



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

October 4, 1994  
DO-94-034

MEMORANDUM

TO: Designated Agency Ethics Officials, General Counsels and Inspectors General

FROM: Stephen D. Potts  
Director

SUBJECT: Reports of Referral for Possible Prosecution

Section 535 of Title 28 of the United States Code imposes upon every agency a duty to report to the Attorney General any information, allegations or complaints relating to violations of Title 18 of the Code involving Government officers and employees, including possible violations of 18 U.S.C. 207 by former officers and employees. When any matter involving an alleged violation of Federal conflict of interest law is referred to the Attorney General, agencies are to concurrently notify the Director of the Office of Government Ethics (OGE) of the referral (5 U.S.C. App. 402(e)(2); 5 C.F.R. § 2638.603(b)) and provide a copy of the referral document.

Each agency shall also provide the Director follow-up reports of any indictment, information, or declination of prosecution as well as any disciplinary or corrective action initiated, taken, or to be taken by the agency.

Agencies are again encouraged to use the "Notification of Conflict of Interest Referral" form (OGE Form 202) to meet the statutory requirement to notify OGE (See DAEOgram dated September 20, 1994).

We previously requested that the Designated Agency Ethics Official (DAEO) in each agency inform us as to the name and telephone number of the individual who would be providing referral and follow-up information to us (See DAEOgram dated April 4, 1991). In order to ensure the ongoing facilitation of the regulatory requirements, we request that each DAEO provide us with an updated point of contact. This point of contact is needed by October 31, 1994. Your cooperation will ensure compliance with the statutory requirement. In addition, the information supplied by your agency through this contact will enable us to track the types of violations occurring and develop programs to address recurring ethics problems.