



OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

Investigation Into Alleged Ethics Misconduct by the Assistant Secretary for Insular and International Affairs

This is a revised version of the report prepared for public release.

I. EXECUTIVE SUMMARY

We investigated allegations that Assistant Secretary for Insular and International Affairs Douglas Domenech advocated for a close family member's (family member 1's) employment at the U.S. Environmental Protection Agency (EPA). Domenech allegedly used his U.S. Department of the Interior (DOI) email account and title when he contacted a now-former EPA senior official regarding family member 1's EPA application and another close family member's (family member 2's) business.

Following our investigation, we determined that the evidence established that Domenech communicated with the EPA senior official on several occasions from his DOI email account regarding family member 1's EPA application, which constituted a misuse of office in violation of 5 C.F.R. § 2635.702 and 5 C.F.R. § 2635.702(a), "Use of Public Office for Private Gain." In addition, we found that Domenech provided family member 2's business name and website to the EPA senior official in an email sent from his DOI email account, which contravened 5 C.F.R. § 2635.101(b)(14), the Federal regulation requiring employees to avoid any actions creating the appearance of violating the law or Federal ethical standards.

We provided this report to the DOI Chief of Staff for any action deemed appropriate.

II. DETAILS OF INVESTIGATION

We received and investigated allegations that Assistant Secretary for Insular and International Affairs Douglas Domenech repeatedly advocated for family member 1's employment at the EPA. Domenech allegedly used his official DOI email address and title when he contacted the EPA senior official to inquire about the status of family member 1's EPA application and to promote family member 2's business.

A. Facts

1. Domenech Received Ethics Training

Domenech told us he had worked at the DOI as a political appointee for 7½ years, from July 2001 to January 2009, as the Deputy Chief of Staff under Secretaries Norton and Kempthorne, and as the White House Liaison. Domenech said he had been the senior advisor to the Secretary since January 2017 and was presidentially appointed and Senate confirmed (PAS) as the Assistant Secretary for Insular and International Affairs in September 2017. Domenech received "Initial Ethics Training" from the Departmental Ethics Office (DEO) in January 2017. He also received "Political Appointee Initial Ethics Training" from the DEO in February 2017. Both training sessions included content about protecting Government integrity and presentation slides that specifically stated, "Officials should not misuse their public office for private gain." The ethics trainings also addressed endorsement, stating, "You may not use, or allow the use of, your title, position or the authority associated with your position to endorse friends, relatives, or persons with whom you are affiliated in a nongovernmental capacity." In addition, both ethics trainings included a presentation slide that stated, "Government resources, including official time, personnel, equipment, nonpublic information, and telecommunication equipment may only

be used for official and authorized purposes.”

2. *Domenech’s Contact With the EPA Senior Official in Fall 2017 at Wolf Trap National Park*

In fall 2017, Domenech attended a concert at Wolf Trap National Park for the Performing Arts with family members 1 and 2 and another family member and sat in the Secretary of the Interior’s box.¹ A few weeks before the concert, family member 1 had applied for a position with the EPA.² The EPA senior official had also requested and received tickets from the now-former DOI Chief of Staff in spring 2017. The EPA senior official then attended the fall 2017 concert with their fiancée and sat in the Secretary’s box.

Domenech said his group went to the Founder’s Circle hospitality tent for refreshments before the performance began. In the tent, Domenech said, he saw the EPA senior official and realized that the official would probably also be sitting in the Secretary’s box. Domenech said he had met the EPA senior official only once previously, so he introduced himself. According to Domenech, the EPA senior official joined their group, and Domenech introduced the official and the official’s fiancée to his family. Domenech said he “made no connection at that point that [family member 1] had been applying for a job” at the EPA. When asked if he knew in advance that the EPA senior official would be in the Secretary’s box, Domenech said, “I don’t think so. I don’t have any memory.” Domenech told us in a prior interview that when he first saw the EPA senior official in the hospitality tent, he thought it might look “like a setup” to talk about family member 1’s application with the EPA because that family member was with Domenech.

