



NUMBER: Directive 0622

SUBJECT: Potential Ethics Violations

DIRECTIVE OWNER: Office of the General Counsel, General Law
Division

EFFECTIVE DATE: March 30, 2023

1. **PURPOSE.** All federal employees are required to endeavor at all times to act in the public's interest, avoid real or apparent conflicts of interest, refrain from misusing their public office for private gain, and serve as good stewards of public resources. This directive establishes the authority and procedures for addressing potential violations of the ethics laws and regulations.
2. **AUTHORITIES.**
 - a. 18 U.S.C. §§ 201–209 (Criminal conflict of interest laws).
 - b. 28 U.S.C. § 535 (Investigation of crimes involving government officers and employees)
 - c. 5 U.S.C. § 13103, et seq. (Ethics in Government Act of 1978, as amended).
 - d. 5 C.F.R. Chapter XVI, Subpart B (Government Ethics), including 5 C.F.R. part 2635, Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct).
3. **SCOPE.** This directive applies to potential violations of criminal and civil ethics laws and regulations.
4. **PROCEDURES.**
 - a. **Who can report potential violations.** Any CPSC employee may report potential ethics violations. Employee, as defined in the Standards of Conduct, means “any officer or employee of an agency ... Status as an employee is unaffected by pay or leave status or, in the case of a special Government employee, by the fact that the individual does not perform official duties on a given day.” 5 C.F.R. § 2635.102(h).



- b. Where to report potential violations.** Employees may report potential violations to the Designated Agency Ethics Official (DAEO), the Alternate Designated Agency Ethics Official (ADAEO), or any ethics official. Ethics officials recognize the sensitive nature of these matters and treat information obtained in an appropriate manner in accordance with the law. Employees may also report potential violations directly to the Inspector General.
- c. Initial review.**
- (1) An ethics official, upon being notified of a potential ethics violation, will review the legal standards to determine whether such behavior or actions would constitute a violation of ethics laws or regulations if all of the alleged facts were true.
 - (2) If the ethics official determines that the situation does not warrant further investigation, no further action will be taken.
 - (3) If the ethics official determines that further investigation is warranted, the matter will be referred to the Inspector General.
 - (4) The DAEO may also refer the matter directly to the Attorney General, as appropriate, pursuant to 28 U.S.C. § 535.
- d. Investigation by the Inspector General.** The Inspector General may use all the resources available to the Office of Inspector General to determine whether any violation of ethics law or regulation has occurred. At the conclusion of the investigation, the Inspector General may:
- (1) Close the matter with no further action;
 - (2) Make a finding of an administrative violation and refer the matter to the Chair; or
 - (3) Make a finding of a criminal violation and refer the matter to the Attorney General.
- e. Referral to the Attorney General and notification to the Office of Government Ethics (OGE).** In matters requiring further investigation, except those arising in the Office of Inspector General, ethics officials will refer matters to the Inspector General for further investigation. The DAEO also has the authority to refer matters directly to the Attorney General, as appropriate.
- (1) When a referral is made to the Attorney General pursuant to 28 U.S.C. § 535, ethics officials will notify OGE of the referral using OGE Form 202.



(2) Ethics officials will continue to provide quarterly or annual status updates, as requested by OGE.

5. CANCELLATION. This Directive supersedes and cancels IP311-D, *Implementing Procedure for Addressing Potential Ethics Violations* (Aug. 26, 2019).

A handwritten signature in black ink, appearing to read "Alexander D. Hoehn-Saric", written over a horizontal line.

Alexander Hoehn-Saric
Chair

3/30/2023

Date