



# Forest Service Ethics Newsletter



FALL 2011

## It's CFC Season—What Supervisors Need to Know.

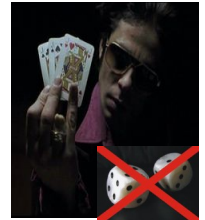
### Supervisors *May Not*:

- Personally solicit subordinates;
- Inquire regarding an employee's participation;
- Publicize an employee's donation;
- Develop non-contributor lists;
- Provide & use contributor lists other than for routine forwarding of contributions; or
- Establish percentage, personal dollar goals or quotas; or
- Use incentive awards, or other monetary awards to reward employee donations or participation; or

### Supervisors *May*:

- Make information and pledge materials available;
- Post publicity materials and announce events;
- Post amounts raised in office or organization; and
- Establish Agency or Region Goals

### CFC NO NO's



### General CFC Rules:

- Thou shalt not conduct a CFC Special Event (raffle, auction, bake sale, etc.) without first obtaining review and approval by the appropriate ethics office (FSEB or SEB).
- Thou shalt not solicit CFC donations from outside the government (i.e., soliciting a gift certificate to the Olive Garden for gift basket or silent auction).
- Thou shalt not use appropriated funds for event decorations, refreshments, and/or prizes at CFC Special Events.
- Thou shalt not have prizes which **exceed \$100.00** in value
- Thou shalt not have CFC events for the benefit of a **specific charity** (you may ask your local CFC to select several charities of their choosing in a certain area [i.e., children's charities] to come and give presentations).
- Thou shalt not have a CFC event that involves **gambling** (i.e., where you have employees donate \$\$ in exchange for a chance to win a prize). Note however, if no purchase/donation is necessary to be entered in the drawing (a fact prominently displayed on event signage) such an event may be approved.

### Special Points of Interest:

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**Misadventures in Ethics: (You Might be Violating the Ethics Rules if...)**

**Department of Labor Hiring Boondoggle leads to Resignation of Assistant Secretary.**

July 28, 2011

The *Washington Post* [reports](#) on the resignation of a VA official after an [IG report](#) substantiated violations of federal ethics and procurement rules. Here's an excerpt from the *Post* story:

*"The report said the hat VA Official and his deputy, "abused their authority" by "coercing" employees into awarding contracts to a management consultant who was a former colleague of the VA official.*

*The consultant, a human resources and management consultant who was paid as much as \$275 an hour, received approximately \$700,000 over a 16-month period for services **that could have been secured at a much lower cost through open competition**, according to the report. The services included advice on the proper color scheme for offices. ...*

*This is the kind of boondoggle that taxpayers have every right to expect would come to a screeching halt," said Sen. Claire McCaskill (D-Mo.), who in December requested the inspector general investigate whistleblowers' allegations."*



**Don't get "axed" by the Hatch Act!**

A National Institutes of Health (NIH) employee solicited, via government email, political contributions and invited 63 people, including other NIH employees, to a political fundraiser at her home in Bowie, Maryland.

The Hatch Act prohibits federal employees from knowingly soliciting, accepting, or receiving political contributions.

Because she engaged in these activities in her office and used her government email account, the judge also found the employee violated the Act's prohibitions against engaging in political activity while on duty and in the federal workplace.

Further, she violated the Act when she made an online political contribution using her government computer while on duty and in her NIH (government) office.

**Takeaway:** Leave politics out of the federal workplace and never solicit, accept, or receive political contributions.



*"CHARACTER IS DOING THE RIGHT THING WHEN NO-ONE IS WATCHING."*

**Postal Employee Tries to Use "Jedi-mind-trick" on Board of Governors in Land Deal.**

A Former Postal Service Governor resigned on 5 August 2011 after allegedly being involved in an attempt to thwart a Postal Service property transaction which would have cost a friend and associate millions of dollars.

In the late 80's the Postal Service entered into a long term lease with property owners Post Office Associates (POA) for a Post Office and vehicle maintenance facility. The Postal Service Governor's long time friend and former client and his family were part owners of POA (The friend was also listed as POA's legal representative). The Postal Service Governor also had a financial interest in a non profit group headed by his friend.

At the time of the lease the property was valued at \$575,000. The lease held a provision that the Postal Service could purchase the property from POA for \$825,000 before the expiration of the lease term. With the value of the property in 2008 being approximately 12 million dollars POA stood to lose several million dollars.

Click on the links below to get the full story.

To read the entire IG report ([CLICK HERE](#)) the relevant facts start on page 6.

To read the full News Article: ([CLICK HERE](#))

**Applicable Rules:**

[5 C.F.R. 2635.702—Using Public Office for Private Gain; 18 U.S.C. §208].



## Ask Abby the Ethics Hound (*Tracking Down the Answers to your Ethics Questions*)



Abby The Ethics Hound

**Question—Abby, can a government employee violate the ethics rules if s/he does not accept any money (compensation).**

**Answer:** Good question! The answer is YES! The common refrain that we hear from the field is **“There cannot be a conflict—I did not even receive compensation”**. Gentle readers I am here to tell you believing this previous statement can prove detrimental to your employment.

Compensation is not a required component of many of the ethics rules. **Let’s consider a few examples:**

**18 U.S.C. § 205: Representation of Others without Compensation.** You may not try to influence any Federal agency or court on behalf of anyone else concerning certain kinds of matters — like contracts, grants, or lawsuits — if you worked on those same matters during your Government service. You do not have to be a “lobbyist” to be affected by the law, and you may be affected even if you are working for a good cause or are not being paid for your work. Specifically, you may not make an appearance or oral or written communication back to the Government on behalf of a non-federal entity.