When asked how the subject of family member 1’s application had been brought up at the event, Domenech initially said the group casually discussed their careers. When we asked Domenech in a subsequent interview if he had brought up family member 1’s EPA application to the EPA senior official, Domenech said he had not because he “was trying to think quickly what should I do here? And, uh, maybe we can get away with not ever talking about it.” Domenech later told us, however, that he decided to bring up family member 1’s application because he wanted “full disclosure.” He said he told the EPA senior official, “Please be aware [family member 1 is] actually applying for a job at EPA.” Domenech described it as an awkward moment for him and said that at one point he “pulled [the EPA senior official] aside and said, ‘Hey, I really apologize. I did not set this up.’” Domenech said the EPA senior official invited Domenech to follow up on what was happening with family member 1’s application.

Domenech also told us that family member 2 and the EPA senior official had discussed family member 2’s business during the concert. Domenech said family member 2 told the EPA senior official, “I have a . . . business. . . . I do [work] for weddings” and that the EPA senior official and their fiancée discussed with family member 2 their preferences for their wedding. According

¹ The Secretary of the Interior received eight tickets at no cost to a private box for each event at Wolf Trap, which according to emails from the Office of the Secretary’s staff was called “the Secretary’s box.” The Secretary’s staff maintained a list of requests for tickets and distributed the free tickets as available. The Secretary’s office has since changed the ticket-distribution process after we audited the National Park Service’s agreement with Wolf Trap in 2018 (*Financial, Ethical, and Exclusive Use Concerns About the NPS’ Agreement with the Wolf Trap Foundation for the Performing Arts*).

² The EPA issued an announcement for two positions in summer 2017. The announcement had a due date approximately 2 weeks later.

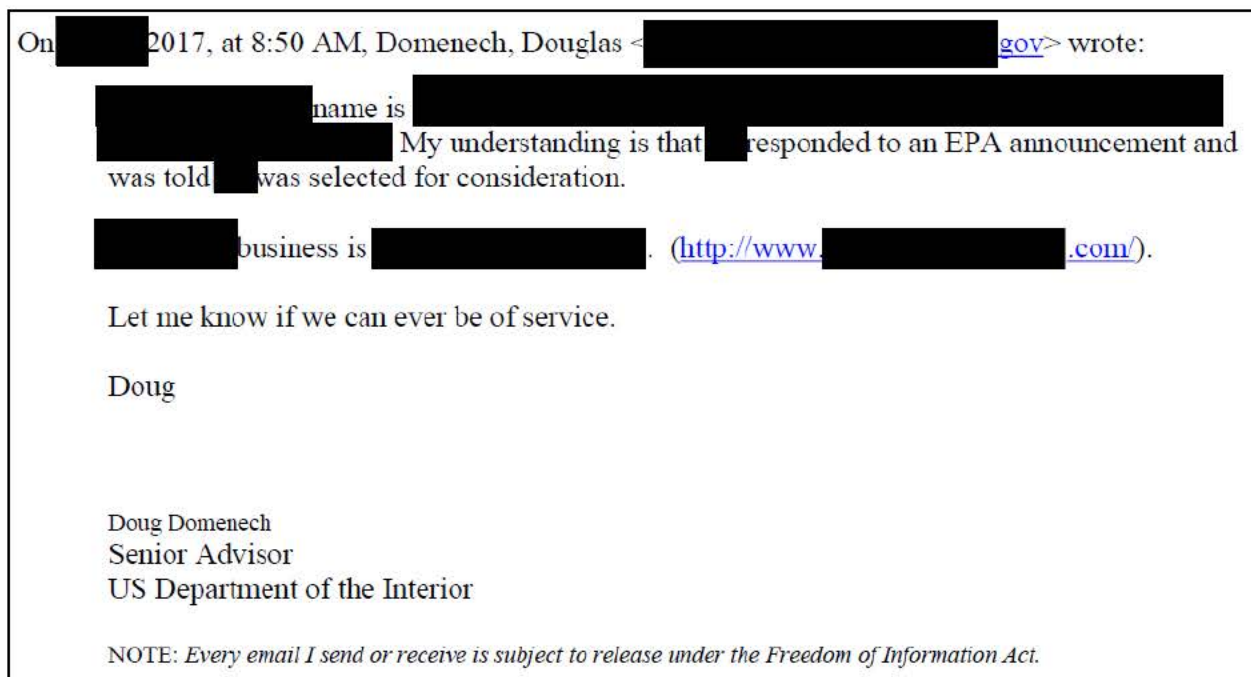
to Domenech, the EPA senior official and their fiancée wanted to know more about family member 2’s business and to see the related work.

