

Ethics Counselor Best Practices to Help Ensure Consistency in Legal Opinions Concerning Acceptance of Gifts

1. Encourage frequent coordination on gift issues. This coordination would not only be up the Service legal chain but also, where appropriate, across Service legal chains, e.g., coordinating gift issues with counterparts among HQ Staffs; between Supporting and Supported Components at Joint Bases; and between nearby installations in a geographical region.
2. Encourage general and flag officer (GO/FO) staffs to similarly coordinate gift issues with their counterparts. Note that non-Federal entities will usually provide a complete invitation list to events upon request.
3. Encourage use of a caveat when providing written or verbal ethics advice informing the GO/FO that the ethics advice is tailored to his/her particular circumstances and that advice to other GO/FOs may differ where the factual circumstances differ, e.g., one is a speaker while another is attending that same event under the WAG exception. In other words, one size does not fit all.
4. Encourage emphasizing the one size doesn't fit all concept when conducting GO/FO ethics training, e.g. annual ethics training, New Flag and Senior Executive Training Symposium, and General Officer Legal Orientation Course, .
5. Encourage use of a standard WAG questionnaire to ensure a common and complete factual baseline.
6. Encourage inclusion of personal staffs (and even spouses) when conducting GO/FO ethics training to ensure a common understanding of the rules and to empower subordinates to have a questioning attitude.
7. Encourage educating non-Federal entity points of contact about Federal gift restrictions. This will help to eliminate awkward situations between senior leaders and the need for after-the-fact damage control.
8. Encourage use of technology (e.g., email newsletters, VTC, DCO) to collaborate within the Ethics community to ensure that Ethics Counselors in the field understand HQ's policy expectations.
9. Encourage use of a standard procedure for establishing the fair market value for gifts.