



A Publication of the  
Office of Government Ethics  
for the Executive Branch

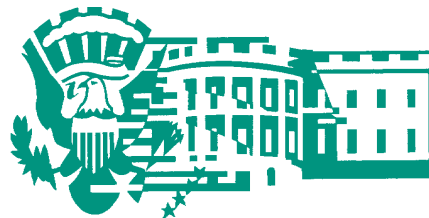
Spring 2001 Vol. 18 No. 1

Government

# Ethics Newsgram

## President Bush Issues Memorandum on Ethical Conduct

President Bush has issued a memorandum to all agency heads strongly supporting the executive branch ethics program. The memo asks agency heads to ensure that their employees are familiar with and faithfully observe ethics laws and regulations. The President also asks agency heads to thank their employees “for their commitment to maintain the highest standards of integrity in Government as we serve the American people.”



The memorandum reiterates the 14 “Principles of Ethical Conduct for Government Employees” that are set forth in

Executive Order 12674 and the Standards of Ethical Conduct for Employees of the Executive Branch, at 5 C.F.R. § 2635.101(b).

With respect to post-employment activities, the memorandum notes that lobbying and other forms of representation by former executive branch employees will be subject to the restrictions of 18 U.S.C. § 207.

## OLC Issues Opinions Concerning 18 U.S.C. § 207

The Department of Justice’s Office of Legal Counsel (OLC) has issued three legal opinions in recent months concerning 18 U.S.C. § 207. On November 3, 2000, OLC responded to a letter from an agency concerning the applicability of 18 U.S.C. § 207(d) to certain agency employees compensated at a rate of pay exceeding that for level I of the Executive Schedule (EL-I). Since, under section 207(d)(1)(B), section 207(d) applies to any person formerly “employed in a position . . . at a rate of pay payable for level I of the Executive Schedule” (emphasis added), OLC advised that Congress apparently intended that the restriction apply to any individual formerly employed in an EL-I position, or in a position in a pay system other than the Executive Schedule for which the rate of pay is exactly equal to – but not greater than – the EL-I rate.

On November 6, 2000, OLC responded to a letter from the Director of OGE

concerning the meaning of the term “candidate” for purposes of determining the extent to which the exception at 18 U.S.C. § 207(j)(7) would benefit Presidential transition team members who were former Federal employees. Section 207(j)(7) generally permits a former senior or very senior employee to communicate or appear solely on behalf of a candidate or certain political organizations notwithstanding sections 207(c) or (d). OLC advised that a successful Presidential candidacy terminates when the elected official assumes office. An unsuccessful candidacy terminates when the outcome of the election is finalized.

Both the [November 3](#) and [November 6, 2000](#) OLC opinions were discussed in a DAEOgram issued by OGE. See [DAEOgram DO-00-044](#) of November 17, 2000. The DAEOgram and copies of each opinion are available on [OGE’s new Web site](#).

On January 19, 2001, OLC responded to a letter from the Director of OGE concerning the meaning of the term “communication” and the scope of permissible  
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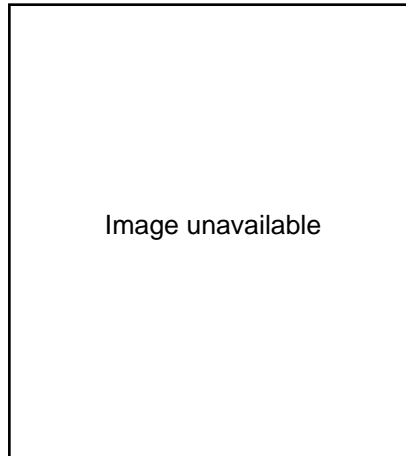
## Director's Column

As many of you know, I come to the job as Director of the Office of Government Ethics after 12 years in Federal service. As Assistant General Counsel for Ethics at the Department of Education, I worked on the front lines of an executive branch ethics program and know first hand of the challenges that agency ethics officials face every day in running an effective program. I bring that experience with me to OGE.

One of my top priorities as Director is to have OGE play a strong role in providing ongoing support to agency ethics officials. One key to achieving this goal is to maintain open and effective communications. It is important to know the current needs and concerns of the ethics community and to have a close working relationship with ethics officials. By working together, we can maximize available resources and make significant improvements to the ethics program.