3. Domenech Contacted the EPA Senior Official via Government Email

Shortly after the concert ended, at 10:38 p.m. that night, Domenech sent the NPS employee who coordinated Wolf Trap tickets an email from his DOI account titled, “Can you send me [the EPA senior official’s] email?” The body of the email stated, “I need to send [them] something.” The next day, the NPS employee responded to Domenech and provided him the EPA senior official’s Government email address.

The morning after the concert, Domenech sent the EPA senior official an email from his DOI email account that mentioned family member 1, provided family member 1’s general experience, and indicated family member 1 had applied for an EPA position. In the same email, Domenech provided family member 2’s business name and a link to its website. Domenech then closed the email with, “Let me know if we can ever be of service.” The email included Domenech’s signature block and his title at the time: Senior Advisor, U.S. Department of the Interior.

Figure 1: Fall 2017 Email Domenech Sent to EPA Senior Official



Domenech told us his intent in sending the email was a “courtesy. . . . can the process move along?” When asked if moving the process along was a way to influence the EPA hiring process, Domenech said, “Well, when I think of influencing . . . I guess you’re right. I was trying to influence the process to move along. That’s different than influencing the process to hire [family member 1].” In response to whether he had a business reason to send the email to the EPA senior official, Domenech stated, “There was not a business reason . . . An Interior business reason.”

When we asked Domenech why he included family member 2's business name and link to its website in the email to the EPA senior official, Domenech said the official or their fiancée must have asked him for it. Domenech later explained, "It could've been, hey, I'm getting married and I, I'd love to talk to you about doing my marriage. . . . I mean, doing [work] for my marriage, uh, wedding." Domenech told us, however, that he was not attempting to get business from the EPA senior official for family member 2's company. Domenech told us family member 2 had not provided services for the EPA senior official.

Regarding Domenech's closing message, which stated, "Let me know if we can ever be of service," Domenech said he "meant 'we' [as in] Interior . . . not my family." He added that he used that type of closing "all the time in my emails. . . . When I say 'we,' I mean the Department of the Interior. Signed, 'Senior Advisor U.S. Department of the Interior.' You know, if there's anything we can do. Like, go to Wolf Trap, or . . . solve an EPA matter or whatever."

Domenech told us he had not sought ethics advice before sending the email.

4. Family Member 1's EPA Application Status

One day after receiving the email from Domenech, the EPA senior official replied to Domenech's email and said, "Great time. Thanks for this. I checked [on family member 1] yesterday. We could use the help frankly so I'm going to get [on] this."

One month later, the EPA senior official sent an untitled email from their EPA account to Domenech's DOI account saying, "So [family member 1] should be in now or in process, right?" Throughout the morning of that same day, Domenech and the EPA senior official exchanged several emails:

- 9:28 a.m.: Domenech replied, "I will check."
- 9:34 a.m.: Domenech replied again, "[Family member 1] has been called and understand is 'in process' but . . . has not heard anything more over the last week."
- 9:34 a.m.: The EPA senior official replied to Domenech, "I'm on it. We do need [family member 1]."
- 9:54 a.m.: Domenech replied to the EPA senior official, "Thanks. Between you and me, [family member 1] is currently assisting a [prominent United States Senator] . . . But that is flexible."

