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November 11, 2011

Mr. Richard M. Thomas  
Associate General Counsel  
Office of Government Ethics  
1201 New York Avenue, NW, Suite 500  
Washington, D.C. 20005

RE: Proposed Amendments to 5 C.F.R. Part 2635

Dear Mr. Thomas:

I write to comment on the Office of Government Ethics proposed regulations. I offer a perspective that comes from personally being a registered lobbyist as defined in the proposed rule and being the managing partner of an entity that is a registered lobbyist. Moreover, we have sponsored the types of widely attended events that would be banned under the proposed rules.

I have worked for many years in a law firm that specializes in federal employment law. In addition to representing federal employees, we also represent federal employee associations and currently serve as registered lobbyists for the Senior Executives Association and the Professional Managers Association. For years now, we have sponsored social events that bring some executive branch and legislative branch employees together with others in the private sector who care about the federal community. These events have easily met the definition of being a permissible widely attended gathering.

Under the proposed rules any federal employee attending one of these events at my firm could be found to have violated the new rule, while attending the same event at a competing firm would carry no such risk, provided the competing firm only represented federal employees and did not register as a lobbyist. I am not sure I understand the need for the distinction. I do not think most federal employees will understand. Also, the proposed rule unfairly targets registered lobbyists, placing irrelevant restrictions and labels on them merely because Congress requires them to register for legislative activity.

What I find most troubling about the rationale for the new rule is that it seems based more on someone's subjective idea of appearance rather than showing that any improprieties occurred because of the existing rules, which are already quite restrictive both for legislative and executive branch personnel.

I know from personal experience that widely attended events are not sinister, secret events where evil access is obtained and plots are hatched. That seems to be the implication from the

justification offered for the regulations. These widely attended events are instead gatherings where executive branch employees can learn from others within government and from those in the private sector. Often, the events are occasions where employees from different agencies can meet each other and perform their work better because they learn from other executive branch employees. Connections are made in the networking that occurs and government actually works more smoothly because of those connections and because one person has obtained another person's business card.

I endorse the concept and ideas expressed in the October 2, 2011 Washington Post op-ed piece by D. Mark Renaud and Robert L. Walker. I, like the authors of that article, also believe that the new proposed rules will actually impede an effective government and make it less responsive to its citizens.

In the course of over 28 years of representing federal employees, I have learned that most of them very much want to do the right thing. In fact, the great majority of federal employees will not come close to the line of impermissible conduct. My concern is that the new rules, with many pages of complicated exceptions, will cause most federal employees to become insular and withdrawn from reaching outside their workplace for fear of violating some rule. In the course of day to day business, it will simply be easier for someone to say no to an invitation, if the proposed rules are adopted. Many federal employees would not go to the trouble of going through the motions of contacting the Designated Agency Ethics Official. And that assumes the employee even understands the distinctions and nuances of the proposed regulations, should they be adopted.

Based on my experience, I believe the proposed regulations should not be adopted. The current rules work and do not need to be further restricted.

Sincerely,

A handwritten signature in cursive script, appearing to read "William L. Bransford".

William L. Bransford  
Managing Partner