

**15<sup>TH</sup> NATIONAL OGE ETHICS CONFERENCE**  
**March 14-16, 2007**  
**ORLANDO, FLORIDA**

**STRENGTHENING THE FEDERAL ETHICS COMMUNITY**

**MAIN CONFERENCE PROGRAM**

The Office of Government Ethics is pleased to provide conference materials distributed at the 2007 National Government Ethics conference. All handouts are available in Adobe PDF (PDF) format. In order to be able to view and print these files the [Adobe Acrobat Reader 5.0](#) or above, available free from Adobe, must be downloaded and installed on your computer. **To receive a copy of the handouts please send an email request to Teresa Weakley at [tlweakle@oge.gov](mailto:tlweakle@oge.gov). Please specify the session number or title in your email request.**

**PLENARY SESSIONS**

**The Honorable Robert “Ric” Cusick**  
Director, U.S. Office of Government Ethics

**The Honorable Dirk Kempthorne**  
Secretary, Department of the Interior

**Joseph E. Gangloff**  
Deputy Director, U.S. Office of Government Ethics

**The Honorable Fred Fielding**  
White House Counsel  
The White House

**The Honorable Linda Combs**  
Controller  
Office of Management and Budget

**CONCURRENT SESSIONS**

**1. CREATING A CULTURE OF COMPLIANCE**

Nanette Everson, CFTC  
Justina Fugh, EPA

These panelists, who serve as DAEO and ADAEO, respectively, will share their insider tips on how you can encourage your agency to embrace ethics. Learn what you can do to make a difference and turn around the “Good Ship Ethics.”

*(1 HANDOUT AVAILABLE)*

2. **COMPLIANCE+ - ADDING VALUE THROUGH THE OGE PROGRAM REVIEW PROCESS**

Doug Chapman, OGE  
Paul Bergstrand, OGE  
Patrick Shepherd, OGE

The executive branch ethics program is evolving to exceed mere compliance with ethics statutes and regulations to find meaningful, innovative, and effective ways to create and foster an ethical culture. Compliance+ is a new way of thinking about the executive branch ethics program. OGE wants to add value to the ethics program through the program review process by identifying, enhancing, and sharing the model practices agencies develop to create an ethical culture. This session will explain OGE's new approach to program reviews, what it means for agencies and how OGE will do its part to share and encourage the use of model practices throughout the executive branch.

*(1 HANDOUT AVAILABLE)*

3. **EXPERT WITNESSES: ETHICS IN COURT**

Richard Thomas, OGE

This session will focus on how courts have been treating the expert witness restrictions applicable to current and former Government employees. Unlike most areas of ethics, the restrictions on expert witnesses have been subject to significant litigation, and there is a growing body of cases. Although the session will include a very brief overview of the restrictions in 5 CFR 2635.805 and 18 USC 207, basic familiarity with those provisions is assumed, and the main thrust of the discussion will be how ethics officials can respond to the concerns raised by courts. A detailed outline of issues and cases will be provided.

*(1 HANDOUT AVAILABLE)*

4. **ETHICS AND PROFESSIONAL CONDUCT: A DIFFERENT VIEW**

Peggy Love, EPA  
Scott Dahl, DoJ

The presenters will examine the Standards of Conduct for Employees of the Executive Branch, the ABA Model Rules of Professional Conduct, and the revised DC Bar Rules, and they will discuss the comparisons and differences in the areas of confidentiality and privilege, outside activities, and conflicts (past, present, and future clients). In some cases, the rules conflict.

*(3 HANDOUTS AVAILABLE)*

5. **WORKING WITH THE OFFICE OF INSPECTOR GENERAL**

Thomas Lehrich, DOT OIG  
Jerry Lawson, SBA OIG

This session will provide an introduction to the Office of Inspector General and provide information about how to work with the OIG in putting together a case of criminal conflicts of interest.

*(3 HANDOUTS AVAILABLE)*

6. **REVIEWING NOMINEE REPORTS – CURRENT DEVELOPMENTS**

Walter M. Shaub, Jr., OGE  
Deborah Bortot, OGE  
Rachel Molinaro, OGE

In this session, presenters will lead an interactive discussion about financial disclosure by Presidential nominees whose positions require Senate confirmation. The discussion will focus on building the capacity to handle the high volume of nominations during the upcoming Presidential transition, identifying aspects of the nominee process that reviewers find the most challenging, and approaches to the job of analyzing potential conflicts. Presenters will also provide guidance on two recurring issues involving stock options: reporting stock options and the availability of Certificates of Divestiture for employee stock options.

