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

August 15, 2012

Mr. Thomas Luebke
Secretary and Designated Agency Ethics Official
U.S. Commission of Fine Arts
401 F Street, N.W., Suite 312
Washington, DC 20001-2637

Dear Mr. Luebke:

The United States Office of Government Ethics (OGE) has conducted a follow-up review of the ethics program at the Commission of Fine Arts (CFA) to determine how the recommendations and suggestions in our December 2011 report have been addressed. OGE's initial review of CFA's ethics program identified four recommendations requiring agency action and provided two suggestions to further improve ethics program operations.

One recommendation from the December 2011 report will remain open. OGE is unable verify CFA's review and certification of confidential financial disclosures until after the November 30, 2012 submission deadline passes and CFA officials have had 60 days to complete their review of the reports. OGE will follow-up with CFA to assess the status of this recommendation after the submission and review deadlines have passed.

OGE recommended CFA amend its public financial disclosure procedures to reflect the annual filing due date and the requirement to submit a termination financial disclosure report. In response to OGE's recommendation, CFA provided a revised copy of its *Ethics Policy Summary* containing updated language addressing the annual due date and the termination financial disclosure filing requirement for public financial disclosure filers. CFA has taken appropriate action responsive to OGE's recommendation. Therefore, the recommendation is closed.

OGE recommended CFA determine whether members of the Old Georgetown Board were Special Government Employees (SGE) or representatives, in order to assess the applicability of government ethics laws and rules to the Board. In response to OGE's recommendation, CFA provided a formal letter recognizing members of the Old Georgetown Board as representatives for the purposes of conflict of interest laws. The letter included a brief description of CFA's review and decision-making process. CFA has taken appropriate action responsive to OGE's recommendation. Therefore, the recommendation is closed.

OGE recommended CFA ensure new employees receive the required material for Initial Ethics Orientation (IEO). The Department of the Interior (DOI) functions as the administrative service provider for CFA's IEO. During the initial review, DOI indicated the required IEO material had not been provided to new CFA employees, contrary to CFA's understanding. In response to OGE's recommendations, CFA provided updated IEO material from DOI for use during CFA's IEO that met the applicable requirements. Additionally, CFA has developed an employee certification form indicating an employee has received both the appropriate IEO material and sufficient time to review it. CFA has taken appropriate action responsive to OGE's recommendation. Therefore, the recommendation is closed.

OGE suggested CFA establish a specific financial disclosure filing due date for its Commissioners, in order to reduce the administrative burden when the Commissioners file financial disclosures at different reappointment dates throughout the year. CFA has established November 30 as the due date for Commissioners' financial disclosure reports and provided an updated version of its *Process for Filing Confidential Financial Disclosure Reports* for OGE review. OGE considers CFA's action responsive to this suggestion and has therefore closed the suggestion.

OGE suggested CFA memorialize verbal advice and counsel provided for novel and complex ethics situations. In response to this suggestion, CFA established a written log book to document and memorialize future advice. OGE considers CFA's action responsive to this suggestion and has therefore closed the suggestion.

Based on OGE's follow-up, we have determined that CFA has adequately implemented those recommendations from the December 2011 report that were capable of being addressed. As a result, OGE has closed those recommendations. OGE will review the final outstanding recommendation as noted above. In addition, OGE is satisfied that CFA's actions regarding the suggestions in the December 2011 report are responsive and considers those issues closed as well. Thank you for your assistance during the follow-up process. Please contact me at 202-482-9317 if you require any additional information.

Sincerely,

Rashmi Bartlett

Rashmi Bartlett
Associate Director