



United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

September 20, 1994
DO-94-032

MEMORANDUM

TO: Designated Agency Ethics Officials, General Counsels and Inspectors General

FROM: Stephen D. Potts
Director

SUBJECT: Notification Requirement for Referrals of Possible Violations of Federal Conflict of Interest Statutes

Information obtained through the Annual Agency Ethics Program Questionnaire indicates that during 1992 and 1993, respectively, agencies made 148 and 194 referrals for alleged violations of 18 U.S.C. §§ 203-209 to the Department of Justice or to a U.S. Attorney. However, the Office of Government Ethics (OGE) received notification for only 21 referrals during 1992 and 35 referrals during 1993.

When any matter involving an alleged violation of Federal conflict of interest law is referred to the Attorney General, agencies are to notify the Director of OGE of the referral (5 U.S.C. App. 402(e)(2); 5 C.F.R. § 2638.603(b)). This includes referrals made either to a United States Attorney in any Federal judicial district or to the appropriate division of the Department of Justice.

In order to meet the statutory requirement to notify OGE, we encourage agencies to use the "Notification of Conflict of Interest Referral" form (OGE Form 202). This form was coordinated with the Department of Justice and originally distributed to agencies in a January 21, 1992 memorandum. Use of the form helps to focus a referral and speeds the notification process to OGE. It also assists OGE in developing programs to address recurring ethics problems.

For your convenience, we are attaching a copy of the form. Agencies may photocopy this form as necessary. Please note this form contains slight modifications from the one distributed on January 21, 1992, but either form can be used. Questions regarding the use of this form should be directed to the desk officer responsible for your agency.

To underscore the importance of this notification process, the Program Review Division, when conducting an agency ethics program review, will examine more fully an agency's compliance with the OGE notification requirement as one of the elements of the review. Failure to adhere to this requirement will be noted in the report.

TEBBS Note: The attachment (OGE Form 202) does not follow the DAEOgram. It is not in a text format and can not be viewed. It is available in the MISCELLANEOUS area of the FILES section of TEBBS - as an 'encapsulated postscript' file. You can 'download' the file FORM202.EPS and print it on a printer with postscript fonts.