

## MEMORANDUM

April 20, 1998

To: Kim Herd  
Senior Attorney

From: Ronald G. Haron  
Associate General Counsel &  
Designated Agency Ethics Officer

CC: T. Jeremy Gunn  
Executive Director &  
General Counsel

Subject: Outside Employment of Kim Herd

You have asked me to determine whether there are any ethical prohibitions on your performing work, for pay, for a project of the American Prosecutors Research Institute. (*See* K. Herd e-mail to R. Haron attached hereto). The work would be on your own time and has no relation whatsoever to the work of the Review Board. You have been asked to participate in this project based on your experience as a former prosecutor.

I have reviewed the relevant sections of the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F. R. § 2635, namely the provisions on outside employment (§§ 2635.802 & 807). Because the outside project has no relationship to your work at the Review Board, there is no ethical prohibition on accepting this assignment while you continue your current employment at the Review Board. There is also no issue of conflicting financial interests (§ 2635.401 *et seq.*), impartiality in performing official duties (§ 2635.501 *et seq.*), or misuse of position (§ 2635.701 *et seq.*). In addition, the section on limitation of outside income (§ 2635.804) does not apply to you.

You cannot use nonpublic information, Government property, or official time in connection with your work for the American Prosecutors Research Institute. *See* 5 C.F.R. §§ 2635.702-705.



