



Forest Service Ethics Newsletter



Spring 2011

Special Points of Interest:

- **New Travel Guidance!**
- **Misadventures in Ethics**
- **New Staff!**
- **Serving on Boards**

Inside This Issue:

- [Gift Solicitation](#) 2
- [Misadventures in Ethics](#) 3
- [The FSEB Training Corner](#) 5
- [New Ethics Staff!](#) 6
- [Gambling on Government Property](#) 8
- [Ask Abby the Ethics Hound](#) 10
- [Office Contact Information](#) 12

NEW Travel Guidance Letter

The Forest Service has a new travel policy including travel form submission deadlines.

Effective immediately, before accepting any unsolicited offer to pay for employees travel expenses, offered by a Non-Federal Source, the employee must first receive both an ethics review and supervisory approval.

The approval procedure is as follows:

1. Complete Form AD-1101 (Approval and Report of Travel Funds Received from Non Federal Sources)

2. Complete Conflict of Interest Analysis Under 41 C.F.R. § 304-1.5 Form (items 1-7)

3. Submit forms to supervisor/approving official for approval and comment.

4. Obtain a copy of the written invitation.

5. Prepare a draft acceptance letter.

6. Submit 1-5 above to the appropriate ethics office for review.

7. Once the travel has been reviewed and approved by an ethics advisor, your approving official may send the acceptance letter to the



sponsor of the travel.

IMPORTANT NOTE:

Forms must be submitted **AT LEAST 30 days** before domestic Travel and **60 days** before Foreign Travel.

FORMS AVAILABLE AT:

Forest Service Ethics Branch:

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

Science Ethics Branch

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

OK...So To Whom Do I Submit My Travel Request Forms???

TO: The Forest Service Ethics Branch (FSEB) for all career Forest Service employees except the groups listed below:

The **Science Ethics Branch** processes the requests for the following groups:

- International Institute for Tropical Forestry
- Rocky Mountain Research Station

- Southern Research Station
- Northern Research Lab
- Forest Products Lab
- Pacific Northwest Research Station
- Pacific Southwest Research Station
- Washington R&D Deputy Area

REMEMBER: Federal Employees Can NEVER Solicit Gifts:

GENERAL GIFTS

FAQ 1: My supervisor’s home was destroyed by the recent forest fire, can I call Home Depot and ask them to help out with donations to rebuild my supervisor’s home?

Answer: NO, although you would not be receiving a direct benefit, under 5 CFR § 2635.203(f)(2), it is impermissible to request something of value to be given to another person and/or charity. Additionally, this solicitation could also be viewed as an impermissible gift from a subordinate to a supervisor.

FAQ 2: I am a District Ranger and am the scoutmaster for my son’s troop. My wife called Wal-Mart, told them that I was the local District Ranger and the scoutmaster for Troop 9 and asked for camping donations for our annual camping trip. WAL-MART generously donated tents, sleeping bags, and supplies. May I accept?

Answer: NO, Wal-Mart gave the GIFTS to your wife because of her relationship to you under 5 CFR § 2635.203(f) (1). Also, under any gift given to a charity directed by you or your family (parent, sibling, spouse, child, or dependent relative) under these circumstances is impermissible.

GIFTS OF TRAVEL

FAQ 3: My Travel budget has been cut, what should I say when a non-federal entity asks me travel to a conference?

Answer: You can respond factually that, due to cuts in your travel budget you would have to decline the invitation, then remain silent. The outside entity can then decide, whether to end the call or offer travel reimbursements



Know Your Forest Service Ethics Branch (FSEB) Deadlines



Gifts of Travel—Domestic.....30 Days Prior To Travel

Gifts of Travel—Foreign.....60 Days Prior To Travel

Combined Federal Campaign Event Review....Submitted 15 working days before planned event

Post Government Employment Opinions....30 days from the receipt of Complete Questionnaire

Approval of Outside Activity or Employment...30 days to review, once granted is Valid for 3 Years

Renewal of Outside Employment Approval....Submitted 30 days before expiration of current approval

ANNUALLY

Confidential Financial Disclosure Report (OGE 450)....Due to FSEB by 15 February
Unless an extension is granted

Completion of Annual Training by 450 Filers....Must be completed by 30 June

MISADVENTURES IN ETHICS: (Six Ways You Can Lose Your Job)

Federal Employee Convicted of Conflict of Interest Violation While Searching for New Job.