*(3 HANDOUTS AVAILABLE)*

7. **CREATING CORE VALUES FOR YOUR ORGANIZATION**

Don Fox, AF  
Melinda Loftin, DOI

This session will provide you with steps you can take to create core values for your organization and then incorporate them into your ethics program to enhance the ethical culture of your organization.

*(NO HANDOUT)*

8. **MORAL COURAGE**

Marty Taylor, Institute for Global Ethics

Making the right decision is critical; making the best decision under the circumstances is highly desirable. But what happens when carrying out that decision means danger? How can the individual choose from among the worthwhile and meaningful sacrifices? Moreover, how can the organization reduce the need for moral courage among its members? Participants apply IGE's screening criteria to understand exactly what's involved in each example. Participants also look at their own organizations to assess the obstacles blocking employees from honest, open communication. Looking at best practices from other companies and theoretical organizational structures helps to suggest possible avenues for improvement.

*(NO HANDOUT)*

9. **INTERNAL REVIEWS OF ETHICS PROGRAMS**

Ilene Cranisky, HHS  
Kim Hintz, DOI  
Michelle Moschella, FBI

This presentation provides three different models for performing internal reviews of ethics programs: One agency has created its own program review function within its ethics office, another uses its agency's Inspection Division, while the other out-sources. The participants will provide information about how they use these models to help ensure well-run and compliant ethics programs.

*(1 HANDOUT AVAILABLE)*

10. **PERSONAL RELATIONSHIPS IN THE WORKPLACE**

Greg Weinman, U.S. Mint

According to recent surveys, more than 50% of employees nationwide have at one time engaged in a romantic relationship in the workplace. With the changing dynamics of the workforce, this number is rising. At the same time, there is emerging case law expanding the application of sexual harassment laws. This session will examine these trends, the applicability of current ethics laws and regulations, and will discuss options for agencies dealing with these emerging issues.

*(2 HANDOUTS AVAILABLE)*

11. **BEST PRACTICES FOR AGENCY ETHICS OFFICIALS AND THE INSPECTOR GENERAL:  
WORKING TOGETHER FOR THE COMMON GOOD**

Beth Richardson, NASA OIG  
Henry Shelley, DoD OIG  
Richard Woodford, DOL OIG

This panel will discuss successful strategies for the IG and the DAEO to work together and methods for strengthening the relationship between these two important Government watchdogs.

*(1 HANDOUT AVAILABLE)*

12. **ETHICS AGREEMENTS WORKSHOP**

Sandra Mabry, OGE  
Amy Braud, OGE  
Bill Gressman, OGE

The focus of this presentation is the ethics agreement for the individual who occupies a position requiring nomination by the President and confirmation by the U.S. Senate. This refresher on the basics of drafting an ethics agreement for a nominee will also provide information about the public release of ethics agreements and about spotting issues for situations not covered by OGE's current model ethics agreement.

*(NO HANDOUT)*

13. **BOOK DEALS: WHEN CAN AN EMPLOYEE RECEIVE COMPENSATION FOR WRITING A BOOK?**

Seth H. Jaffe, OGE  
Barbara Fuller, NIH/HHS

In light of the upcoming transition from the current administration to a new one, OGE believes this is an opportune time to provide guidance on how to interpret ethics rules governing whether, when and how Government employees may accept payment for books they have written, are writing or are planning to write. This presentation is intended to assist ethics officials in determining whether an executive branch employee may receive compensation for writing a book without violating ethics rules. During this presentation, Seth Jaffe will summarize the applicable law and how appropriately applying the law depends upon the analysis of six factors. Using this standardized six factor approach will help you organize your analysis of book deal questions involving many different laws and regulations. Barbara Fuller will relate her experiences and review the process she and the National Human Genome Research Institute used to determine that Dr. Francis Collins could accept compensation for a book he planned to write. Ms. Fuller will also outline some of the conditions and mechanisms her agency put in place to ensure that all ethics rules were followed during publicity for the book both before and after its publication.

