

Message

From: Wheeler, Andrew [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=17A1669EF5B54FBA8CB457845308787E-WHEELER, AN]
Sent: 5/31/2018 9:43:44 PM
To: ExecutiveDirector@NationalEnergyResources.com [nero@goeasassociates.com]; Carole Goeas [carole@goeasassociates.com]
Subject: Fwd: Invitation to NERO Annual Dinner
Attachments: image003.jpg; ATT00001.htm; Federal Govt. Ethics - FAQs - 6.21.18 Annual Awards Dinner.pdf; ATT00002.htm; 06.21.18 NERO Annual Dinner Invitation.pdf; ATT00003.htm

I can attend. Thank you.

Sent from my iPhone

Begin forwarded message:

From: "Fugh, Justina" <Fugh.Justina@epa.gov>
Date: May 31, 2018 at 5:36:42 PM EDT
To: "Wheeler, Andrew" <wheeler.andrew@epa.gov>
Subject: **FW: Invitation to NERO Annual Dinner**

Hi there,

OGC/Ethics understands that you have received an invitation from the National Energy Resources Organization (NERO). You have been invited to attend as their guest at their annual awards dinner to be held this year on June 21, 2018, at the Capitol Hill Hyatt Regency Hotel. I am writing to confirm that, if you decide to attend this event, you may do so consistent with the Standards of Ethical Conduct for Employees of the Executive Branch and the Trump Ethics Pledge. NERO is not a federally registered lobbyist, so this invitation does not trigger any concerns under the lobbying gift ban.

The gift offered is an evening reception and dinner sponsored by NERO. I have confirmed that the organization is offering you a complimentary ticket, so we must analyze it according to the gift rules. Generally, federal employees are prohibited from accepting gifts given because of their official position or given by a prohibited source (typically, a person either regulated by or seeking to do business with the EPA). In this instance, the gift of free attendance is offered to you either because of your official position or because you were formerly associated with NERO. Irrespective of the reason for your invitation, OGC/Ethics concludes that you may attend.

In analyzing the situation, we determined that the WAG exception is available because the reception will be widely attended, there will be a diversity of views represented, and there is an opportunity for the exchange of ideas. In order to utilize this gift exception, OGC/Ethics must also make a written determination that we believe your attendance is in the Agency's interest. We do, in fact, conclude that there is an Agency interest in your attendance. If you do attend, then you will need not report this gift on your next financial disclosure report because we are evaluating your gift at the government rate (\$75), which is BELOW the reporting threshold (currently \$390). We note that there is a marked price differential between the government rate and the member/non-member rates (members pay \$450, while non-members pay \$900). Because you are a government employee, you qualify for the government rate, so that is the price point we are using to evaluate your ticket.

I appreciate that you were recently affiliated with NERO as a non-fiduciary director. Under the federal impartiality rules, you have a “covered relationship” with them. See 5 CFR 2635.502(b)(1)(iv). That said, this event takes place after business hours, and you will not be speaking or otherwise presenting information on behalf of the agency. Based on the facts before me, I don’t see any reason to conclude that your attendance would raise any concern about a loss of impartiality in performing your official EPA duties.

Please note that this event is a fundraiser. Therefore, NERO cannot use or reference your official position or title or any authority associated with your public office in furtherance of the fundraising effort. You may not actively or visibly participate in the promotion, production, or presentation of the event, which means that you cannot sit at a head table nor stand in a receiving line. You should be placed by NERO wherever they wish to seat you and cannot be seated at the request of any sponsoring entity that has bought a table.

Please let me know if you have any questions.

Regards,
justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Wheeler, Andrew
Sent: Wednesday, May 30, 2018 3:42 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: Invitation to NERO Annual Dinner

Justina, I would like to attend this dinner. I have been invited as a guest of NERO. Ideally I would like to attend without paying the government rate since they are a non-profit and have invited me. If that’s not possible I’ll buy a ticket. Thanks.

From: Executive Director [<mailto:ExecutiveDirector@nationalenergyresources.com>]
Sent: Wednesday, May 30, 2018 12:28 PM
To: Wheeler, Andrew <wheeler.andrew@epa.gov>
Cc: Executive Director <ExecutiveDirector@nationalenergyresources.com>; Carole Goeas <Carole@goeasassociates.com>
Subject: Invitation to NERO Annual Dinner

Hi Andy,

I hope all is well! Attached, and below, is the invitation to the annual dinner. The Government rate for an individual ticket is \$75. I have also attached an informational page addressing the ethics questions we typically receive for our events. Happy to address any other questions they may have. Also, can we

add you/your EPA email address to our distribution list so that you receive all invites?

Jo Ann Pawela

Administrative Support For Carole Goeas, Executive Director
National Energy Resources Organization (NERO)