

**From:** (b) (6)  
**To:** (b) (6)  
**Subject:** FW: Part-time job opportunity  
**Date:** Wednesday, May 31, 2023 10:57:34 AM

---

(b) (6)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

---

**From:** (b) (6)  
**Sent:** Tuesday, May 5, 2020 6:20 AM  
**To:** (b) (6) @va.gov>  
**Subject:** RE: Part-time job opportunity

Yes. You would be paid by the Crow Tribe

---

**From:** (b) (6) @va.gov>  
**Sent:** Tuesday, May 5, 2020 5:59 AM  
**To:** (b) (6) @va.gov>  
**Subject:** RE: Part-time job opportunity

Let me rephrase....is this paid?

---

**From:** (b) (6) @va.gov>  
**Sent:** Monday, May 4, 2020 4:45 PM  
**To:** (b) (6) @va.gov>  
**Subject:** RE: Part-time job opportunity

Being a cop on the reservation.

---

**From:** (b) (6) @va.gov>  
**Sent:** Monday, May 4, 2020 4:25 PM  
**To:** (b) (6) @va.gov>  
**Subject:** RE: Part-time job opportunity

What does it entitle?

---

**From:** (b) (6) @va.gov>  
**Sent:** Monday, May 4, 2020 3:15 PM  
**To:** SHE Police (b) (6) @va.gov>

002

**Subject:** Part-time job opportunity

All,

We are waiting on approval from the OPM powers that be, but if we get the go, there is a part-time opportunity to work on your off time, on the Crow Reservation as a police officer. They contacted us last week and asked for our help, while they stand up their new police department. The Reservation stays very busy and you would be exposed to a lot more major crime than you are here. You would be riding with an officer from the Crow Reservation, in a two man car. You will not be acting as a VA Officer and will be deputized by the Crow Agency. This will be just like working a part-time gig at a local PD. If any of you are interested, please let me know, so we can move forward if we get the go ahead.

Thanks,

(b) (6)  
Sheridan VAMC  
1898 Fort Rd  
Sheridan, WY 82801

(b) (6)  
(b) (6) [@va.gov](mailto: @va.gov)

**From:** (b) (6)  
**To:** (b) (6)  
**Subject:** FW: Part-time job opportunity  
**Date:** Wednesday, May 31, 2023 10:55:52 AM

---

(b) (6)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

---

**From:** (b) (6) @va.gov>  
**Sent:** Thursday, May 7, 2020 7:26 PM  
**To:** (b) (6) @va.gov>  
**Subject:** RE: Part-time job opportunity

Im interested!

---

**From:** (b) (6) @va.gov>  
**Sent:** Monday, May 4, 2020 3:15 PM  
**To:** SHE Police <(b) (6) @va.gov>  
**Subject:** Part-time job opportunity

All,

We are waiting on approval from the OPM powers that be, but if we get the go, there is a part-time opportunity to work on your off time, on the Crow Reservation as a police officer. They contacted us last week and asked for our help, while they stand up their new police department. The Reservation stays very busy and you would be exposed to a lot more major crime than you are here. You would be riding with an officer from the Crow Reservation, in a two man car. You will not be acting as a VA Officer and will be deputized by the Crow Agency. This will be just like working a part-time gig at a local PD. If any of you are interested, please let me know, so we can move forward if we get the go ahead.

Thanks,

(b) (6)  
Sheridan VAMC  
1898 Fort Rd  
Sheridan, WY 82801  
(b) (6)  
(b) (6) @va.gov

**From:** (b) (6)  
**Subject:** FW: Off duty employment  
**Date:** Wednesday, May 31, 2023 10:56:20 AM  
**Attachments:** [COI-Outside Activity Questionnaire.doc](#)

---

(b) (6)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

---

**From:** (b) (6)  
**Sent:** Thursday, May 7, 2020 12:53 PM  
**To:** (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

Here you go sir.

---

**From:** (b) (6) @va.gov>  
**Sent:** Thursday, May 7, 2020 11:21 AM  
**To:** (b) (6) @va.gov>  
**Subject:** FW: Off duty employment

Chief,

Could you please have one of the employees fill out the attached questionnaire, or complete it yourself if you know the information?

(b) (6)  
[Redacted]  
Region 1 Shared Service Unit (SSU)  
VA Rocky Mountain Network (VISN 19)  
Veterans Health Administration  
US Department of Veterans Affairs  
Office Phone: (b) (6)

This email is confidential and/or privileged. Use of this information by anyone other than the intended recipient is prohibited. If you have received this in error, please inform the sender and remove any record of this message.

***DISCLAIMER: Please be advised that the content of any email(s)/letter(s) are just drafts/recommendations, and that the management official signing any document(s) is***



*responsible for ensuring that the information contained herein is what you intend to express and that the action(s) proposed is initiated by you and not by the Employee/ Labor Relations Staff. If you wish to modify and/delete any information please let me know to properly assist you.*

---

**From:** OGCContinentalEthics (b) (6) @va.gov>  
**Sent:** Thursday, May 7, 2020 1:19 PM  
**To:** (b) (6) @va.gov>  
**Cc:** (b) (6) @va.gov>; OGCContinentalEthics  
<(b) (6) @va.gov>; (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

Mr. (b) (6)

Good Afternoon. In order for the assigned Ethics Specialty Team attorney to provide you with guidance on this matter, they will require additional information.

Please have the concerned employee complete the attached form to the best of his ability, and when ready, please return the form to (b) (6) @va.gov.

When resubmitting, please be sure to include this email and the reference number listed in the subject line above so that all information is compiled in one location for the attorney's review.

Thank you,

(b) (6)

Paralegal Specialist  
Ethics Specialty Team  
Office of General Counsel

(b) (6)

@va.gov

---

**From:** (b) (6) @va.gov>  
**Sent:** Thursday, May 7, 2020 12:13 PM  
**To:** OGCContinentalEthics (b) (6) @va.gov>  
**Cc:** (b) (6) @va.gov>; (b) (6) @va.gov>  
**Subject:** FW: Off duty employment

Good morning.

I have received this inquiry, and wanted to run it past the Ethics Team for a review regarding VA Police Officers undertaking outside employment with the Crow Tribal Agency, as this may be a dual

federal employment issue. I have cc'd the VISN ER/LR and the Sheridan Chief of Police, should you have questions or need additional information.

Mr. (b) (6) – I am forwarding your inquiry to our Ethics team for response. They should get back to you within the next few days with an answer. Please let me know if you have any questions.

Thank you!

Very Respectfully,

(b) (6)

Department of Veterans Affairs  
Continental District (AR, CO, LA, MS, MT, OK, TX, UT & WY)

(b) (6)

Denver, CO 80225

Phone: (b) (6)

(b) (6)

This message may contain information that is confidential and/or protected by law. If it has been sent to you in error, please reply immediately to advise the sender of the error and then destroy this message, any copies of this message and any printout of this message. If you are not the intended recipient of the message, any unauthorized dissemination, distribution or copying of the material in this message, and any attachments to the message, is strictly forbidden.

---

**From:** (b) (6) <[@va.gov](mailto:(b) (6)@va.gov)>

**Sent:** Thursday, May 7, 2020 10:38 AM

**To:** (b) (6) <[@va.gov](mailto:(b) (6)@va.gov)>

**Subject:** FW: Off duty employment

Good morning Ms. (b) (6) ,

My name is (b) (6) , I am a (b) (6) with VISN 19. Would you have any opinion on the below question? My only concern is if the tribe is federally funded. I don't know how I would discern if they were or not.

(b) (6)

(b) (6)

Region 1 Shared Service Unit (SSU)  
VA Rocky Mountain Network (VISN 19)  
Veterans Health Administration  
US Department of Veterans Affairs  
Office Phone: (b) (6)

This email is confidential and/or privileged. Use of this information by anyone other than the intended recipient is prohibited. If you have received this in error, please inform the sender and remove any record of this message.

***DISCLAIMER: Please be advised that the content of any email(s)/letter(s) are just drafts/recommendations, and that the management official signing any document(s) is responsible for ensuring that the information contained herein is what you intend to express and that the action(s) proposed is initiated by you and not by the Employee/ Labor Relations Staff. If you wish to modify and/delete any information please let me know to properly assist you.***

---

**From:** (b) (6) @va.gov>  
**Sent:** Monday, May 4, 2020 5:18 PM  
**To:** (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

(b) (6)

I just spoke with the Chief of Police for the Crow Tribal Agency, and he wanted me to make it clear to everyone, that the officers pay would not be from a federal agency, but from the tribe itself. This may make a difference in how they view it. The officers that work their have to get federal law enforcement certification, but are not paid by the federal government.

---

**From:** (b) (6) @va.gov>  
**Sent:** Monday, May 4, 2020 1:43 PM  
**To:** (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

Afternoon sir,

I did have a lovely weekend. Lot's of "honey do" items to accomplish. I hope yours was nice as well.

Let me do some research on this and see what I can get for you. I think the big sticking factor will be where the funds come from. I'm on it sir.

(b) (6)

Region 1 Shared Service Unit (SSU)  
VA Rocky Mountain Network (VISN 19)  
Veterans Health Administration  
US Department of Veterans Affairs  
Office Phone: (b) (6)

This email is confidential and/or privileged. Use of this information by anyone other than the intended recipient is prohibited. If you have received this in error, please inform the sender and remove any record of this message.

***DISCLAIMER: Please be advised that the content of any email(s)/letter(s) are just drafts/recommendations, and that the management official signing any document(s) is responsible for ensuring that the information contained herein is what you intend to express and that the action(s) proposed is initiated by you and not by the Employee/ Labor Relations Staff. If you wish to modify and/delete any information please let me know to properly assist you.***

---

**From:** (b) (6) @va.gov>  
**Sent:** Monday, May 4, 2020 3:40 PM  
**To:** (b) (6) @va.gov>  
**Subject:** Off duty employment

(b) (6)

I hope you had a great weekend. I am hoping you can run something up the chain to OPM for me and get an approval. The Crow Tribal Agency contacted me last week and request our officers to augment their police department. This would be done on their off time, and not as a VA Police officer. This would be like a second part-time job. They would be working as Crow Tribal Federal Police. I know a lot of VA police officers work as part-time officers for other departments, I just want to make sure this is ok, since it is another federal police department.