**Example:** Marcy May, a USDA Forest Service employee, is the Vice President for the Friends of the Pacific Coast National Forest (FOPCNF), an uncompensated position which she holds in her personal capacity. Marcy is an expert webmaster and is in the process of revamping the FOPCNF website. One of the new pages contains FOPCNF membership and donation information along with prominently displaying the logos of the organizations partners (which includes the Forest Service and uses the Forest Service insignia). FOPCNF has a partnership agreement with USDA Forest Service on a joint project. Use of the Forest Service insignia is permissible in certain situations. However upon review of Marcy’s submission of the website to Forest Service Office of Communications and the Forest Service Ethics Branch, it was determined that using the Forest Service insignia on the organizations donation/membership page created the appearance that the agency was endorsing the NFE and its activities as well as soliciting funds on its behalf of a NFE. In response, Marcy promptly calls both offices to **“advocate”** why the insignia should be able to stay on the membership page. Marcy is violating section 205 by representing the FOPCNFF to a Federal Agency with the intent to influence the Agencies decision on the use of the insignia.



**18 U.S.C. § 207 Post Government Employment Restrictions.** You may not try to influence any Federal agency or court on behalf of anyone else (including a new employer) concerning certain kinds of matters — like contracts, grants, or lawsuits — if you worked on those same matters or supervised others who worked on those matters during your Government service. The purpose of the rule is to prevent employees from switching sides and utilizing their former ties and relationships within the agency to obtain a favorable result for their new employer or clients. Based on your position and your involvement in the particular matter, the restriction may last one year, two years or the lifetime of the matter. None of the restrictions of section 207 prohibit you from accepting employment with any particular private or public employer. Rather, section 207 prohibits you from making an appearance or oral or written communication back to the Government on behalf of a non-federal entity.

**Example:** Two months after retiring from a GS-11 employee position at the USDA Forest Service, the former employee is asked to represent, without compensation, a non-profit organization, Wildlife U.S.A., in a compliance matter involving the organization’s conservation practices on a National Forest where the organization has a special use permit. Despite the fact she is not being compensated, the former employee may not represent Wildlife U.S.A. before a USDA employee in connection with the compliance matter because the former employee was personally and substantially involved in approving their special use permit while employed with the government.

**18 U.S. C. § 208 Conflicting Financial Interests.** You may not participate personally and substantially in any particular matter that has a direct and predictable effect on your financial interests or those of any other person whose interests are imputed to you, including your spouse; your minor children; any general partner; any organization in which you serve as officer, director, trustee, general partner or employee; and any person or organization with which you are negotiating or have an arrangement concerning prospective employment.

**Example:** A newly appointed employee of the Department of Housing and Urban Development (HUD) is a general partner with three former business associates in a partnership that owns a travel agency. The employee knows that his three general partners are also partners in another partnership that owns a HUD-subsidized housing project. Unless he receives a waiver pursuant to 18 U.S.C. 208(b)(1) permitting him to act, the employee must disqualify himself from particular matters involving the HUD-subsidized project which his general partners own.

**Ask Abby (Cont)**

**Question:** Hey, Abby, I am going to retire from the government soon, is there anything I need to know about Post Government Employment (PGE)? Do you offer any materials or training?

**ANSWER: YES**, the Forest Service Ethics Branch (FSEB) has a PGE Guide which provides a detailed overview of the rules and restrictions which may be applicable to you. [Click here](#) for a link to our “Forms” page, and look for our FSEB\_111\_PGE guide (*Intranet—accessible from FS machines only*).

With regards to PGE training we currently have training in development and will offer it at some point this fall. Look for email updates. Also, don't forget that government employees are entitled to ethics advice on PGE matters even after they retire.

Send us your Ethics Questions at [FSEthics@dm.usda.gov](mailto:FSEthics@dm.usda.gov)



## FSEB TRAINING CORNER

We at FSEB believe that training is a proactive means to keep federal employees out of trouble. FSEB will be offering monthly training in several venues in the hope that making ethics training more available will allow all of you to partake. Our training will meet a new employee's requirement for training and an annual filer's training requirement. We also offer tailored ethics training to any unit interested in a specific area of ethics. So mark your calendars!

December 8, 2011	Tis the Season (To Know the Holiday Ethics Rules)	E-Meeting (LIVE From Yates)	1:30—3:00
January 10, 2012	OGE-450/Confidential Filer Training	E-Meeting	12:00 to 3:30
January 24, 2012-	Post Government Employment (PGE)	E-Meeting	1:30 to 3:00
February 2, 2012	OGE-450/Confidential Filer Training	E-Meeting & Live From Yates	2:30 to 3:30

\*\*All Times are Eastern Standard Time

**Per USDA Designated Agency Ethics Official (DAEO) direction, and in accordance with 5 C.F.R. § 2638, all ethics training (with the exception of AGLEARN Training Modules) MUST be conducted by a qualified ethics advisor/instructor. (Thankfully, Jack and Rainee are two such qualified individuals).**

To arrange individualized training or ask general questions please send an email to [FSEthics@dm.usda.gov](mailto:FSEthics@dm.usda.gov)



**You Know Rock—With the Forest Service Ethics Branch, training doesn't have to be painful!**

## FOREST SERVICE ETHICS BRANCH:

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### FSEB Intranet Website (Forms and More):

<http://fsweb.asc.fs.fed.us/HRM/ethics/policy.php>

Don't Forget the USDA Office of Ethics [Website](#)

Send us your Ethics Questions and Training Requests at:  
[FSEthics@dm.usda.gov](mailto:FSEthics@dm.usda.gov)

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### Science Ethics Branch Website:

<http://www.usda-ethics.net/science/topic-index/index.htm>

Send us an email at: [Science-Ethics@dm.usda.gov](mailto:Science-Ethics@dm.usda.gov)

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