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

December 14, 2012

Javier E. Marqués
Designated Agency Ethics Official
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW
Suite 803
Washington, DC 20004

Dear Mr. Marqués:

The United States Office of Government Ethics (OGE) has completed a follow-up review of the ethics program at the Advisory Council on Historic Preservation (ACHP) to determine how the recommendations from our June 2012 program review report have been addressed. The June 2012 review identified two recommendations requiring agency action and four suggestions to help improve the program further.

OGE recommended that ACHP develop a process to ensure that special Government employees (SGEs) file their confidential financial disclosure reports before attending a Council meeting or rendering any advice. In August 2012, the DAEO communicated this recommendation to the agency's Executive Director and Office Managers and documented the actions ACHP planned to take to address it in 2013. These steps included (1) adding language to the DAEO's annual request in January for financial disclosure reports that reminds SGEs that they cannot serve on a committee without filing a financial disclosure report and (2) asking the Executive Director and Office Managers to remind SGEs who have not file by the deadline of February 15 that they may not attend meetings or provide advice until a financial disclosure report is filed. ACHP has taken appropriate action that is responsive to OGE's recommendation. Therefore, the recommendation is closed.

OGE also recommended that ACHP develop an action plan to provide all SGEs with annual ethics training containing the Standards, the Principles, and the criminal conflict of interest statutes, in accordance with 5 CFR § 2638.705. This plan of action was to include providing immediate training to SGEs, in addition to the training planned for the current year, since SGEs had not been trained within the last two years. ACHP confirmed that written training was provided to all SGEs in August 2012. OGE reviewed the training materials, which covered an overview on the most significant conflict-of-interest laws and ethics regulations that are applicable to SGEs, and found them to meet the relevant training requirements of subpart G of 5 CFR 2638. ACHP has taken appropriate action to OGE's recommendation. Therefore, the recommendation is closed.

OGE suggested that ACHP increase the involvement of the Alternative DAEO (ADAEO) in all aspects of the ethics program to ensure that the ADAEO is able to provide the mandated ethics-related services to ACHP employees in the absence of the DAEO. OGE was informed that the DAEO plans to assign selected ethics questions to the ADAEO as they come in, starting with simpler issues, and then moving to more complex issues as a way to give the ADAEO a more active role within the ethics program. In addition, the ADAEO will be empowered to respond to ethics questions in the DAEO's absence. The DAEO will also engage the help of the ADAEO in the collection and follow-up of SGE financial disclosure filings starting in January 2013. OGE considers ACHP's actions responsive to this suggestion and has therefore closed the suggestion.

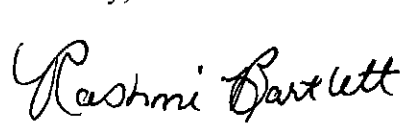
OGE suggested that ACHP strengthen its succession planning efforts by having the DAEO and ADAEO take advantage of training provided by OGE, especially those that focus on program management. ACHP took action to implement this suggestion by revising its ethics training plan to require both the DAEO and ADAEO to take at least one OGE course per year as part of their continuing education. The DAEO took the OGE webinar OGE Form 450 Review in November and the ADAEO attended OGE's New Ethics Official Certificate Program in June. OGE considers these actions responsive to this suggestion and has therefore closed the suggestion.

OGE suggested that ACHP memorialize the Chairman's oral ethics agreement and implement a formal screening arrangement to ensure that it's consistently followed in the absence of the DAEO. Although the DAEO drafted an ethics agreement to document Chairman's rescusal from matters before the California State Historic Preservation Office (CSHPO), the Chairman retired from his position with CSHPO in September, which eliminated the need to memorialize the agreement. OGE considers this action responsive to the suggestion and has therefore closed the suggestion.

OGE suggested that ACHP enter into a memorandum of understanding with an investigative organization that can investigate violations of ethics laws and regulations to ensure program elements described at 5 CFR § 2638.203(b)(11) and (12) are carried out. ACHP indicated that they will seek to enter into such an agreement with the Inspector General's Office at the Department of the Interior since that Department already provides various accounting and personnel services to ACHP. Due to other pressing agency matters, the pursuit and finalization of such an arrangement will not occur until January 2013. ACHP plans to notify OGE after they enter into this agreement. OGE considers this action responsive to the suggestion and has therefore closed the suggestion.

Based on OGE's follow-up, we have determined that ACHP has adequately addressed the two recommendations and four suggestions from our June 2012 report. 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
Associate Director