Thank you for your time,

(b) (6)  
Sheridan VAMC  
1898 Fort Rd  
Sheridan, WY 82801

(b) (6)  
(b) (6) @va.gov

**From:** (b) (6)  
**To:** (b) (6)  
**Subject:** FW: Off duty employment  
**Date:** Wednesday, May 31, 2023 10:46:09 AM  
**Attachments:** [COI-Outside Activity Questionnaire.doc](#)

---

(b) (6)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

---

**From:** (b) (6)  
**Sent:** Thursday, June 18, 2020 10:30 AM  
**To:** (b) (6) @va.gov; (b) (6) @va.gov; (b) (6) @va.gov; (b) (6) @va.gov; (b) (6) @va.gov; (b) (6) @va.gov  
**Subject:** FW: Off duty employment

All,

Attached is a form you need to fill out and send to OGC for the crow agency job. I doubled back with them to make sure we were doing everything right. You will need your own individual approval decision.

Once you have filled out the form, please send it to the email below.

Chief

---

**From:** OGCContinentalEthics (b) (6) @va.gov  
**Sent:** Thursday, June 18, 2020 11:23 AM  
**To:** (b) (6) @va.gov  
**Subject:** RE: Off duty employment

Please have them send it to (b) (6) @va.gov.

(b) (6)

---

**From:** (b) (6) @va.gov  
**Sent:** Thursday, June 18, 2020 12:22 PM  
**To:** OGCContinentalEthics (b) (6) @va.gov  
**Subject:** RE: Off duty employment

I will send them the form. Can they send it back to you?

---

**From:** OGCContinentalEthics (b) (6) @va.gov>  
**Sent:** Thursday, June 18, 2020 11:22 AM  
**To:** (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

Yes, the other officers will need to do the same. Their situations may be slightly different than yours. Each of them will need their own opinions in order to obtain "safe harbor".

(b) (6)

---

**From:** (b) (6) @va.gov>  
**Sent:** Thursday, June 18, 2020 12:15 PM  
**To:** OGCContinentalEthics (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

Thank you ma'am.

I do have a quick question. I have other officers who will be working in the same place, do they also need to do this, or will the one decision work for all?

---

**From:** OGCContinentalEthics (b) (6) @va.gov>  
**Sent:** Thursday, June 18, 2020 11:12 AM  
**To:** (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

No, this is the same thing. I was thinking you had completed it and (b) (6) had advised, but was not certain. Please disregard.

(b) (6)

---

**From:** (b) (6) @va.gov>  
**Sent:** Thursday, June 18, 2020 12:10 PM  
**To:** (b) (6) @va.gov>  
**Cc:** (b) (6) @va.gov>; OGCContinentalEthics  
<(b) (6) @va.gov>; (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

I believe I already filled one of these out and got an approval a few weeks back. Is this something different?

---

**From:** (b) (6) @va.gov>  
**Sent:** Thursday, June 18, 2020 11:09 AM

To: (b) (6) @va.gov>  
Cc: (b) (6) @va.gov>; OGCContinentalEthics  
<(b) (6) @va.gov>; (b) (6) @va.gov>  
Subject: RE: Off duty employment

Mr. (b) (6)

Good Afternoon. Please complete the attached form to the best of your ability, and when ready, please return the form to (b) (6) @va.gov.

When resubmitting, please be sure to include this email so that all information is compiled in one location for the attorney's review.

Thank you,  
(b) (6)  
(b) (6)  
Ethics Specialty Team  
Office of General Counsel  
(b) (6)  
(b) (6) @va.gov

---

From: (b) (6) @va.gov>  
Sent: Thursday, June 18, 2020 11:57 AM  
To: OGCContinentalEthics (b) (6) @va.gov>; (b) (6)  
(b) (6) @va.gov>  
Cc: (b) (6) @va.gov>  
Subject: RE: Off duty employment

We are still pursuing the outside activity. Should be starting around the beginning of July. Do you need anything else from me?

---

From: OGCContinentalEthics (b) (6) @va.gov>  
Sent: Thursday, June 18, 2020 10:19 AM  
To: (b) (6) @va.gov>  
Cc: (b) (6) @va.gov>; (b) (6) @va.gov>;  
OGCContinentalEthics (b) (6) @va.gov>  
Subject: RE: Off duty employment

Good afternoon,

Just a follow-up email to see if you were still interested in pursuing this outside



activity. If you are not, please let me know so I can close out my suspense.

Thank you,

(b) (6)

(b) (6)

Ethics Specialty Team  
Office of General Counsel

(b) (6)

(b) (6) [@va.gov](mailto:(b) (6)@va.gov)

---

**From:** OGCContinentalEthics (b) (6) [@va.gov](mailto:(b) (6)@va.gov)>

**Sent:** Thursday, May 7, 2020 12:19 PM

**To:** (b) (6) [@va.gov](mailto:(b) (6)@va.gov)>

**Cc:** (b) (6) [@va.gov](mailto:(b) (6)@va.gov)>; OGCContinentalEthics

<(b) (6) [@va.gov](mailto:(b) (6)@va.gov)>; (b) (6) [@va.gov](mailto:(b) (6)@va.gov)>

**Subject:** RE: Off duty employment

Mr. (b) (6)

Good Afternoon. In order for the assigned Ethics Specialty Team attorney to provide you with guidance on this matter, they will require additional information.

Please have the concerned employee complete the attached form to the best of his ability, and when ready, please return the form to (b) (6) [@va.gov](mailto:(b) (6)@va.gov).

When resubmitting, please be sure to include this email and the reference number listed in the subject line above so that all information is compiled in one location for the attorney's review.

Thank you,

(b) (6)

(b) (6)

Ethics Specialty Team  
Office of General Counsel

(b) (6)

(b) (6) [@va.gov](mailto:(b) (6)@va.gov)

---

**From:** (b) (6) [@va.gov](mailto:(b) (6)@va.gov)>



013

**Sent:** Thursday, May 7, 2020 12:13 PM

**To:** OGCContinentalEthics (b) (6) @va.gov>

**Cc:** (b) (6) @va.gov>; (b) (6) @va.gov>

**Subject:** FW: Off duty employment

Good morning.

I have received this inquiry, and wanted to run it past the Ethics Team for a review regarding VA Police Officers undertaking outside employment with the Crow Tribal Agency, as this may be a dual federal employment issue. I have cc'd the VISN ER/LR and the Sheridan Chief of Police, should you have questions or need additional information.

Mr. (b) (6) – I am forwarding your inquiry to our Ethics team for response. They should get back to you within the next few days with an answer. Please let me know if you have any questions.

Thank you!

Very Respectfully,

(b) (6)

Department of Veterans Affairs  
Continental District (AR, CO, LA, MS, MT, OK, TX, UT & WY)

(b) (6)

Denver, CO 80225

Phone: (b) (6)

Fax: (b) (6)

This message may contain information that is confidential and/or protected by law. If it has been sent to you in error, please reply immediately to advise the sender of the error and then destroy this message, any copies of this message and any printout of this message. If you are not the intended recipient of the message, any unauthorized dissemination, distribution or copying of the material in this message, and any attachments to the message, is strictly forbidden.

---

**From:** (b) (6) @va.gov>

**Sent:** Thursday, May 7, 2020 10:38 AM

**To:** (b) (6) @va.gov>

**Subject:** FW: Off duty employment

Good morning Ms. (b) (6)

My name is (b) (6), I am a (b) (6) with VISN 19. Would you have any opinion on the below question? My only concern is if the tribe is federally funded. I don't know how I would discern if they were or not.

(b) (6)

Region 1 Shared Service Unit (SSU)  
VA Rocky Mountain Network (VISN 19)  
Veterans Health Administration  
US Department of Veterans Affairs  
Office Phone: (b) (6)

This email is confidential and/or privileged. Use of this information by anyone other than the intended recipient is prohibited. If you have received this in error, please inform the sender and remove any record of this message.

***DISCLAIMER: Please be advised that the content of any email(s)/letter(s) are just drafts/recommendations, and that the management official signing any document(s) is responsible for ensuring that the information contained herein is what you intend to express and that the action(s) proposed is initiated by you and not by the Employee/ Labor Relations Staff. If you wish to modify and/delete any information please let me know to properly assist you.***

---

**From:** (b) (6) <[REDACTED]@va.gov>  
**Sent:** Monday, May 4, 2020 5:18 PM  
**To:** (b) (6) <[REDACTED]@va.gov>  
**Subject:** RE: Off duty employment

(b) (6)

I just spoke with the Chief of Police for the Crow Tribal Agency, and he wanted me to make it clear to everyone, that the officers pay would not be from a federal agency, but from the tribe itself. This may make a difference in how they view it. The officers that work their have to get federal law enforcement certification, but are not paid by the federal government.

---

**From:** (b) (6) <[REDACTED]@va.gov>  
**Sent:** Monday, May 4, 2020 1:43 PM  
**To:** (b) (6) <[REDACTED]@va.gov>  
**Subject:** RE: Off duty employment

Afternoon sir,

I did have a lovely weekend. Lot's of "honey do" items to accomplish. I hope yours was nice as well.

Let me do some research on this and see what I can get for you. I think the big sticking factor will be where the funds come from. I'm on it sir.

(b) (6)

Region 1 Shared Service Unit (SSU)  
VA Rocky Mountain Network (VISN 19)  
Veterans Health Administration  
US Department of Veterans Affairs  
Office Phone: (b) (6)

This email is confidential and/or privileged. Use of this information by anyone other than the intended recipient is prohibited. If you have received this in error, please inform the sender and remove any record of this message.

