



United States
Office of Government Ethics
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October 11, 2006
DO-06-030

TO: Designated Agency Ethics Officials

FROM: Robert I. Cusick
Director

SUBJECT: Procedures for requesting a Certificate of Divestiture

A significant number of recent requests for Certificates of Divestiture (CDs) made to the Office of Government Ethics (OGE) have not followed various aspects of the requirements set out in 5 C.F.R § 2634.1005. Deficiencies in the request package result in delays in processing, which in turn can result in the employee's continuing need to recuse from official duties. In order to reduce these delays, I am asking you to review the steps outlined below, and make sure that you follow them when you are preparing your CD request package:

1. The eligible employee first must make a written request to the Designated Agency Ethics Official (DAEO) that includes:

- a complete description of the property that will be divested;
- a description of how the property was acquired;
- the exact name of the properties to be divested (i.e., Intel Corporation not Intel);
- if stock, the exact number of shares to be divested;

- if a property held in a trust, a copy of the trust document as well as a list of the trust's current holdings, unless the holdings are listed on the employee's most recent financial disclosure report;
- a statement that the individuals holding the property (which may include a spouse or trustee of a trust) have agreed to divest; and
- a commitment to divest the property within 90 days of either the employee's appointment or the date divestiture was required.

2. Next, the DAEO must forward this information to OGE in a package with the following additional materials:

- a copy of the employee's most recent financial disclosure form or, if the employee is not required to file a financial disclosure report, a listing of the employee's interests that would be required to be disclosed on a confidential financial disclosure report, with the exception of gifts and travel reimbursements;
- an opinion from the DAEO indicating why the divestiture is necessary; and
- a brief description of the employee's position or a citation to a statute that describes the duties of the position.

3. Once the request has been received, OGE will review the package to determine whether a CD will be issued. If additional information is required, OGE will contact the DAEO. If the decision is made to issue a CD, OGE will send the DAEO a transmittal letter along with the actual CD to be forwarded to the employee. An employee who is granted a CD should confirm that the information included on the certificate is correct before selling the related property. And remember that not all requests for

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CDs can be granted, so employees should be counseled accordingly. If OGE decides not to issue a CD, OGE will notify the DAEO.

This DAEOgram is intended merely as a reminder of the necessary steps to be taken when submitting an employee's request for a CD. It does not address all aspects and issues related to CDs (e.g., eligibility requirements, timing issues, trusts, etc.) so you should consult 5 C.F.R. § 2634.1001 for further detail or contact Walter M. Shaub, Program Manager at 202-482-9302, or Rachel Molinaro, Financial Analyst at 202-482-9315 with any additional questions. Thank you very much for your cooperation.