Period Covered by Review: January 1, 2016 – December 31, 2016

UNITED STATES OFFICE OF  
**GOVERNMENT ETHICS**

  
Preventing Conflicts of Interest  
in the Executive Branch

1.0 AGENCY DATA		
<b>EMPLOYEES</b> (as reported in the most recent Annual Ethics Program Questionnaire)		
1.1	Number of full-time agency employees	39
1.2	Number of agency special Government employees	9
1.3	Number of Presidentially appointed, Senate-confirmed (PAS) public financial disclosure reports required to be filed	0
1.4	Number of non-PAS public financial disclosure reports required to be filed	2
1.5	Number of confidential financial disclosure reports required to be filed	11
<b>ETHICS PROGRAM</b>		
1.6	Title of Designated Agency Ethics Official (DAEO)	General Counsel
1.7	Grade level of DAEO	GS-15
1.8	Title of Alternate DAEO (ADAEO)	Assistant General Counsel
1.9	Grade level of ADAEO	GS-14
1.10	Title of the primary, day-to-day ethics program administrator	General Counsel
1.11	Grade level of the primary, day-to-day ethics program administrator	GS-15
1.12	Current number of full-time ethics officials	0
1.13	Current number of part-time ethics officials	2
1.14	Average full-time equivalent (FTE) value of a part-time ethics official(s) (For example, if part-time ethics officials at the agency generally devote 10 hours per week to ethics work, the average FTE value is 25%.)	7.5%
1.15	Number of reporting levels between the DAEO and the agency head	1
<b>COMMENTS</b>		
None		

2.0 LEADERSHIP					
COMPLIANCE REQUIREMENT			Yes	No	N/A
2.1	OGE has received an up-to-date designation from the agency head naming the DAEO. <i>See</i> 5 C.F.R. § 2638.202(c).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.2	OGE has received an up-to-date designation from the agency head naming the ADAEO. <i>See</i> 5 C.F.R. § 2638.202(c).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>COMMENTS</b>					
None					

3.0 ETHICS AGREEMENTS					
COMPLIANCE REQUIREMENT			Yes	No	N/A
3.1	During the period under review, all PAS officials complied with their ethics agreements. <i>See</i> 5 C.F.R. § 2634.804.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3.2	During the period under review, all PAS officials complied with their ethics agreements in a timely fashion. <i>See</i> 5 C.F.R. § 2634.804.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3.3	During the period under review, the agency notified OGE of ethics agreement compliance in a timely fashion. <i>See</i> DO-09-015.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

## ETHICS PROGRAM INSPECTION REPORT

Agency: Advisory Council on Historic Preservation

Report No.: 17-34I

Date: June 29, 2017

Period Covered by Review: January 1, 2016 – December 31, 2016

UNITED STATES OFFICE OF  
**GOVERNMENT ETHICS**

  
 Preventing Conflicts of Interest  
 in the Executive Branch

3.4	For all officials currently in PAS positions, the agency maintains documentation of actions taken to comply with ethics agreements. <i>See</i> 5 C.F.R. § 2634.804.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.5	For all officials currently in PAS positions, ethics agreements are maintained with their financial disclosure reports. <i>See</i> 5 C.F.R. § 2634.805.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>COMMENT</b>				
(3.1 – 3.5) The Advisory Council on Historic Preservation (ACHP) did not have any PAS officials during the period under review.				