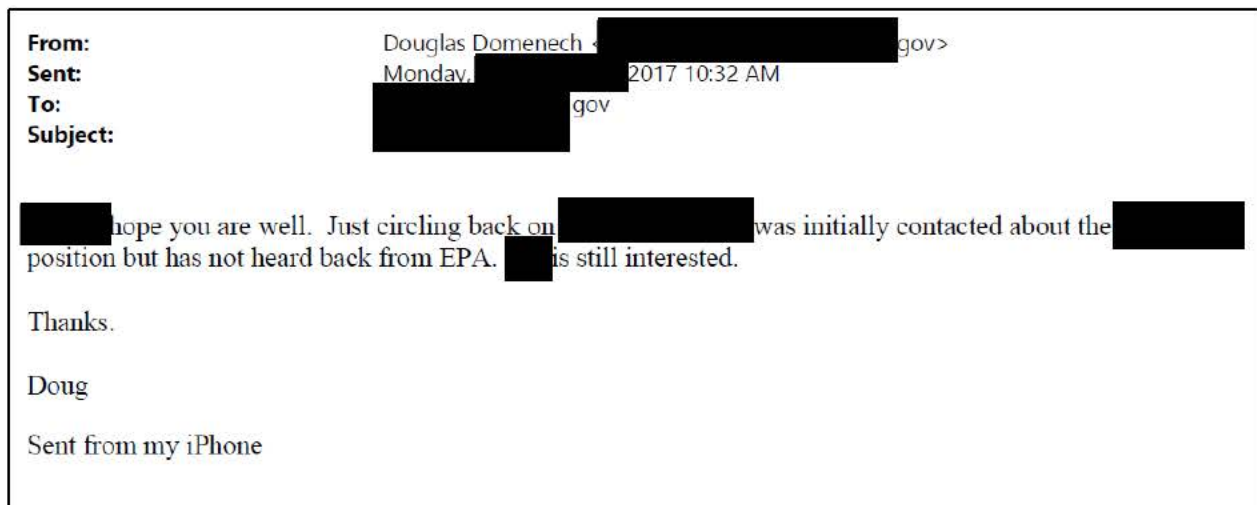
Domenech confirmed to us that this email exchange referred to family member 1. When we asked Domenech if he expected the EPA senior official to forward this email on, Domenech said, "I assumed that's what would happen." Domenech explained he assumed that the EPA senior official would have sent the email to a "hiring person" to inform them of family member 1's interest. Domenech also indicated that he respected the hierarchy of positions, and because of the EPA senior official's position, it would have been inappropriate for family member 1 to contact the official about the job. Domenech said, "[The EPA senior official] is not the right person for

[family member 1] to interact with.” Domenech further explained that the EPA senior official was in a position superior to Domenech as a senior advisor. Domenech said he would not often email someone at that official’s level.

Four days after the email exchange, the EPA senior official forwarded the exchange with Domenech to the EPA employee who selected candidates and conducted interviews for that vacancy. In the email, the EPA senior official asked, “Do you know where this stands?” The EPA employee on the hiring panel responded to the EPA senior official the next day, saying, “Yes [they are] gearing up for a new wave of hires and [family member 1] is one . . . in that bunch.”

Approximately 6 weeks later, Domenech sent the EPA senior official an email titled “[Family member 1]” from his DOI account on his iPhone, which did not contain a formal signature block. Domenech’s email read, “. . . hope you are well. Just circling back on [family member 1]. [They were] initially contacted about the . . . position but has not heard back from EPA. [They are] still interested. Thanks. Doug.”

Figure 2: Fall 2017 Email Domenech Sent to EPA Senior Official



The following emails resulted from Domenech’s contact with the EPA senior official on this same day:

- 12:39 p.m.: The EPA senior official forwarded Domenech’s email to the EPA employee on the hiring panel and said, “Please call this [person].”
- 1:57 p.m.: The EPA employee replied to the EPA senior official, “Yes . . . left a message but sure will.”
- 3:28 p.m.: The EPA senior official responded to Domenech’s email, “Let me know if [family member 1] didn’t receive a call today.”

