



United States  
**Office of Government Ethics**  
1201 New York Avenue, NW., Suite 500  
Washington, DC 20005-3917

Director

November 9, 2004

The Honorable Tom Davis  
Chairman  
Committee on Government Reform  
United States House of Representatives  
2157 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Davis:

This responds to your letter of November 8, 2004, inquiring about the status of the August 9, 2004 request from the Senior Executives Association (SEA) for an advisory opinion.

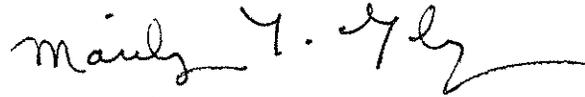
As you know, the SEA has asked the Office of Government Ethics (OGE) for advice on the application of the criminal conflict of interest law, at 18 U.S.C. 208, to an executive branch official's serving simultaneously on the SEA Board of Directors and his agency's Executive Resources Board (ERB). The SEA's request for a written opinion followed their having been advised orally by OGE that section 208 would prohibit an individual who serves on the SEA Board from also participating, as a member of his agency's ERB, in a particular matter on which the SEA is advocating a position.

I am enclosing a copy of a letter dated September 13, 2004, to SEA General Counsel William Bransford, which acknowledged SEA's request for a written opinion and told them that OGE, in turn, is seeking an opinion from the Department of Justice (DOJ) on this issue. The oral advice OGE provided was based on OGE's longstanding interpretation of section 208; nonetheless, given the importance of this question to the SEA and other organizations, OGE is seeking DOJ's advice in order to ascertain whether there is a viable alternative to that interpretation. As indicated in our letter to Mr. Bransford, after we receive DOJ's opinion but before we issue the written OGE opinion SEA has requested, we will meet with him.

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I understand and share your interest in ensuring that SEA receives further guidance on its question as soon as possible. We will keep you informed of further developments regarding SEA's request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marilyn L. Glynn", with a long horizontal flourish extending to the right.

Marilyn L. Glynn  
Acting Director

Enclosure