*(3 HANDOUTS AVAILABLE)*

14. **GLOBAL ETHICS**

Drago Kos, Commission for the Prevention of Corruption  
Jane Ley, OGE

What are common issues of ethics leadership around the world? What direction do we see the global community taking in the field of ethics (and will we be there, too)?

*(1 HANDOUT AVAILABLE)*

15. **1353 VS. WAG: WHAT'S THE DIFFERENCE?**

Cheryl Kane-Piasecki, OGE  
Lenny Loewentritt, GSA

Can you use 1353 travel to attend widely attended gatherings? What are WAGs anyhow, or, more importantly, what aren't they? This panel will provide you with what you need to know to work through both these issues.

*(5 HANDOUTS AVAILABLE)*

16. **TAKING ETHICS TRAINING ON THE ROAD**

Karen DeLeon, NIH/HHS  
Barbara Fuller, NIH/HHS

Experience a high-tech, and portable, ethics training program that combines the use of electronic voter keypads, ethics scenarios, and audience participation to create a fun, exciting, and effective way to convey information on a diverse set of ethical issues. This very successful program is being used to train a diverse group of government employees that includes scientists, administrators, and support staff. It has won kudos from all that have attended the training sessions. (The design of this traveling ethics training program was inspired by NASA's ethics training game demonstrated at the September 2005 OGE Conference.)

*(NO HANDOUT)*

17. **THE IMPACT OF ETHICAL CULTURES: TOOLS TO CREATE, SUSTAIN AND MEASURE THEM**

Martha Ries, Vice President, Ethics and Business Conduct, and  
Chair, Fellows Group, Ethics Resource Center

This session will discuss practical tips on how to create and sustain an ethical culture, including engagement of senior leaders and management in that development, and how to measure if you are having an impact.

*(1 HANDOUT AVAILABLE)*

18. **MANAGING REAL AND POTENTIAL CONFLICTS: CAN FEDERAL AGENCIES CONTINUE TO HIRE THE BEST AND BRIGHTEST?**

Rick Brenner, USDA  
Sue Mutchler, USDA  
Ray Sheehan, USDA

The Federal Technology Transfer Act of 1986, as amended, authorizes development, protection, and licensing of inventions created by Federal research and development scientists and engineers, and requires that licensing revenues be shared with inventors. In fact, statutes require that technology transfer be a component of every Federal scientist's performance responsibilities. In recent years, many new hires have entered the Federal sector possessing existing intellectual property from their previous research positions. When a scientist licenses a patent and/or is receiving royalties from a non-Federal source, the scientist has a financial interest in the license, the non-Federal entity, or both. Agencies are then faced with the dilemma of restricting scientists from performing research in the very areas of their expertise. If agencies are to continue to attract and hire the best and the brightest, procedures must be developed to manage and avoid these potential conflicts. This presentation describes case studies as to how the Agricultural Research Service of USDA has addressed these issues, and also proposes a procedure to provide oversight to scenarios that cannot be cleanly managed. It is hoped that discussion, resolution, and adoption of this proposal will aid all Federal research agencies in maintaining their research excellence.

*(1 HANDOUT AVAILABLE)*

19. **GIFTS BETWEEN EMPLOYEES**

Lorna Syme, OGE  
Grace Clark, OGE  
Sandra Dunham, NIH

This session will first provide a brief overview of the Gifts between Employees standard. Through the discussion of real-life scenarios that we encounter in the workplace, the panel members will focus on when the gift exceptions can and cannot be used by employees.

*(1 HANDOUT AVAILABLE)*

20. **AGENCY SELF-ASSESSMENTS**

Phyllis Hoffer, OGE  
Eric Raile, OGE  
Shira Minton, FTC

This session considers the use of employee surveys to assess ethics program performance. A brief discussion of the background of the OGE Employee Ethics Survey serves as a starting point. Statistical analyses of that survey will be presented as information relevant for ethics program evaluation and improvement. After a presentation concerning the Federal Trade Commission's self-assessment experience, the session will conclude with a discussion of the Agency Self-Assessment Working Group.