Job-hunting efforts by a former Commerce Department Inspector General (IG) turned up a Federal conviction for a conflict of interest, instead of a job.

As part of the former IG's official duties, he reviewed the performance of Litton PRC Inc., which had contracted with the Commerce Department to update automated weather forecasting systems. At the same time that he was performing these oversight duties, the former official began negotiating employment with Litton PRC.

A Federal criminal statute, 18 U.S.C. § 208, prohibits Federal employees from officially working on particular matters that have a direct and predictable effect on an organization with which they are negotiating prospective employment. The former employee could be sentenced to a maximum of a year in prison and a \$100,000 fine.

Recommendation: Call your ethics counselor before contacting prospective employers.



Forest Service Day-Trader to Arby's Order-Filler:

There was a network outage at one of the Forest Service Facilities. An employee, who was apparently trading stock on the Internet, was not able to get online to do some essential trading that involved a large amount of stock.



Due to the outage he was unable to make the transaction and lost a sizeable amount of money. He sent an email to his supervisor contending that USDA was liable for his financial loss due to the network outage which prevented him from trading and protecting his investment. The supervisor responded reminding him that the use of the Agency's computer for day-trading was prohibited. The employee continued to send emails to the supervisor stating his intention to hold the Agency liable. The matter was referred to the Employee Relations Staff and an investigation was conducted. It turned out that for the past year the employee had spent approximately 40% of his day on the computer managing his portfolio. He was appropriately terminated from federal service and took a position with the local Arby's.

"What do you mean, I can't sell real estate at work?!"

A Federal employee, who had a second career as a realtor, printed her Federal Agency phone number on her realtor business card. When she answered her phone at her Government workplace, she announced her office as "J&B Real Estate." When advised that she could not use her Government office for her commercial business, she left Federal service.



Sections 5 C.F.R. §2635.704 and 705 of the Standards of Ethical Conduct for Employees of the Executive Branch bar the use of Government property and resources, as well as official time, for unauthorized activities (such as conducting a private business venture).

MISADVENTURES IN ETHICS: *(Continued)*

A Broken Ethical Compass Leads to Acceptance of a Scottish Golf Trip Via Private Jet:

A then Chief of Staff for the Administrator of the General Services Administration (GSA), along with a number of other government officials and lobbyists, was invited to attend a social golf outing in Scotland by lobbyist Jack Abramoff. He was told that private jet service would be provided. On the trip, attendees visited a number of hotels, played a number of rounds of golf, and shared drinks and meals, most of which were paid for by Abramoff.

The GSA Chief of Staff was convicted on 4 charges related to the trip and false statements he made. On October 16, 2009, he was sentenced to one year in prison and two years of supervised release. He is currently out on bond pending his appeal.

Government Employee Works Himself Out of a Job:

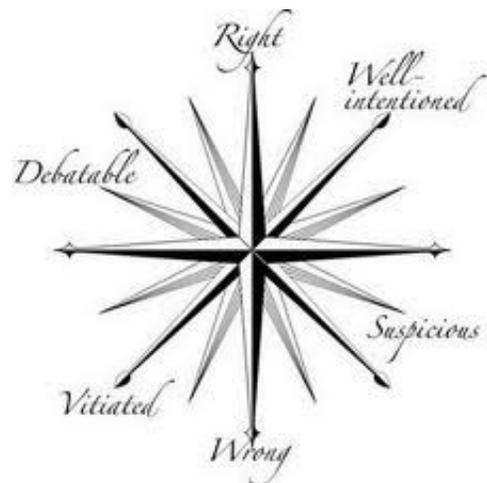
On February 4, 2002, the U.S. Merit Systems Protection Board sustained the removal of an employee for operating a financial planning business on government time using government resources. **A computer specialist, was removed because he used the agency's computer, equipment, telephones, envelopes, and e-mail system to operate his personal business while on official government time.**

He was spending an average of three hours per day on personal business, and did so despite warnings not to engage in such misconduct. A search of the employee's computer disk disclosed at least 3,378 files on the hard drive that were unrelated to government business and 14 of 21 floppy disks in his work area contained files related to non-agency activities. In one e-mail message, he stated that he had put in 50 hours for his personal business during one week, but none for the agency.



