

**Office of Government Ethics**  
**81 x 14 -- 03/20/81**

**Letter to a Designated Agency Ethics**  
**Official dated March 20, 1981**

By your letter of March 9, 1981, you urge that the otherwise applicable disqualification of 18 U.S.C. § 207(c) should not apply with respect to certain independently exercised functions of [another major office within your agency] in the case of former Senior Employees of the parent agency whose official responsibilities included supervision of that Office within the meaning of 18 U.S.C. § 207(e) and 5 C.F.R. § 737.13(c)(3).

The legislative history of section 207(c) demonstrates, as we emphasized in our February 23, 1981 letter to you concerning this provision, the principal objective of addressing the problem of unfair or undue influence. The "supervision" exception contained in the section 207(e) limitation on the one-year bar is an appropriate formulation of the limitation's parameters. The limitation exists for those who actually had work which was separable; however, the Congress has determined the limitation should not apply in the case of those whose official responsibilities included supervision of the separate segment.

In construing the term "supervision," we have an obligation to adopt a straightforward and realistic view. We may not take it upon ourselves to interpret the term in a stilted fashion that defeats the obvious purpose of this statutory provision. Cf. *United States v. Louis Irons*, No. 80-1478, slip op. (7th Cir. 1981). Accordingly, we determine that the disqualification under 18 U.S.C. § 207(c) with respect to this major Office within your agency is applicable to former Senior Employees of the parent agency whose official responsibilities included supervision of that Office within the meaning of 18 U.S.C. § 207(e) and 5 C.F.R. § 737.13(c)(3) and that, notwithstanding differing degrees of actual supervisory responsibility over the various subject matter jurisdictions of such Office, the Senior Employees are disqualified with respect to all such subject matters.

Sincerely,

J. Jackson Walter  
Director