4.0 PUBLIC FINANCIAL DISCLOSURE (OGE Form 278, OGE Form 278-T)				
COMPLIANCE REQUIREMENT		Yes	No	N/A
4.1	The agency has written policies and procedures in place governing: <i>See</i> 5 U.S.C. app. IV, § 402(d)(1).			
4.1.1	<ul style="list-style-type: none"> <li>• Collection of public financial disclosure reports</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.1.2	<ul style="list-style-type: none"> <li>• Review/evaluation of public financial disclosure reports</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.1.3	<ul style="list-style-type: none"> <li>• Public availability of public financial disclosure reports</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.2	The agency can demonstrate that late filing fees are collected or, where appropriate, waivers are issued when public filers do not timely file financial disclosure reports.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.3	Public financial disclosure reports are securely maintained. <i>See</i> OGE/GOVT-1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.4	Public financial disclosure reports are retained in accordance with the retention requirements. <i>See</i> 5 C.F.R. § 2634.603(g)(1).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>DATA ANALYSIS</b>		<b>%</b>		
4.5	Percentage of sampled non-PAS new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(b).	N/A		
4.6	Percentage of sampled non-PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).	100%		
4.7	Percentage of sampled non-PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).	N/A		
4.8	Percentage of sampled non-PAS public financial disclosure reports certified timely (within 60 days of receipt or later when additional information was being sought or remedial action was being taken). <i>See</i> PA-11-04.	100%		
4.9	Percentage of sampled PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).	N/A		
4.10	Percentage of sampled PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).	N/A		
4.11	Percentage of sampled PAS annual and termination reports certified timely (within 60 days of receipt or later when additional information was being sought or remedial action was being taken). <i>See</i> 5 C.F.R. § 2634.605(a).	N/A		
<b>COMMENTS</b>				
<p><u>Comment:</u>            (4.2) ACHP did not have any filers subject to the late filing fee during the period under review.            (4.5, 4.7) No non-PAS new entrant or termination public reports were required to be filed during the period under review.            (4.9 – 4.11) No PAS reports were required to be filed during the period under review.</p> <p><u>Concern:</u>            (4.1.1 – 4.1.3) At the time of the inspection, ACHP’s written procedures addressed the collection, review/evaluation and public availability of public financial disclosure reports (OGE Form 278); however, they had not yet been updated to address the collection, review/evaluation, and public-availability of periodic transaction reports (OGE Form 278-T). During the course of the inspection, ACHP updated its procedures to fully address the collection, review/evaluation, and public availability of the OGE Form 278-T. Therefore, OGE is not issuing a recommendation for corrective action.</p>				

## ETHICS PROGRAM INSPECTION REPORT

Agency: Advisory Council on Historic Preservation

Report No.: 17-34I

Date: June 29, 2017

Period Covered by Review: January 1, 2016 – December 31, 2016

## UNITED STATES OFFICE OF GOVERNMENT ETHICS

Preventing Conflicts of Interest  
in the Executive Branch

5.0 CONFIDENTIAL FINANCIAL DISCLOSURE						
COMPLIANCE REQUIREMENT			Yes	No	N/A	
5.1	The agency has written policies and procedures in place governing: <i>See</i> 5 U.S.C app. IV, § 402(d)(1).					
5.1.1	• Collection of confidential financial disclosure reports			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.1.2	• Review/evaluation of confidential financial disclosure reports			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.2	Confidential financial disclosure reports are securely maintained. <i>See</i> OGE/GOVT-2.			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.3	The agency's OGE-approved alternative confidential financial disclosure system complies with plans approved by OGE. <i>See</i> 5 C.F.R. § 2634.905(a).			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.4	Confidential financial disclosure reports are retained in accordance with the retention requirements. <i>See</i> 5 C.F.R. § 2634.604.			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>DATA ANALYSIS</b>			<b>%</b>			
5.5	Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b).			100%		
5.6	Percentage of sampled confidential annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(a).			56%		
5.7	Percentage of sampled confidential financial disclosure reports certified timely (within 60 days of receipt or later when additional information was being sought or remedial action was being taken). <i>See</i> 5 C.F.R. §§ 2634.605(a), 2634.909(a).			100%		
<b>COMMENTS</b>						
<p><u>Comment:</u> (5.3) ACHP does not have an alternative confidential financial disclosure system.</p> <p><u>Concern:</u> (5.6) Only 56% of annual confidential financial disclosure reports were filed timely during the period under review.</p>						

6.0 INITIAL ETHICS ORIENTATION						
COMPLIANCE REQUIREMENT			Yes	No	N/A	
6.1	All initial ethics orientation material contains: <i>See</i> 5 C.F.R. § 2638.703(a) and (b).					
6.1.1	• Current contact information of relevant ethics official(s)			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.1.2	• Copy of the Standards of Ethical Conduct and any agency supplemental standards to keep or review; or • Summaries of the Standards, any agency supplemental standards, and 14 Principles for employees to keep			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.2	The agency can demonstrate that it has an effective process to ensure that new employees receive initial ethics orientations. <i>See</i> 5 C.F.R. § 2638.703(c).			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>DATA ANALYSIS</b>			<b>%</b>			
6.3	Percentage of new agency employees who received initial ethics orientation within 90 days. <i>See</i> 5 C.F.R. § 2638.703.			100%		
<b>COMMENTS</b>						
None						