***DISCLAIMER: Please be advised that the content of any email(s)/letter(s) are just drafts/recommendations, and that the management official signing any document(s) is responsible for ensuring that the information contained herein is what you intend to express and that the action(s) proposed is initiated by you and not by the Employee/ Labor Relations Staff. If you wish to modify and/delete any information please let me know to properly assist you.***

---

**From:** (b) (6) @va.gov>  
**Sent:** Monday, May 4, 2020 3:40 PM  
**To:** (b) (6) @va.gov>  
**Subject:** Off duty employment

(b) (6)

I hope you had a great weekend. I am hoping you can run something up the chain to OPM for me and get an approval. The Crow Tribal Agency contacted me last week and request our officers to augment their police department. This would be done on their off time, and not as a VA Police officer. This would be like a second part-time job. They would be working as Crow Tribal Federal Police. I know a lot of VA police officers work as part-time officers for other departments, I just want to make sure this is ok, since it is another federal police department.

Thank you for your time,

(b) (6)

(b) (6)

Sheridan VAMC  
1898 Fort Rd  
Sheridan, WY 82801

(b) (6)

(b) (6) @va.gov

**From:** (b) (6)  
**To:** (b) (6)  
**Subject:** FW: Off duty employment  
**Date:** Wednesday, May 31, 2023 10:58:35 AM

---

(b) (6)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

---

**From:** (b) (6)  
**Sent:** Monday, May 4, 2020 12:40 PM  
**To:** (b) (6) @va.gov>  
**Subject:** Off duty employment

(b) (6)

I hope you had a great weekend. I am hoping you can run something up the chain to OPM for me and get an approval. The Crow Tribal Agency contacted me last week and request our officers to augment their police department. This would be done on their off time, and not as a VA Police officer. This would be like a second part-time job. They would be working as Crow Tribal Federal Police. I know a lot of VA police officers work as part-time officers for other departments, I just want to make sure this is ok, since it is another federal police department.

Thank you for your time,

(b) (6)  
(b) (6)  
Sheridan VAMC  
1898 Fort Rd  
Sheridan, WY 82801  
(b) (6)  
(b) (6) @va.gov

**From:** (b) (6)  
**To:** (b) (6)  
**Subject:** FW: [EXTERNAL] Crow Police Dept. Background Investigation Waiver/Medical Insurance Census  
**Date:** Wednesday, May 31, 2023 10:55:04 AM  
**Attachments:** [Crow PD Back Ground Implemintation Waiver.docx](#)  
[doc05245520200506131536.pdf](#)

---

(b) (6)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

---

**From:** (b) (6)  
**Sent:** Monday, May 11, 2020 1:41 PM  
**To:** SHE Police (b) (6) @va.gov>  
**Subject:** FW: [EXTERNAL] Crow Police Dept. Background Investigation Waiver/Medical Insurance Census

All,

We have not got the final go for augmenting the Crow Agency, but they requesting those of you that are interested to fill out the forms and send them back. That way, if we get the go, they can be ahead of the game.

Thanks,

Chief

---

**From:** Chris Kortlander <[chris@historicalrarities.com](mailto:chris@historicalrarities.com)>  
**Sent:** Monday, May 11, 2020 2:03 PM  
**To:** (b) (6) @va.gov>; 'Chris Kortlander' <[chris@historicalrarities.com](mailto:chris@historicalrarities.com)>; 'Terrill Bracken' <[Terrill.Bracken@crow-nsn.gov](mailto:Terrill.Bracken@crow-nsn.gov)>  
**Subject:** [EXTERNAL] Crow Police Dept. Background Investigation Waiver/Medical Insurance Census

V.A. Chief (b) (6) meet Crow Chief Terril Bracken.

Chief (b) (6) would you be so kind to have the officers that would like to work shifts for the Crow P.D. fill these two simple forms and send back to me as soon as you can. Even though you are awaiting final approval from DC this will give us a jump on the vetting process so we can be ready to go.

Any questions please call me. This is time sensitive.

Thank you,

Chris Kortlander

406 679 4444 cell

**From:** (b) (6)  
**Subject:** FW: Crow Police Dept. Background Investigation Waiver/Medical Insurance Census  
**Date:** Wednesday, May 31, 2023 10:54:12 AM

---

(b) (6)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

---

**From:** (b) (6)  
**Sent:** Wednesday, May 13, 2020 9:22 AM  
**To:** Terrill Bracken <Terrill.Bracken@crow-nsn.gov>  
**Subject:** RE: Crow Police Dept. Background Investigation Waiver/Medical Insurance Census

Sorry about that. Here is what I received.

Thanks for the question below. I reached out to our appropriations and personnel attorneys on the issue of dual-employment issue. I am including the result of the conversation below:

“Law enforcement on the various reservations is performed in different ways. Sometimes the officers are tribal officers while others are associated with the Bureau of Indian Affairs. While this does not definitively answer your question, I would contact the reservation police force to determine if they are a federal agency or federally funded. The email chain indicates that the tribe has already indicated that they are a police force that is not associated with the federal government, but the tribe, and/or the Bureau of Indian Affairs would be able to confirm this information.”

Before I can complete a conflict of interest evaluation, the answer as to the federal status of the police force would need to be confirmed, as described above. Please reach out to the tribe and/or BIA to confirm the status of this police force and its funding source. Once we have that pinned down, I can complete the review.

---

**From:** Terrill Bracken <[Terrill.Bracken@crow-nsn.gov](mailto:Terrill.Bracken@crow-nsn.gov)>  
**Sent:** Wednesday, May 13, 2020 10:14 AM  
**To:** (b) (6) <[Redacted]@va.gov>  
**Subject:** [EXTERNAL] Re: Crow Police Dept. Background Investigation Waiver/Medical Insurance Census

Good morning, I am not seeing the question. Can you please send it to me direct? I will get you any answers asap!

---

**From:** (b) (6) <[Redacted]@va.gov>

020

**Sent:** Wednesday, May 13, 2020 7:34 AM

**To:** Terrill Bracken <[Terrill.Bracken@crow-nsn.gov](mailto:Terrill.Bracken@crow-nsn.gov)>

**Subject:** RE: Crow Police Dept. Background Investigation Waiver/Medical Insurance Census

I sent out the form for my officers who are interested to fill out. I will work on getting you certificates and the forms. Will you please answer the question below? This is from the Office of General Council, who is making the go or no go decision.

(b) (6)

Sheridan VAMC  
1898 Fort Rd  
Sheridan, WY 82801

(b) (6)

(b) (6) [@va.gov](mailto:)

---

**From:** Terrill Bracken <[Terrill.Bracken@crow-nsn.gov](mailto:Terrill.Bracken@crow-nsn.gov)>

**Sent:** Tuesday, May 12, 2020 6:09 PM

**To:** Chris Kortlander <[chris@historicalrarities.com](mailto:chris@historicalrarities.com)>; (b) (6) [@va.gov](mailto:)>

**Subject:** [EXTERNAL] Re: Crow Police Dept. Background Investigation Waiver/Medical Insurance Census

Chief (b) (6) I look forward to meeting you in person. Please contact me at 406 697-0542 any time you would like to discuss our project. In addition to the forms, we also need a list of law enforcement certifications, training, and experience. Please make sure to note if state or federal law enforcement certification is current, or when any expired.

I do understand you are still needing final approval, but we will need this information as soon as possible so we have everything covered on our end if you do get permission for you and your other officers.

Again, thank you and I look forward to meeting!

Respectfully,

Terrill Bracken

---

**From:** Chris Kortlander <[chris@historicalrarities.com](mailto:chris@historicalrarities.com)>

**Sent:** Monday, May 11, 2020 2:02 PM

**To:** (b) (6) [@va.gov](mailto:); (b) (6) [@va.gov](mailto:); 'Chris Kortlander' <[chris@historicalrarities.com](mailto:chris@historicalrarities.com)>;

Terrill Bracken <[Terrill.Bracken@crow-nsn.gov](mailto:Terrill.Bracken@crow-nsn.gov)>

**Subject:** Crow Police Dept. Background Investigation Waiver/Medical Insurance Census



V.A. Chief (b) (6) meet Crow Chief Terril Bracken.

Chief (b) (6) would you be so kind to have the officers that would like to work shifts for the Crow P.D. fill these two simple forms and send back to me as soon as you can. Even though you are awaiting final approval from DC this will give us a jump on the vetting process so we can be ready to go.

Any questions please call me. This is time sensitive.

Thank you,

Chris Kortlander

406 679 4444 cell

**From:** (b) (6)  
**To:** (b) (6)  
**Subject:** FW: Crow Police Dept. Background Investigation Waiver/Medical Insurance Census  
**Date:** Wednesday, May 31, 2023 10:52:30 AM  
**Attachments:** [RE COI - \(b\) \(6\) - Outside Activity REF 155097.msg](#)

---

(b) (6)

---

**From:** (b) (6)

**Sent:** Wednesday, May 20, 2020 7:45 AM

**To:** Terrill Bracken <Terrill.Bracken@crow-nsn.gov>; Chris Kortlander <chris@historicalrarities.com>

**Subject:** RE: Crow Police Dept. Background Investigation Waiver/Medical Insurance Census

Chief,

Attached is the response I received from the OGC Ethics attorney. It looks like we are good to go as long as we stay within the guidelines. I will put out to my officers who are interested, to send you their certificates. I will have them get you the forms and certs.

Please let me know if you need anything else.

(b) (6)

---

**From:** Terrill Bracken <[Terrill.Bracken@crow-nsn.gov](mailto:Terrill.Bracken@crow-nsn.gov)>

**Sent:** Tuesday, May 12, 2020 6:09 PM

**To:** Chris Kortlander <[chris@historicalrarities.com](mailto:chris@historicalrarities.com)>; (b) (6) <[REDACTED]@va.gov>

**Subject:** [EXTERNAL] Re: Crow Police Dept. Background Investigation Waiver/Medical Insurance Census

Chief (b) (6), I look forward to meeting you in person. Please contact me at 406 697-0542 any time you would like to discuss our project. In addition to the forms, we also need a list of law enforcement certifications, training, and experience. Please make sure to note if state or federal law enforcement certification is current, or when any expired.

I do understand you are still needing final approval, but we will need this information as soon as possible so we have everything covered on our end if you do get permission for you and your other officers.

Again, thank you and I look forward to meeting!

