

We spoke earlier about the conflict of interest statute, 18 U.S.C. 208 but there are situations that wouldn't be violations of the conflict of interest statute that still could cause someone to question an employee's impartiality.

And you know, there's a regulation designed to prevent those kinds of situations from happening.

It's 5 C.F.R.

2635.502.

It says if a person who has a covered relative is a party to such a matter, then the employee must consider whether a reasonable person would question his or her impartiality in the matter.

If the employee concludes there would be an appearance problem, then he or she should not participate in the matter, unless authorized to do so by their servicing ethics official.

So the criminal statute applies to matters affecting the financial interest of an employee's spouse or minor child but the regulation applies to matters affecting the financial interest of any member of the employee's household.

So this would mean a child who lives at home, even though he or she is no longer a minor.

It would include a roommate, a significant other, a parent, brother or sister-in-law.

Anyone who lives in the home.

And a covered relationship, first someone who seeks business, contractual or other financial relationship.

For example, someone who they do outside work or a relative with whom the employee has a close personal relationship, a person for whom the employee's spouse, parent or dependent child serves or seeks to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee or any person for who the employee who in the last year has served as officer, director, trustee, general partner, agent, attorney --

Mm- hmn.

Contractor, or employee.

And finally, any organization other than a political party, in which the employee is an active participant.

So for example, an employee couldn't participate in a grant application submitted by a university he worked for in the last year, or nonprofit for which his wife is an employee?

He couldn't provide advice, make a recommendation, or make any decision concerning a grazing permit for his brother, or if he was a spokesperson or a manager for an environmental organization, he couldn't take official action in any litigation in which that organization is a party.

That's right.

In fact this regulation even has a catch-all provision.

It states if an employee thinks that a reasonable person with knowledge of the relevant facts would question his or her impartiality in any matter, the employee should notify his or her supervisor and seek ethics counselor advice before taking any action in the matter.

Well, Ed, we've covered quite a bit of material here.

Let's take a short break for this important message.