END OF AN ETHICS ERA

With the retirement of John Surina on January 3, 2006, USDA lost its Designated Agency Ethics Official and so, so much more. In 1998, John became the first Director of the newly-established Office of Ethics. Since 2001, he served as Deputy Assistant Secretary for Administration.

Anyone who knows John, professionally or personally, feels, as Star Wars fans would phrase it, a huge “hole in the force.” John, of course, had extensive Federal experience that provided him with a broad spectrum of administrative and program knowledge. What this meant to an ethics program was not only extensive practical knowledge of the facts and realities, but a broad sense of solutions, both inside and outside of the box.

At the same time, these qualities were matched with a personal quality that John brought with him anytime he walked through your doorway -- an ease of personal dealings at all levels that made you want to work with him.

John effectively created the current structure and focus of the Office of Ethics which, in turn, set a course for several other Federal ethics programs, as well. By taking a paper-laden, labor intensive program and going IT with it, the Office of Ethics established its website long before others thought to do so. Through the website and with a clever partnership with National Finance Center, OE introduced its training modules as well as on-line financial disclosure reporting forms. More than 50 Federal agencies, as well as several State and local governments, are currently using our training and reporting products. As a result, employees can save their financial disclosure reports on their machines making following years’ filings easier [READ: less painful] and they can take their training at their desks and at a time of their choosing.

John also brought to the Federal workplace a ready smile and laugh that meant that he was up to no good – in a good way, of course. Despite being one of the hardest working individuals at USDA, no one could still manage to bring fun to the workplace like John did. Meetings in his office often would be interrupted with the voice of Daffy Duck from his computer shouting “Mail Call!” announcing an incoming email. One staff meeting was announced via a remote control blimp with a yellow sticky attached.

(Ethics Era Continued page 2 column 1)
Our greatest monument to this aspect of John’s personality is reflected in OE’s training modules. He wanted training to be fun. He wanted service to others to be fun. As he has often been heard to say, “you can’t stay young, but you can stay immature.” At OE, we weren’t immature, but while working hard, we laughed – and still do.

In theater, you never follow children or animals; on the old Ed Sullivan Show; you never followed the Beatles. In ethics, you never want to follow John Surina. Ah, but the show must go on.

John: Thanks for the leadership, the energy, the freedom to be creative, the laughs, and for your just being you.

See what people had to say about working with John on page 6.

Wrapped up in Red Tape? According to the Associated Press, two government employees might be facing a 15 year wrap for a red tape kickback scheme. The employees were charged with bribery for taking kickbacks on the purchase of 100,000 rolls of red tape. [NOTE: We’re not making this up.] The rolls normally sold for $2.50, but the employees paid 6.95 per roll, and received a kickback of $1 for each roll purchased. Not only is that a lot of red tape, but the kickbacks totaled $100,000.00. The person who supplied the tape and another confidential witness, exposed the kickback scheme, according to the criminal complaint filed with the Inspector General's office. If convicted, 15 years is a long time to take the ‘wrap’ for red tape.

“Say all you have to say in the fewest possible words, or your reader will be sure to skip them; and in the plainest possible words or he will certainly is understand them.” John Ruskin (1819-1900)
Imagine reading the following headline…“USDA Employee Receives Nobel Peace Prize”

The 2006 Nobel Peace Prize ceremony won’t be held until December 10, but what about Federal employees accepting awards?

In fact, Federal employees may accept, awards, including gifts of cash or investment interests from non-Federal groups for work-related accomplishments. To be acceptable, a bona fide (just means given in good faith and not as a pretext to influence the recipient) award must be given (1) for meritorious public service or achievement (2) by a person who does not have interests that may be substantially affected by the performance or nonperformance of the employees duties, and that is not an association or organization, the majority of whose members have such interests.

When gifts of cash or gifts with an aggregate market value in excess of $200 are involved, you must first run the nomination by an agency ethics official for a written approval. These larger awards or cash awards must additionally (1) be part of an established program of recognition under which awards have been made on a regular basis or are funded, at least in part, to ensure continuation on a regular basis; and (2) recipients must be selected pursuant to written standards. A form for award review is located on our web under “Forms” at: www.usda.gov/ethics.

In addition to a plaque, gold medal, cash, or other gift memorializing the award, you may also accept travel assistance to the location of the ceremony, meals and entertainment provided during the ceremony for you and invited members of your family. Much of the above is quoted from the Standards of Ethical Conduct at 5 CFR 2635.204(d).

When you hear that you’ve been nominated for a bona fide non-Federal award for work-related accomplishments, check out the awards rule, and (if required) write your ethics advisor before you write your acceptance speech.

Tammany Hall, Old School Ethics…

George Washington Plunkitt and Associates

“Honest Graft and Dishonest Graft”

By Sen. George Washington Plunkitt of Tammany Hall Recorded by William L. Riordon (1905)

NOTE: Ready for some fun reading? Here are some excerpts from one of the most famous talks on practical politics and ethics. For those not familiar, Tammany Hall was the name given to the political machine that dominated New York City politics from 1854 through 1934.