023

Respectfully,

Terrill Bracken

---

**From:** Chris Kortlander <[chris@historicalrarities.com](mailto:chris@historicalrarities.com)>

**Sent:** Monday, May 11, 2020 2:02 PM

**To:** (b) (6) <[@va.gov](mailto:(b)(6)@va.gov)> <(b) (6) <[@va.gov](mailto:(b)(6)@va.gov)>>; 'Chris Kortlander' <[chris@historicalrarities.com](mailto:chris@historicalrarities.com)>;  
Terrill Bracken <[Terrill.Bracken@crow-nsn.gov](mailto:Terrill.Bracken@crow-nsn.gov)>

**Subject:** Crow Police Dept. Background Investigation Waiver/Medical Insurance Census

V.A. Chief (b) (6) meet Crow Chief Terril Bracken.

Chief (b) (6) would you be so kind to have the officers that would like to work shifts for the Crow P.D. fill these two simple forms and send back to me as soon as you can. Even though you are awaiting final approval from DC this will give us a jump on the vetting process so we can be ready to go.

Any questions please call me. This is time sensitive.

Thank you,

Chris Kortlander

406 679 4444 cell

**From:** (b) (6)  
**Subject:** FW: Crow Police Dept. Background Investigation Waiver/Medical Insurance Census  
**Date:** Wednesday, May 31, 2023 10:51:08 AM  
**Attachments:** [Crow agency paperwork.pdf](#)  
[Academy recertification.pdf](#)

---

(b) (6)  
[Redacted]

---

**From:** (b) (6)  
**Sent:** Wednesday, May 20, 2020 3:55 PM  
**To:** Terrill Bracken <Terrill.Bracken@crow-nsn.gov>  
**Subject:** RE: Crow Police Dept. Background Investigation Waiver/Medical Insurance Census

Chief,

Here is my forms and my Academy recertification certificate. Do you need anything else?

---

**From:** Terrill Bracken <[Terrill.Bracken@crow-nsn.gov](mailto:Terrill.Bracken@crow-nsn.gov)>  
**Sent:** Tuesday, May 12, 2020 6:09 PM  
**To:** Chris Kortlander <[chris@historicalrarities.com](mailto:chris@historicalrarities.com)>; (b) (6) <[Redacted]@va.gov>  
**Subject:** [EXTERNAL] Re: Crow Police Dept. Background Investigation Waiver/Medical Insurance Census

Chief (b) (6), I look forward to meeting you in person. Please contact me at 406 697-0542 any time you would like to discuss our project. In addition to the forms, we also need a list of law enforcement certifications, training, and experience. Please make sure to note if state or federal law enforcement certification is current, or when any expired.

I do understand you are still needing final approval, but we will need this information as soon as possible so we have everything covered on our end if you do get permission for you and your other officers.

Again, thank you and I look forward to meeting!

Respectfully,

Terrill Bracken

---

**From:** Chris Kortlander <[chris@historicalrarities.com](mailto:chris@historicalrarities.com)>

025

**Sent:** Monday, May 11, 2020 2:02 PM

**To:** (b) (6) @va.gov (b) (6) @va.gov; 'Chris Kortlander' <chris@historicalrarities.com>;  
Terrill Bracken <Terrill.Bracken@crow-nsn.gov>

**Subject:** Crow Police Dept. Background Investigation Waiver/Medical Insurance Census

V.A. Chief (b) (6) meet Crow Chief Terril Bracken.

Chief (b) (6) would you be so kind to have the officers that would like to work shifts for the Crow P.D. fill these two simple forms and send back to me as soon as you can. Even though you are awaiting final approval from DC this will give us a jump on the vetting process so we can be ready to go.

Any questions please call me. This is time sensitive.

Thank you,

Chris Kortlander

406 679 4444 cell

**From:** (b) (6)  
**To:** (b) (6)  
**Subject:** FW: [EXTERNAL] Crow Police Dept. Background Investigation Waiver/Medical Insurance Census  
**Date:** Wednesday, May 31, 2023 10:50:46 AM  
**Attachments:** [Crow PD Back Ground Implementintion Waiver.docx](#)  
[doc05245520200506131536.pdf](#)

---

(b) (6)

---

**From:** (b) (6)  
**Sent:** Wednesday, May 20, 2020 3:49 PM  
**To:** SHE Police (b) (6) @va.gov>  
**Subject:** FW: [EXTERNAL] Crow Police Dept. Background Investigation Waiver/Medical Insurance Census

All,

We have been approved by the Office of General Council's Ethics division, to assist the Crow Agency with Law Enforcement Duties. If you want to do this as a part-time gig on your days off, you need to fill these forms out and send them to Terrill Bracken [Terrill.Bracken@crow-nsn.gov](mailto:Terrill.Bracken@crow-nsn.gov). He is the Chief of Police for Crow Agency. You also need to send him copies of all of your LE certs.

The way this will work is you will be sworn in as Crow Agency Officers and provided all the guns and gear. You will also have to qualify on your duty weapon before starting work. You will receive insurance through them and will be fully covered if any injuries occur, through the crow agency. You will do none of this as a VA officer and will not use any VA equipment, other than possibly your duty belt. You will not use your VA firearm or your VA intermediate weapons. This is a secondary part-time job. You will ride in a 2 man car with an officer that has worked and knows the area. The pay will be around 30 bucks an hour as well.

If you want to take part in this opportunity, get these forms and your certs to the Chief's email above, so he can get started on your background and start dates.

Thank you,

Chief

---

**From:** Chris Kortlander <[chris@historicalrarities.com](mailto:chris@historicalrarities.com)>  
**Sent:** Monday, May 11, 2020 2:03 PM  
**To:** (b) (6) <(b) (6)@va.gov>; 'Chris Kortlander' <[chris@historicalrarities.com](mailto:chris@historicalrarities.com)>;

027

'Terrill Bracken' <[Terrill.Bracken@crow-nsn.gov](mailto:Terrill.Bracken@crow-nsn.gov)>

**Subject:** [EXTERNAL] Crow Police Dept. Background Investigation Waiver/Medical Insurance Census

V.A. (b) (6) meet Crow Chief Terril Bracken.

Chief (b) (6) would you be so kind to have the officers that would like to work shifts for the Crow P.D. fill these two simple forms and send back to me as soon as you can. Even though you are awaiting final approval from DC this will give us a jump on the vetting process so we can be ready to go.

Any questions please call me. This is time sensitive.

Thank you,

Chris Kortlander

406 679 4444 cell

or misuse any information that he acquired as part of his official duties and which is not generally available to the public. 5 C.F.R. § 2635.703.

- The Federal employee must ensure that any reimbursements or gifts to him or her are not in any way related to his or her official position. 5 C.F.R. § 2635.202.

Please note that if the Federal employee leaves VA employment and accept a position with this association, he or she cannot represent it before any Executive branch agency or Federal Court in a “particular matter involving specific parties” in which he or she participated “personally and substantially during his Federal employment or which he or she reasonably should have known were pending under his or her “official responsibility” within one year prior to termination of his or her Government employment. **18 U.S.C. § 207(a). Criminal statute.**

I hope this is helpful, and please let us know if you have any further questions.

All the best,

(b) (6)

Ethics Attorney

(b) (6)

(b) (6) [@va.gov](mailto:(b) (6)@va.gov)

CONFIDENTIALITY NOTICE:

This communication, along with any attachments, may contain legally privileged and confidential information that is to be used only by the intended recipient. This communication may not be forwarded, shared or sent to anyone other than intended recipient without the express written permission of the author. If you received this message in error, please destroy it and all attachments immediately without opening, reading, saving, or printing, and immediately notify the sender by a separate email message at the address above. Thank you.

---

From: (b) (6) [@va.gov](mailto:(b) (6)@va.gov)>

Sent: Wednesday, May 20, 2020 9:18 AM

To: (b) (6) [@va.gov](mailto:(b) (6)@va.gov)>

Subject: Fw: COI - (b) (6) - Outside Activity REF: 155097

Ms. (b) (6)

Please see Chief (b) (6) response below.

(b) (6)



**(b) (6)**

Region 1 Shared Service Unit (SSU)  
 VA Rocky Mountain Network (VISN 19)  
 Veterans Health Administration  
 US Department of Veterans Affairs  
 Office Phone: **(b) (6)**

This email is confidential and/or privileged. Use of this information by anyone other than the intended recipient is prohibited. If you have received this in error, please inform the sender and remove any record of this message.

DISCLAIMER: Please be advised that the content of any email(s)/letter(s) are just drafts/recommendations, and that the management official signing any document(s) is responsible for ensuring that the information contained herein is what you intend to express and that the action(s) proposed is initiated by you and not by the Employee/ Labor Relations Staff. If you wish to modify and/delete any information please let me know to properly assist you.

---

From: **(b) (6)** @va.gov>  
 Sent: Wednesday, May 20, 2020 9:15 AM  
 To: **(b) (6)** @va.gov>  
 Subject: RE: COI - **(b) (6)** - Outside Activity REF: 155097

Let them know the money comes directly from tribal funds not federal funds. That is the answer I got from the Crow Agency Chief.

From: **(b) (6)** @va.gov>  
 Sent: Wednesday, May 20, 2020 7:14 AM  
 To: **(b) (6)** @va.gov>  
 Subject: Fw: COI - **(b) (6)** - Outside Activity REF: 155097

Sorry Chief,

My apologies. I wanted to look through my emails to make sure I hadn't received anything. I did receive the below question from the assigned attorney.

My apologies. My email is acting up and I'm having to use the web based service, which is difficult for me to navigate.

**(b) (6)**

Region 1 Shared Service Unit (SSU)  
 VA Rocky Mountain Network (VISN 19)  
 Veterans Health Administration  
 US Department of Veterans Affairs  
 Office Phone: **(b) (6)**

This email is confidential and/or privileged. Use of this information by anyone other than the intended recipient is prohibited. If you have received this in error, please inform the sender and remove any record of this message.

DISCLAIMER: Please be advised that the content of any email(s)/letter(s) are just

drafts/recommendations, and that the management official signing any document(s) is responsible for ensuring that the information contained herein is what you intend to express and that the action(s) proposed is initiated by you and not by the Employee/ Labor Relations Staff. If you wish to modify and/delete any information please let me know to properly assist you.

