

ETHICS PROGRAM INSPECTION RESULTS			
Agency:	Denali Commission		
Report No:	14-17I	Date:	September 29, 2014
Review Scope:	January – December 2013		

1.0 AGENCY DATA		
	EMPLOYEES	Data
1.1	Number of full-time agency employees, as reported in the most recent Annual Questionnaire	9
1.2	Number of agency SGEs, as reported in the most recent Annual Questionnaire	6
1.3	Number of PAS public financial disclosure reports required to be filed, as reported in the most recent Annual Questionnaire	0
1.4	Number of non-PAS public financial disclosure reports required to be filed, as reported in the most recent Annual Questionnaire	3
1.5	Number of confidential financial disclosure reports required to be filed by employees, as reported in the most recent Annual Questionnaire	5
	ETHICS PROGRAM	Data
1.6	Name of DAEO	Howard L. Martin, Jr.
1.7	Title of DAEO	Regional Counsel, FAA
1.8	Grade level of DAEO	M Band
1.9	Name of ADAEO	Mary Gilbert
1.10	Title of ADAEO	Program Analyst
1.11	Grade level of ADAEO	H Band
1.12	Name of the primary, day-to-day ethics program administrator	Howard L. Martin, Jr.
1.13	Title of the primary, day-to-day ethics program administrator	Regional Counsel, FAA
1.14	Grade level of the primary, day-to-day ethics program administrator	M Band
1.15	Current number of full-time ethics officials	0
1.16	Current number of part-time ethics officials	2
1.17	Average FTE value of a part-time ethics official(s) (For example, if part-time ethics officials at the agency generally devote 10 hours per week to ethics work, the average FTE value is 25%.)	1%
1.18	Number of reporting levels between the ethics office/program and the agency head	1

2.0 LEADERSHIP			
	COMPLIANCE REQUIREMENT	Yes	No
2.1	OGE has received an up-to-date designation from the agency head naming the DAEO. <i>See</i> 5 C.F.R. § 2638.202(c).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.2	OGE has received an up-to-date designation from the agency head naming the ADAEO. <i>See</i> 5 C.F.R. § 2638.202(c).	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3.0 ETHICS AGREEMENTS			
	COMPLIANCE REQUIREMENT	Yes	No
3.1	All officials currently in PAS positions have complied with their ethics agreements. <i>See</i> 5 C.F.R. § 2634.804. (☒ Not Applicable: see OGE comment section below)	<input type="checkbox"/>	<input type="checkbox"/>
3.2	All officials currently in PAS positions complied with their ethics agreements in a timely fashion. <i>See</i> 5 C.F.R. § 2634.804. (☒ Not Applicable: see OGE comment section below)	<input type="checkbox"/>	<input type="checkbox"/>
3.3	For all officials currently in PAS positions, the agency notified OGE of ethics agreement compliance in a timely fashion. <i>See</i> DO-09-015. (☒ Not Applicable: see OGE comment section below)	<input type="checkbox"/>	<input type="checkbox"/>

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3.4	For all officials currently in PAS positions, the agency maintains documentation of actions taken to comply with ethics agreements. <i>See</i> 5 C.F.R. § 2634.804. (☒ Not Applicable: see OGE comment section below)	<input type="checkbox"/>	<input type="checkbox"/>
3.5	All PAS officials' ethics agreements are maintained with their financial disclosure reports. <i>See</i> 5 C.F.R. § 2634.805. (☒ Not Applicable: see OGE comment section below)	<input type="checkbox"/>	<input type="checkbox"/>

4.0 PUBLIC FINANCIAL DISCLOSURE (OGE Form 278, OGE Form 278-T)				
COMPLIANCE REQUIREMENT			Yes	No
4.1	The agency has written policies and procedures in place governing: <i>See</i> 5 U.S.C app. IV, § 402(d)(1).			
4.1.1	• Collection of public financial disclosure reports	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4.1.2	• Review/evaluation of public financial disclosure reports	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4.1.3	• Public availability of public financial disclosure reports	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4.2	The agency can demonstrate that late filing fees are collected or, where appropriate, waivers are issued when public filers do not timely file financial disclosure reports.			<input checked="" type="checkbox"/>
4.3	Public financial disclosure records are securely maintained. <i>See</i> OGE/GOVT-1.			<input checked="" type="checkbox"/>
4.4	Public financial disclosure reports are retained in accordance with the retention requirements. <i>See</i> 5 C.F.R. § 2634.603(g)(1).			<input checked="" type="checkbox"/>
4.5	Agency ethics officials respond promptly to requests by OGE for additional information regarding PAS annual and termination public financial disclosure reports. <i>See</i> 5 U.S.C app. IV, § 402(d)(1). <i>See</i> 5 C.F.R. § 2638.203(b)(14). (☒ Not Applicable: see OGE comment section below)			<input type="checkbox"/>
DATA ANALYSIS				%
4.6	Percentage of sampled non-PAS new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(b).			N/A
4.7	Percentage of sampled non-PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).			66%
4.8	Percentage of sampled non-PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).			N/A
4.9	Percentage of sampled non-PAS public financial disclosure reports certified within 60 days of receipt (unless additional information was being sought or remedial action was being taken). <i>See</i> PA-11-04.			100%
4.10	Percentage of sampled PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).			N/A
4.11	Percentage of sampled PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).			N/A
4.12	Percentage of sampled PAS annual and termination reports certified within 60 days of receipt (unless additional information was being sought or remedial action was being taken). <i>See</i> 5 C.F.R. § 2634.605(a).			N/A

