

ETHICS PROGRAM REVIEW FOLLOW-UP REPORT

Agency: Commission of Fine Arts

Follow-up to OGE Report Number: 19-38I

Report No.: 21-23IF

Date: May 12, 2021

UNITED STATES OFFICE OF
GOVERNMENT ETHICS
Preventing Conflicts of Interest
in the Executive Branch

As a result of its review of the Commission of Fine Arts (CFA) ethics program, the Office of Government Ethics (OGE) issued one recommendation in its September 2019 report. OGE conducted a follow-up review in May 2020 and determined the recommendation could not be closed. OGE recently conducted a second follow-up review to assess whether CFA has taken sufficient action to resolve the deficiencies underlying the recommendation. The results of the follow-up review are summarized below.

Recommendation

Establish written procedures for providing required notices to prospective employees and supervisors.

Agency Action and OGE Finding

OGE's inspection of CFA's ethics program found that CFA had not established the required written procedures for providing notices to prospective employees and new supervisors explaining the ethical obligations associated with their respective positions. CFA ethics officials explained during the inspection that they contract with the Department of the Interior (DOI) for Human Resources-related services. In formal comments on OGE's inspection report, CFA agreed with OGE's recommendation that CFA establish the required procedures.

OGE conducted its first follow-up review in May 2020 to determine whether ethics officials had established the required written procedures. CFA ethics officials explained that they had entered into discussion with DOI to establish the required procedures. However, CFA explained discussions were interrupted by the COVID-19 pandemic and anticipated actions would be taken once restrictions were lifted.

OGE's second follow-up review found that CFA had still not established the required procedures. CFA ethics officials stated they have been unsuccessful in getting DOI to establish the required procedures, due to the continuing pandemic and staff turnover within DOI. Although ethics officials acknowledged the need to establish procedures, they said they could not predict when they would be able to comply with the recommendation.

Written procedures help to ensure the continuity of an agency's ethics program. OGE acknowledges that CFA has only a limited number of employees (12 at the time of OGE's inspection) and that having a limited staff makes it easier to administer an ethics program. However, having so few employees also creates a risk in that the departure of one or two staff members could potentially erase the entire corporate knowledge base regarding the ethics program. Therefore, at the least, CFA should document interim procedures for how they would

meet the requirements relevant to providing notices to prospective employees and new supervisors until they can coordinate with DOI to provide those services and produce the required written procedures. OGE will continue to follow-up until CFA is able to document that written procedures describing how DOI will provide the required notices.

Status of Recommendation: **Open**

Based on the results of OGE's follow-up review, the recommendation will remain open. OGE will conduct a third follow-up to determine whether this recommendation can be closed. I appreciate the courtesies your staff extended to the OGE program inspection staff. If you would like to discuss the report, please contact me at 202-482-9223.