Some improvements to the program will require legislative action. For example, as part of the study mandated by the Presidential Transition Act of 2000, OGE will be making recommendations to the Congress regarding changes in the financial disclosure law to reduce strictly technical aspects of the public reporting system, without diminishing program effectiveness, and to streamline the nominations process. Your thoughtful input has benefitted OGE greatly as we formulate our proposals for this study.

We can also work together to improve the management of the ethics program. During informal meetings, ethics officials



have suggested that there be an even greater sharing of information on "best practices." We certainly intend to follow up on this suggestion and do everything we can to facilitate such an exchange. We also plan to improve the program review process by placing a clearer focus on assessing ethics program quality and effectiveness. OGE will also take greater recognition of the differences in agency size and function by tailoring its reviews to the individual needs of the agency being reviewed.

We can also improve the ethics program through more creative use of technology. OGE has recently redesigned and updated its Web site and we plan to make even greater use of this resource in the future. A number of ethics officials have expressed an interest in an electronic bulletin board and we will be

exploring this and other uses of technology. And, of course, we are committed to creating a financial disclosure form that can be submitted electronically.

I know from working with many of you in the ethics program over the years that the greatest resource of the program is the experienced, professional corps of ethics officials. Ethics officials are the backbone of the ethics program. I want to work in close partnership with ethics officials to make the program more efficient and effective, and to promote the highest standards of integrity in public service for all executive branch employees. Please, always feel free to let us know how OGE can help you and I, in turn, will be reaching out to you for input.

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### Government Ethics Newsgram

The **Government Ethics Newsgram** is published by the:  
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## The OGE Web Site's Had a Make-over!

The OGE Web site has been completely redesigned. The Web site's total make-over, both in structure and graphic design, means users should find the site easier to navigate. Whether researching ethics questions, looking for advisory opinions, ethics laws and regulations or OGE publications, seeking training and conference information, or merely keeping up-to-date on current ethics events, you can find it all readily on our new Web site.

Come and see for yourself at [www.usoge.gov](http://www.usoge.gov). Same old address with a whole new look!

We welcome any news and information related to Government ethics that you wish to bring to the attention of OGE and the executive agencies, as well as your candid critiques and suggestions. Quoting or reprinting materials contained in this publication is strongly encouraged and does not require OGE's permission.

The Director of the Office of Government Ethics has determined that the publication of this periodical is necessary to the transaction of the public business of OGE, as required by law.

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# Enforcement for Failure to File a Public Financial Disclosure Report

Persons covered by the public financial disclosure reporting requirement who fail to file a Public Financial Disclosure Report (SF 278) are subject to significant penalties under section 104 of the Ethics in Government Act. The Attorney General is authorized to bring a civil action against any person who knowingly and willfully fails to file. The court may assess against the individual a civil monetary penalty for any such violation. The maximum amount of the civil penalty, as periodically adjusted for inflation, is currently set at \$11,000. Administrative remedies are also available for failure to file.

The law directs agency heads to refer persons who fail to file to the Attorney General. Such referrals should be addressed to the Assistant Attorney General of the Civil Division and to the attention of Mr. Arthur Goldberg.

Because a violation requires a showing that a person “knowingly and willfully”

failed to file, agencies making referrals should provide the factual information that will establish this element. Such information would include documentation of communications with the filer that show that the filer was aware of the obligation to file a public report and was on notice that a public report was overdue and had not been filed with the agency. Adequate documentation makes for a stronger case and facilitates a negotiated settlement.

Agencies should also be sure to confirm that a person who is being referred actually has served in a position that is covered by the public financial disclosure reporting requirement. The Department of Justice has in the past received referrals and upon further inquiry discovered that the individual was not a public filer. This sometimes happens when an employee is in a position that is under a pay system other than the General Schedule.

The most common failure to file cases involve termination reports. Agencies

should document their efforts to get former employees to file these reports. Agencies should not assume that a case cannot be made against a former employee because the employee has failed or refused to communicate with them. A case can be built on circumstantial evidence based on the fact that the employee regularly filed annual reports while still working for the agency.

Most civil penalty actions are not litigated to a judgment. Cases may settle with the payment of a penalty. More frequently, a case settles when the delinquent filer actually files the required report. In such instances the filer will, of course, be subject to the \$200 late filing fee. Agencies have the responsibility to advise a delinquent filer that a late filing fee is due and to collect the fee in accordance with the procedures set forth in 5 C.F.R. § 2634.704(c).