*(2 HANDOUTS AVAILABLE)*

21. **ETHICS AS AN INTERNAL CONTROL**

Jim Taylor, DHS  
Steven App, FDIC

Ethics is the foundation of all internal controls—those processes and procedures that agencies put in place to ensure that operations run efficiently and effectively and to insulate them from waste, fraud and abuse. This panel will provide information on how to insert ethics into your agency’s internal controls.

*(NO HANDOUT)*

22. **THE SIMILARITIES AND DIFFERENCES BETWEEN GOVERNMENT AND CONTRACTOR ETHICS**

Angela B. Styles, Miller & Chevalier Chartered  
Jenny Kim, Miller & Chevalier Chartered

There is a clamor for more ethics, more rules, and possible extension of the criminal conflicts of interest statutes to contractor employees. This presentation will address (1) whether the extension of criminal conflicts of interest statutes to contractor employees actually assists in promoting a more ethical federal government, (2) how the differences between federal and contractor employees may require tailoring but not necessarily more rules and extensions, and (3) how the public and private sectors can work together to address the need for an ethical government without resorting to additional rules and regulations.

*(NO HANDOUT)*

23. **PROCUREMENT AND ETHICS**

Walter Thomas, DLA

This session will focus on understanding the intersection of Federal procurement laws and ethics laws.

*(1 HANDOUT AVAILABLE)*

24. **ALL THAT MATTERS**

Ira Kaye, Treasury

This workshop will help participants learn to identify and distinguish between matters, particular matters, and particular matters involving specific parties.

*(NO HANDOUT)*

25. **THE NUTS AND BOLTS OF GETTING READY FOR THE NEXT TRANSITION**

Art Warren, Commerce  
Ray Sheehan, USDA  
Wade Plunkett, OPM

The Presidential campaign season seems to have started earlier than ever and perhaps your agency's preparation for the inevitable transition should be gearing up as well. This session will provide suggestions on what you need to do to prepare departing employees to leave Federal service (e.g., post employment advice, termination financial disclosure requirements, departure gift issues, dealing with official documents, personnel and security issues); the ethics issues related to working with transition teams; and how to bring the new administration's team on board (e.g., ways to hire prospective senior employees in temporary positions, personnel consequences of a transition, immediate ethics concerns for prospective senior employees, financial disclosure requirements). We'll also provide an insider's view of working on ethics issues in White House Counsel's office during a Presidential transition.

*(1 HANDOUT AVAILABLE)*

26. **INCORPORATING VALUES-BASED CONTENT INTO ANNUAL ETHICS TRAINING**

Sean Dent, Education

Can an ethics program truly be effective if it does not have a values-based component? Is an ethical organization something more than a compliant one? The answer must be yes!

*(1 HANDOUT AVAILABLE)*

27. **THE ETHICS OF METADATA**

Bill Gressman, OGE  
Joe Edgell, EPA

Metadata is the term used to describe the hidden information in your electronic computer files. What happens if you send that hidden information to someone and they find and read it? What if that hidden information includes information deemed "confidential?" How do you find the hidden data, and how do you get rid of it? While metadata is like a cockroach and is hard to eliminate, it's not impossible. Come learn what it is, where it lives, how you exterminate it, and what kind of trouble it can cause you if you send it out.

*(11 HANDOUTS AVAILABLE)*

28. **ELECTRONIC PRIVACY ISSUES IN THE WORKPLACE**

Frederick "Rick" M. Joyce, Venable LLP

This session will provide information on the constitutional foundation for electronic privacy laws, the various electronic privacy laws, and the various challenges agencies face because of the numerous electronic devices employees use both in and out of the workplace.

*(3 HANDOUTS AVAILABLE)*

29. **PROCUREMENT AND ETHICS**  
*(REPEAT SESSION SEE SESSION 23)*



30. **REPORTABLE FINANCIAL ASSETS**

Joann Barber, OGE  
Mark Stewart, OGE

This session will focus on the financial disclosure reporting requirements for certain assets, including investments, investment vehicles, and other financial instruments.

