

## Federal Election Commission

## § 7.15

of the Commission is likely to result in a conflict of interest.

(2) No Commissioner or employee shall display partisan buttons, badges or other insignia on Commission premises.

(b) Special Government employees are subject to the restrictions contained in this section for the entire 24 hours of any day on which the employee is on active duty status.

(c) Employees on leave, leave without pay, or on furlough or terminal leave, even though the employees' resignations have been accepted, are subject to the restrictions of this section. A separated employee who has received a lump-sum payment for annual leave, however, is not subject to the restrictions during the period covered by the lump-sum payment or thereafter, provided he or she does not return to Federal employment during that period. An employee is not permitted to take a leave of absence to work with a political candidate, committee, or organization or become a candidate for office despite any understanding that he or she will resign his or her position if nominated or elected.

(d) An employee is accountable for political activity by another person acting as his or her agent or under the employee's direction or control if the employee is thus accomplishing what he or she may not lawfully do directly and openly.

### § 7.12 Membership in associations.

Commissioners or employees who are members of nongovernmental associations or organizations shall avoid activities on behalf of those associations or organizations that are incompatible with their official governmental positions.

### § 7.13 Use of Government property.

A Commission or employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. Commissioners and employees have a positive duty to protect and conserve Government property including equipment, supplies, and other property entrusted or issued to him or her.

### § 7.14 Prohibition against making complaints and investigations public.

(a) Commission employees are warned that they are subject to criminal penalties if they discuss or otherwise make public any matters pertaining to a complaint or investigation under 2 U.S.C. 437g, without the written permission of the person complained against or being investigated. Such communications are prohibited by 2 U.S.C. 437g(a)(12)(A).

(b) 2 U.S.C. 437g(a)(12)(B) provides as follows: "Any member or employee of the Commission or any other person, who violates the provisions of subparagraph (A) shall be fined not more than \$2,000. Any such member, employee, or other person who knowingly and willfully violates this subsection shall be fined not more than \$5,000."

### § 7.15 Ex parte communications.

In order to avoid the possibility of prejudice, real or apparent, to the public interest in enforcement actions pending before the Commission pursuant to 2 U.S.C. 437g(A) (1) or (2):

(a) Except to the extent required for the disposition of ex parte matters as required by law (as, for example, during the normal course of an investigation or a conciliation effort), no Commissioner or employee involved in the decisional process shall make or entertain any ex parte communications.

(b) The prohibition of this section shall apply from the time a complaint is filed with the Commission pursuant to 2 U.S.C. 437(a)(1) or from the time that the Commission determines on the basis of information ascertained in the normal course of its supervisory responsibilities that it has reason to believe that a violation has occurred or may occur pursuant to 2 U.S.C. 437g(a)(2), and shall remain in force until the Commission has concluded all action with respect to the enforcement matter in question.

(c) Any written communication prohibited by paragraph (a) of this section shall be delivered to the Ethics Officer of the Commission who shall place the communication in the file of the case.

(d) A Commissioner or employee, other than the employee assigned to the case, involved in handling enforcement actions who receives an oral offer

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or any communication concerning any enforcement action pending before the Commission as described in paragraph (a) of this section shall decline to listen to such communication. If unsuccessful in preventing the communication, the Commissioner or employee shall advise the person making the communication that he or she will not consider the communication and shall prepare a statement setting forth the substance and circumstances of the communication within 48 hours of receipt of the communication and shall deliver the statement to the Ethics Officer for placing in the file in the manner set forth in paragraph (c) of this section.

### §7.16 Miscellaneous statutory provisions.

Each employee shall acquaint himself or herself with each statute that relates to his or her ethical and other conduct as an employee of the Commission and of the Government. In particular, the attention of employees is directed to the following statutory provisions:

- (a) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.
- (b) The prohibition of 18 U.S.C. 1913 against lobbying with appropriated funds.
- (c) The prohibitions of 5 U.S.C. 7311 and 18 U.S.C. 1918 against disloyalty and striking.
- (d) The prohibition of 50 U.S.C. 784 against the employment of a member of a Communist organization.
- (e) The prohibitions against (1) the disclosure of classified information under 18 U.S.C. 798 and 50 U.S.C. 782 and (2) the disclosure of confidential business information under 18 U.S.C. 1905.
- (f) The provisions of 5 U.S.C. 7352 relating to the habitual use of intoxicants to excess.
- (g) The prohibition of 31 U.S.C. 638a(c) against the misuse of a Government vehicle.
- (h) The prohibition of 18 U.S.C. 1719 against the misuse of the franking privilege.
- (i) The prohibition of 18 U.S.C. 1917 against the use of deceit in an exam-

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ination or personnel action in connection with Government employment.

(j) The prohibition of 18 U.S.C. 1001 against fraud or false statements in a Government matter.

(k) The prohibition of 18 U.S.C. 2071 against mutilating or destroying a public record.

(l) The prohibition of 18 U.S.C. 508 against counterfeiting and forging transportation requests.

(m) The prohibitions against

(1) Embezzlement of Government money or property under 18 U.S.C. 641;

(2) Failing to account for public money under 18 U.S.C. 643; and

(3) Embezzlement of the money or property of another person in the possession of an employee by reason of his or her employment under 18 U.S.C. 654.

(n) The prohibition of 18 U.S.C. 285 against unauthorized use of documents relating to claims from or by the Government.

(o) The prohibitions against political activities in subchapter III of chapter 73 of title 5, United States Code, and 18 U.S.C. 602, 603, 607, and 608.

(p) The prohibition of 18 U.S.C. 219 against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act.

(q) The prohibition of 18 U.S.C. 207 against certain activities of departing and former employees.

(r) The prohibition of 18 U.S.C. 208 against certain acts affecting a personal financial interest.

### Subpart C—Conduct and Responsibilities of Special Commission Employees

#### §7.17 Use of Commission employment.

A special Commission employee shall not use his or her Commission employment for a purpose that is, or gives the appearance of being, motivated by a desire for unlawful private gain for himself or herself, or for another person, particularly one with whom the employee has family, business or financial ties.