“EVERYBODY is talkin’ these days about Tammany men growin’ rich on graft, but nobody thinks of drawin’ the distinction between honest graft and dishonest graft. There’s all the difference in the world between the two. Yes, many of our men have grown rich in politics, I have myself. I’ve made a big fortune out of the game, and I’m gettin’ richer every day, but I’ve not gone in for dishonest graft- blackmailin’ gamblers, saloon keepers, disorderly people, etc.- and neither has any of the men who have made big fortunes in politics.

There’s an honest graft, and I’m an example of how it works. I might sum up the whole thing by sayin’: ‘I seen my opportunities and I took em.’”

Just let me explain by examples. My party’s in power in the city, and it’s goin’ to undertake a lot of public improvements. Well, I’m tipped off, say, that they’re goin’ to layout a new park at a certain place. I see my opportunity and take it. I go to that place and I buy all the land I can in the neighborhood.

(Tammany Continued page 4 column 1)
Then the board of this or that makes its plan public, and there is a rush to get my land, which nobody cared particular for before. Ain’t it perfectly honest to charge a good price and make a profit on my investment and foresight? Of course, it is. Well, that’s honest graft.

Or supposin’ it’s a new bridge they’re goin’ to build. I get tipped off and I buy as much property as I can to be taken for approaches. I sell at my own price later on and drop some more money in the bank. Wouldn’t you? It’s just like lookin’ ahead in Wall Street in the coffee or cotton market. It’s honest graft, and I’m lookin’ for it every in the year. I will tell you frankly that I’ve got a good lot of it, too.

Tammany was beat in 1901 because the people were deceived into believin’ that it worked dishonest graft. They didn’t draw a distinction between dishonest and honest graft, but they saw that some Tammany men grew rich, and supposed they had been robbin’ the city treasury or levyin’ blackmail on disorderly houses, or workin’ in with the gamblers and lawbreakers. As a matter of policy, if nothing else, why should the Tammany leaders go into such dirty business, when there is so much honest graft lyin’ around when they are in power? Did you ever consider that? Now, in conclusion, I want to say that I don’t own a dishonest dollar. If my worst enemy was given the job of writin’ my epitaph when I’m gone, he couldn’t do more than write: “George W. Plunkitt. He Seen His Opportunities, and He Took’ Em”

NOTE: Ah for the good ol days when the ethics advisor made the Maytag ® repairman the second loneliest guy in town.

Non-Federal Employment; a Reminder to Review
USDA employees who are required to submit confidential or public financial disclosure reports, and you know who you are, must also seek prior approval to engage in non-Federal (outside) employment.

Non-Federal employment refers to business relationships, provision of personal services by the employee for direct, indirect, or deferred compensation other than reimbursement of actual and necessary expenses. It also includes, irrespective of compensation, the following outside activities:

(1) Providing services as a consultant or professional, including service as an expert witness or as an attorney; and

(2) Providing services to a for-profit entity as an officer, director, employee, agent, attorney, consultant, contractor, general partner, or trustee, which involves decision making or policymaking for the non-Federal entity, or the provision of advice or counsel.

Formally receiving prior approval protects the employee and the Agency because it sensitizes approving officials to avoiding the assignment of duties that could place the employee in violation of the law.

It also protects employees who are open and honest about proposed employment, from criminal prosecution if a violation is later found.

However, be mindful of the fact that receiving management’s approval to engage in non-Federal work isn’t the final step in our process.

(Employment, continued on page 5)
Employment continued from page 4

Each January we recommend that you review all approved outside work to determine if the nature of this work, or your Federal employment has changed. Bring any changes to your supervisor’s or your ethics advisor’s attention.

Submit copies of formal approval to the Ethics Office charged with reviewing your disclosure report.

Every three years formally reaffirm your outside employment by submitting a new request, and formally notify the Agency when approved employment is terminated.

Finally, of greatest importance never forget that when you perform work outside your government job, your relationship with that employer has certain legal and ethical consequences. You must still abide by ethics rules and regulations.

A non-Federal Employment application form is available on our web site under “Forms” at: www.usda.gov/ethics.

A NEW ETHICS TOOL FOR DO-IT-YOUR-SELFERS’

We have a new tool on our website and we’re really excited about it! On the Main Page you will note, just below Training Modules, a new button called “Self Helps.” These are Turbo Tax type tools that allow employees and ethics advisors (especially new ones) to “walk themselves” through the analysis of an issue. These will not substitute for getting advice from an advisor, but it can give the employee a “ballpark” feel and will educate them as well. The first (and only) one there right now (though another will be on the way by mid-year) is Seeking Employment/Post-employment. Play with it and let us know what you think.

2006 PAY ADJUSTMENTS

Pay adjustment thresholds related to certain ethics provisions went into effect the first pay period of 2006.

Accordingly, the one year post-employment cooling off period for departing senior employees applies to those making $142,898 or more. Senior personnel who are at that pay level, or above it, and leave the USDA, generally cannot represent others before the agency for 1 year.

In addition, the aggregated outside earned income limitation for Non-Career SES employees is now set at $24,780. This sum only applies to income earned through active participation in an outside endeavor. It does not apply to investments or other passive income.

