



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

REPORT OF INVESTIGATION

Case Title <b>BLACK, STEVE</b>	Case Number <b>OI-PI-14-0552-I</b>
Reporting Office <b>Program Integrity Division</b>	Report Date <b>September 30, 2014</b>
Report Subject <b>Final Report</b>	

**SYNOPSIS**

The Office of Inspector General initiated this investigation on June 24, 2014, when Melinda J. Loftin, Ethics Officer, Department of the Interior (DOI), reported that Steven W. Black, Principal, Bingham McCutchen LLP and former counselor to DOI Secretary Ken Salazar, may have violated his Presidential Ethics Pledge and 18 U.S.C 207(c), Restrictions on Former Officers, Employees, and Elected Officials of the Executive and Legislative Branches, when he allegedly recommended that ██████ Deputy Solicitor, Parks & Wildlife, Office of the Solicitor, DOI, attend a conference co-chaired by Black and sponsored by CLE International, Denver, CO.

Our investigation revealed the alleged violation did not fall within the one-year prohibition as specified in 18 U.S.C. 207(c) and the Presidential Ethics Pledge was not enforceable under the United States Code.

**BACKGROUND**

Loftin provided an email (**Attachment 1**), dated May 27, 2014, titled "Faculty Invitation: On behalf of Steve Black Co-Chair of ESA Conference, Sept. 18-19, 2014, San Francisco." The email was sent by ██████ Program Attorney, CLE International, to ██████ inviting him to attend the 2nd Annual Endangered Species Act (ESA) Conference sponsored by CLE International and co-chaired by Black. ██████ was asked to participate in a panel discussion titled "Renewable Energy Siting/Wildlife Issues: Defenders v. Jewell; Stateline and Silver State South Solar Projects; Desert Tortoise Connectivity and the DRECP."

██████ email was reviewed by Loftin and ██████, Deputy Designated Agency Ethics Official, DOI, who felt it may have violated 18 U.S.C 207(c), if Black intended the communication with ██████

Reporting Official/Title ██████ /Special Agent	Signature Digitally signed.
Approving Official/Title ██████ /ASAC	Signature Digitally signed.

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to be attributed to him.

### **DETAILS OF INVESTIGATION**

The Office of Inspector General initiated this investigation on June 24, 2014, when Melinda J. Loftin, Ethics Officer, Department of the Interior (DOI), reported that Steven W. Black, Principal, Bingham McCutchen LLP and former counselor to DOI Secretary Ken Salazar, may have violated his Presidential Ethics Pledge and 18 U.S.C 207(c), Restrictions on Former Officers, Employees, and Elected Officials of the Executive and Legislative Branches, when he allegedly recommended that ██████████ Deputy Solicitor, Parks & Wildlife, Office of the Solicitor, DOI, attend a conference co-chaired by Black and sponsored by CLE International, Denver, CO.

We reviewed 18 U.S.C 207(c) with ██████████, Associate General Counsel, OIG, and determined it was based on 5 CFR 2641.204, Post-Employment Conflict of Interest Restrictions which established a one-year restriction on former senior employee's representations to their former agency concerning any matter, regardless of prior involvement. In accordance with the statute, Black was prohibited from communicating with employees of DOI for one year, if the intent of the communication was to seek official action by that person. Loftin and ██████████ felt that ██████████ attendance and participation at the conference amounted to "official action," as described in 18 U.S.C. 207(c).

On September 3, 2014, ██████████, Human Resource (HR) Specialist, Operations and Executive Branch, DOI, provided OIG with a copy of a Notification of Personnel Action (Standard Form SF-50) indicating Black resigned from DOI effective May 17, 2013. The email from ██████████ to ██████████, allegedly on behalf of Black, was sent on May 27, 2014. According to ██████████, Loftin, and ██████████, the alleged violation did not fall within the one-year prohibition as specified in 18 U.S.C. 207(c).

We determined that Black signed the Presidential Ethics Pledge on January 23, 2009, which contained the following statement: "If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment." According to ██████████, Loftin, and ██████████, the Presidential Ethics Pledge was not enforceable under the United States Code.

### **SUBJECT**

Steven W. Black, former counselor to DOI Secretary Ken Salazar

### **ATTACHMENTS**

1. Email dated May 27, 2014, titled "Faculty Invitation: On behalf of Steve Black Co-Chair of ESA Conference, Sept. 18-19, 2014, San Francisco."