## New Helpful Tips from Program Review

The Program Review Division has developed a new list of “[Tips on Preparing for an Ethics Program Review \(and for Administering a Well-Run Ethics Program\)](#).” These “tips” can be found on OGE’s new Web site in the *Program Review Division (PRD)* section, under *Ethics Community Services*, behind *About OGE*. The “tips” are effectively reminders, in the form of questions, that point ethics officials to those program areas where corrections should be made or where staff resources should be devoted. Some examples include, “Is it time to refresh your annual confidential filer notification memorandum?” and “When was the last time you thought

about whether you are effectively and efficiently using electronic mail to convey ethics-related information and advice to your agency employees?”

Also available in PRD’s section of the Web site are the *Guidelines for Conducting Reviews of Ethics Programs at Executive Branch Agencies* and the “*Checklist of Ethics Materials*,” two invaluable resources for anyone preparing for an OGE program review. If you have any questions about these documents, please contact Gerald Chaffinch at 202-208-8000, extension 1157.



## OLC Opinions

*Continued from page 1*

“behind-the-scenes” assistance for purposes of 18 U.S.C. § 207(c). OGE had asked OLC if a former official could submit an unsigned report to his client – but in the name of the official’s small consulting firm – knowing that the client would submit the report to the official’s former Government agency and that the official would probably be recognized as the report’s author. OLC advised that a “communication” is the act of imparting or transmitting information with the intent that the information be attributed to the former official. It is not necessary, OLC added, that the recipient of the information actually recognize the former official as the source of the information. Commenting on the specific facts and circumstances posed, OLC suggested that a decision by the former official to submit the report in the name of his company would create a strong inference that he intended the report to be attributed to him. See [DAEOgram DO-01-011](#) of March 15, 2001.

# Helpful Reminders for SF 278 Filers and Reviewers

The annual filing cycle for Public Financial Disclosure Reports (SF 278s) is upon us. Accordingly, OGE offers some helpful reminders, for filers and reviewers alike, to assist in the preparation and review of these reports.

Annual reports are to be filed at each agency by Tuesday, May 15, 2001. Those annual reports filed by Presidential appointees confirmed by the Senate (PAS) and by Designated Agency Ethics Officials should be reviewed by the agency and submitted to OGE *immediately after agency approval*. Likewise, any termination reports filed by PAS officials leaving prior to May 15 should be forwarded to OGE *immediately after agency approval*.

Please be sure that all filers use the new March 2000 edition of the SF 278 form, as all previous editions will no longer be accepted.

## Reminders

### Cover Page

✓ For annual reports, ensure that the filer's signature date is no earlier than January 1, 2001.

✓ For termination reports, be sure to include the filer's termination date, and ensure that the filer's signature date is no earlier than the filer's last day of service in the position.

✓ If the filer was granted a filing extension, check the box in the "Comments of Reviewing Officials" section and indicate the number of days granted. This is a new feature of the March 2000 edition of the form.

### Schedule A: Assets and Income

✓ For any Individual Retirement Accounts (IRAs) reported, ensure that the filer fully identifies any underlying holdings such as money market accounts, mutual funds, etc., and that they fully disclose any accrued income generated during the reporting period

attributable to those holdings. Remember, while the underlying holdings of an IRA can be Excepted Investment Funds (EIFs), the IRA itself is not an EIF because it is an account that is self-directed and not widely held.

✓ For any income reported under the "Other" column, an actual income amount must be reported.

### Schedule B, Part I: Transactions

✓ If a "sale" appears on Schedule B for an asset that is still listed on Schedule A and is still showing a value exceeding \$1,000, indicate whether a partial sale occurred.

✓ If an asset was sold and generated income exceeding \$200, including any capital gains, the asset must also appear on Schedule A.

✓ If an asset was sold in its entirety, the asset value shown on Schedule A should be marked as "None (or less than \$1,001)."

### Schedule B, Part II: Gifts, Reimbursements, and Travel Expenses

✓ If a gift of travel is reported, it would be helpful to specify the basis for the acceptance, e.g. "a personal friend" or "agency approval under 5 U.S.C. § 4111." Specifying the basis for acceptance in this way may eliminate the need for further follow-up with the filer.

✓ If an employee has accepted a "meritorious service award" with a value greater than \$200 under 5 C.F.R. § 2635.204(d) and obtained written approval by the agency, agencies should forward a copy of the written determination to OGE with the employee's SF 278 for retention in OGE's files.