---

From: (b) (6) @va.gov>  
Sent: Tuesday, May 12, 2020 11:33 AM  
To: (b) (6) @va.gov>  
Cc: (b) (6) @va.gov>; (b) (6) @va.gov>  
Subject: RE: COI - (b) (6) - Outside Activity REF: 155097

Good morning,

Thanks for the question below. I reached out to our appropriations and personnel attorneys on the issue of dual-employment issue. I am including the result of the conversation below:

“Law enforcement on the various reservations is performed in different ways. Sometimes the officers are tribal officers while others are associated with the Bureau of Indian Affairs. While this does not definitively answer your question, I would contact the reservation police force to determine if they are a federal agency or federally funded. The email chain indicates that the tribe has already indicated that they are a police force that is not associated with the federal government, but the tribe, and/or the Bureau of Indian Affairs would be able to confirm this information.”

Before I can complete a conflict of interest evaluation, the answer as to the federal status of the police force would need to be confirmed, as described above. Please reach out to the tribe and/or BIA to confirm the status of this police force and its funding source. Once we have that pinned down, I can complete the review.

I appreciate the assistance,

(b) (6)

Ethics Attorney

(b) (6)

(b) (6) @va.gov

**CONFIDENTIALITY NOTICE:**

This communication, along with any attachments, may contain legally privileged and confidential information that is to be used only by the intended recipient. This communication may not be forwarded, shared or sent to anyone other than intended recipient without the express written permission of the author. If you received this message in error, please destroy it and all attachments immediately without opening, reading, saving, or printing, and immediately notify the sender by a separate email message at the address above. Thank you.

---

From: (b) (6)  
Sent: Tuesday, May 12, 2020 11:33 AM  
To: (b) (6) @va.gov>

**Cc:** (b) (6) @va.gov>; (b) (6) @va.gov>  
**Subject:** RE: COI - (b) (6) - Outside Activity REF: 155097

Good morning,

Thanks for the question below. I reached out to our appropriations and personnel attorneys on the issue of dual-employment issue. I am including the result of the conversation below:

“Law enforcement on the various reservations is performed in different ways. Sometimes the officers are tribal officers while others are associated with the Bureau of Indian Affairs. While this does not definitively answer your question, I would contact the reservation police force to determine if they are a federal agency or federally funded. The email chain indicates that the tribe has already indicated that they are a police force that is not associated with the federal government, but the tribe, and/or the Bureau of Indian Affairs would be able to confirm this information.”

Before I can complete a conflict of interest evaluation, the answer as to the federal status of the police force would need to be confirmed, as described above. Please reach out to the tribe and/or BIA to confirm the status of this police force and its funding source. Once we have that pinned down, I can complete the review.

I appreciate the assistance,

(b) (6)  
Ethics Attorney  
(b) (6) @va.gov

CONFIDENTIALITY NOTICE:

This communication, along with any attachments, may contain legally privileged and confidential information that is to be used only by the intended recipient. This communication may not be forwarded, shared or sent to anyone other than intended recipient without the express written permission of the author. If you received this message in error, please destroy it and all attachments immediately without opening, reading, saving, or printing, and immediately notify the sender by a separate email message at the address above. Thank you.

---

**From:** (b) (6) @va.gov>  
**Sent:** Friday, May 8, 2020 8:56 AM  
**To:** (b) (6) @va.gov>  
**Cc:** (b) (6) @va.gov>; OGCContinentalEthics  
(b) (6) @va.gov>; (b) (6) @va.gov>  
**Subject:** COI - (b) (6) - Outside Activity REF: 155097

Mr. (b) (6)

Thank you for the additional information. This matter has been assigned to Ethics Attorney (b) (6) for review and response.

Have a beautiful day!

(b) (6)

Ethics Specialty Team  
Office of General Counsel

(b) (6)

(b) (6) [@va.gov](mailto:(b) (6)@va.gov)

---

**From:** (b) (6) [@va.gov](mailto:(b) (6)@va.gov)>

**Sent:** Thursday, May 7, 2020 4:21 PM

**To:** OGCContinentalEthics (b) (6) [@va.gov](mailto:(b) (6)@va.gov)>

**Cc:** (b) (6) [@va.gov](mailto:(b) (6)@va.gov)>

**Subject:** RE: Off duty employment

Good afternoon,

Attached is the completed form. I have included the email below, but was unable to find a reference number.

(b) (6)

Region 1 Shared Service Unit (SSU)  
VA Rocky Mountain Network (VISN 19)  
Veterans Health Administration  
US Department of Veterans Affairs  
Office Phone: (b) (6)

This email is confidential and/or privileged. Use of this information by anyone other than the intended recipient is prohibited. If you have received this in error, please inform the sender and remove any record of this message.

***DISCLAIMER: Please be advised that the content of any email(s)/letter(s) are just drafts/recommendations, and that the management official signing any document(s) is responsible for ensuring that the information contained herein is what you intend to express and that the action(s) proposed is initiated by you and not by the Employee/ Labor Relations Staff. If you wish to modify and/delete any information please let me know to properly assist you.***

---

**From:** OGCContinentalEthics (b) (6) @va.gov>  
**Sent:** Thursday, May 7, 2020 1:19 PM  
**To:** (b) (6) @va.gov>  
**Cc:** (b) (6) @va.gov>; OGCContinentalEthics (b) (6) @va.gov>; (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

Mr. (b) (6)

Good Afternoon. In order for the assigned Ethics Specialty Team attorney to provide you with guidance on this matter, they will require additional information.

Please have the concerned employee complete the attached form to the best of his ability, and when ready, please return the form to (b) (6) @va.gov.

When resubmitting, please be sure to include this email and the reference number listed in the subject line above so that all information is compiled in one location for the attorney's review.

Thank you,

(b) (6)

Ethics Specialty Team  
Office of General Counsel

(b) (6)

@va.gov

---

**From:** (b) (6) @va.gov>  
**Sent:** Thursday, May 7, 2020 12:13 PM  
**To:** OGCContinentalEthics (b) (6) @va.gov>  
**Cc:** (b) (6) @va.gov>; (b) (6) @va.gov>  
**Subject:** FW: Off duty employment

Good morning.

I have received this inquiry, and wanted to run it past the Ethics Team for a review regarding VA Police Officers undertaking outside employment with the Crow Tribal Agency, as this may be a dual federal employment issue. I have cc'd the VISN ER/LR and the Sheridan Chief of Police, should you have questions or need additional information.

Mr. (b) (6) – I am forwarding your inquiry to our Ethics team for response. They should get back to you within the next few days with an answer. Please let me know if you have any questions.

Thank you!

Very Respectfully,

(b) (6)  
Staff Attorney  
Department of Veterans Affairs  
Continental District (AR, CO, LA, MS, MT, OK, TX, UT & WY)

(b) (6)  
Denver, CO 80225  
Phone: (b) (6)  
(b) (6)

This message may contain information that is confidential and/or protected by law. If it has been sent to you in error, please reply immediately to advise the sender of the error and then destroy this message, any copies of this message and any printout of this message. If you are not the intended recipient of the message, any unauthorized dissemination, distribution or copying of the material in this message, and any attachments to the message, is strictly forbidden.

---

**From:** (b) (6) <@va.gov>  
**Sent:** Thursday, May 7, 2020 10:38 AM  
**To:** (b) (6) <@va.gov>  
**Subject:** FW: Off duty employment

Good morning (b) (6),

My name is (b) (6), I am a (b) (6) with VISN 19. Would you have any opinion on the below question? My only concern is if the tribe is federally funded. I don't know how I would discern if they were or not.

(b) (6),  
(b) (6)  
Region 1 Shared Service Unit (SSU)  
VA Rocky Mountain Network (VISN 19)  
Veterans Health Administration  
US Department of Veterans Affairs  
Office Phone: (b) (6)

This email is confidential and/or privileged. Use of this information by anyone other than the intended recipient is prohibited. If you have received this in error, please inform the sender and remove any record of this message.

***DISCLAIMER: Please be advised that the content of any email(s)/letter(s) are just drafts/recommendations, and that the management official signing any document(s) is responsible for ensuring that the information contained herein is what you intend to express and that the action(s) proposed is initiated by you and not by the Employee/ Labor Relations Staff. If you wish to modify and/delete any information please let me know to properly assist you.***

---

**From:** (b) (6) @va.gov>  
**Sent:** Monday, May 4, 2020 5:18 PM  
**To:** (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

(b) (6)

I just spoke with the Chief of Police for the Crow Tribal Agency, and he wanted me to make it clear to everyone, that the officers pay would not be from a federal agency, but from the tribe itself. This may make a difference in how they view it. The officers that work their have to get federal law enforcement certification, but are not paid by the federal government.

---

**From:** (b) (6) @va.gov>  
**Sent:** Monday, May 4, 2020 1:43 PM  
**To:** (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

Afternoon sir,

I did have a lovely weekend. Lot's of "honey do" items to accomplish. I hope yours was nice as well.

Let me do some research on this and see what I can get for you. I think the big sticking factor will be where the funds come from. I'm on it sir.

(b) (6)

Region 1 Shared Service Unit (SSU)  
VA Rocky Mountain Network (VISN 19)  
Veterans Health Administration  
US Department of Veterans Affairs  
Office Phone: (b) (6)

This email is confidential and/or privileged. Use of this information by anyone other than the intended recipient is prohibited. If you have received this in error, please inform the sender and

remove any record of this message.

***DISCLAIMER: Please be advised that the content of any email(s)/letter(s) are just drafts/recommendations, and that the management official signing any document(s) is responsible for ensuring that the information contained herein is what you intend to express and that the action(s) proposed is initiated by you and not by the Employee/ Labor Relations Staff. If you wish to modify and/delete any information please let me know to properly assist you.***

---

**From:** (b) (6) @va.gov>  
**Sent:** Monday, May 4, 2020 3:40 PM  
**To:** (b) (6) @va.gov>  
**Subject:** Off duty employment

(b) (6)

I hope you had a great weekend. I am hoping you can run something up the chain to OPM for me and get an approval. The Crow Tribal Agency contacted me last week and request our officers to augment their police department. This would be done on their off time, and not as a VA Police officer. This would be like a second part-time job. They would be working as Crow Tribal Federal Police. I know a lot of VA police officers work as part-time officers for other departments, I just want to make sure this is ok, since it is another federal police department.