## ETHICS PROGRAM INSPECTION REPORT

Agency: Advisory Council on Historic Preservation

Report No.: 17-34I

Date: June 29, 2017

Period Covered by Review: January 1, 2016 – December 31, 2016

UNITED STATES OFFICE OF  
GOVERNMENT ETHICS

  
Preventing Conflicts of Interest  
in the Executive Branch

7.0 ANNUAL ETHICS TRAINING						
COMPLIANCE REQUIREMENT			Yes	No	N/A	
7.1	All annual ethics training material contains: <i>See</i> 5 C.F.R. § 2638.704(b).					
7.1.1	• Current contact information of relevant ethics official(s)			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.1.2	• Review of the criminal conflict of interest statutes			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.1.3	• Review of the Standards of Ethical Conduct			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.1.4	• Review of the 14 Principles			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.1.5	• Review of any agency supplemental standards			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7.2	The agency can demonstrate that it has an effective process to ensure that covered employees receive annual ethics training. <i>See</i> 5 C.F.R. § 2638.704(c) and 705(c).			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>DATA ANALYSIS</b>			<b>%</b>			
7.3	Public financial disclosure filers who completed annual ethics training. <i>See</i> 5 C.F.R. § 2638.704(a).			100%		
7.4	Confidential financial disclosure filers who completed annual ethics training. <i>See</i> 5 C.F.R. § 2638.705(a)(3).			18%		
<b>COMMENTS</b>						
<p><u>Comment:</u> (7.1.5) ACHP does not have supplemental standards of conduct.</p> <p><u>Concerns:</u> (7.1.2 – 7.1.3) ACHP’s annual ethics training material did not fully cover the criminal conflict of interest statutes or the Standards of Ethical Conduct. (7.2, 7.4) Both regular government employees required to receive annual ethics training in 2016 received the training. However, OGE determined that ACHP’s nine special Government employees (SGE) did not receive their 2016 annual ethics training timely. Annual training for SGEs was provided in the form of written materials that were sent to the SGEs via email on December 30, 2016. OGE does not believe that providing the materials at such a late date would provide the SGEs with sufficient time to review the training materials before the end of the calendar year. The training materials also did not meet content requirements. ACHP agreed to provide training materials earlier in the future, and to ensure the materials meet content requirements.</p>						

8.0 ETHICS ADVICE AND COUNSELING						
COMPLIANCE REQUIREMENT			Yes	No	N/A	
8.1	Based on a sample collected by OGE, guidance provided by agency ethics officials to employees appears to be consistent with applicable laws and regulations.			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>COMMENTS</b>						
None						

## ETHICS PROGRAM INSPECTION REPORT

Agency: Advisory Council on Historic Preservation

Report No.: 17-34I

Date: June 29, 2017

Period Covered by Review: January 1, 2016 – December 31, 2016



9.0 RECOMMENDATION(S)			
#	Element	RECOMMENDATION	Compliance Due
1	5.6	<p><u>RECOMMENDATION:</u> Ensure annual confidential financial disclosure reports are filed timely.</p> <p><u>AGENCY RESPONSE:</u> We agree that we need to, and will, increase our efforts to make sure all annual confidential disclosure reports are filed in a timely fashion. Regretfully, CY 2016 was simply not a good year in this regard. In contrast, this year all 10 of our confidential disclosure reports were timely filed. To avoid confusion, the reason the number of confidential filers this year is 10, as opposed to last year's 11, is that one staff filer retired before the end of last year and has not been replaced.</p>	
2	7.1.2 – 7.1.3	<p><u>RECOMMENDATION:</u> Ensure annual ethics training fully meets the applicable content requirements and is provided timely.</p> <p><u>AGENCY RESPONSE:</u> The training for all the staff in 2016 (39 employees), including the public and confidential disclosure filers, met the applicable content requirements and was provided timely. It included a discussion of the conflict of interest statutes, the other standards (gifts, impartiality, postemployment, and outside activities), and the fourteen principles. However, we acknowledge that the training for our nine SGEs only covered impartiality and the principles. In past years, it has covered conflicts of interest and other topics. We had operated under the impression that the content for SGE training could be limited to a particular topic or topics every year. We will work with our desk officer to ensure we meet content requirements in this and future years.</p>	
3	7.2, 7.4	<p><u>RECOMMENDATION:</u> Ensure SGEs receive annual ethics training before the end of the calendar year in accordance with 5 C.F.R. §2638.307, and ensure that the training materials meet content requirements.</p> <p><u>AGENCY RESPONSE:</u> We agree that we should be scheduling our annual training for SGEs earlier in the year, rather than in mid to late December as has been our practice, to better ensure our SGEs “complete [the training] before the end of the calendar year.” Accordingly, we will provide such annual training in July instead, and also require the SGEs to notify us when they have gone over the material. Our training plan for 2017 has already been modified accordingly.</p> <p>We note that the SGEs all do receive such training material every 12 months. So, there is no time gap in their training beyond 12 months, give or take a handful of days, which we believe is the substantive goal of the timing requirement. Again, we agree with the recommendation and will change our practices accordingly, but wanted to make a note of this point to provide better context.</p> <p>With regard to the content of the SGE training, please see the response to the second recommendation, above.</p>	