

# ACE Unit 2: Introduction to Advice and Counsel

**Hello New Ethics Officials!**

**Welcome to the ethics team at the Agency on Mental Health. The whole team is grateful that you have joined us and we're looking forward to helping you develop in the ethics profession. We have a lot going on right now, and we're hoping you can help us with a recent influx of gift questions. It would be a big help to our senior ethics officials if you could do some preliminary research into the questions below.**

**Thanks in advance!**

**Deborah Ortiz**

**Designated Agency Ethics Official**

**Agency on Mental Health**

**Section 1: Is it a gift?**

Using the definition of "gift" and exclusions from the definition at 5 CFR 2635.203(b), determine whether each of the items below qualifies as a gift.

- 1.1 A rental car company offers a 5% discount for all government employees, teachers, and first responders.

Is it a gift? \_\_\_yes \_\_\_no

- 1.2 Passed hors d'oeuvres and a champagne toast.

Is it a gift? \_\_\_yes \_\_\_no

- 1.3 A ticket to a minor league baseball game.

Is it a gift? \_\_\_yes \_\_\_no

- 1.4 An employee's pension and retirement saving account from a previous job.

Is it a gift? \_\_\_yes \_\_\_no

## Section 2: Is it prohibited?

Using the general prohibition at 5 CFR 2635.202, determine if the gifts below would meet the general prohibition.

2.1 A gift to an agency employee from a clinic AMH regulates.

Is it a prohibited? \_\_\_yes \_\_\_no

2.2 A gift to an AMH employee from a citizen grateful for the service she received from the AMH employee.

Is it a prohibited? \_\_\_yes \_\_\_no

2.3 A birthday present to an AMH employee from his 8 year old daughter.

Is it a prohibited? \_\_\_yes \_\_\_no

## Section 3: Does an exception apply?

Using the exceptions to the general prohibition on gifts at 5 CFR 2635.204, identify if an exception might apply, and if so with one or ones.

3.1 An agency employee has been invited, by a prospective employer that is a prohibited source for AMH, to fly to the company headquarters for an interview and a meet and greet dinner with the executive team.

Which, if any, exception(s) would you consider applying?

---

3.2 An agency employee has been offered a box lunch valued at \$12 by an AMH contractor.

Which, if any, exception(s) would you consider applying?

---

3.3 A division head at AMH has recently been publicly recognized for outstanding service to the country. Her next-door neighbor, who is not a prohibited source, has invited the employee and her family for a garden party to celebrate her accomplishment. Food, alcoholic beverages, and entertainment will be provided at the party.

Which, if any, exception(s) would you consider applying?

---

## Gift Opinion Exercise

Using the fact pattern below, determine if there is a gift, if it is prohibited, if an exception may apply, and consider the factors for declining an otherwise permissible gift. Provide the citations for the portion of the rule you use to answer each question. Then, using the BFLAC format, draft an ethics opinion to the employee.

4.1     *Dear Ethics,*

*My brother in-law, who works at TWLOHA a grantee of AMH, has access to TWLOHA's executive suite for an Arlington Raiders hockey game. He would like take my daughter to the game for her birthday because she is a huge Raiders fan. I don't know how much the suite costs, but the best seats for the game, not in private suites, cost about \$150. Is it okay if my daughter goes to the game?*

1. Is it a gift? \_\_\_yes \_\_\_no

Citation: \_\_\_\_\_

2. Is it a prohibited? \_\_\_yes \_\_\_no

Citation: \_\_\_\_\_

3. Does an exception apply? \_\_\_yes \_\_\_no

Citation: \_\_\_\_\_

4. Using the factors at 5 CFR 2635.201, are there any considerations that would work in favor of declining the gift?

---

---

---

# Opinion Template

**Bottom Line:**

**Facts:**

**Laws/Regulations:**

**Analysis:**

**Conclusion:**

**Other Considerations/Recommendation:**

## **ETHICS CLEARANCE REQUESTS FOR THIS WEEK**

Dear Ethics Team,

I have two ethics clearance requests for this week. We have a lot going on, so the quicker you can clear these the better.

1. Document Management Strategic Partnership

As you know, AMH is looking for a strategic partner to help with some of our medical information security and accessibility needs. We need to upscale our capabilities to comply with new privacy and security requirements. It is one of the Secretary's urgent management priorities. Naomi Guzman the chief, in charge of medical information security, has scheduled some information gathering meetings with prospective partners. She has asked that I attend the meetings with NextGen Health and Cerner Corp to make sure we are asking the right questions. As I think you know, NextGen is one of my spouse's clients. They aren't currently working on a project together, but I believe they have a retainer agreement. She might also have some stock in NextGen from a previous project. My 278e/PTRs are all up to date. Please advise.

2. Youth Mental Health Grant

As you know, the grants folks are considering applications for a large grant for youth mental health support. I had a brief chat with Jen Snow from NAMI in a pull-aside at IAYMH. I don't think the grants team has the visibility into NAMI they need to make the best decision with this grant. I'd like to schedule a meeting with them to fill in some of the gaps. If we get this wrong, I'm afraid it will hurt the administration's progress on this issue, and jeopardize youth who could otherwise receive care. Because I did some work with NAMI before coming to AMH, I wanted to get clearance from you.

As always, please CC Grant on your response so he can get these on my calendar.

Best,

Dr. Rory M. Singh-Smith

Deputy Director, Programs Funding

Agency on Mental Health

# Opinion Template

**Bottom Line:**

**Facts:**

**Laws/Regulations:**

**Analysis:**

**Conclusion:**

**Other Considerations/Recommendation:**