*(1 HANDOUT AVAILABLE)*

31. **HATCH ACT (PART 1)**

Scott Bloch, OSC  
Ana Galindo-Marrone, OSC

*(1 HANDOUT AVAILABLE)*

32. **ASSESSING AND ENHANCING YOUR ETHICS PROGRAM**

Pat Harned, Ethics Resource Center

It is now possible to quantitatively demonstrate that your ethics program makes a positive difference. Since 1994 the Ethics Resource Center—an independent nonprofit research organization—has conducted national research on the outcomes that can be expected from an effective ethics and compliance program. In this session the ERC will share benchmarks of observed misconduct, willingness to report, and perceptions of a strong ethical culture that can be expected from ethics programs in government agencies, based on survey data collected from government employees. Findings from research as to the best ways to positively impact employees and ERC's lessons learned in measuring program effectiveness will also be shared.

*(1 HANDOUT AVAILABLE)*

33. **ADVICE AND COUNSEL – ARE WE FAILING OUR EMPLOYEES?**

Tricia Franklin, OGE  
Sandra Mabry, OGE

In this session we will delve into a number of topics that have surfaced in the last couple of years in an effort to determine where we may be missing the mark with providing comprehensive advice and counsel to our employees. This session will serve to emphasize the importance of the requirements of ethics training that is focused solely on the criminal conflict of interest provisions and the Standards of Conduct .

*(1 HANDOUT AVAILABLE)*

34. **ELECTRONIC PRIVACY ISSUES IN THE WORKPLACE**  
*(REPEAT SESSION SEE SESSION 28)*

35. **ETHICS EDUCATION FOR FACA MEMBERS**

Vincent J. Salamone, OGE  
Daniel Fort, EPA  
Gaye Williams, Commerce

This session will address some key issues involving training and educating members of Federal advisory committees about their ethical obligations. Also, the session will familiarize ethics officials on ways to enhance their committee practices and improve the quality of ethics program services that they provide to their advisory committees.

*(3 HANDOUTS AVAILABLE)*

36. **18 USC 203 AND 205**

Ira Kaye, Treasury

This workshop will help participants understand the restrictions on private activity imposed by these two criminal conflict of interest statutes so that you will be able to provide accurate advice to your employees who are involved with outside organizations.

*(NO HANDOUT)*

37. **THE ROAD TO CONFIRMATION**

Michael "Mike" Edwards, USDA  
Jenny Kim, Miller & Chevalier Chartered

A draft public financial disclosure report shows up on your desk. You receive a courtesy call from the Office of Government Ethics. Now you've got a Presidential nominee to shepherd through to Senate confirmation. What do you do now? This session will go through the steps to confirmation from agency and OGE perspectives, provide helpful guidelines and lessons learned, and raise awareness of the different vocabulary the private sector uses when it comes to terms involved in the nominee process, such as exchange versus sale/purchase, gift, and general commercial practices.

*(6 HANDOUTS AVAILABLE)*

38. **FROM SCANDALS TO SPIDERS**

Zoë Van Schyndel, H3 Capital

This presentation takes a look at the evolution of mutual funds to their newest cousins - the exchange traded fund, ETF. You'll learn why ETFs are different from traditional funds. ETFs are broadly diversified and track indexes. So, unlike stocks, which are company specific, an ETF may be appropriate for those investors who want to avoid direct investments in companies but still participate in the returns of the stock market.

*(1 HANDOUT AVAILABLE)*

39. **INCORPORATING VALUES-BASED ETHICS**

Michael Korwin, FDIC  
Greg Weinman, U.S. Mint

When most of us think of ethics, we more often than not conjure up images of a compliance-based system of statutes, policies, rules and regulations. This session will explore how two agencies, the Federal Deposit Insurance Corporation (FDIC) and the United States Mint, through two different paths, transformed their compliance-based ethics programs into values-based programs. There is often confusion concerning how values-based ethics programs differ from compliance. Often the programs are contrasted as rules versus values, as if rules and values were mutually exclusive. This session will examine how, by creating a successful values-based program (including helping our employees think about public service and the fourteen general principles), we can dramatically reduce the degree of need for compliance-based enforcement and, in the process, create a more meaningful and valuable agency ethics experience.

