

FROM: Kailee M. Tkacz
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Office of Congressional Relations
USDA

TO: Stuart Bender
Designated Agency Ethics Official and
Director, Office of Ethics
USDA

DATE: October 16, 2017

SUBJECT: Ethics Agreement

The purpose of this letter is to acknowledge my obligation to avoid any actual or apparent conflicts of interest that may arise during the performance of my duties as Policy Advisor – Office of Congressional Relations. The following agreement is designed to address potential ethics problems identified by the Office of Ethics based upon its review of the financial information I provided in the Executive Branch Personnel Public Financial Disclosure Report (OGE Form 278e) which I submitted on August 21, 2017. This agreement may be modified by the agency as it deems necessary.

AGREEMENT

I understand that I am responsible to know the ethics rules applicable to me and abide by those rules. I understand that a change in my circumstances may precipitate the need for an ethics agreement that specifically addresses the issue(s) raised by the circumstance. I will consult the Office of Ethics if I have a change in circumstances or questions about the application of the ethics rules.

Conflicts of Interest (18 USC § 208). As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). "Particular matter," for purposes of this paragraph, includes not only matters involving a specific proceeding affecting the legal rights of the parties, such as contracts, claims, controversies, investigations, grants, loans, agreements, litigation, and other arrangements involving a specific party or parties, but also legislation, regulation, broad policymaking, and program development that are focused on a particular sector or the interests of a discrete and identifiable class of persons. I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment. By law, this means that all financial interests of these persons are considered to be mine as if I owned them personally.

Retirement Plan. I continue to participate in a defined contribution plan with a former employer, the Corn Refiners Association, Washington, DC (the Association). Pursuant to 18 U.S.C. § 208, I will not participate personally and substantially in any particular matter that will have a direct and predictable effect on the ability or willingness of the Association to provide these contractual benefits, unless I first obtain a written waiver or qualify for a regulatory exemption. Moreover, I also participated in a profit sharing plan through the Association, but have already invested the proceeds of the profit sharing plan into another financial plan that is unrelated to the Association.

General impartiality (5 CFR § 2635.502). In addition to conflicting financial interests, I am aware that certain other financial relationships (“covered relationships”) can affect my ability to perform the duties of my position. Where such covered relationships exist, I understand that I may not participate in any particular matter involving specific parties in which the covered relationship is a party or represents a party, unless I am authorized to participate pursuant to 5 C.F.R. part 2635, subpart E. While participating in particular matters affecting covered relationships may not result in criminal prosecution, they may, depending upon the circumstances, lead to administrative actions, including removal. Specifically, for a period of one year after my resignation from the Association, my former employer, I will not participate personally and substantially in any particular matter involving specific parties in which I know the Association is a party or represents a party, unless I am first authorized to participate pursuant to 5 CFR §2635.502.

“Particular matters involving specific parties,” for purposes of this section, includes only those matters in which the covered relationship is directly engaged as party or representative, such as contracts, grants, loans, agreements, litigation, and other arrangements that specifically involve the interest. However, it does NOT normally include legislation, regulation, broad policymaking, and program development even if such may directly and predictably affect the interest as one of a group or sector.

Recusal. I acknowledge that I must disqualify (recuse) from participating personally and substantially in any particular matter that would have a direct and predictable effect on the Association for a period of two years or until July 18, 2019, unless I am first authorized to participate. In the event the Association contacts me directly by mail, telephone or email concerning a matter on which I must recuse, I understand I must not determine what action should be taken and then choose which USDA official should handle the matter. Instead, I will promptly explain to the official that I am recused, refrain from any further participation in the matter (including any discussion with colleagues or any persons likely to consider the matter), and refer the person or matter to my supervisor.

Profit Sharing Bonus. Consistent with the Association’s customary practice, on December 15, 2016 I received a bonus calculated on a percentage of the company's profits based on its annual earnings. The Association used an objective formula to calculate the bonus. Consistent with the Association’s policy, I am not eligible to receive future bonuses since I am no longer an employee. For a period of two years from the date I received this bonus, I will not participate personally and substantially in any particular matter involving specific parties in which the Association is a party or represents a party, unless I first receive a written waiver pursuant to 5 CFR § 2635.503(c).

I understand that, as an appointee, I must continue to abide by the Ethics Pledge (Exec. Order No. 13770) that I previously signed and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this ethics agreement.

I believe the above actions will serve to keep me free from any actual or apparent violation of conflicts laws and regulations. This agreement is effective immediately. If I have any questions regarding the scope or application of this agreement, I will consult the USDA Office of Ethics. I will notify the USDA Office of Ethics of any changes to my outside positions or employment.

I have been advised that this ethics agreement, as well as my OGE Form 278 Public Financial Disclosure Report, will be available to the public upon request, consistent with ethics agreements and OGE Form 278s of other employees who file public financial disclosure reports.

Very truly yours,

Kailee M Tkacz 10/16/17

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Policy Advisor

Office of Congressional Relations