5.0 CONFIDENTIAL FINANCIAL DISCLOSURE				
COMPLIANCE REQUIREMENT			Yes	No
5.1	The agency has written policies and procedures in place governing: <i>See</i> 5 U.S.C app. IV, § 402(d)(1).			
5.1.1	• Collection of confidential financial disclosure reports	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5.1.2	• Review/evaluation of confidential financial disclosure reports	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5.2	Confidential financial disclosure records are securely maintained. <i>See</i> OGE/GOVT-2.			<input checked="" type="checkbox"/>
5.3	The agency's OGE-approved alternative confidential financial disclosure system complies with plans approved by OGE. <i>See</i> 5 C.F.R. § 2634.905(a). (☒ Not Applicable: see OGE comment section below)			<input type="checkbox"/>
5.4	Confidential financial disclosure reports are retained in accordance with the retention requirements. <i>See</i> 5 C.F.R. § 2634.604.			<input checked="" type="checkbox"/>

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	DATA ANALYSIS	%
5.5	Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b).	N/A
5.6	Percentage of sampled confidential annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(a).	55%
5.7	Percentage of sampled confidential financial disclosure reports certified within 60 days of receipt (unless additional information was being sought or remedial action was being taken). <i>See</i> 5 C.F.R. §§ 2634.605(a), 2634.909(a).	100%

6.0 INITIAL ETHICS ORIENTATION			
	COMPLIANCE REQUIREMENT	Yes	No
6.1	All initial ethics orientation material contains: <i>See</i> 5 C.F.R. § 2638.703(a) and (b). (☒ Not Applicable: see OGE comment section)		
6.1.1	<ul style="list-style-type: none"> Current contact information of relevant ethics official(s) 	<input type="checkbox"/>	<input type="checkbox"/>
6.1.2	<ul style="list-style-type: none"> Copy of the Standards of Ethical Conduct and any agency supplemental standards to keep or review; or Summaries of the Standards, any agency supplemental standards, and 14 Principles for employees to keep 	<input type="checkbox"/>	<input type="checkbox"/>
6.2	The agency can demonstrate that it has an effective process to ensure that new employees receive initial ethics orientations. <i>See</i> 5 C.F.R. § 2638.703(c).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	DATA ANALYSIS	%	
6.3	Percentage of new agency employees who received initial ethics orientation within 90 days. <i>See</i> 5 C.F.R. § 2638.703.	N/A	

7.0 ANNUAL ETHICS TRAINING			
	COMPLIANCE REQUIREMENT	Yes	No
7.1	All annual ethics training material contains: <i>See</i> 5 C.F.R. § 2638.704(b).		
7.1.1	<ul style="list-style-type: none"> Current contact information of relevant ethics official(s) 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.1.2	<ul style="list-style-type: none"> Review of the criminal conflict of interest statutes 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.1.3	<ul style="list-style-type: none"> Review of the Standards of Ethical Conduct 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.1.4	<ul style="list-style-type: none"> Review of the 14 Principles 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.1.5	<ul style="list-style-type: none"> Review of any agency supplemental standards (☒ Not Applicable: see OGE comment section below) 	<input type="checkbox"/>	<input type="checkbox"/>
7.2	The agency can demonstrate that it has an effective process to ensure that covered employees receive annual ethics training. <i>See</i> 5 C.F.R. § 2638.704(c) and 705(c).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	DATA ANALYSIS	%	
7.3	Public financial disclosure filers who completed annual ethics training. <i>See</i> 5 C.F.R. § 2638.704(a).	100%	
7.4	Confidential financial disclosure filers who completed annual ethics training. <i>See</i> 5 C.F.R. § 2638.705(a)(3).	100%	

