

SBA 2019

GOVERNMENT ETHICS

QUICK REFERENCE GUIDE

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All Area, District and Center Counsel are also ethics officials

THE CRIMINAL ETHICS STATUTES

18 U.S.C. § 201

Prohibits public officials from seeking, receiving or agreeing to accept anything of value for themselves or others in return for being influenced in an official act; being influenced to aid in the commission of a fraud on the United States; or being induced to do or omit any act in violation of official duty.

18 U.S.C. § 203

Bars employees from seeking or accepting compensation for representing another before the executive branch or the courts or receiving money for anyone else's representation.

18 U.S.C. § 205

Bars employees from representing another before the executive branch or the courts in situations where the employee does not receive any compensation.

18 U.S.C. § 207

Places certain restrictions on a former employee; matters in which they worked while a Government employee, and representations back to the U.S. Government.

18 U.S.C. § 208

Bars an employee, including a Special Government Employee, from participating personally and substantially in an official capacity in any particular Government matter that would have a direct and predictable effect on his own or his imputed financial interests.

18 U.S.C. § 209

Prohibits employees from receiving any salary or contribution to or supplementation of salary from any source other than the United States as compensation for services as a Government employee.

THE 14 GENERAL PRINCIPLES OF ETHICAL CONDUCT 5 CFR 2635.101(B)

- 1) **Public service is a public trust**, requiring employees to place loyalty to the constitution, the laws and ethical principles above private gain.
- 2) **Employees shall not** hold financial interests that conflict with the conscientious performance of duty.
- 3) **Employees shall not** engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
- 4) **An employee shall not**, except as permitted by subpart B of this part, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
- 5) **Employees shall** put forth honest effort in the performance of their duties.
- 6) **Employees shall not** knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.
- 7) **Employees shall not** use public office for private gain.
- 8) **Employees shall** act impartially and not give preferential treatment to any private organization or individual.
- 9) **Employees shall** protect and conserve federal property and shall not use it for other than authorized activities.
- 10) **Employees shall not** engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
- 11) **Employees shall** disclose waste, fraud, abuse, and corruption to appropriate authorities.
- 12) **Employees shall** satisfy in good faith their obligations as citizens, including all just financial obligations, especially those—such as Federal, State, or local taxes—that are imposed by law.
- 13) **Employees shall** adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age or handicap.
- 14) **Employees shall** endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards developed from Executive Orders 12674 and 12731. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

THE STANDARDS OF ETHICAL CONDUCT 5 CFR PART 2635 SUBPARTS B-H

EMPLOYEES MUST NOT . .

B – Gifts from Outside Sources

Solicit or accept any gift from a prohibited source or given because of the employee's official position, unless the item is excluded from the definition of a gift or falls within one of the exceptions set forth in this subpart.

C – Gifts Between Employees

Give, donate to, or solicit contributions for a gift to an official superior nor accept a gift from an employee receiving less pay than himself, unless the item is excluded from the definition of a gift or falls within one of the exceptions set forth in this subpart.

D – Conflicting Financial Interests

Participate in an official capacity in any particular matter in which, to his knowledge, he or any person whose interests are imputed to him has a financial interest, if the particular matter will have a direct and predictable effect on that interest. Or, acquire or continue to hold specific agency designated financial interests.

E – Impartiality in Performing Official Duties

Act on a matter if a reasonable person who knew the circumstances of the situation could legitimately question their fairness.

F – Seeking Other Employment

Participate personally and substantially in any particular matter that will have a direct and predictable effect on the financial interests of a person with whom he is seeking employment, negotiating or has any arrangement concerning prospective employment.

G – Misuse of Position

Use their government time, authority or government information and resources for their own personal gain or for the benefit of others.

This subpart sets forth standards relating to:

- (a) Use of public office for private gain;
- (b) Use of nonpublic information;
- (c) Use of Government property; and
- (d) Use of official time.

H – Outside Activities

Engage in outside employment or any outside activity if it conflicts with their government jobs.