



*Reducing Risk. Unleashing Opportunity.*

# Excerpts from the Encyclopedia of Ethical Failures

Office of Ethics Brown Bag Series

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August 2017



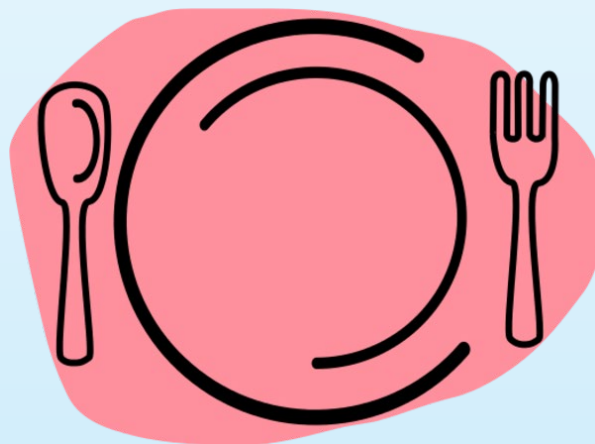
# Wanted: Employee Who Will Not Skip Meetings to Interview with Other Companies

An Army Brigadier General participated as an advocate and approval authority to increase funding on a task order with a contractor while actively seeking employment with that company. His efforts did not rise to the level of “negotiating” employment, so he did not violate the criminal prohibition of [18 U.S.C. 208](#), but was still in violation of [5 C.F.R. 2635.604](#) when he took official action on behalf of a company with which he was seeking employment. He also used official travel time and claimed unauthorized travel expenses to go to job interviews, sometimes missing official meetings. Finally, he charged unauthorized personal phone calls to the Government and ordered subordinates to run errands for him using an official Government vehicle, including picking up his dry cleaning. The General’s behavior violated the Joint Ethics Regulation because he used Federal personnel, equipment, and time to conduct personal business. His official participation in a particular matter on behalf of a company with which he was seeking employment violated conflict of interest laws. Other activities amounted to misuse of Government resources (his subordinates’ time and the vehicle) and improper gift acceptance (failing to reimburse subordinates for expenditures such as mileage, while performing his personal errands). The General was fined \$5,000, and directed to reimburse the Government \$5,300 for the improper cell phone use and overpayment of TDY expenses.

## "Great dinner, thanks for the tip."

Just prior to a major contract award, a Bureau Director went out to dinner with one of the potential competitors at a swanky Washington restaurant. The wine alone cost over \$100 per bottle. Too bad the Director didn't realize that a Washington Post reporter was at the next table. The story received front-page coverage in the next day's Post. By that afternoon, the Director announced that he had accepted a job in private industry— a job he couldn't refuse (with his father-in-law).

The Standards of Conduct prohibit, with limited exceptions, Federal employees from accepting gifts (including meals) from persons who do business or seek to do business with the employee's agency. [5 C.F.R. 2635.202](#).



## One Party Too Many

The Big Boss was retiring and his second-in-command called the secretary to ask her to set up a retirement party. He directed her to send a memo to the staff advising them of what they were expected to contribute. She was assigned paper plates, napkins, plastic utensils, and a paper tablecloth. Everyone, including the secretary, was expected to contribute \$25 for food and gifts. To the surprise of no one, the second-in-command was selected as the new Big Boss. His new branch chief called the secretary to have her set up a "promotion" party. The branch chief's memo to the staff advised them of what they were expected to contribute. For the secretary, it was once again paper plates, napkins, plastic utensils and paper tablecloth. Everyone, including the secretary, was again expected to contribute \$25 for food and gifts. To no one's surprise, the branch chief was selected as the new second-in-command. Her senior analyst called the secretary and asked her to set up a "promotion" party . . . The secretary contacted the Ethics Office instead, where disciplinary action was initiated.

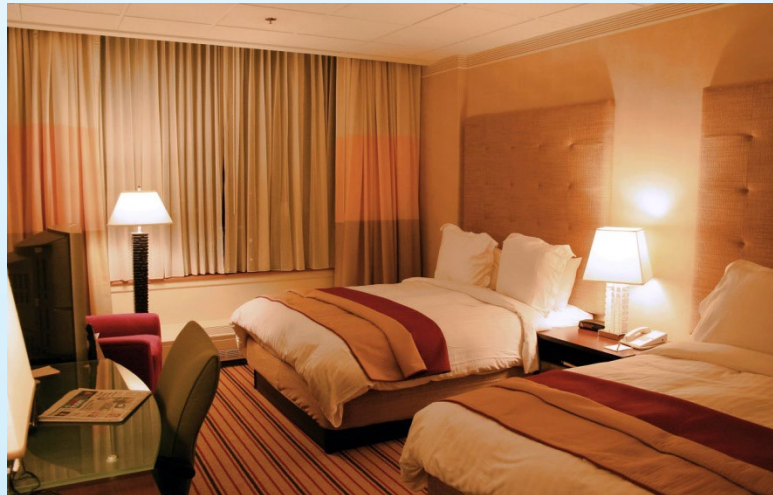
Except in limited circumstances, employees may NOT give a gift to an "official superior," nor make a contribution to such a gift ([5 C.F.R. 2635.301-304](#)).



# All Your Hotel Points Belong to Me

While working at the Air Force Legal Operating Agency, an official directed Air Force JAGs to stay at local hotels at a higher monetary rate when housing was available on Maxwell AFB at a much lower rate. This official used his Marriott rewards account to reserve hotel rooms for visiting military personnel so that he could use his public office for private gain and collect the points for himself. As a result of the scheme, the official received a total of 587,282 Marriott reward points and an additional 100,000 reward points for other room arrangements. He pled guilty and was sentenced to pay a \$5,000 fine and \$90,356 in restitution to the Government for defrauding the Air Force.

An employee shall not use his public office for his own private gain ([5 C.F.R. 2635.702](#)).



## A “Swing and a Miss” for Senior Officers Using Government Funds on Golf Outing

Four senior officials extended an official trip by an extra day in order to attend a golf outing following a conference in Tokyo. They utilized Government transportation and received per diem for the tournament. There were no business events that day, and the all-day golf event was attended by less than half of the conference participants. Attendance at the golf event, costing the Government approximately an additional \$3,000, could not reasonably be considered to be official business. Golf foursomes do not provide the opportunity to dialogue with a large or diverse group, and thus, do not greatly foster communication between conference participants. The golf did not further any legitimate Government purpose, nor was it an economical choice. The senior officials were found to have violated the Standards of Conduct at [5 C.F.R. Part 2635.704](#) and [2635.705](#) by misusing Government property and time.

They were directed to reimburse the Government for both the lodging and per diem costs incurred due to the golf outing.





# Law Enforcement Official Fired for Landing Government Helicopter at His Daughter's School



A Department of Homeland Security border officer was fired for misuse of government property after he flew a multi-million dollar DHS helicopter to his daughter's elementary school and landed it on school property. The incident provoked complaints from parents and attracted media attention. Although the employee's immediate supervisor told him he could use the helicopter, the employee's actions were not excused because employees are expected to use their own judgment and should not rely solely on the judgment of their superiors when it comes to ethical conduct.