*(2 HANDOUTS AVAILABLE)*

40. **HOW TO TEACH ETHICS**

Carolyn Chapman, OGE  
Jerry Lawson, OGE  
Sandra Stockel, Army

Ethics training doesn't have to be boring and uninspiring. Regardless of your budget, you can learn how to hold participants' interest from the beginning to the end of your training session. The premise of this session is that effective training must include good design. The success of your session is determined by the content, the manner in which that content is presented, and your ability to make the content relevant for your audience. By following a few guidelines, anyone can create innovative, engaging training. You can learn techniques that can be applied, to great effect, in both instructor-led and technology-based training. If your current or future duties require you to design and/or deliver training, this session will help you make your programs more alive and productive.

*(5 HANDOUTS AVAILABLE)*

41. **COMPLIANCE+ - ADDING VALUE THROUGH THE OGE PROGRAM REVIEW PROCESS  
(REPEAT SESSION SEE SESSION 2)**

42. **ORGANIZATIONAL CONFLICT OF INTEREST: A CASE STUDY OF CONTRACTORS IN  
THE WORKPLACE**

Charles Stubblefield, HQ AETC/JA  
Monica Allison Ceruti, HQ AETC/JA

This session will analyze the ethical issues involved when a contractor employee, who also happens to be a military reservist, secures a government contract for his own company. This case study will review and discuss the organizational conflict of interest, lack of effective supervisory control, and the appropriate remedies available.

*(1 HANDOUT AVAILABLE)*

43. **ETHICS ISSUES AND ADMINISTRATIVE JUDGES**

Michael Gallagher, SSA  
Stuart Besser, SSA  
Thomas Schlageter, EEOC

The session will include a panel of ethics officials from various federal agencies that have significant numbers of administrative judges to discuss with the audience special ethical issues involving administrative judges.

*(6 HANDOUTS AVAILABLE)*

44. **THE CERTIFICATE OF DIVESTITURE PROCESS**

Elaine Newton, OGE

This session will provide information on the CD process.

*(4 HANDOUTS AVAILABLE)*

45. **HATCH ACT (PART 2)**  
*(REPEAT SESSION SEE SESSION 31)*

46. **INCORPORATING VALUES-BASED CONTENT INTO ANNUAL ETHICS TRAINING**  
*(REPEAT SESSION SEE SESSION 26)*

47. **LESSONS LEARNED ON FINANCIAL DISCLOSURE MANAGEMENT**

Joann Barber, OGE (Moderator)  
Bill Register, DOT  
Shira Minton, FTC  
Ellen Pearson, USDA

This session will discuss effective practices used in managing a financial disclosure system. Topics will include techniques for tracking new entrant filers, reaching filers in a small agency, obtaining additional information from filers, choosing preferable times to send notices, and seeking OIG administrative help. The session will also provide a brief review of what a financial disclosure system should contain and accomplish.

*(3 HANDOUTS AVAILABLE)*

48. **THE ETHICS OF METADATA**  
*(REPEAT SESSION SEE SESSION 27)*

49. **POST-GOVERNMENT PROHIBITIONS: A CASE STUDY**

Michael Shutter, Robins AFB

This session will use the Colonel Shaltenbrand prosecution to illustrate post-employment restrictions.

*(NO HANDOUT)*

50. **SPECIAL GOVERNMENT EMPLOYEES**

John Condray, HHS  
Dan Fort, EPA  
Paul Conrad, FEMA

Who are Special Government Employees (SGEs), and why are they so challenging for an ethics program? This session will review the basic issues surrounding SGEs, primarily, but not exclusively, focusing on those SGEs serving on Federal advisory committees. Issues covered in the session will include: SGE designation; the distinction between SGEs and “representatives” on Federal advisory committees; the application of the conflict of interest laws and regulations to SGEs; SGEs and conflict of interest waivers under 18 USC 208(b)(3); and some practical tips for dealing with SGEs as part of your ethics program.

*(3 HANDOUTS AVAILABLE)*

51. **FEDERAL TRAVEL AND ETHICS**

Lenny Loewentritt, GSA

Lenny will discuss various travel and ethics related policies and regulations affecting all employees of the Government. He will discuss issues relating to frequent flyer benefits, premium class accommodations, the use of the Government charge card, acceptance of payment for travel expenses from non-Federal sources, the airline contract city pairs program, routing of travel, refreshments at conferences and a number of other travel related issues. There will also be opportunity for questions and answers on any travel related issues.

*(1 HANDOUT AVAILABLE)*