Domenech responded the next day to the EPA senior official's email, saying, "[They] did! Thx so much."

We found that family member 1 interviewed for the EPA position in early winter 2017, along with one other candidate. The EPA selecting official selected family member 1 a few weeks after the interview. The EPA offered family member 1 employment, and family member 1 accepted.

The EPA selecting official confirmed they had selected family member 1 for the position. The selecting official told us the EPA employee on the hiring panel had mentioned early in the process that the EPA senior official knew one of the applicants and "was interested in bringing [them] onto the team." The selecting official said they told the EPA employee on the hiring panel "[t]hat's not the way it works. [Family member 1] needs to make the cert[ificate list], needs to go through the interview process . . . and that's the way it is." The EPA selecting official said family member 1 met the U.S. Office of Personnel Management standards, was included on the certificate list, and was hired. The selecting official said the EPA did not hire family member 1 because they were the EPA senior official's friend and added that the EPA hired "[family member 1] because [they] made the cert and . . . [were] qualified for the job."

When asked if the conversations with the EPA employee on the hiring panel influenced the selecting official's decision, the selecting official replied it was "hard to say it had zero influence on me . . . because I'm aware and . . . I would like [the EPA senior official] to continue to support our programs. But that's not going to get in the way of me doing my job." The EPA selecting official added, ". . . there might have been some attempted influence going on with other people. I just never really felt it personally." When asked, the EPA employee on the hiring panel also told us they did not feel pressured or influenced by the EPA senior official to hire family member 1 and that family member 1 had gone through the proper hiring process.

We contacted the EPA senior official six times—four times directly and twice through their assistant—to request a witness interview. The EPA senior official did not respond to any of our requests and has since left the EPA.

B. Analysis

Domenech's actions in this matter implicate a variety of Federal ethics regulations, which are analyzed below. In presenting our analysis, we note that at the time of these events Domenech was not new to Government service; to the contrary, Domenech has more than 10 years of Federal service, a significant portion of which was at a senior level. Over those years, he received initial and annual ethics trainings. Moreover, he received two ethics trainings in the first 2 months of his arrival in 2017, both of which specifically addressed the Federal prohibitions against misuse of position, title, and Government resources.

1. Domenech's Actions Related to Family Member 1's EPA Job Application

a. Section 702 and 702(a) Misuse of Office

Domenech's use of his official title and Government emails in connection with family member

1's hiring by the EPA implicates the prohibition on misuse of position articulated in 5 C.F.R. § 2635.702 of the *Standards of Ethical Conduct for Employees of the Executive Branch*. Section 702 states in relevant part, "An employee shall not use his public office . . . for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity." This provision includes specific prohibitions that apply the general standard of Section 702 but are not meant to exclude or limit the provision in its entirety.

The specific prohibition applicable to this investigation is Section 702(a), which states in relevant part that "an employee shall not use or permit the use of his Government position or title or any authority with his public office in a manner that is intended to coerce or induce another person . . . to provide any benefit, financial or otherwise, to . . . relatives . . . with whom the employee is affiliated in a nongovernmental capacity."

Thus, to find a violation of Section 702(a), the evidence must establish that Domenech (i) used his position or title or permitted the use of his position or title (ii) in a manner intended to induce the EPA senior official and other EPA personnel (iii) to provide any financial or other benefit to family member 1.

i. Use of Title and Position

Regarding the first element, the evidence established that Domenech used his title and permitted the use of his title to further family member 1's interests in three ways. First, Domenech used his title, as well as his Government email address, in multiple emails to the EPA senior official in connection with family member 1's EPA application.

Second, Domenech took advantage of his position in connection with family member 1's application. Domenech told us he believed it would have been improper for family member 1 to contact the EPA senior official because family member 1 was too junior. Instead, Domenech contacted the EPA senior official himself, making it clear that Domenech believed his position at the DOI was sufficiently senior to reach out to someone at that level on family member 1's behalf. In short, Domenech used his position to gain access to the EPA senior official when he believed family member 1 could not.

