

CONFIDENTIAL FINANCIAL DISCLOSURE REPORT – FILING DEADLINE 15 FEBRUARY

The Ethics in Government Act requires certain military and civilian employees to file financial disclosure reports. The Joint Ethics Regulation or “JER” lists 14 principles of ethical conduct required by government employees, one of which prohibits employees from holding financial interests that conflict with “the conscientious performance of duty.” The OGE 450 is a government-wide financial disclosure form for employees in certain job positions or “*covered positions*” (determined by law and regulation). The purpose of this report is to assist employees and their agencies in avoiding conflicts between official duties and private financial interests or affiliations. The agency ethics officials will review the list of the employee’s assets/liabilities/ outside positions, etc. to determine if any potential conflicts exist. The **annual report** has to be filed by **15 February** and the new entrant report is to be filed within 30 days of taking over or assuming the “covered position”. In general if you touch money or make decisions concerning where money goes, you may be in a “covered position” and need to file the OGE 450. Civilian personnel GS-15 or below and military personnel below O-7 must file and OGE 450 only if the duties/responsibilities of a position require the employee “to participate personally and substantially... through decision or the exercise of significant judgment, and without substantial supervision and review, in taking a Government action regarding certain actions” which include: contracting or procurement; monitoring/ administering grants, subsidies, licenses, or other federally conferred financial/operational benefits; regulating/auditing any non-Federal entity; other activities in which the final decision or action will have a direct and substantial economic effect on the interests of any non-Federal entity. Additionally, one can be an OGE 450 filer if “the agency concludes that the duties and responsibilities of the employee's position require the employee to file such a report to avoid involvement in a real or apparent conflict of interest, and to carry out the purposes behind any statute, Executive order, rule, or regulation applicable to or administered by the employee.” Just because you are in a position listed above does not mean you automatically fill out the OGE 450. The OGE 450 is not required if: it is unlikely the employee would be involved in a real or apparent conflict of interest; the employee has a substantial degree of supervision; the employee controls matters inconsequential to the DA integrity; the employee controls matters with a low dollar threshold. The decision for who files the OGE 450 is driven from the top down and rests with the immediate “owner” or supervisor of the employee. When in doubt contact our office. You can file your OGE 450 electronically by going to <https://www.fdm.army.mil/>.

ETHICAL FAILURES: A DoD employee was sentenced to two years of probation, 200 hours of community service, and a \$5,000 fine for violating 18 U.S.C. § 1001(a)(2), making a false statement. He had been responsible for contracting with vendors that provided bag-in-the-box soda to military customers worldwide. In February 2005, the defendant was offered and accepted several gifts from Company A (multibillion dollar soft-drink **company** that, had secured contracts and subcontracts with the DoD) The gifts that the defendant accepted included a ticket to attend the 2005 Super Bowl in Florida, as well as lodging on the Regatta cruise ship, meals and drinks, and access to exclusive, Super Bowl-related events. Each year since 2001, the defendant was required to complete and certify an annual Executive Branch Confidential Financial Disclosure Report, the OGE Form 450. On the form, he was required to list gifts that exceeded a certain value from outside sources, including Government contractors. He did not report the Super Bowl-related gifts on his 2005 report. He falsely certified that he had not received gifts from any one source that totaled more than the permitted threshold amount. In fact, the gifts that he accepted from Company A in February 2005 totaled more than the permitted threshold amount.

**ARNORTH AND FORT SAM HOUSTON, OFFICE OF THE STAFF JUDGE ADVOCATE,
ADMINISTRATIVE/CIVIL LAW DIVISION. YOU CAN CONTACT A DESIGNATED ETHICS COUNSELOR
AT 210-295-2373.**