



# Government Ethics: An Introduction to Working with the Government and to Upholding the Public Trust



# **Government Ethics: An Introduction to Working with the Government and to Upholding the Public Trust**

Office of the State Superintendent of Education (OSSE)  
Community-Based Organizations (CBOs)  
Grants Management Conference

Tuesday, September 17, 2013  
Marriott Wardman Park

**Thorn Pozen, Presenter**

# Thorn Pozen



Thorn Pozen is a partner in the law firm of Goldblatt Martin Pozen in Washington, D.C., where, among other topics, he advises government and private sector clients on local government and local and federal government ethics issues. Mr. Pozen previously served as the D.C. government's chief ethics counselor and chief FOIA officer, Special Counsel, Chief of Staff and Counsel to a D.C. Councilmember, staffer for the former D.C. Financial Control Board, as well as in private practice. He has over 25 years of experience working for and with the District government.

Thorn graduated from American University, Washington College of Law, magna cum laude, and from Connecticut College with honors and distinction in his major. He lives in Washington, D.C. with his wife and two children.

# Course Objectives



## Focus

- Public Trust
- Gifts
- Conflicts of Interest (Post-Employment/Outside Employment)
- Endorsements



## Additional Topics

- Political Activity/Lobbying
- Freedom of Information
- Privacy



## Moving Forward – On-Going Compliance

- Privacy
- Space and Use Agreements
- Scope of Services/Accounting
- ASK, ASK, ASK



# Public Trust



- What is Public Trust?
  - Private Sector
  - Public Sector
- Appearance of Impropriety is Impropriety
- Cant Let Gov't Employees
  - Use their public office for private/non-public gain
    - Personal Gain
    - Gain of private organizations
  - Giver preferential treatment
- They Get in Trouble, You do Too



## Gifts to Government Employees

- You are a “Prohibited Source”
  - D.C. employee can’t accept a gift from a “prohibited source”
  - What is a **Gift** & What’s a **Prohibited Source**
- Examples
  - Ballgame Tickets
  - Holiday Gifts to Gov’t Office
- Tip or Gratuity
- Penalties May Apply to Giver Also



## Exceptions

- What's OK?:
  - Site Visit Food
  - Gov't Official Attending Approved Event in Official Capacity
  - Bona Fide Personal Relationship
- Limited Other Exceptions



# What Do You Do & Why?



You are a manager for a community-based service provider in the District which has just received a grant from the D.C. Office of the State Superintendent of Education. Under the grant, you'll be working with sports and recreation policy issues for OSSE. You're meeting with Fred and Jane in your office to talk about the possible effects of your OSSE work on DCPS students. Fred and Jane are both DCPS administrators. Your discussions end around noon. You've gotten to know Fred through your job and you and Jane went to high school together. You suggest that the three of you, as friends, grab some non-work-related lunch nearby. Then, at the end of a cordial and friendly lunch you reach for the bill. . .

- Potential Problems
- How to Avoid



# Conflicts of Interest: Hiring Gov't Worker (Part Time)



- Outside job can't interfere with fair, impartial, and objective government job performance
- Areas of Possible Concern:
  - Tour of Duty Overlap
  - Interference with District Job
  - Government Resources (Including Title & Position)
  - Overlap of Responsibility Over Outside Job (Wearing two Hats)
- What That Means for You



# Conflicts of Interest: Hiring Gov't Worker (Part Time)



- Gov't Employee Post-Employment Restrictions
  - Lifetime Ban – Going back to agency on matter he or she worked on personally and substantially, with same parties
  - Two Year Ban – Matter under purview and responsibility
  - One Year Ban – Former Sr. Employees, any matter
- Gov't Employee Future Employment Restrictions
  - Can't be negotiating with potential hire while he or she is doing work related to organization
- What That Means for You

# Endorsements



- Statements and Representations by Organization
- Use of Gov't Logo(s) by Organization
- Website Links

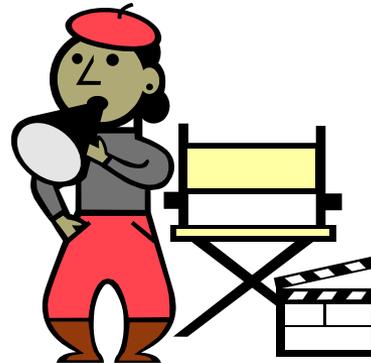


# What Do You Do & Why?



You run a community-based service provider organization in the District which has just received a grant from the D.C. Office of the State Superintendent of Education. You also receive grants from private foundations and hold a few contracts with the District government and with several companies in the area. To help with securing future work you decide to put together a promotional video for your Website. So the video looks authentic, you'd like to hire several OSSE employees for a couple of afternoons worth of filming. You would also like to use some OSSE brochures and memos as props. . .

- Potential Problems?
- How to Avoid?



# Additional Topics



- Political Activity
  - Hatch Act
  - Use of Government Resources
- Lobbying Disclosure
- Freedom of Information Act



# On-Going Compliance



- Privacy – HIPAA & FERPA
- Space and Use Agreements
- Scope of Services/Accounting
- **ASK, ASK, ASK**
  - Someone Inside Your Organization
  - [osse.grantscompliance@dc.gov](mailto:osse.grantscompliance@dc.gov)



# Questions