Similarly, Domenech used his position and Government resources to obtain the EPA senior official's email address—for the purpose of following up on the official's offer to look into the status of family member 1's application—from an NPS employee who had the official's contact information for the purpose of providing tickets to the Wolf Trap concert. None of these actions described above could have occurred if not for Domenech's position with the DOI.

In addition, we determined that beyond using his own title and position, Domenech also satisfied the first element by permitting the EPA senior official to use Domenech's title in connection with family member 1's application. Domenech told us he assumed the EPA senior official would forward the email he sent, which included Domenech's Government email address and title, to the proper "hiring person" at the EPA to ensure that person knew of family member 1's continued interest in the EPA position.

Therefore, we concluded that Domenech used his title and position within the scope of Section 702(a).

ii. In a Manner Intended To Induce the EPA Senior Official and Other EPA Personnel

The second element requires us to determine whether Domenech used his position and title in a manner intended to induce the EPA senior official or other EPA personnel to act. Domenech told us multiple times that he reached out to the EPA senior official to move the EPA's hiring process forward, stating, "Well, when I think of influencing . . . I guess you're right. I was trying to influence the process to move along."³

Considering that Domenech believed family member 1 was too junior to reach out to the EPA senior official directly, Domenech's use of his senior position was integral to that effort. Similarly, Domenech said he assumed the EPA senior official would forward Domenech's email, which referenced Domenech's title, to the relevant decision makers inside the EPA. Domenech's assumption suggests why he emailed the EPA senior official from his Government email account and not from his personal email account. Taken together, we concluded that the evidence indicates Domenech intended to use his position and title to induce the EPA to act.

iii. To Provide a Financial or Other Benefit to Family Member 1

The third element requires us to determine whether Domenech acted to provide a financial or other benefit to family member 1. The totality of the evidence indicates that Domenech intended to influence EPA personnel to hire family member 1. For example, Domenech highlighted family member 1's employment background and qualifications in at least two different emails. In one message, Domenech indicated that family member 1 had lengthy experience that was germane to the EPA position at issue. One other email from Domenech noted family member 1's continuing interest in the position. As such, we concluded that the content of Domenech's emails indicate that he intended to induce the EPA to hire family member 1, which qualifies as a benefit to family member 1 within the scope of Section 702(a).

Domenech asserted to us that he did not email the EPA senior official to influence the EPA to hire family member 1. Instead, he said that he intended to move the EPA hiring process along, regardless of whether family member 1 received a job offer. We note, however, that none of Domenech's emails said that. To the contrary, three of Domenech's six communications with the EPA senior official either highlighted family member 1's work experience or expressed family member 1's continuing interest in the position. Domenech also titled one of his emails "[Family member 1]." In that message, Domenech wrote, "Just circling back on [family member 1]." If Domenech intended to only expedite the process, he would have no reason to include family member 1's relevant employment experience, reiterate family member 1's interest in the position, use family member 1's name as the email subject line, or indicate that he was "circling back on [family member 1]." Those actions demonstrate Domenech's intent to advocate for family member 1's hiring in particular, not just moving the hiring process forward generally.

³ We note that Domenech also stated that while he was attempting to influence the EPA to move the process along, he was not doing so to influence the agency to hire family member 1. We address that issue in the following section.

Even accepting Domenech's justification, however, we concluded that inducing the EPA to move forward would amount to an impermissible benefit to family member 1 under Section 702(a). Domenech's prodding the EPA into action would benefit family member 1 by resolving their application, which would either result in a job or, at a minimum, end the uncertainty surrounding that opportunity. Even if Domenech solely prodded the EPA to act, regardless of whether it resulted in a job for family member 1, Domenech must have believed that resolution would benefit family member 1, or else he presumably would not have reached out to the EPA senior official. It is immaterial that this benefit to family member 1 may not appear significant or monetary because the regulation does not exclude *de minimus* or nominal advantages and expressly includes "any" benefits that are "financial or otherwise."⁴

In sum, we concluded that Domenech violated Section 702(a) by using his position for family member 1's private gain. For the same reasons described above, we concluded that these actions also violated the general prohibition in Section 702.