Prohibition against "Switching Sides" and "Representing Back" to the Government:

A District Ranger granted grazing permits to the Two Drag and Bar T ranches. Soon after the District Ranger retired. Quickly becoming bored with retired life the **District Ranger started a consulting business and began representing Two Drag and Bar T on the very same grazing permits to the Federal Government.** A severe thunderstorm passed through the district washing out the access roads to the grazing areas for both Two Drag and Bar T ranches. The retired District Ranger called the district on behalf of the ranches and requested to speak to the new District Ranger hoping to influence him and his staff to clear and restore access for his clients. The retired District Ranger has violated title 18 U.S.C. § 207 because the former employee cannot represent Two Drag and Bar T to the Federal Government on the very same grazing permits the District Ranger granted Two Drag and Bar T on behalf of the Federal Government.



Confidential Financial Disclosure Report (OGE Form 450) Notices:

- Annual Filers OGE 450 forms are due NO LATER THAN **February 15 Annually***. (A filer, for “good cause shown” may request an extension)
- Filers Must Complete Annual Training No Later Than **30 June Annually**.
- All Filers and their supervisors should have received an email notifying them of the filing deadline.
- A new OGE 450 Guidance Letter will be coming out in Spring 2011.
- The Guidance letter explains who are mandatory filers, training requirements and dates, appealing the requirement to file, post-government employment rules, and penalties for not filing.



THE 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 hopes that making ethics training more available will allow all of you to partake. Our training will meet a new employees requirement for training and an annual Confidential Financial Disclosure (OGE-450) filers training requirement (in place of AGLEARN). *The training is available for all Forest Service employees.* **We also offer tailored ethics**

training to any unit interested in a specific area of ethics. So mark your calendars!

Date	Time	Location/Format	Topic
April 14	12:00 p.m. to 2:00 p.m.	E~Meeting	Conflicts and Invitations from Outside Sources
April 27	2:00 p.m. to 3:30 p.m.	Live -Yates Training Rm	“ “ “
May 17	12:00 p.m. to 2:00 p.m.	E~Meeting	“ “ “
June 14	12:00 p.m. to 2:00 p.m.	E~Meeting	Hatch Act
June 30	2:00 p.m. to 3:30 p.m.	Live -Yates Training Rm	Hatch Act

**All Times are Eastern Standard Time

For Questions or to arrange individualized training or training via VTC please send an email to: FSEthics@dm.usda.gov

MEET OUR STAFF:

INTRODUCING THE NEW USDA DESIGNATED AGENCY ETHICS OFFICIAL (DAEO) STUART BENDER

Mr. Stuart Bender joined the USDA Office of Ethics as its Director and DAEO in June of 2010. Mr. Bender has had over 23 years of Federal service. In his immediate prior position, he served as the Assistant General Counsel and the Designated Agency Ethics Official (DAEO) for the Office of Management and Budget (OMB), Executive Office of the President. As OMB's DAEO, Mr. Bender oversaw OMB's Ethics Program. Prior to his work at OMB, Mr. Bender was the Legal Counsel and Ethics Counsel for the United States Holocaust Memorial Museum. During his 10 years with the Museum, he established the Museum's Legal Division and Ethics Program. Mr. Bender also served as an Assistant General Counsel and the Alternate Designated Agency Ethics Official in the Office of Administration, Executive Office of the President.

Mr. Bender's e-mail address is: Stuart.Bender@dm.usda.gov

Jack Edward Fisher: Forest Service Ethics Specialist

Jack Edward Fisher joined the Forest Service Ethics Branch on June 21 2010. Jack, an attorney licensed in the District of Columbia and New York State, comes to the Forest Service from private practice in the Finger-Lakes region of New York State.

Jack previously served as a Judge Advocate in the Marine Corps. Captain Fisher held positions as Senior Legal Assistance Attorney and Civil Law Section Head and Base Ethics Attorney for the Office of the Staff Judge Advocate, Marine Corps Base Camp Lejeune.

