

## **CORPS GAG ORDER TO DON SWEENEY:**

**From:** William.P.Levins@mvs02.usace.army.mil [mailto:William.P.Levins@mvs02.usace.army.mil]  
**Sent:** Friday, November 01, 2002 3:35 PM  
**To:** Sweeney, Donald C.  
**Cc:** Mark.A.Wunsch@mvs02.usace.army.mil; Deborah.A.Foley@mvs02.usace.army.mil  
**Subject:** Response to Request for Ethics Opinion

**Don:**

**This message is in response to your 8 October 2002 e-mail, Subject: Service to America Medal, in which you provided information on this award and requested clarification on three issues. I apologize for the length of time it has taken to respond, but I wanted to give you a thorough analysis... First, let me offer once again my sincere congratulations on the receipt of the award. It is obviously a very prestigious award, and I am certain that you are proud to be one of the first recipients.**

**During my interview with you on 18 October 2002, and in our follow up telephone discussion of 23 October 2002, you provided me with very useful information on the award and other pertinent facts, for which I thank you. Also, based upon the contact information you provided, I was able to obtain a copy of the Office of Government Ethics Opinion which the Partnership for Public Service had requested.**

**It is my opinion that the Service to America Medal is being awarded to you for activities associated with your official duties for the Corps of Engineers. This opinion provides the foundation for the following conclusions....**

**Lastly, you asked whether there are restrictions with regard to your travel, media, and related activities associated with the banquet. There are restrictions, and these are applicable whether you are on official duty time or annual leave status... These constraints apply to all of your activities, and not just to this specific event. Thus, like any other Corps employee, you should refer any media inquiries about your work under the IPA, or any other official matter to the Public Affairs Office in USACE, St. Louis, for a response. The PAO is Mr. Alvin Dooley, telephone (314) 331-8802... Official matters include, in the opinion of this agency, any questions regarding past, present, or future projects of the Corps of Engineers, and specific economic modeling techniques employed by or methodologies unique to the Corps of Engineers, and thus, such questions should be referred to the PAO. This provision restricts you, for example, from commenting on the strengths or limitations of the ESSENCE model with regard to any Corps projects, including the Upper Mississippi River Navigation Project. Any communication that is reported out in print media or otherwise published would, in this opinion, be in violation of this provision. [Emphasis added].**

**Hopefully, this message is responsive to your inquiry.**

**William P. Levins**

**District Counsel and Ethics Counselor**

**CEMVS-OC**