### Schedule C, Part I: Liabilities

✓ If any rental property is sold during the reporting period, the mortgage must still appear on Schedule C, if the mortgage exceeded \$10,000 at any time during the reporting period.

### Schedule C, Part II: Agreements or Arrangements

✓ Ensure that any agreement or arrangement reported on Schedule C is also reflected on Schedule A, where appropriate. For example, if the filer reports a continuing interest in a former employer's pension plan, a corresponding entry should also appear on Schedule A.

✓ Ensure that termination filers report any arrangements that they have made for future employment.

### Schedule D, Part I: Positions Held Outside the U.S. Government

✓ For annual filers the reporting period for this section includes the previous calendar year, as well as the current calendar year up to the filing date.

✓ For termination filers the reporting period begins at the end of the period covered by the previous filing and ends at the date of termination from Government employment.

✓ All positions held at any time during the reporting period should be listed, including those from which the filer may have resigned before the end of the reporting period.

✓ For each position listed, the filer should provide a description of the organization that is sufficient to enable the reviewer to determine whether a potential conflict of interest exists.

### Miscellaneous

✓ Ensure that all sections of the report are complete. If a filer has nothing to report for an applicable schedule, ensure that the "None" box is checked. Note that "None" and "Not Applicable" should not be used interchangeably.

✓ Ensure that all report pages, including any attachments, are numbered, and that the filer's name appears on each page.

## Got Schedule Cs?

Given all the comings and goings of personnel, particularly political appointees, during this change of Administrations, it's appropriate to reissue some past guidance on the financial disclosure filing requirements for Schedule C employees. As you may (or may not) be aware, *all* Schedule C employees are required to file Public Financial Disclosure Reports (SF 278s), regardless of their positions or grade levels. However, OGE can grant exclusions from the filing requirement for Schedule C positions that meet certain criteria. In fact, many agencies may have already requested and received exclusions for at least some of their Schedule C positions.

By way of background, Schedule C positions are Federal positions that are excluded from the Federal Government's competitive employment system, and are typically of a confidential or policy-making character. While 5 C.F.R. § 2634.202(e) mandates that all Schedule C employees file SF 278s, this regulation also allows the Director of OGE to exclude a Schedule C position from the SF 278 reporting requirement if (s)he determines that the

exclusion would not adversely affect the integrity of the Government or the public's confidence in the integrity of the Government.

To qualify for an exclusion, the position must meet the following criteria. First, it must be classified at, or below, level 15 of the General Schedule. If it is subject to another pay schedule, the position must be classified at a rate of basic pay, which is less than 120 percent of the minimum rate of basic pay fixed for GS-15. Additionally, the position must have *no policy-making or advising role* with respect to agency programs.

To receive an exclusion from OGE, agency ethics officials should provide a written request to the Director of OGE. Each request should include the position title and grade, along with the incumbent's name. In addition, the agency should provide a description of the duties of the position. The exclusion of a position from the reporting requirements is effective upon the date the agency makes the written request to OGE. If OGE subsequently determines

that the position does not qualify for exclusion, it will advise the agency in writing and set a date for filing, normally 30 days from the date of the denial.

Agencies can submit a request to OGE for an exclusion at any time. However, the Schedule C employee will be responsible for filing any reports that would otherwise be due, unless or until a request for an exclusion is submitted. Ethics officials should therefore be diligent in submitting requests well in advance of any filing due date to avoid collecting unnecessary reports.

Note that the exclusion from the filing requirement applies to the *position*. Therefore, once a position has been excluded, the exclusion applies to all employees who fill that position, unless or until the duties of that position change. It is also worth noting that although Schedule C employees may be excluded from the SF 278 reporting requirements, they may still be required to file an OGE Form 450 if they meet the filing criteria specified in 5 C.F.R. § 2634.904.

## Pay Rates for 2001 Affect Coverage Thresholds

The 2001 pay adjustments made to the Federal pay scale affect the coverage thresholds under various ethics laws. Under Title V of the Ethics in Government Act, covered non-career employees are subject to certain employment restrictions, as well as a limitation on the amount of outside earned income. One of the factors for determining coverage under the statute is rate of pay. Non-career employees are covered by the law if, among other things, they occupy a position classified above GS-15 of the General Schedule, or if the position is not under the General Schedule, the rate of basic pay for the position is equal to or greater than 120 percent of the minimum rate of basic pay for a GS-15 of the General Schedule. During 2001, this amount is \$95,652. In addition, those who are covered non-career employees may not receive outside earned income which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule. During 2001, this amount is \$21,765.



