



Federal Election Commission
Office of the Inspector General

INVESTIGATIVE SUMMARY I21INV00015

DATE: September 2, 2022

Investigation of Alleged Outside Employment by Senior Agency Employee

The Federal Election Commission (FEC) Office of the Inspector General (OIG) initiated an investigation to inquire into an anonymous hotline complaint that alleged a senior agency employee was engaged in outside employment without agency approval or clearance in violation of federal regulations and FEC rules. Investigation of the matter determined the allegation was not substantiated because the employee in question (the subject) was not employed by the company while also an FEC employee.

Government-wide regulations and agency rules govern outside employment by agency employees. Specifically, 5 CFR § 2635.101(b)(10) provides, “Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.” Further, 5 CFR § 2635.803 provides, “An employee shall obtain prior approval before engaging in outside employment or activities.”

In addition, Commission Directive 73, *Procedures for Requesting Prior Approval for Outside Employment*, dated May 20, 2014, provides that Commission employees shall obtain written approval from the Designated Agency Ethics Official before engaging in outside employment where the services provided:

- Are related to the employee’s official duties; or
- Involve the application of the same specialized skills or the same educational background as used in the performance of the official duties.

Finally, 5 CFR Part 2634 requires senior government employees (among others) to file annual confidential disclosure forms that include disclosures of outside positions. Those disclosures are memorialized on Office of Government Ethics (OGE) Form 450.

In this matter, the OIG received an anonymous complaint that alleged the subject was operating a business out of their residence without prior approval or disclosure. The complaint included a web link to a third-party business profile for a company that purported to show the subject was employed as its Chief Technology Officer with dates of employment of December 2000 to the present. The complaint further alleged that the address associated with the company was the subject’s home address.

The OIG investigation of the complaint determined the allegation was not substantiated. The only evidence the investigation identified in support of the allegation was the third-party

business profile submitted by the complainant. Although that profile currently appears online, it is undated and does not reference sources for the information it provides. Moreover, it was contradicted by other evidence.

Specifically, the subject of the complaint testified that they had worked for the company identified in the third-party business profile but that their employment ended prior to joining the FEC when the company experienced financial difficulties and later dissolved. That testimony was consistent with the subject's resume and corroborated by state incorporation records that showed the company had dissolved. In addition, research of open source and public records identified no information concerning the company that would routinely return if a business remained actively operating (e.g., place of business, telephone number, website). Finally, the address associated with the company was that of a business suite in a commercial plaza and not the subject's residential address. Accordingly, the investigation determined that the allegation was not substantiated.

The OIG makes no recommendations and considers the matter closed.