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Conflicts of Interest Processes Update for Governance Committee



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COI Prevention Efforts



- The Department of Commerce (DOC) reserves the provision of legal advice regarding Federal ethics laws to the DOC Office of General Counsel (OGC)
- To facilitate the timely adherence of the FirstNet Board to legal and policy requirements related to ethics and conflicts of interest, FirstNet and OGC have coordinated on implementing a series of processes intended to help prevent, identify and address potential conflicts of interest
- Oversight of these issues is ongoing as part of the FirstNet compliance program and OGC's ethics oversight role, and additional processes will be implemented as determined warranted by OGC and FirstNet

Key Ethics / COI Processes, Training and Policies



- ***Board Members receive regular training on Federal ethics rules and Federal procurement processes and key laws***
 - Receive FirstNet specific ethics materials (also available online) related to general ethics and conflicts of interest matters and live training at least annually
 - Starting 2014, receive annual government procurement training by FirstNet
- ***Conflict of interest memo distributed prior to each Board meeting***
 - Lists all agenda items to be discussed, reminds Board Members that they are subject to a Federal criminal conflict of interest statute and FirstNet policies, and emphasizes the need to disclose any potential conflicts of interest and recuse themselves from agenda items for which a potential conflict exists
- ***Ethics attorneys attend (via conference call) management, compliance, and other FirstNet meetings, including all Board meeting preparation briefings***
 - Allows ethics attorneys to better understand FirstNet subject matter and ongoing material activities resulting in improved accuracy and clarity of guidance
 - Improves Ethics attorneys ability to spot conflicts of interest issues related to financial and personal interests of Board members

Key Ethics / COI Processes, Training and Policies (continued)



- ***OGC provides all Board Members with individual ethics counseling sessions prior to appointment***
 - Sessions are also conducted upon Board Member request or by OGC determination that further counseling is appropriate
- ***Both OGC and FirstNet distribute list of parties who have potential interest in possible FirstNet acquisition(s)***
 - Provides Board members and FirstNet employees greater ability to identify and avoid potential conflicts of interest
 - Updated monthly and incorporated into FirstNet’s “Board Member Vendor Interaction Policy” (*See next slide*)
- ***FirstNet periodically distributes ethics and conflicts of interest materials to Board members***
 - Board packets periodically distributed to all Board members, which include applicable Federal ethics rules, financial disclosure reporting guidance, conflicts of interest guidance, and relevant FirstNet policies

Key Ethics / COI Processes, Training and Policies (continued)



- ***In addition to the processes implemented above, FirstNet has adopted specific policies addressing potential conflicts of interest issues for Board members***
 - ***Financial Disclosure Policy***
 - Emphasizes Federal requirements for Board members to timely submit financial disclosure reports to OGC
 - Includes a series of procedures to aid Board members in identifying the applicable reports and sets forth required filing procedures
 - ***Board Member Vendor Interactions Policy***
 - Establishes guidelines and processes for Board members to interact with third-party vendors with a potential interest in a possible FirstNet acquisition
 - Includes non-exhaustive list of potentially interested parties, which is updated monthly
 - Creates broad pre-clearance process before Board members can meet with vendors to help identify and avoid potential COIs
 - Process includes review by OGC, FirstNet Legal staff, and applicable Contracting Officer as appropriate
 - Establishes process for OGC participation in all Board meeting briefings as noted on slides above

Board Member Personal Responsibility



- ***KEY POINT: Ultimately, as with every Federal employee, each Board Member is responsible for monitoring his or her own conduct and ensuring compliance with all Federal ethics rules and regulations***