Jack earned his Bachelor of Arts in Political Science from Syracuse University in 1997 and his Juris Doctorate from Thomas Jefferson School of Law in San Diego, Ca in 2002. He is a native of the Finger-Lakes Region of Western New York State.

Intern's Continue to Support Forest Service Ethics Branch (FSEB) Efforts:

The FSEB would like to first thank Miss Tiffany Long, a rising junior at The College of the District of Columbia for her efforts in our office this past summer.

The office would also like to thank Mr. Eric Dyson, a Job Corps intern (who began working in our office on 16 August 2010), for his efforts and wish him the best with all his future endeavors.

Special Thanks:

Tina Hunter, Ethics Detailee:

The FSEB team would like to give special thanks to Tina who came aboard in late 2010 as a detailee from ARS/Beltsville, MD.

Despite making a long commute from Baltimore to the Arlington office each day, her initiative, enthusiasm, and work ethic lead to the completion or advancement of several projects integral to our office.

We wish her well in all of her future endeavors.

Bobbie Salone: FSEB Ethics Assistant.



Bobbie Salone currently serves as the Ethics Assistant for the Forest Service Ethics Branch. She has worked for USDA, Office of Ethics since March 8, 2009. Prior to this position she worked for the US Forest Service as a Training Assistant for the Center of Learning.

MEET OUR STAFF:

INTRODUCING FOREST SERVICE ETHIC'S NEW BRANCH CHIEF, LORRAINE "RAINEE" A. LUCIANO

Rainee joined the USDA on 29 March and officially took over as Branch Chief of the Forest Service Ethics Branch on 13 April 2010. Rainee comes to the USDA after completing 13 years with the U. S. Navy as a Judge Advocate (JAG) (military attorney).

She accepted her commission as an Ensign in the U.S. Navy in 1994 and began active duty in 1997. During her first tour she held positions as prosecutor, defense counsel, and Staff Judge Advocate (SJA) (which is the civilian equivalent to a general counsel).

Her next assignment took her to the Kingdom of Bahrain for a two year detail which required her to fly out to every carrier battle group deployed to the Arabian Sea.

Upon returning to the U.S., she served as an instructor at Naval Justice School (NJS) where she taught criminal law and trial advocacy to over 200 new Navy, Marine Corps, and U.S. Coast Guard JAGs. Following NJS, her next assignment took her to 16 countries bringing teams of attorneys who were subject matter experts in their field to present seminars on topics such as Combating Terrorism, Human Trafficking, Human Rights, Military Justice, and Rules of Engagement to military and civilian employees of Foreign Ministries of Defense and State.

In January 2007, Rainee was detailed to the Office of the Navy Judge Advocate General (OJAG), Administrative Law Division where she ran the Ethics and Standards of Conduct Branch for all Navy Military Personnel. During her time at Code 13, she completed a deployment to Iraq working with the Multi-National Corps - Iraq (MNC-I). This included serving as the advisor to Iraqi Ground Forces Command, which assigns U.S. military transition teams to the Iraqi Army units at the battalion, brigade, and division level. She trained over 1,000 U.S. transition team members necessitating numerous trips outside the wire of U.S. compounds.

Upon her return from deployment she managed OJAG's National Recruiting/Retention/Diversity Plan while stationed at the Navy Yard, Washington D.C. at OJAG Headquarters.

Lieutenant Commander Rainee Luciano separated from active duty February 2010 and continues her service in the Reserves.



© Scott Adams, Inc./Dist. by UFS, Inc.



All ethics problems need are ethics problems solvers.

**Don't Go 'Bust':
Gambling is Prohibited on Federal Property!**

41 C.F.R. § 102-74.395 prohibits the participation in games for money or other personal property, operating gambling devices, conducting a lottery or pool, or selling or purchasing numbers tickets undertaken by [agency] employees while on official duty, while on Government property, or while using Government property including Government computers and Government vehicles, unless the employee undertakes the activity as part of his or her official law enforcement duties.



Gambling is defined as any game of chance where the participant risks something of value for the chance to gain or win a prize. The most common forms include: Football Pools, Fantasy Football Leagues, and March Madness Basketball Pools.

