

# ethics COMPASS



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## Ethics in the News

# THE PERMANENT SPECIAL COUNSEL

The recent appointment of a Special Counsel provides an opportunity to highlight the lesser-known role of the permanent Special Counsel in the Office of Special Counsel (OSC), an independent federal agency housed within the Department of Justice.

As longtime Federal employees (and new employees who paid attention during ethics training) know, in order to help bolster public confidence in the impartiality of the Federal Government, regardless of which party is in power, some

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limitations are placed on the political activities of Federal employees under a law called the Hatch Act. This law bars employees from engaging in political activities during duty hours and on Government premises or by using Government resources; it even limits some conduct when off-duty.

To ensure that these laws are applied impartially, the Special Counsel that heads OSC is responsible for investi-

gating allegations of violations of the Hatch Act and taking disciplinary actions when appropriate. Similarly, OSC is responsible for protecting the rights of whistleblowers—employees who report wrongdoing by other employees—and enforcing rules against Prohibited Personnel Practices. Federal employees, including all Commerce employees, are under the jurisdiction of the permanent Special Counsel.

## JUNE REMINDERS

- **FEB. 15** was the deadline to file a Form 450 Confidential Financial Disclosure Report; if you have not filed your report, please do so **immediately!**
- New employees have **3 months** to complete ethics training
- Form 278 Filers must file transaction reports within **30 DAYS** of the sale or purchase of securities
- Form 278 Filers must file written notice within **3 DAYS** of beginning non-Federal employment negotiations

## An Ethics Sonnet

Shall I list thine personal relationships?  
 Thine bonds art quite varied and disparate.  
 Omitting thine acquaintance and friendships,  
 Only these "covered" recusal shall merit:  
 Household members around thy door peaking,  
 Close relations not dwelling in thine house,  
 Those with whom employment thine is seeking,  
 Employers of thine parents, children, spouse:  
 Groups with whom thine art person'ly involved,  
 For these bonds, thine recusal thou ow'st,  
 With whom thine employment hast since dissolved,  
 Whilst performing one's work thine anxiety grow'st:  
 Thou hast conflicts with associations or kin,  
 Yet thine struggles art cured by authorization.

## Ethics Spotlight: PERSONAL CONFLICTS

When you are assigned to a task focused on a particular person or organization in which you have a close business or personal relationship, it creates a conflict because members of the public may question your impartiality. Ethics rules, however, cover only *some* personal and business relationships, known as "covered relationships" (see sonnet list, left). In addition to looking to whether a covered relationship is present, other factors are considered when determining whether an actual personal conflict exists, that is, whether your partici-

tion would be perceived by the public as affecting your impartiality in carrying out your Government duties. If so, two paths emerge: 1) disqualify/recuse yourself from working on any matter in which an appearance of bias is likely because of the relationship, or 2) obtain an authorization under 5 C.F.R. 2635.502, which may be granted if your agency's need for your participation outweighs appearance of loss of impartiality. Nevertheless, let your instincts guide you—if you think you may have a conflict, contact the Ethics office.

## Ask Ethicina

Dear Ethicina,

I have been assigned to write evaluations of two grant applications, one of which is from my brother-in-law on behalf of the sketchy non-profit he works for. Is it ethical to pass on my low opinion of him and his organization? (I'll write a glowing report about the other applicant—a university I worked for until last month; it's a great place and deserves the grant.)



Sincerely,  
Worried-About-Wife's-Reaction-  
If-She-Finds-Out

*You'll be happy to learn that ethics rules will solve your dilemma. Ethics rules bar you from working (including by giving advice) on any matter in which one of the parties is—or is represented by—someone with whom you have a "covered relationship." This includes, among others, close relatives (and, yes, in-laws count) and recent former employers. So let your boss know you can't write an evaluation of either grant application.*

*(Incidentally, the rule exists to avoid employee bias, although the assumption was that the bias would be in favor of a relative.)*

## Critic's Corner: House of Cards



The online series "House of Cards" is filled with instances of Federal employees in both the Executive and Legislative branches engaging in dubious behavior. Season 3 finds former hacker Gavin Orsay working for the FBI as part of a deal to avoid prosecution for his illegal cyber activities. Gavin also reluctantly agreed to have his passport cancelled, restricting his ability to travel outside

the United States. Former Chief of Staff Doug Stamper enlists Gavin to use the powerful tools available to him at the FBI to track down a character that Doug had previous interactions with. In return, Doug offers to use his connections to lift the restrictions on Gavin's passport. Gavin accepts and, in a substantial breach of ethics regulations and anti-bribery laws, uses FBI tools to track down Doug's target in exchange for his passport being reinstated. Because the anti-bribery laws apply to both the giver and the recipient of the bribe, Doug was also guilty of violating the anti-bribery laws.

### OFFICE OF THE MONTH:

## REAL PROPERTY AND ENVIRONMENTAL LAW DIVISION

Space (in buildings or on land) that we occupy to perform our jobs in offices, facilities, laboratories, hangars, piers, and warehouses, and to host the supercomputers and technical and scientific equipment critical to the successes of our missions, has become increasingly important as the Government takes actions to reduce its footprint and costs. Lynn Flanagan and staff of the Real Property and Environmental Law Division ([RPELD](#)), part of [OGC/ADTRAX](#), provide advice to Departmental offices and operating units on real property policies and transactions to ensure that the Department's transactions comply with applicable laws, regulations and policies and make good business sense. RPELD also provides assistance in matters related to safety, security, sustainability, environmental compliance, resiliency, and energy.

### Ethics questions?

Contact the Ethics Attorney of the Day:  
[EthicsDivision@doc.gov](mailto:EthicsDivision@doc.gov) or 202-482-5384



Blue & Zeke now realize that they have a "covered relationship" as part of the same litter.

### Pets of the Month

## ETHICAL ANIMALS

These diligently ethical animals live with **Josephine Arnold, Chief Counsel for the Minority Business Development Agency (MBDA).**

**We want to see your pets!**  
Please submit photos of your pet's adorably good or bad behavior by emailing us [here](#).



Josephine gave Blue & Zeke this food, but because it is a gift based on their personal relationship, they may accept.