

Office of Government Ethics
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Letter to a Private Attorney dated August 21, 1981

This Office received your letter of August 4, 1981, requesting advice on whether 18 U.S.C. § 207(c) prohibits a former employee from contacting a former agency to recommend the appointment of an individual to a position within that agency.

Section 207(i) of Title 18 states, in part,

The prohibition contained in subsection (c) shall not apply to appearances or communications by a former officer or employee concerning matters of a personal and individual nature . . . nor shall the prohibition of that subsection prevent a former officer or employee from making or providing a statement, which is based on the former officer's or employee's own special knowledge in the particular area that is subject of the statement, provided that no compensation is thereby received

In the regulations issued by this Office on February 1, 1980, at 45 Fed. Reg. 7402, 7415, codified at 5 C.F.R. § 735.11(i), subsection (i) was interpreted to permit a former Senior Employee's recommendation of an individual to his or her former agency for employment if such recommendation were based on the former employee's personal knowledge of the individual's qualifications and character. (See Example 3 following 5 C.F.R. § 737.11(i).) A recommendation based not upon the former employee's personal knowledge of the individual but upon a third party's representation to the former employee would be prohibited by section 207(c).

Sincerely,

J. Jackson Walter
Director