



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

August 2, 2021

OFFICE OF  
GENERAL COUNSEL

### MEMORANDUM

**SUBJECT:** Approval of Outside Activity

**FROM:** Justina Fugh  
Alternate Designated Agency Ethics Official

**TO:** Susannah Weaver  
Senior Counselor

I have received your request to serve on the Georgetown University Law Center's (GULC) Board of Visitors as an outside activity. In this uncompensated position, you serve as an officer or director and provide advice to the Dean of the Law Center on how to strengthen their teaching, scholarship and service and also to increase and strengthen the financial resources of the Law Center. Based on the information you have provided, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H, provided that you are not identified solely with reference to your EPA affiliation. Please note that, generally, an approval for outside employment remains valid for five years, though you must request a new approval should there be a change in the nature or scope of your duties.

I have set forth below a reminder about several ethics principles:

#### Financial Conflicts of Interest

Because you serve in a fiduciary role, you have a financial conflict of interest with GULC. You cannot participate in your EPA duties in any matter that will have a direct and predictable financial effect upon the school. You cannot work on particular matters that involves GULC as a specific party (e.g., whether the General Counsel should accept an invitation to speak at the University or for you to interview GULC law school students for OGC summer honors positions), nor can you work on particular matters of general applicability (e.g., a grant proposal to which all law schools might apply if GULC is an expected applicant).

You have already and should continue to report this position on your public financial disclosure report.

## Representation

Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. This representational conflict of interest statute applies even though you are uncompensated. See 18 USC § 205. In your capacity on the Board of Visitors, you cannot contact the US government or its employees on behalf of GULC, which also precludes contacting federal employees to speak in their official capacities.

## Misuse of Position

Be mindful about the Agency's [Limited Personal Use of Equipment policy](#). Avoid using EPA equipment -- including phones, workspace, computer or time -- in connection with this activity. Should you refer to your EPA position and title, then you may do so as one of at least three biographical details, with EPA not having any undue prominence. See 5 C.F.R. § 2635.807(b). As indicated earlier, I noticed that the [GULC website](#) lists you solely with reference to your EPA affiliation. Please take steps immediately to notify GULC to change that designation. You are not serving in your official EPA capacity.

Since we are still teleworking, be mindful of the fact that your home is now your federal workplace. When you are "on the EPA clock" (that is, your duty hours), focus on EPA work only. You must be careful to delineate between your official time and use of our resources from your personal time. Avoid using EPA equipment, including the computer or email address, in connection with your outside activity.

## Fundraising

Because the Board of Visitors appear to engage in fundraising for GULC, please note that, as a federal employee, you now have certain additional restrictions. Pursuant to 5 C.F.R. § 2635.808(c), you cannot personally solicit funds from any subordinate or from any person known to you to be a prohibited source of this Agency that may be substantially affected by the performance or nonperformance of your official duties. In addition, you cannot use or permit the use of your EPA official title, position or affiliation to further any fundraising effort.

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As always, if you have any questions, please feel free to contact me at (202) 564-1786 or [fugh.justina@epa.gov](mailto:fugh.justina@epa.gov).

cc: Melissa Hoffer, Acting General Counsel  
James Payne, Designated Agency Ethics Official  
Victoria Clarke, Deputy Ethics Official, OGC