

SOCO ADVISORY

**Department of Defense
Office of General Counsel
Standards of Conduct Office**

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1. Gifts: Free Attendance at Virtual Events

In the current environment, more nonfederal entities are using virtual forums to host a broad spectrum of events such as seminars, round tables, and even fundraisers. Of particular concern for DoD personnel are events where invitations are selectively issued to only senior ranking individuals or where there is a fee charged to any attendees. Additionally, some entities are sending gift bags and other items to attendees. While many of the issues typically associated with event attendance are unlikely to be present (meals, refreshments, entertainment, use of GOV, etc.), ethics counselors should still consider whether the gift regulations allow personnel to accept free attendance and any ancillary items. In discussions with OGE, SOCO confirmed that virtual events are analyzed in the same manner as a live event, which includes assessing whether any exemptions or exceptions would apply to permit attendance. Of particular note, it is possible to find that a virtual event qualifies as a WAG. For example, an exchange of ideas can take place via chatrooms, breakout groups, and open discussion forums. As with any WAG, a written authorization by the agency under 5 C.F.R. 2635.204(g)(3) is still required.

2. Reminder Concerning 60-Day Deadline to Review Financial Disclosure Reports

OGE Program Advisory 11-04 and 5 C.F.R. 2634.605 require that final certification of financial disclosure reports (OGE 278e and OGE 450) must occur within 60 days after the date of filing, unless ethics officials require additional information or report amendment, or if remedial action is required. As the supervisor review required by JER 7-306 must occur within this 60-day period prior to ethics counselor certification, ethics counselors must closely monitor this timeline. Unless additional time has been granted by ethics counsel, supervisors should review reports within 14 days of filer submission to ensure that DoD complies with regulatory review deadlines.

Ethics officials are expected to comply with this requirement and to track instances where additional information / amendment was requested or remedial action was necessary prior to report certification. Where additional information / report amendment is required, ethics officials must diligently pursue obtaining the required information / actions until certification is complete. Ethics officials should escalate filer or supervisor non-responsiveness up the chain of command.

For OGE 278 reports, the Integrity system provides an End Initial Review function. Ethics counselors should use this function to record the date of a request for information / amendment, include a short explanatory comment, and upload emails or other relevant information to a filer's report as "Documents." For OGE 450 reports, FDM currently has an

“End Initial Review” button, along with commenting and attachment functions, with upgraded “End Initial Review” features anticipated to be in place by the end of the calendar year.

DISCLAIMER: The purpose of this advisory is to disseminate relevant information and sources of general guidance, policy and law on Government Ethics issues to the Department of Defense ethics community. Advisories are not intended to be and should not be cited as authoritative guidance, DoD policy, or law

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