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Sanchez/NMSO/NM/BLM/DOI  
05/19/2010 12:07 PM

To Steve Henke/FFO/NM/BLM/DOI@BLM  
cc Audrey Hall-Carson/NMSO/NM/BLM/DOI@BLM  
bcc Patricia R Sanchez/NMSO/NM/BLM/DOI  
Subject Advice Regarding Post-Employment

History: This message has been forwarded.

Dear Steve

The purpose of this memo is to memorialize the advice I gave you on April 20, 2010 regarding your plans for employment with a non-federal entity after retirement, and to advise you of the protections you have regarding that advice.

You called me in my role as Assistant Ethics Counselor for the BLM -NMSO, and informed me that you are planning to work for the New Mexico Oil and Gas Association (NMOGA) after your retirement. You told me that the NMOGA is a non-profit organization that does not have contractual or regulatory ties to the BLM. You referred me to their website ([www.nmoga.org](http://www.nmoga.org)), and I ascertained that the purpose of NMOGA is for education and advocacy regarding New Mexico State oil and gas issues (versus federal O&G concerns), and NMOGA is not a "prohibited source" under 5 CFR 2635.203(d) and the federal standards of conduct. I confirmed my determination with the BLM Ethics Attorney in Washington. Based upon that information, I advised you that I didn't see an issue with post-employment conflict of interest, or issues regarding the negotiation of employment with the NMOGA while still employed with the BLM. Later the same day, I emailed to you a copy of the brochure, "Restrictions on Post-Government Employment (Employment After An Employee Leaves Federal Service), 18 U.S.C. § 207; 5 C.F.R. part 2637; 5 C.F.R. part 2641; OGE Summary of 18 U.S.C. § 207."

As an Assistant Ethics Counselor for the NMSO, I have been granted responsibility to advise our employees about the Bureau of Land Management, Department of Interior, and general statutes and regulations governing ethical behavior of federal employees, to the best of my ability. If I am unable to provide such guidance, I refer the employee to the BLM Ethics Office. Because you called and asked my advice on your post-employment plans, you have certain protections under the law.

"5 CFR 2635.107 - Ethics Advice: Employees who have questions about the application of this part or any supplemental agency regulations to particular situations should seek advice from an agency ethics official. Disciplinary action for violating this part or any supplemental agency regulations will not be taken against an employee who has engaged in conduct in good faith reliance upon the advice of an agency ethics official, provided that the employee, in seeking such advice, has made full disclosure of all relevant circumstances. Where the employee's conduct violates a criminal statute, reliance on the advice of an agency ethics official cannot ensure that the employee will not be prosecuted under that statute. However, good faith reliance on the advice of an agency ethics official is a factor that may be taken into account by the Department of Justice in the selection of cases for prosecution. Disclosures made by an employee to an agency ethics official are not protected by an attorney-client privilege. An agency ethics official is required by 28 U.S.C. 535 to report any information he receives relating to a violation of the criminal code, title 18 of the United States Code."

I hope this information is clear. If any of the facts as I have stated them in the second paragraph are not correct, or if you have any questions, please let me know.

Thanks, and best of luck in the new chapter of your life.

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