

OFFICE OF LEGAL AFFAIRS

**To:** William Sulik, Office of Compliance and Enforcement  
**From:** Dawn M. Browning, Assistant General Counsel  
**Date:** 06/18/01  
**Subject:** Inquiry Regarding 45 C.F.R. § 1608.4(a)  
**cc:** Vic Fortuno, General Counsel  
Danilo Cardona, Director, Office of Compliance and Enforcement

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On December 14, 2000, you inquired of the Office of Legal Affairs whether it would violate 45 C.F.R. §1608.4(a) for an employee of a recipient who was running for re-election for public office to list his/her employer as “[name of recipient] Legal Aid Society.” Section 1608.4(a) prohibits an employee of a recipient from intentionally identifying the Corporation or a recipient with any partisan or nonpartisan political activity, or with the campaign of any candidate for public or party office.

By way of background, you indicated that the employee relevant to this inquiry is not a “staff attorney” as defined by the LSC Regulations, and he was already an elected official at the time he was hired, so his current re-election campaign does not implicate violations of other sections of Part 1608, such as §1608.5(c).

The answer to your inquiry is that it is *not* a violation of §1608.4(a) for a candidate to merely identify himself/herself as an employee of a particular recipient. I am attaching for your review a copy of an Office of General Counsel opinion issued to Douglas Rogers, Executive Director of the Legal Aid Society of Columbus, on September 11, 1981, which directly answers your question. The opinion states that while

It would be improper, for example, for an employee to state or imply, by words, pictures, or otherwise, that the Corporation or a program endorses particular political views or candidates[,] . . . a candidate may properly indicate that he or she is employed by a program where such information is intended to provide the electorate with basic background information on the candidate.

I hope this information adequately answers your inquiry. If you need any further assistance with respect to this issue, please do not hesitate to contact us.