The one-year cooling off period restriction in 18 U.S.C. § 207(c) applies, among others, to those persons whose basic rate of pay is equal to or greater than the rate of basic pay for level 5 of the Senior Executive Service. For the year 2001, the rate of basic pay for a member of the SES at ES-4 is \$125,500, which is \$200 less than the rate of basic pay for ES-5 (\$125,700). Consequently, former SES employees who were paid at level 4 are not subject to the restriction in 18 U.S.C. § 207(c). As is the case when computing 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule, any locality pay adjustment is not taken into account for this purpose.

## Revocation of E.O. 12834

On December 28, 2000, President Clinton revoked Executive Order 12834, effective at noon on January 20, 2001. Executive Order 12834 had imposed special post-employment restrictions on senior appointees of the Clinton Administration by requiring senior officials and trade negotiators to sign a pledge as a condition of holding a covered position. The pledge had imposed a five-year bar on certain lobbying activities, as well as a lifetime bar on activities that require registration under the Foreign Agents Registration Act. The revocation does not affect existing statutory restrictions under 18 U.S.C. § 207, including the one year no-contact bar under 18 U.S.C. §§ 207(c) and (d).

## Be Our Guest: The Interagency Ethics Council

About ten years ago, a group of ethics officials from financial agencies, who met regularly to discuss common ethics issues and problems, discovered that their counterparts from scientific agencies were meeting for the same purpose. In fact, some ethics officials were members of both groups.

Ethics program demands had increased, especially training and counseling, while budgets and resources were being cut. Recognizing their common goal, these officials decided that a single organization would be far more effective and they invited ethics officials from all other agencies to join. A committee drafted a statement of purposes and provided a name: The Interagency Ethics Council or IEC.

The IEC has remained an informal organization composed of Federal employees who work on Government ethics matters. There are no dues. There is not even a budget or a membership form. Any Federal ethics official is welcome to join and participate.

The IEC has a number of goals: to assist ethics officials in improving their performance, to foster dialogue within the Federal ethics community, to serve as a forum for developing and promoting policies and programs, and to assist in the professional development of ethics officials. The IEC also provides a consolidated voice for the ethics community to the Office of Government Ethics, as well as an informal way for OGE to communicate directly to ethics officials.

To keep our members up-to-date, IEC members scour the Government for new ethics-related regulations, statutes, opinions, analyses, and products. At our monthly meetings, certain members report on developments and decisions from Congress, OGE, the General Accounting Office, the Office of Legal Counsel, the MSPB, and boards of contract appeals, as well as ethics notices in the *Federal Register*.

Monthly meetings consist of discussions and presentations on issues ranging from training techniques and contractors in the Federal workplace, to locating ethics materials on the Internet, travel rules, and the Hatch Act. We also offer

practical advice, such as how to train agency heads, conduct an effective ethics program, and focus on an active in-depth analysis of specific ethics issues, such as widely-attended gatherings. To broaden our perspectives, we have heard from directors of ethics programs of large contractors, from Common Cause, and from the staff of congressional committees with jurisdiction over OGE and ethics legislation. We also distribute to our members "tools," such as a contact list of ethics officials, a guide to ethics materials on the Web, and an ethics guide for Federal employees.

The Office of Government Ethics recognized IEC's contributions with its Distinguished Service Award at the 1999 Annual Government Ethics Conference. This award is presented annually to an ethics official, or group of ethics officials who have not only successfully managed strong ethics programs but who have also contributed to overall ethics development within the executive branch.

The IEC usually meets on the first Thursday of each month in the Federal

Deposit Insurance Corporation's Auditorium, 801 17<sup>th</sup> Street, NW, Washington, DC, during lunch, starting at 12:15 PM. The IEC informs its members, through e-mail, of the date and place of the next meeting and the main topic.

Any ethics official interested in learning more about the IEC should contact Steve Epstein ([epsteins@osdgc.osd.mil](mailto:epsteins@osdgc.osd.mil) or 703-695-3422), John Szabo ([jls@nrc.gov](mailto:jls@nrc.gov) or 301-415-1610), Pat Carney ([pcarney@fcc.gov](mailto:pcarney@fcc.gov) or 202-418-1720), or Charlie Brown ([csbrown@nsf.gov](mailto:csbrown@nsf.gov) or 703-306-1060).

