

Investigative Summary

Findings of Misconduct by a GS-15 Attorney – Advisor for failure to accurately complete and submit several mandatory OGE-450 forms required by the Office of Government Ethics

This investigation was initiated upon the receipt of information from the Deputy Ethics Counselor for Region 5 of the U.S. Department of Housing and Urban Development, Office of Regional Counsel. It was alleged that an employee with Fair Housing and Equal Opportunity (FHEO), who is also an attorney, had been involved in several violations of the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R Part 2635 (“Standards”) and the Standards of Ethical Conduct for Employees of HUD (“Supplemental Standards”), 5 C.F.R. Part 7501, despite the provision of clear legal guidance from the Office of Regional Counsel.

The employee, a Grade 15 Attorney-Advisor, is a mandatory OGE-450 filer with the Office of Government Ethics (OGE). In both 2013 and 2014, the employee’s 450 forms were not certified by Regional Counsel because they failed to provide requested documentation. In 2014, the employee was cautioned regarding the Department’s pro bono policy as because the employee’s OGE 450 indicated the employee was operating an outside law office. Once again in 2016, Regional Counsel had concerns regarding the submission of OGE-450 forms and the lack of supporting documentation to support activities outside of HUD employment.

The investigation focused on examining the employee’s activity as a private attorney and outside employment. Eight separate instances were identified in which the employee represented individuals as an attorney in several county court districts and divisions, all which occurred during a time period of 1992 through 2002. The employee was also involved in four court cases filed in U.S. District Court which were all filed during the time period of 1993 through 2008. The employee admitted to failing to obtain permission to conduct pro-bono legal work for every instance in which the employee did so. However, the investigation found no evidence that the employee was employed outside of HUD past 2010.

HUD-OIG referred these findings to the U.S. Attorney’s Office for prosecutorial consideration but was declined. OIG referred the results of the investigation to FHEO and the Office of Regional Counsel any action they deemed appropriate. In March 2021, a (10) day suspension proposal was based on the following charge: **Failure in Carrying Out Instructions**. The deciding official mitigated the suspension to (5) five calendar days in lieu of the proposed (10) calendar day suspension.