Thank you for your time,

(b) (6)  
Sheridan VAMC  
1898 Fort Rd  
Sheridan, WY 82801

(b) (6) @va.gov



**From:** (b) (6)  
**Subject:** FW: 156010 COI - (b) (6) - Outside Activity (x-Ref Crow Agency Police Department)  
**Date:** Wednesday, May 31, 2023 10:43:13 AM

---

(b) (6)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

---

**From:** (b) (6)  
**Sent:** Monday, June 22, 2020 12:34 PM  
**To:** (b) (6) @va.gov>  
**Subject:** RE: 156010 COI - (b) (6) - Outside Activity (x-Ref Crow Agency Police Department)

Yep. Keep it for your records.

---

**From:** (b) (6) @va.gov>  
**Sent:** Monday, June 22, 2020 1:27 PM  
**To:** (b) (6) @va.gov>  
**Subject:** FW: 156010 COI - (b) (6) - Outside Activity (x-Ref Crow Agency Police Department)

This is what I got back for me.

---

**From:** (b) (6) @va.gov>  
**Sent:** Monday, June 22, 2020 1:25 PM  
**To:** (b) (6) @va.gov>; (b) (6) @va.gov>  
**Cc:** OGCContinentalEthics (b) (6) @va.gov>  
**Subject:** RE: 156010 COI - (b) (6) - Outside Activity (x-Ref Crow Agency Police Department)

Good afternoon,

Thanks for reaching out with your questions, below. In reviewing the answers you gave in your questionnaire, I see no legal impediment under the Federal Ethics regulations which would prevent you from working as a part-time law enforcement officer with the Crow Tribal Agency Police. You indicated that you are a police sergeant for VA, and that you would be engaging in law enforcement activities. You indicated that these activities would not require you to recuse yourself from activities central or critical to your VA employment. You also indicated that the outside entity's interests would not be substantially affected by the performance, or non-performance, of your VA duties. Please note, this advice is predicated on the fact that it was previously determined in discussion with your office that none of the funds provided for this outside activity by the Crow Tribe are being supplied by the United States Government. This was confirmed through previous communication with the Crow Tribe

itself. Additionally, the Crow Tribe Police Department [website](#) specifically indicates their police forces are not associated with the Bureau of Indian Affairs (BIA), indicating these employees are not federal staff under the BIA.

Please note, in the event that **any** of the funding provided for this position changes and is received from the United States Government in any way, I would **highly recommend** all outside activities associated with this position cease immediately and you seek out additional ethics advice before proceeding further. This recommendation is grounded in the fact that it is generally impermissible to hold two federal positions at one time, including the receipt of payment from two federal sources. *See* 5 U.S.C. § 5533.

There is no strict prohibition against VA employees working for an outside private employer, nor does such an employee have to seek official written permission to pursue such outside employment. However, there are several governmental ethics rules that apply to such outside employment activity, which, as a VA employee, you must follow when working for a non-federal, private, outside employer. VA employees must keep their official, VA, employment and their outside employment wholly separate and distinct from one another. A VA employee may not use their VA employment to promote, further, or otherwise benefit their outside employment. A VA employee should also avoid anything in their outside employment that would create a conflict of interest, or even the appearance of one, with their VA position. Please see below for the relevant restrictions related to outside employment for your consideration.

Relevant restrictions:

- **Speaking, writing, teaching:** Federal employees may accept compensation for personal capacity teaching, speaking and writing ONLY if the subject matter of the activity is NOT related to the employee's official duties. Under the Standards of Ethical Conduct, the subject matter of teaching, speaking or writing, is related to official duties where:
  - The writing is undertaken as part of the employee's official duties;
  - The invitation was extended to the employee primarily because of the employee's position;
  - The invitation was extended by someone whose interests may be affected substantially by the employee's government duties;
  - The information conveyed draws substantially on non-public; or
  - The subject matter deals significantly with
    - any matter to which the employee is assigned or was assigned within the past year of his or
    - any ongoing or announced VA policy, program, or operation.
- 5 C.F.R. § 2635.807. If the subject matter of your outside activity deals in significant part with VA programs, policies or operations, or matters to which you are currently assigned, you cannot accept the offered travel reimbursement and honoraria because the subject matter of your talk would be related to your official duties. You cannot use your official VA title except as part of biography information. You will have to use a written disclaimer that this work is not sponsored by VA and is your own medical opinion.

- **Recusal Obligations:** Certain positions or relationships with an outside organization or company will require a Federal employee to recuse himself/herself from certain Government matters affecting that organization; recusal means disqualification, i.e., don't participate in the matter. You can only ask to be recused from a VA duty with your supervisor's permission. You cannot seek to be recused from your essential Federal duties.
  - **18 U.S.C. § 208**, the basic criminal conflict of interest statute, prohibits an executive branch employee from participating personally and substantially in a particular Government matter that will affect his or her own financial interests, as well as the financial interests of: a spouse or minor child; a general partner; an organization in which he or she serves as an officer, director, trustee, general partner or employee; and a person with whom he or she is negotiating for or has an arrangement concerning prospective employment. An employee has a disqualifying financial interest in a particular matter only if there is a close causal link between a particular Government matter in which the employee participates and any effect on the asset or other interest (direct effect) and if there is a real possibility of gain or loss as a result of development in or resolution of that matter (predictable effect). Gain or loss need not be probable. The possibility of a benefit or detriment must be real, not speculative. One common point of confusion is distinguishing between an asset or other interest and a financial interest in a particular matter under 18 U.S.C. § 208. The financial interest is the possibility of gain or loss (of the value of an asset or other interest) resulting from a particular matter, not the asset or interest itself. Thus, a person could have a large holding but only a relatively small financial interest in the particular matter, because the potential for gain or loss is small. The criminal prohibition has no de minimis level. That is, it applies where any financial interest exists, no matter how small. See 5 C.F.R. § 2640.202(e). **Criminal statute.**
  - **5 C.F.R. § 2635.502:** An employee may not participate in a specific party matter:
    - that will directly and predictably affect the financial interest of a member of the employee's household; or
    - in which someone with whom the employee has a "covered relationship" is or represents a party to the matter. (See chart for covered relationships).

IF—A reasonable person with knowledge of the relevant facts would question his/her impartiality in the matter. This is a prohibition against the appearance of a conflict of interest or loss of objectivity.

- **Other circumstances:** An agency may disqualify an employee from participating in matters where circumstances, other than those described above, would cause a reasonable person with knowledge of the relevant facts to question an employee's impartiality.
  - 5 C.F.R. § 2635.802(b): If recusal under either of above provisions would materially impair ability to perform critical or central duties of Government job, the employee would be prohibited from engaging in the outside activity.
- **Representational Activity:** Communication or appearance with intent to influence Government; does not include "behind-the-scenes" assistance (but note separate

prohibition on compensated assistance in prosecution of a claim); does not include routine communications that neither seek discretionary Government action nor concern an issue as to which there is potential dispute. Such representations must involve communications made with the intent to influence and must concern an issue or controversy. The provision of purely factual information or the submission of documents not intended to influence are not representational acts.

- **18 U.S.C. § 203/205:** Employees may not represent organization or company (with or without compensation) before Government in connection with any particular matter in which U.S. is party or has a direct and substantial interest.
- **Criminal statute.**
  - **What this means for you:** You may not represent this entity before any federal agency, including but not limited to VA, with the intent of influencing that agency's official action. For example, this criminal statute would prohibit you from giving a sales presentation to federal agency personnel. If you work on this entity's matters that require interaction with federal personnel, you would generally need someone other than yourself to represent this entity the federal agency on that matter. To be clear, you may work behind the scenes on that matter; you just couldn't represent this entity before the federal agency on that matter.
- Limited exception for certain nonprofits: An employee may represent nonprofit groups or organizations if majority of members are current Federal employees or their spouses/dependent children; exception does not apply to claims, proceedings in which group or organization is party, grants/contracts/agreements providing Federal funds to group or organization; see 18 U.S.C. § 205(d)(1)(B).
- **Official Resources:** Use of official property and time generally limited to official business; see 5 C.F.R. § 2635.704, § 2635.705. In short, you may not engage in law enforcement activities for the Crow Tribe while on official duty time or use official property to further the law enforcement activities.
- **Title, position, authority of office:** Employees may not use (or permit organization or company to use) official title, position or other authority of office in way that reasonably implies Government sanction or endorsement of unofficial activities, 5 C.F.R. § 2635.702(b); e.g., employees may not permit organization letterhead to identify them by their official title. See OGE Informal Advisory Letter 99 x 15.
- **Fundraising:** Employees may engage in private fundraising, subject to limitations in 5 C.F.R. § 2635.808.
  - Limits on personal solicitation:
    - Subordinates: May not personally solicit from official subordinate; see 5 C.F.R. § 2635.808(c)(1).
    - Prohibited source: May not personally solicit from "prohibited source," i.e., person seeking official action from employee's agency, seeking or doing business with agency, regulated by agency, person having interests that may be substantially affected by employee's duties, or any organization a majority of whose numbers fall within these categories; see 5 C.F.R. § 2635.808(c)(1).
    - "Personally solicit:" Means person-to-person contact or use of name or identity in correspondence; but does not include mass mailings or mass solicitation through media or oral remarks to large group, unless solicitation known to target subordinates or prohibited sources; does not include "behind-the-scenes" assistance, e.g., drafting (but not signing) correspondence.

**Title, position, or authority of office:** May not use (or permit others to use) title, position or authority of office to further fundraising effort; but may use general terms of address or rank, such as “the Honorable” or “Colonel.”

- **Teaching, speaking and writing:** Restrictions on compensation and reference to official title or position, 5 C.F.R. § 2635.807.
  - Compensation: No outside compensation for teaching, speaking or writing that relates to official duties; activity relates to official position, for example, if deals in significant part with current agency policies, programs, operations (including research of other agency employees) or with employee's own recent assignments, 5 C.F.R. § 2635.807(a)(2)(i)(E).
  - Reference to official title/position: Cannot be identified in connection with teaching, speaking or writing by official title or position, 5 C.F.R. § 2635.807(b); unless-
    - One of several biographical details with similar prominence, or
    - If in professional/scientific journal, agency-approved disclaimer.