8.0 ETHICS ADVICE AND COUNSEL			
	COMPLIANCE REQUIREMENT	Yes	No
8.1	Based on a sample collected by OGE, guidance provided by agency ethics officials to employees appears to be consistent with applicable laws and regulations. (☒ Not Applicable: see OGE comment section below)	<input type="checkbox"/>	<input type="checkbox"/>

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RECOMMENDATIONS			
#	Element	RECOMMENDATION	Compliance Due
1	5.6	<p><u>CONCERN:</u> Five incumbent confidential financial disclosure filers did not submit annual financial disclosure reports in CY2013, as required.</p> <p><u>RECOMMENDATION:</u> Obtain, review, and certify the outstanding confidential financial disclosure reports covering the CY2012 reporting period. Determine the applicability of any penalties under 5 C.F.R. § 2634.701(d).</p> <p><u>AGENCY RESPONSE:</u> Four of the outstanding confidential financial disclosure reports belong to Commissioners, who are Special Government Employees. These Commissions are appointed by and under the authority of the Secretary of Commerce. As the Denali Commission – specifically the Federal Co-Chair – lacks the authority to take corrective measures regarding the Commissioners’ failure to timely file, the Denali Commission is consulting with the Department of Commerce ethics office to ensure the outstanding reports are collected and determine the applicability of penalties under 5 C.F.R. § 2634.701(d). In addition, the DAEO will also work personally with those Commissioners to seek compliance. The other outstanding report belonging to a Denali Commission staff member has been collected, reviewed, and certified. That failure to file has been identified to the employee’s supervisory chain and is being addressed through normal personnel processes.</p> <p><u>OGE COMMENT:</u> In addition to verifying the collection, review, and certification of outstanding confidential financial disclosure reports noted in the recommendation, OGE will perform an inspection follow-up to verify the collection, review, and certification of confidential financial disclosure reports covering the CY2014 reporting period.</p>	4/15/15

COMMENTS
<p><u>OGE Comments:</u></p> <p>(1.4) The annual ethics program questionnaire identified two non-PAS public filing positions for the Denali Commission: the Commission’s Federal Co-Chair and the Inspector General (since resigned). Because the DAEO is employed by the Department of Transportation, Federal Aviation Administration, and provides ethics services for the Denali Commission under a Memorandum of Understanding, that position was not identified on the annual ethics program questionnaire as a Denali Commission position. For purposes of the inspection, OGE will consider the DAEO to be part of the Denali Commission resulting in three non-PAS public filing positions.</p> <p>(2.1) The Denali Commission did not have a current DAEO designation letter on file with OGE at the time of OGE’s inspection. During the inspection, the Denali Commission provided to OGE a current designation letter.</p> <p>(2.2) The Denali Commission did not have a current ADAEO designation letter on file with OGE at the time of OGE’s inspection. During the inspection, the Denali Commission provided to OGE a current designation letter.</p> <p>(3.1 – 3.5) The Denali Commission does not have any officials in PAS positions.</p> <p>(4.1) The Denali Commission did not have written policies and procedures in place governing public financial disclosure at the time of OGE’s inspection. During the inspection, the Denali Commission provided to OGE written policies and procedures governing public financial disclosure that met the content requirements of 5 U.S.C app. IV, § 402(d)(1).</p> <p>(4.4) The inspection identified financial disclosure reports retained beyond the time frames established in the retention requirements. During OGE’s inspection, the Denali Commission confirmed with OGE the destruction of all financial disclosure reports held beyond of the retention</p>

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period.

(4.5) The Denali Commission does not have any officials in PAS positions.

(5.1) The Denali Commission did not have written policies and procedures in place governing confidential financial disclosure at the time of OGE's inspection. During the inspection, the Denali Commission provided to OGE written policies and procedures governing confidential financial disclosure that met the content requirements of 5 U.S.C app. IV, § 402(d)(1).

(5.3) The Denali Commission does not have an OGE-approved alternative confidential financial disclosure system.

(5.4) The inspection identified financial disclosure reports retained beyond the time frames established in the retention requirements. During the inspection, the Denali Commission confirmed with OGE the destruction of all financial disclosure reports held beyond of the retention period.

(6.1 – 6.2) The Denali Commission did not have any new employees in CY2013. The DAEO does not retain initial ethics orientation material and selects training material as needed from OGE's website on a case-by-case basis.

(7.1.5) The Denali Commission does not have agency supplemental standards.

(8.1) The Denali Commission did not provide written ethics advice and counsel during CY2013.