So, for example, if a federal employee were to run a March Madness bracket where each participant were charged \$20 to participate (with the funds being used for a luncheon at the end of the season and trophies for the winners) this would be considered impermissible gambling in the federal workplace (and probably impermissible use of government time and resources as well).

Gambling violations can result in appropriate disciplinary actions.

The Federal Workplace is the Federal Workplace!

While everyone cannot seem to have enough Girl Scout Cookies or Tupperware, unfortunately neither are allowed to be sold in the federal workplace. Supervisors, due to their leadership role as managers, should be especially careful not to solicit their staff for the sale of such items.



Under Departmental Regulation §4070-735-001 (Employee Standards and Conduct) employees may not solicit for the sale of any article, or sell any article, including but not limited to candy or other items for schools or charities, kitchenware or other home furnishings, paper products, cosmetic products; or any other items whatsoever, in person or by distributing or posting literature, advertising material, or any other graphic matter, in or on Government-owned or leased property, or property occupied by USDA, unless authorized by law or regulation.



A Word About Sitting On the Boards (or as voting members) Of Outside Organizations



The Forest Service Ethics Branch (FSEB) has noted quite a few instances where Forest Service employees are serving on boards [or as voting members] of Non Federal Entities (NFE) in their official capacity (using their position/title, etc.).

This is problematic for several reasons. First, most states impose fiduciary obligations on board members meaning a Forest Service employee's official action as board member could carry with it potential legal liability to the agency. Second, such unauthorized service could be perceived or construed as government endorsement or sanction of the actions/activities of the NFE. Third, there exists a potential conflict of interest where matters of interest to the Agency and NFE overlap.

Owing to such issues, Official Capacity Service on a board (or as a voting member) of an NFE typically requires **express statutory authority**. A prime example of this is the National Forest Foundation where the Chief of the Forest Service is an ex officio non-voting member. The express statutory authority for this appointment comes from 16 U.S.C.A. § 583j-1(a) which expressly states that: "The Chief of the Forest Service shall be an ex officio nonvoting member of the Board [of the National Forest Foundation]". Other considerations are also considered by FSEB in determining whether Official Service or a Waiver is appropriate.

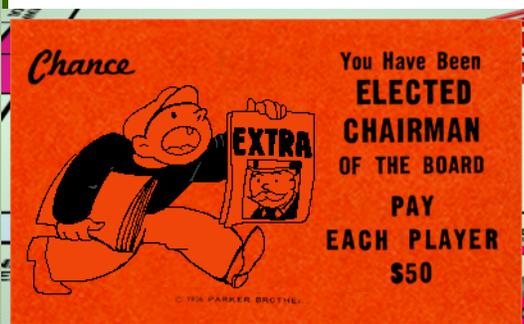
These requirements, often present a significant impediment to board service in an Official Capacity. There is, however, an alternative to Official Capacity board service and that is as appointed Agency Liaison or Representative.

As an appointed Agency Liaison's, employees are able to provide technical advice to the NFE while representing the Forest Service and reporting back to the agency on items of mutual interest.

Liaison Appointment Process:

Forest Service employees seeking appointment as Agency Liaisons to specific groups are required to complete FSEB Form 106—obtaining their immediate supervisors review and endorsement. The completed form must then be submitted to the FSEB for review and, where affiliation is ethically permissible, issuance of an appointment letter to the appointee.

It is important to note that **each** employee who represents the Forest Service as Agency Liaison must be **individually appointed**; the Agency Liaison position attaches to the person not the position they currently hold.



If you have questions please do not hesitate to contact us.



Ask Abby The Ethics Hound (Fetching the Answers to your Ethics Questions)



Question 1: May I give my supervisor a gift if it costs less than \$10.00 for me to make but it's market value is likely to be \$20.00 or more. (Kim Region 6)

Answer: Good question! **No**, since a supervisor may only accept a gift (except cash) valued at \$10.00 or less, a supervisor would be required to decline the gift or pay the fair market value (no buy down) under the regulations. Market value means the retail cost the employee would incur to purchase the gift. An employee who cannot ascertain the market value of a gift may estimate its market value by reference to the retail cost of similar items of like quality. 5 CFR § 2635.20(c). *And remember a Holiday gift, other than refreshments shared at the office or party, is an impermissible gift from a subordinate to a supervisor. The rule states a subordinate may give a supervisor a gift - "...on special, infrequent occasions such as weddings, birth or adoption of child, illness, retirement, resignation or transfer."* (See 5 CFR § 2635.304(b))

In your example: If you make a wreath which has a definitive value of \$20.00 (because you sell them for that price) or you estimate the wreaths value at \$20.00 based upon your observations of similar wreaths at holiday craft festivals, Walmart, etc., the value of that wreath, (irrespective of what it cost the employee to make) is 20 dollars.