In the absence of a waiver, VA statute prohibits employees from receiving any compensation from, having any interest in, or receiving any services from any **for-profit institution of education**. 38 U.S.C. § 3683; 38 C.F.R. § 21.4005. Employees may request waivers from their Facility Director. Please let me know should you require one.

- Other Potential Issues:
  - A Federal employee may not give the appearance that VA sanctions or endorses the outside entity or his/her activities with the outside entity. 5 C.F.R. § 2635.702(b) and (c). A Federal employee’s government position may only be used as a biographical note so not to create an appearance that VA endorses the thoughts presented.
  - A **criminal statute, 18 U.S.C. § 1905**, protects and prohibits the use or disclosure of trade secrets and confidential business information.
  - A Federal employee has a continuing obligation to the Government not to disclose or misuse any information that he acquired as part of his official duties and which is not generally available to the public. 5 C.F.R. § 2635.703.
  - The Federal employee must ensure that any reimbursements or gifts to him or her are not in any way related to his or her official position. 5 C.F.R. § 2635.202.

Please note that if the Federal employee leaves VA employment and accept a position with this association, he or she cannot represent it before any Executive branch agency or Federal Court in a “particular matter involving specific parties” in which he or she participated “personally and substantially during his Federal employment or which he or she reasonably should have known were pending under his or her “official responsibility” within one year prior to termination of his or her Government employment. **18 U.S.C. § 207(a). Criminal statute.**

I hope this is helpful, and please let us know if you have any further questions.

All the best,

(b) (6)  
 Ethics Attorney  
 (b) (6)

(b) (6) [@va.gov](#)

CONFIDENTIALITY NOTICE:

This communication, along with any attachments, may contain legally privileged and confidential information that is to be used only by the intended recipient. This communication may not be forwarded, shared or sent to anyone other than intended recipient without the express written permission of the author. If you received this message in error, please destroy it and all attachments immediately without opening, reading, saving, or printing, and immediately notify the sender by a separate email message at the address above. Thank you.

---

**From:** (b) (6) [@va.gov](#)>  
**Sent:** Monday, June 22, 2020 1:19 PM  
**To:** (b) (6) [@va.gov](#)>  
**Cc:** OGCContinentalEthics (b) (6) [@va.gov](#)>; (b) (6) [@va.gov](#)>  
**Subject:** REF: 156010 COI - (b) (6) - Outside Activity (x-Ref Crow Agency Police Department

Ms. (b) (6)

Thank you for the updated information. This matter has been assigned to Ethics Attorney (b) (6) for review and response.

(b) (6)  
(b) (6)  
Ethics Specialty Team  
Office of General Counsel  
(b) (6)  
(b) (6) [@va.gov](#)

---

**From:** (b) (6) [@va.gov](#)>  
**Sent:** Monday, June 22, 2020 11:32 AM  
**To:** OGCContinentalEthics (b) (6) [@va.gov](#)>  
**Subject:** RE: Off duty employment

Sorry for that, I sent the wrong one. Thanks for that.

---

**From:** OGCContinentalEthics (b) (6) [@va.gov](#)>

**Sent:** Monday, June 22, 2020 8:33 AM  
**To:** (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

Ms. (b) (6)

I can appreciate that. However, you may want to review the document that you submitted and edit it to reflect your situation and not that of Chief (b) (6)

(b) (6)  
Ethics Specialty Team  
Office of General Counsel  
(b) (6)  
(b) (6) @va.gov

---

**From:** (b) (6) @va.gov>  
**Sent:** Monday, June 22, 2020 9:26 AM  
**To:** OGCContinentalEthics (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

No, I am a Sergeant. I received the enclosed form to fill out and was told to send it to this email address for my own approval. Chief (b) (6) had submitted one and thought it was good for all the officers looking to go help out but, was told that we all need to submit our own form for approval.

---

**From:** OGCContinentalEthics (b) (6) @va.gov>  
**Sent:** Monday, June 22, 2020 8:22 AM  
**To:** (b) (6) @va.gov>  
**Cc:** OGCContinentalEthics (b) (6) @va.gov>  
**Subject:** FW: Off duty employment

Good morning! Just one clarification, please: are you the Chief of Police?

(b) (6)  
Ethics Specialty Team  
Office of General Counsel  
(b) (6)  
(b) (6) @va.gov

---

**From:** (b) (6) @va.gov>  
**Sent:** Monday, June 22, 2020 9:06 AM  
**To:** OGCContinentalEthics (b) (6) @va.gov>  
**Subject:** Off duty employment

Can I get your approval for working with the Crow Tribe. I know Chief (b) (6) turned this in and got the approval which we thought this was for everyone but, recently found out that we all needed to submit our own for approval. I appreciate your time. Thanks

(b) (6)  
Sheridan VA Police Department  
1898 Fort Road  
Sheridan, Wyoming 82801  
Office: (b) (6)



**From:** (b) (6)  
**To:** (b) (6)  
**Subject:** FW: new insurance form  
**Date:** Wednesday, May 31, 2023 10:48:28 AM  
**Attachments:** [SFC EE Application 11.18 \(071119\).pdf](#)  
[Implemintation Waiver.docx](#)

---

(b) (6)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

---

**From:** (b) (6)  
**Sent:** Thursday, June 4, 2020 8:27 AM  
**To:** SHE Police (b) (6) @va.gov>  
**Subject:** FW: new insurance form

For those of you doing the Crow Agency job, the attachments and the email below are what the Chief there needs from you. Please put it all together and send it to him.

Thank you,

chief

---

**From:** Terrill Bracken <[Terrill.Bracken@crow-nsn.gov](mailto:Terrill.Bracken@crow-nsn.gov)>  
**Sent:** Thursday, June 4, 2020 9:22 AM  
**To:** (b) (6) @va.gov>  
**Subject:** [EXTERNAL] new insurance form

Things needed:

List of equipment needs for each person  
uniform sizes

Insurance form  
waiver form

list of training and experience to include

Name  
dob  
dl #

046

academy attended and state

date of completion

major certs

total years of experience

Here is the Crow law and order code for review, please focus on Title 8

<https://www.ctlb.org/crow-lawspolicies/>

(b) (6)

---

**From:** (b) (6)  
**Sent:** Tuesday, May 30, 2023 12:33 PM  
**To:** (b) (6)  
**Subject:** FW: Crow Tribal Police Hours worked

**From:** (b) (6)@va.gov>  
**Sent:** Sunday, July 26, 2020 5:25 PM  
**To:** (b) (6)@va.gov>  
**Subject:** Crow Tribal Police Hours worked

(b) (6)

I worked the following amount of hours for the Crow Tribal Police

- June 25<sup>th</sup> - 4 hours (Qualifications)
- June 26<sup>th</sup> - 2 hours (Swearing in)
- July 3<sup>rd</sup> - 12 hours (working shift)
- July 10<sup>th</sup> - 12 hours (working shift)
- July 17<sup>th</sup> - 12 hours (working shift)
- July 18<sup>th</sup> - 12 hours (working shift)

(b) (6)

**SHERIDAN VETERANS AFFAIRS MEDICAL CENTER POLICE**  
**BLDG. 9 RM 200**  
**1898 FORT RD.**  
**SHERIDAN, WY 82801**

(b) (6)

(b) (6)@VA.GOV

**(b) (6)**

---

**From:** (b) (6)  
**Sent:** Tuesday, May 30, 2023 12:33 PM  
**To:** (b) (6)  
**Subject:** FW: Background forms  
**Attachments:** Background Investigation Questionnaire 2020 packet.pdf

**From:** (b) (6)@crow-nsn.gov>  
**Sent:** Tuesday, July 7, 2020 3:15 PM  
**To:** (b) (6)@va.gov>  
**Subject:** [EXTERNAL] Background forms

This is the important packet that needs to be filled out asap. I am sorry for the landslide of paperwork, but THIS is what gets us qualified for 638. Need from everyone asap.



**TERRILL BRACKEN | CHIEF OF POLICE**  
**Crow Tribe of Indians**

**Mobile | 406 679-2465**  
**terrill.bracken@crow-nsn.gov**



(b) (6)

**From:** (b) (6)  
**Sent:** Tuesday, May 30, 2023 12:31 PM  
**To:** (b) (6)  
**Subject:** FW: 156010 COI - (b) (6) - Outside Activity (x-Ref Crow Agency Police Department)

**From:** (b) (6)@va.gov>  
**Sent:** Monday, June 22, 2020 11:24 AM  
**To:** (b) (6)@va.gov>  
**Subject:** RE: 156010 COI - (b) (6) - Outside Activity (x-Ref Crow Agency Police Department)

I got it. Thank you.

(b) (6)

**From:** (b) (6)@va.gov>  
**Sent:** Monday, June 22, 2020 12:23 PM  
**To:** Seals, (b) (6)@va.gov>  
**Subject:** RE: 156010 COI - (b) (6) - Outside Activity (x-Ref Crow Agency Police Department)

Ok Thanks. I sent you an email chain that I was sent from the Chief and I missed where is said to include the email chain but, I did send it. Thanks again.

**From:** (b) (6)@va.gov>  
**Sent:** Monday, June 22, 2020 11:19 AM  
**To:** (b) (6)@va.gov>  
**Cc:** OGCContinentalEthics - (b) (6)@va.gov>; (b) (6)@va.gov>  
**Subject:** REF: 156010 COI - (b) (6) - Outside Activity (x-Ref Crow Agency Police Department)

Ms. (b) (6)

Thank you for the updated information. This matter has been assigned to Ethics Attorney (b) (6) (b) (6) for review and response.

(b) (6)

(b) (6)  
Ethics Specialty Team  
Office of General Counsel  
(b) (6)  
(b) (6)@va.gov

**From:** (b) (6) @va.gov>  
**Sent:** Monday, June 22, 2020 11:32 AM  
**To:** OGCContinentalEthics (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

Sorry for that, I sent the wrong one. Thanks for that.

