



National Transportation Safety Board

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OFFICE OF THE GENERAL COUNSEL

Memorandum

Date: October 11, 2017

To: Robert J. Hall, RPH-1

From: Tracy V. Williams, Assistant Ethics Official [REDACTED]

Thru: Sean L. Dalton, Acting Designated Agency Ethics Official [REDACTED]

Appr: Dennis Jones, Managing Director

Subject: Gift from an Outside Source—5 C.F.R. § 2635; Acceptance under Agency Gift Acceptance Authority—49 U.S.C. § 1113(b)(1)(G)

Introduction: The Standards of Ethical Conduct for Employees of the Executive Branch, which are applicable to all employees of the NTSB,¹ state an employee may not solicit or accept any gift:

- From a prohibited source; or
- Given because of an employee's official position,²

Unless the item is:

- Excluded from the definition of gift³; or
- Excepted from the prohibition.⁴

Background: You received an unsolicited gift of six natural gas pipeline tees from American Gas Association (AGA). The market value of this gift is \$150.⁵

Discussion: You timely asked the ADAEO about this unsolicited gift, therefore, you did not improperly accept the gift under 5 C.F.R. § 2635.205. The gift is not excluded from the definition of gift and is not covered by an exception permitting you to personally retain the gift (unless you pay the offeror the fair market value for the gift). Alternatively, the gift may be treated as a gift to the agency under 49 U.S.C. § 1113(b)(1)(G). The Managing Director will make the final decision as to this gift acceptance via signature below.

¹ See 5 C.F.R. § 2635, Subpart B (Gifts from Outside Sources) at §§ 201 & 202.


² See 5 C.F.R. § 2635.202(a).

³ See 5 C.F.R. § 2635.203(b).

⁴ See 5 C.F.R. § 2635.204.

⁵ See American Gas Association letter addressed to Mr. Hall from Christina Sames, Vice President, Operations & Engineering. Given this research, a commercial appraisal is not, according to regulation, required.

Recommendation: In our opinion, it would be appropriate to use the agency's gift acceptance authority to accept the gift from AGA for purposes of testing material in the NTSB Laboratory.


for [redacted]

Approve

Disapprove

10-16-17

Date



Robert J. Hall, PE
Director
Office of Railroad, Pipeline, and Hazardous Materials Investigations
National Transportation Safety Board
490 L'Enfant Plaza East, S.W.
Washington, DC 20594-0001

Dear Robert,

This is to confirm that the enclosed natural gas pipeline tees are being donated to the National Transportation Safety Board at no cost. The tees come from several natural gas distribution companies that recognize the importance of the NTSB's work and the need to test materials that are no longer available on the market. There are six tees, in total, being donated with an estimated value of \$150.00.

Please contact me if you have any questions or need additional information.

A black rectangular redaction box covers the signature of Christina Sames.

Christina Sames
Vice President, Operations & Engineering
American Gas Association