Question 2: *How does one ensure their CFC event and planning are ethically sound?*

Answer: Seeing as this is the Forest Service Ethics Branch Newsletter I'll bet you can guess the answer to this question! The FSEB is more than happy to review ANY CFC event request to ensure it is on sound ethical footing .

It is important to note that "All" CFC Events MUST be reviewed and approved by our office through the submission of FSEB Form-109 at least 15 working days before the proposed event.

FSEB reviewed quite a few CFC Events for the WO area this season but received few, if any, from any other Region. We suspect that most Regions are unaware of this approval requirement. We look forward to increased compliance this next CFC season.

Please Send Abby Your Ethics Questions at FSEthics@dm.usda.gov

The Ethical Standards of Conduct

- (1) **Public Service is a Public Trust -- this means that our loyalty is to the law over our own private gain.**
- (2) **Avoid financial interests that conflict with your job duties.**
- (3) **Don't engage in financial transactions using inside nonpublic Government information.**
- (4) **Be very careful when being offered gifts from those whose interests are substantially affected by your job duties. Ask your ethics officer for guidance.**
- (5) **Use honest effort in performing your duties.**
- (6) **Avoid making commitments that you are not authorized to make on behalf of Government.**
- (7) **Don't use public office for your own private gain.**
- (8) **Act impartially and don't give preferential treatment to any private organization or individual.**
- (9) **Protect and conserve Federal property and don't use it for unauthorized activities.**
- (10) **To avoid conflicts of interest, don't engage in outside employment or activities -- including seeking future employment -- until you seek advice from your ethics officer.**
- (11) **Promptly disclose waste, fraud, abuse, and corruption to appropriate authorities.**
- (12) **Satisfy your obligations as citizens, including all just financial obligations, especially those—such as Federal, State, or local taxes—that are imposed by law.**
- (13) **Adhere to laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.**
- (14) **Avoid any actions which create the appearance of violating the law or these ethical standards.**

Your Ethics Teams

FOREST SERVICE ETHICS BRANCH (FSEB):

Lorraine "Rainee" Luciano, Branch Chief

Tel: 703-605-0858

Jack Edward Fisher, Ethics Specialist

Tel: 703-605-0877

Bobbie Salone, Ethics Assistant

Tel: 703-605-0860

FSEB Website:

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

Got an Ethics Question or Training Request?

Send us an email at FSEthics@dm.usds.gov

SCIENCE ETHICS BRANCH (SEB):

Sue Sheridan, Branch Chief

Tel: 301-504-1442

Sue Prada, Ethics Specialist

Tel: 301-504-1467

Julia Cypriano, Ethics Assistant

Tel: 301-504-4414

Science Ethics Branch Website:

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

Office of Ethics:

Dedicated To Keeping You Out Of Trouble!

**Forest Service Ethics
Branch
1601 N Kent Street
Suite 600, RPC
Arlington, VA 22209
FAX: 703-605-4923**

**Science Ethics Branch
5601 Sunnyside Avenue,
Rm. 2-2290
GWCC Mail Stop 5620
Beltsville, MD 20705-5620**

**Fax Number:
301-504-1496**

Disclaimer:

Reference herein to any specific commercial products, process, or service by trade name, trademark, manufacturer, or otherwise, does not necessarily constitute or imply its endorsement, recommendation, or favoring by the United States Government.

The FSEB Newsletter is a Federal Government creation for the purpose of training and is designed for wholly non-commercial and non-profit purposes. Any images or materials contained herein have been deemed permissible under the Fair Use Standard.

This internal USDA/FS training document is for internal use only.