Be Our Guest appears as a periodic feature in the **Government Ethics Newsgram**. We invite you to be our guest and share with the ethics community your unique or innovative ideas, anecdotes, helpful hints, and perspectives on any ethics-related issues. Contact the editor of the **Government Ethics Newsgram** at 202-208-8000, extension 1182, if you have suggestions for articles or actual submissions you wish to have considered for publication.

## We Want Your Input -- OGE Conference 2001

The 2001 Annual Government Ethics Conference in Norfolk, Virginia is just around the corner and it is never too early to start planning for it. The OGE staff is currently formulating ideas for this year's conference program based upon comments from last year's evaluation forms, as well as input we've received directly. We plan to continue offering relevant concurrent sessions for both novice and veteran ethics officials.

Because your ideas generate a significant number of the sessions held each year, we would like to solicit your input. Send us topics you would like to discuss, as well as suggestions for plenary speakers or sessions. We would also like to encourage you to take your ideas a step further and participate personally in the conference. It is guaranteed to be a rewarding experience. As always, the OGE conference staff are available to help you with

your planning should you need any assistance.

Let's make this second decade of conferences even better than the first. Please send your ideas via e-mail to Sheila Powers at [sapowers@oge.gov](mailto:sapowers@oge.gov). See also **DAEOgram DO-00-047** of December 28, 2000.



# Ethics News Briefs

## Technical Amendments Rulemaking:

Last fall, the Office of Government Ethics (OGE) published a set of final rule technical amendments to certain of its executive branchwide regulations. In part of that rulemaking, OGE amended the 5 C.F.R. part 2634 financial disclosure regulation to add the higher categories for reporting assets, income, transactions and liabilities over \$1,000,000 in value, and to increase the reporting thresholds for gifts and reimbursements to "more than \$260" for the aggregation level and "\$104 or less" for the de minimis exception. Similarly, OGE raised the nonsponsor widely attended gathering gift exception ceiling in 5 C.F.R. § 2635.204(g) to \$260. See OGE [DAEOgram DO-00-045](#) of Nov. 28, 2000 and [65 Federal Register 69655-69657](#) (Nov. 20, 2000), effective upon publication (except for the gifts/reimbursements thresholds revisions which were retroactively effective to Jan. 1, 1999).

## Fall 2000 OGE Semiannual Regulatory Agenda:

OGE published its semiannual regulatory agenda for last fall at [65 Federal Register 74701-74708](#) (part XXXV) (Nov. 30, 2000). OGE's agenda, which is part of the executive branch Unified Agenda of



Federal Regulatory and Deregulatory Actions, provides an updated listing of the various OGE rulemakings under development.

## Update to Agency Supplemental Standards Rulemakings:

With OGE's concurrence and co-signature, the following agencies have issued, for codification in title 5 of the Code of Federal Regulations, final rule supplemental standards of ethical conduct for their employees:

- Department of Agriculture final supplemental standards. See [65 Federal Register 58635-58640](#) (Oct. 2, 2000), effective upon publication.
- Department of the Treasury final supplemental standards amendments. See [66 Federal Register 8505-8507](#) (Feb. 1, 2001), effective upon publication.

## Nominate a Distinguished Ethics Official

Each September for the last four years, OGE has presented a Distinguished Service Award at the Annual Government Ethics Conference. The award winner is selected by OGE's senior staff. Last year's winner was Donnell Nantkes, the Alternate DAEO at EPA who recently retired. Once again, we would like to solicit nominations from the ethics community for this award.

To qualify, the nominee should have rendered distinguished service to the executive branch ethics program for several years. This includes not only managing or assisting in the management of a successful agency ethics program, but also contributing time and effort to the overall executive branch ethics program.

Please send your nomination and justification for this award to the Director of OGE by July 1, 2001. While there is no specific format for the justification, we ask that it not exceed two pages. Please include your name and telephone number so that we may contact you for more information, if necessary. Your nomination and justification will be considered when OGE's senior staff convenes to discuss nominees and select the recipient of this year's Distinguished Service Award in late summer.

If you have any questions, contact Jack Covalleski at 202-208-8000, extension 1120.