We note that Federal ethics regulations, specifically Section 702(b), permit officials to use their titles and official letterhead in connection with professional and character references. Section 702(b) authorizes an employee to sign letters of recommendation using their official title and Government letterhead "only in response to a request for an employment recommendation or character reference based upon personal knowledge of the ability or character of an individual with whom he has dealt in the course of Federal employment or whom he is recommending for Federal employment."

This provision, however, is not applicable here because Domenech's emails did not respond to a request, nor did he send the emails as an employment recommendation or a character reference. Even construing Domenech's statements in favor of family member 1, such as their prior work experience, as a character reference or an employment recommendation, the order of events is telling. The EPA had not reached out to Domenech to request a reference as it considered family member 1's application; rather, Domenech reached out to the EPA senior official to prompt the EPA to consider family member 1. Moreover, Domenech was solely associated with family member 1 as a relative; he was not associated with family member 1 "in the course of Federal employment." While under certain circumstances it may be permissible for a Government employee to recommend a relative for a Federal Government position, it was incumbent on Domenech in this instance to weigh the risk that he was using his Government position for the

⁴ Section 702(a) provides an example to illustrate the scope of the provision: "An employee of the Department of Commerce was asked by a friend to determine why his firm's export license had not yet been granted by another office within the Department of Commerce. At a department-level staff meeting, the employee raised as a matter for official inquiry the delay in approval of the particular license and asked that the particular license be expedited. The official used her public office in an attempt to benefit her friend[.]" To the extent this example establishes that the employee's effort to expedite a Government process constituted a misuse of office, it supports the finding that Domenech's efforts to speed up the EPA's hiring process qualified as an impermissible benefit under Section 702(a).

private gain of his relative.⁵

b. Section 101(b)(14), Appearance of Misconduct

Even if we accept Domenech's statement that he acted to push the EPA to move the process forward and not to have the EPA hire family member 1, we found that Domenech's actions would violate 5 C.F.R. § 2635.101(b)(14). This section states that ". . . employees shall endeavor to avoid any actions creating the appearance that they are violating the law, or the ethical standards set forth in this part," which includes Section 702. The applicable standard is based on whether a reasonable person with knowledge of the relevant facts would believe that the circumstances created an appearance that the law or the standards had been violated.

Domenech sent multiple emails to the EPA senior official from his DOI email account that had no business purpose, included Domenech's official title in the signature block, and referenced family member 1's relevant work experience. As such, we concluded that a reasonable person would believe that Domenech appeared to misuse his position in connection with family member 1's application.

2. Domenech's Actions Concerning Family Member 2's Business

As noted earlier, Domenech's email to the EPA senior official also included the name of family member 2's business and a link to its website. Domenech told us that he and family member 2 discussed business services with the EPA senior official and their fiancée at the Wolf Trap event. In particular, Domenech stated he recalled family member 2 telling the EPA senior official about family member 2's business and that the EPA senior official and their fiancée discussed what they wanted for their wedding. According to Domenech, the EPA senior official and their fiancée wanted to know more about family member 2's work, so he included a link to the business website in the follow-up email he sent the next day. Domenech told us that the EPA senior official or their fiancée must have asked him for it. Domenech also said, "It could've been, hey, I'm getting married and I, I'd love to talk to you about doing my marriage. . . . I mean, doing [work] for my marriage, uh, wedding." Domenech acknowledged the email had no DOI business purpose and said he understood the possibility that the EPA senior official could have been interested in family member 2 providing them business services.

