

SOCO ADVISORY

Department of Defense
Office of General Counsel
Standards of Conduct Office

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Limited Exception & Waiver Permitting Designation of Non-Attorneys As Ethics Officials for Certifying Certain Financial Disclosure Reports

This advisory is being issued to notify DoD ethics officials that the DoD Designated Agency Ethics Official (DAEO) has approved a limited exception and waiver to the DoD Joint Ethics Regulation (JER) pursuant to DoD Directive 5500.07, Ethics and Standards of Conduct (May 15, 2024), section 2.1.d. This document creates a limited exception and waiver to the provisions at JER section 6.104.b.2.(c) and Appendix A, Ethics Official definition, requiring that only licensed attorneys designated as ethics officials may certify financial disclosure reports, and provides as follows:

A non-attorney employed under the supervision of a DoD ethics official attorney may be designated as an ethics official for the limited purpose of certifying:

1. Annual OGE 450 Confidential Financial Disclosure Reports that are:
 - a. Identified as “blank” in the Financial Disclosure Management (FDM) system, or would be if filed in that system; and
 - b. Do not contain any changes from the immediately preceding report submitted by the filer.
2. OGE 450 Confidential Financial Disclosure Reports submitted by individuals meeting the definition of Special Government Employee (SGE) at 18 U.S.C. § 202 that are identified as “blank” in the Financial Disclosure Management (FDM) system, or would be if filed in that system.

DoD ethics officials will need to issue a written ethics official designation for any non-attorney who will certify financial disclosure reports. Such designations must clearly set forth the limited authority being granted, consistent with the JER and the terms of the exception and waiver described above.

DISCLAIMER: The purpose of this advisory is to disseminate guidance to DoD ethics officials in implementing applicable law, regulation, and policy. It is not intended to be and should not be cited as DoD law, regulation, or policy.

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