The basic rate of pay identifying certain senior personnel for the requirement to file the Public Disclosure form is raised to $109,808.40. However, other employees who may not be at that pay level, but must file the Public Disclosure form include: Senate Confirmed Political Appointees, Schedule C Appointees, Administrative Law Judges, Special Government Employees paid an hourly rate comparable to employees assigned positions classified above GS-15 pay.

FFAS ETHICS MOVED to the PORTALS BUILDING
January 19, 2006, the Farm and Foreign Agriculture Service Ethics Shop opened in a new location. Tonya S. Willis, Mission Area Ethics Advisor and Lolita L. Roberson, Ethics Advisor, moved their Ethics digs to 1280 Maryland Avenue, SW, Suite 490, Stop 0591, Washington, DC 20024. The new telephone numbers are; Tonya - (202) 401 0647 Lolita - (202) 401-0629.

Who is Your Ethics Advisor? You can find out by clicking on Ethics Advisor Locator on the Ethics Web site; http://www.usda/ethics
You’ll Be Glad You Asked Your Ethics Advisor!!!

Employees will not have disciplinary action taken against them for violating the Standards of Ethical Conduct or the USDA Supplemental Ethics Regulation, when they engage in conduct in good faith reliance upon the advice of an agency ethics official, provided that the employee, in seeking such advice, has made full disclosure of all relevant circumstances. There is an exception. If the employee's conduct violates a criminal statute, reliance on the advice of an agency ethics official will not immunize the employee from criminal prosecution. The Department of Justice, however, takes "good faith reliance upon the advice of an agency ethics official" into account in the selection of cases to prosecute. See 5 CFR 2635.107(b).

Working With John Surina

John made work fun for the Ethics staff. During the start-up years when he first came to USDA and was still in the Ethics Office, his dedication to Ethics was infectious. All of us – most importantly including John -- put in many extra hours, and we had a good time doing it. Somehow, John has had a full life outside USDA. He spends many hours in family events. The wonder is how he has managed to find time. Dave Spradlin, OE [retired]

John is a very relaxed, pleasant, funny but hard working executive – a combination I don’t see much of in this town. It doesn’t sound like much but he is a VERY NICE man! John Riffée, MMA

I think, however, John must have been getting old. The times Ray Sheehan was gone, and I was in charge, John didn't seem as worried as he should have been.

Mike Edwards, OE

John turned Ethics around not only for USDA, but also for me. He mobilized our staff into a happy and efficient group of team players. With John’s guidance we accomplished programs and services that are still recognized and sought after throughout the Executive Branch today. Over the years I not only appreciated his consistently positive approach to what could easily be a dreary program, I also marveled at his unceasingly high level of energy.

Pat Tippett, OE

I feel really privileged to have experienced the Camelot days of Ethics. I'd recently come aboard in the ethics program not too long after John Surina's entrance. I can still remember clinging to every word he spoke during his live presentations to senior managers at the National Finance Center. He has jovial and direct. He was entertaining and knowledgeable. In short he mesmerized us. He was the darling of USDA Ethics with a touch of the Godfather. When he spoke; we all listened. And we didn't mind one bit. We were in good hands.

Thanks John, for all you've done for me personally and for the USDA Ethics Program. You are so very special and sincerely missed!

Best regards,
Dawn Bolden, FSIS Ethics
We've been through so much in 8 years. I can't believe it went by this fast, but fun things tend to do that. When I think back on my career, highest on the list of positive moments will be my time in OE, and especially while John was its Director. I can still recall our first meeting in his office to discuss the ethics program, long before I actually came over from OGC. I had no plans to make such a jump until I found out what a fantastic person John was.

We traded a lot of good ideas, but I recall more the fact that the ideas came out despite a back-and-forth salvo of one liners and double entendres that had my cheeks hurting for days. At that point, I decided that there could be no better place on earth to work than at OE and for John Surina. I can only hope that I can pass some of that onwards in turn.

Ray Sheehan, OE

John has been an incredible asset to the USDA Ethics program - he will surely be missed. He was such a tremendous boost to the Ethics community when he came on board to USDA. He always had a way that made you feel excited about working in Ethics. That's not easy to do since we're often looked at as the "bad guys" because we often have to tell people "NO", but he made us take pride in our work. (Now if only WE can convince our employees we're honestly here to help them stay out of trouble and offer solutions . . ) I wish John the very best of luck in his retirement and all future endeavors.

Sue Prada
REE Ethics Program

John: I don't believe I ever asked you a question that you didn't either know the answer to or at least where to find it - barring the philosophical of course. Thanks for everything you did, and thanks for leading by example; I learned from it. I'll remember that your upbeat spins offered and interesting dynamic to Dave's Hobbes and Ray's creative cynicism - quite a trifecta! Best wishes in retirement, you will be missed.

Dwaine Grove, REE

Thank you for reading the Ethics Newsletter. Your comments and contributions are welcome. Please write to us at Ellen.Pearson@USDA.gov

Ethics is Everybody’s Business