## New 2000 Edition of the SF 278 Public Financial Disclosure Report Available for Ordering from GSA and on OGE's Web Site:

The new 2000 edition of the SF 278 Executive Branch Personnel Public Financial Disclosure Report is available for ordering, in packages of 25, by departments and agencies nationwide from the General Services Administration (GSA) Customer Supply Centers and the [GSA Advantage!](#) Web site. OGE has also placed two fillable versions, along with a printable blank template, of the new SF 278 in the [OGE Forms, Publications & Other Ethics Documents](#) section of its new Web site. Note that this form must be printed out once completed and manually signed before filing. Prior editions of the SF 278 have now been superseded. See [OGE DAEOgrams DO-00-042 & DO-00-046](#) of Nov. 15, 2000 & Dec. 19, 2000, respectively.

## The Survey Results Are In

OGE is pleased to issue the results of the *Executive Branch Employee Ethics Survey 2000*. Arthur Andersen developed and conducted the survey for OGE and prepared the report. The survey had two primary purposes. The first was to assess the effectiveness of the executive branch ethics program, from an employee perspective. The second was to assess executive branch ethical culture.

Some key findings from the final report include, among others: while employees are generally aware of the ethics program and are familiar with ethics resources, there is decidedly room for improvement in raising employee awareness; employees report that over-all, in-person, instructor-led training is the most effective; and finally, agency leadership's active role in the promotion of an agency's ethics program may be critical to program success. The [entire report](#), the [survey instrument](#) used, and the [DAEOgram summarizing key findings and recommendations](#), are all available on our new Web site. See [DAEOgram DO-01-007](#) of March 13, 2001.

# Community News

Periodically the Government ethics community experiences a spate of personnel changes due to retirements, transfers and general attrition. This is one of those periods. The Newsgram is happy to keep the community informed of these changes as we become aware of them.

Please contact your Desk Officer with information concerning any changes in your ethics program or staff.

## Retirements

Dave Ream retired in August of 2000, after 20 years of managing the ethics program at the Department of Defense (DOD).

Bill Osteen, DAEO at the Tennessee Valley Authority for 11 years, retired in December of 2000.

February 2001 saw three ethics officials' retirements:

Don Nantkes, Alternate DAEO at the EPA, retired after 21 years of service in ethics. Don received OGE's Distinguished Service Award at the Annual Government Ethics Conference in Philadelphia last September.

Hank Booth, Alternate DAEO at the Department of the Treasury, also retired in February, having served the Treasury's ethics program since 1991. Hank began his ethics career with the Coast Guard, sailed on to the Federal Aviation Administration's ethics program, and

made his final landing in the ethics program at Treasury in 1991.

Our third February retiree, Lola Secora, retired from the Broadcasting Board of Governors after serving as the Alternate DAEO there for the past two years.



Finally OGE's own Jo Lee Hazelwood retired March 23, 2001 after some eight years of service with OGE. She moved with her husband to Tucson, AZ and hopes to expand her quilting business there.

We extend our very best wishes to all our retirees who gave so many years of outstanding service to the executive branch ethics program.

## Other Personnel Changes

Larry Noble has left the Federal Election Commission (FEC) after 24 years of service (14 of those serving as DAEO). He is now the Executive Director and General Counsel of the

Center for Responsive Politics here in Washington, DC.

Kim Bright has also left the FEC after 21 years of service (14 of those serving as Alternate DAEO). Kim is now the Deputy Associate General Counsel for Program Litigation at the Social Security Administration in Woodlawn, MD.

Holli Beckerman-Jaffe has left the ethics program at the Pension Benefit Guaranty Corporation to continue her work in ethics at the Department of Housing and Urban Development.

Jeff Green was recruited from the Veterans Administration ethics program to assist Steve Epstein in the DOD Standards of Conduct Office.

Robin Clay, another DOD ethics official, accepted an ethics position at the National Science Foundation.

OGE is delighted to welcome Sandy Mabry to our staff in the Education and Program Services Division. Sandy joined us in November after 22 years of service with the US International Trade Commission, where she spent the last 20 years working in ethics as an Ethics Assistant to the DAEO and Deputy DAEO.

Finally, OGE's Robert "Moose" Cobb has left OGE, after nearly nine years of service, to serve as Associate Counsel to the President in the White House Counsel's Office.

Best of luck to all in their new positions!

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