Domenech's email implicates ethics regulations that prohibit a Government employee from using Government resources to endorse any service or enterprise or for an unauthorized purpose. Specifically, 5 C.F.R. § 2635.702(c) provides, "An employee shall not use or permit the use of his Government position or title or any authority associated with his public office to endorse any

⁵ On August 1, 2007, Office of Government Ethics (OGE) Director Robert I. Cusick issued a memorandum titled, *Regarding Misuse of Federal Position to Help Another Person Get a Job*. In this memorandum, the OGE provides guidance on analogous situations involving private-sector employment. The OGE stated that who initiated the contact is a factor in determining whether an official misused their office, stating that "merely responding to a request" would be less likely to pose a problem under 702. The memorandum also noted that the relationship between the official and the recommended person can be a factor, stating: "An employment contact made on behalf of a relative or friend with whom the employee has no business relationship may increase the risk that the employee appears to be using his Government position for the private gain of his associate. Accordingly, the employee should carefully consider whether or not making the employment contact would be prudent." On the other hand, we note that the OGE also stated that whether the recommended person had already applied for the position would be a factor on the other side in determining whether the action was appropriate.

product, service or enterprise.” Similarly, 5 C.F.R. § 2635.704 states, “An employee has a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes.” Domenech’s email also implicates the DOI *Departmental Manual*, 410 DM 2, “Limited Personal Use of Government Office Equipment and Library Collections,” which defines an unauthorized use of Government equipment. The policy states employees are prohibited from using official email for any activity involving or relating to “. . . selling, advertising, soliciting . . . products or services for an employee’s personal financial profit or gain.”

The crux of the analysis for Sections 702(c) and 704 and the DOI policy is Domenech’s intent in sending the link to family member 2’s business. If Domenech intended to endorse or promote the business, then he would have clearly violated all three of those provisions. Domenech stated he did not intend to solicit business from the EPA senior official and their fiancée but was responding to their request. He also told us, however, that the EPA senior official and their fiancée wanted to know where [family member 2] did business and to see their work, and that he understood the possibility that the official could have been interested in family member 2 providing business services to the EPA senior official and their fiancée.

Unlike Domenech’s communications involving family member 1’s application, in which Domenech mentioned family member 1’s relevant experience and continued interest in the position, the reference to family member 2’s business simply conveyed the link to the website and nothing more. Therefore, considering Domenech’s assertion that he included the link for information only, rather than commercial gain, and the lack of contradictory evidence, we concluded there is insufficient evidence that Domenech violated Section 702(c), Section 704, or DOI policy.

Nevertheless, we determined that Domenech’s decision to include a link to the business in an official email created an impermissible appearance that he used his Government email to endorse and promote the business, which contravened the ethical principle established in 5 C.F.R. § 2635.101(b)(14). As noted above, Section 101(b)(14) provides that “[e]mployees shall endeavor to avoid any actions creating the appearance that they are violating the law, or the ethical standards set forth in this part,” which includes the misuse of Government resources prohibited in Sections 702(c) and 704. The applicable standard is whether a reasonable person with knowledge of the relevant facts would believe that the circumstances created an appearance that the law or the standards had been violated.

In this case, the evidence established that:

- Domenech and family member 2 discussed business with the EPA senior official and their fiancée at Wolf Trap.
- The EPA senior official and their fiancée wanted to know where family member 2 did business and asked to see some of their work.
- Domenech told us he understood the possibility that the EPA senior official could have been interested in family member 2 providing services for the official.

- Domenech sent an email on his DOI account to the EPA senior official the next day with a link to the business.

We determined that a reasonable person with knowledge of the relevant facts would conclude that Domenech appeared to misuse his position to endorse and promote family member 2's business despite Domenech's stated intent. As a result, we concluded that Domenech's inclusion of the business name and link to its website ran afoul of the ethical principle articulated in 5 C.F.R. § 2635.101(b)(14).

III. SUBJECT

Douglas Domenech, Assistant Secretary for Insular and International Affairs, Washington, DC.

IV. DISPOSITION

We provided this report to the DOI Chief of Staff for any action deemed appropriate.

Report Fraud, Waste, and Mismanagement



Fraud, waste, and mismanagement in Government concern everyone: Office of Inspector General staff, departmental employees, and the general public. We actively solicit allegations of any inefficient and wasteful practices, fraud, and mismanagement related to departmental or Insular Area programs and operations. You can report allegations to us in several ways.



By Internet:	www.doioig.gov	
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