**From:** OGCContinentalEthics (b) (6) @va.gov>  
**Sent:** Monday, June 22, 2020 8:33 AM  
**To:** (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

Ms. (b) (6)

I can appreciate that. However, you may want to review the document that you submitted and edit it to reflect your situation and not that of Chief (b) (6).

(b) (6)  
(b) (6)  
(b) (6)  
Ethics Specialty Team  
Office of General Counsel  
(b) (6)  
(b) (6) @va.gov

**From:** (b) (6) @va.gov>  
**Sent:** Monday, June 22, 2020 9:26 AM  
**To:** OGCContinentalEthics (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

No, I am a Sergeant. I received the enclosed form to fill out and was told to send it to this email address for my own approval. Chief (b) (6) had submitted one and thought it was good for all the officers looking to go help out but, was told that we all need to submit our own form for approval.

**From:** OGCContinentalEthics (b) (6) @va.gov>  
**Sent:** Monday, June 22, 2020 8:22 AM  
**To:** (b) (6) @va.gov>  
**Cc:** OGCContinentalEthics (b) (6) @va.gov>  
**Subject:** FW: Off duty employment

Good morning! Just one clarification, please: are you the Chief of Police?

(b) (6)

051  
Ethics Specialty Team  
Office of General Counsel

(b) (6)  
(b) (6) @va.gov

**From:** (b) (6) @va.gov  
**Sent:** Monday, June 22, 2020 9:06 AM  
**To:** OGCContinentalEthics <(b) (6) @va.gov>  
**Subject:** Off duty employment

Can I get your approval for working with the Crow Tribe. I know Chief (b) (6) turned this in and got the approval which we thought this was for everyone but, recently found out that we all needed to submit our own for approval. I appreciate your time. Thanks

(b) (6)  
Sheridan VA Police Department  
1898 Fort Road  
Sheridan, Wyoming 82801

(b) (6)



(b) (6)

**From:** (b) (6)  
**Sent:** Tuesday, May 30, 2023 12:30 PM  
**To:** (b) (6)  
**Subject:** FW: Off duty employment  
**Attachments:** COI-Outside Activity Questionnaire.doc

**From:** (b) (6)@va.gov>  
**Sent:** Thursday, June 18, 2020 11:30 AM  
**To:** (b) (6)@va.gov>; (b) (6)@va.gov>; (b) (6)@va.gov>  
<(b) (6)@va.gov>; (b) (6)@va.gov>; (b) (6)@va.gov>  
**Subject:** FW: Off duty employment

All,

Attached is a form you need to fill out and send to OGC for the crow agency job. I doubled back with them to make sure we were doing everything right. You will need your own individual approval decision.

Once you have filled out the form, please send it to the email below.

Chief

**From:** OGCContinentalEthics (b) (6)@va.gov>  
**Sent:** Thursday, June 18, 2020 11:23 AM  
**To:** (b) (6)@va.gov>  
**Subject:** RE: Off duty employment

Please have them send it to (b) (6)@va.gov.

(b) (6)

**From:** (b) (6)@va.gov>  
**Sent:** Thursday, June 18, 2020 12:22 PM  
**To:** OGCContinentalEthics(b) (6)@va.gov>  
**Subject:** RE: Off duty employment

I will send them the form. Can they send it back to you?

**From:** OGCContinentalEthics (b) (6)@va.gov>  
**Sent:** Thursday, June 18, 2020 11:22 AM  
**To:** (b) (6)@va.gov>  
**Subject:** RE: Off duty employment

Yes, the other officers will need to do the same. Their situations may be slightly different than yours. Each of them will need their own opinions in order to obtain "safe harbor".



(b) (6)<sup>053</sup>

**From:** (b) (6) @va.gov>  
**Sent:** Thursday, June 18, 2020 12:15 PM  
**To:** OGCContinentalEthics (b) (6)  
**Subject:** RE: Off duty employment

Thank you ma'am.

I do have a quick question. I have other officers who will be working in the same place, do they also need to do this, or will the one decision work for all?

**From:** OGCContinentalEthics (b) (6) @va.gov>  
**Sent:** Thursday, June 18, 2020 11:12 AM  
**To:** (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

No, this is the same thing. I was thinking you had completed it and (b) (6) had advised, but was not certain. Please disregard.

(b) (6)

**From:** (b) (6) @va.gov>  
**Sent:** Thursday, June 18, 2020 12:10 PM  
**To:** (b) (6) @va.gov>  
**Cc:** (b) (6) @va.gov>; OGCContinentalEthics (b) (6) @va.gov>; (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

I believe I already filled one of these out and got an approval a few weeks back. Is this something different?

**From:** (b) (6) @va.gov>  
**Sent:** Thursday, June 18, 2020 11:09 AM  
**To:** (b) (6) @va.gov>  
**Cc:** (b) (6) @va.gov>; OGCContinentalEthics (b) (6) @va.gov>; (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

Mr. (b) (6)

Good Afternoon. Please complete the attached form to the best of your ability, and when ready, please return the form to (b) (6) @va.gov.

When resubmitting, please be sure to include this email so that all information is compiled in one location for the attorney's review.

Thank you,

(b) (6)  
(b) (6)

054  
(b) (6)  
Ethics Specialty Team  
Office of General Counsel  
(b) (6)  
(b) (6) @va.gov

**From:** (b) (6) @va.gov  
**Sent:** Thursday, June 18, 2020 11:57 AM  
**To:** OGCContinentalEthics (b) (6) @va.gov  
**Cc:** (b) (6) @va.gov  
**Subject:** RE: Off duty employment

We are still pursuing the outside activity. Should be starting around the beginning of July. Do you need anything else from me?

**From:** OGCContinentalEthics (b) (6) @va.gov  
**Sent:** Thursday, June 18, 2020 10:19 AM  
**To:** (b) (6) @va.gov  
**Cc:** (b) (6) @va.gov; (b) (6) @va.gov; OGCContinentalEthics <(b) (6) @va.gov>  
**Subject:** RE: Off duty employment

Good afternoon,

Just a follow-up email to see if you were still interested in pursuing this outside activity. If you are not, please let me know so I can close out my suspense.

Thank you,

(b) (6)  
(b) (6)  
Ethics Specialty Team  
Office of General Counsel  
(b) (6)  
(b) (6) @va.gov

**From:** OGCContinentalEthics (b) (6) @va.gov  
**Sent:** Thursday, May 7, 2020 12:19 PM  
**To:** (b) (6) @va.gov  
**Cc:** (b) (6) @va.gov; OGCContinentalEthics (b) (6) @va.gov; (b) (6) @va.gov  
(b) (6) @va.gov  
**Subject:** RE: Off duty employment

Mr. (b) (6)

055

Good Afternoon. In order for the assigned Ethics Specialty Team attorney to provide you with guidance on this matter, they will require additional information.

Please have the concerned employee complete the attached form to the best of his ability, and when ready, please return the form to (b) (6) @va.gov.

When resubmitting, please be sure to include this email and the reference number listed in the subject line above so that all information is compiled in one location for the attorney's review.

Thank you,

(b) (6)  
(b) (6)  
Ethics Specialty Team  
Office of General Counsel  
(b) (6)  
(b) (6) @va.gov

From: (b) (6) @va.gov>  
Sent: Thursday, May 7, 2020 12:13 PM  
To: OGCContinentalEthics (b) (6) @va.gov>  
Cc: (b) (6) @va.gov; (b) (6) @va.gov>  
Subject: FW: Off duty employment

Good morning.

I have received this inquiry, and wanted to run it past the Ethics Team for a review regarding VA Police Officers undertaking outside employment with the Crow Tribal Agency, as this may be a dual federal employment issue. I have cc'd the VISN ER/LR and the Sheridan Chief of Police, should you have questions or need additional information.

Mr. (b) (6) – I am forwarding your inquiry to our Ethics team for response. They should get back to you within the next few days with an answer. Please let me know if you have any questions.

Thank you!

Very Respectfully,

(b) (6)  
Department of Veterans Affairs  
Continental District (AR, CO, LA, MS, MT, OK, TX, UT & WY)  
P.O. Box 25126  
Denver, CO 80225  
Phone: (b) (6)  
Fax: (b) (6)

This message may contain information that is confidential and/or protected by law. If it has been sent to you in error, please reply immediately to advise the sender of the error and then destroy this message, any copies of this message



and any printout of this message. If you are not the intended recipient of the message, any unauthorized dissemination, distribution or copying of the material in this message, and any attachments to the message, is strictly forbidden.

From: (b) (6) @va.gov>  
Sent: Thursday, May 7, 2020 10:38 AM  
To: (b) (6) @va.gov>  
Subject: FW: Off duty employment

Good morning (b) (6)

My name is (b) (6) I am a (b) (6) with VISN 19. Would you have any opinion on the below question? My only concern is if the tribe is federally funded. I don't know how I would discern if they were or not.

(b) (6)

Region 1 Shared Service Unit (SSU)  
VA Rocky Mountain Network (VISN 19)  
Veterans Health Administration  
US Department of Veterans Affairs  
Office Phone: (b) (6)

This email is confidential and/or privileged. Use of this information by anyone other than the intended recipient is prohibited. If you have received this in error, please inform the sender and remove any record of this message.

*DISCLAIMER: Please be advised that the content of any email(s)/letter(s) are just drafts/recommendations, and that the management official signing any document(s) is responsible for ensuring that the information contained herein is what you intend to express and that the action(s) proposed is initiated by you and not by the Employee/ Labor Relations Staff. If you wish to modify and/delete any information please let me know to properly assist you.*

From: (b) (6) @va.gov>  
Sent: Monday, May 4, 2020 5:18 PM  
To: (b) (6) @va.gov>  
Subject: RE: Off duty employment

(b) (6)

I just spoke with the Chief of Police for the Crow Tribal Agency, and he wanted me to make it clear to everyone, that the officers pay would not be from a federal agency, but from the tribe itself. This may make a difference in how they view it. The officers that work their have to get federal law enforcement certification, but are not paid by the federal government.

From: (b) (6) @va.gov>  
Sent: Monday, May 4, 2020 1:43 PM  
To: (b) (6) @va.gov>  
Subject: RE: Off duty employment

Afternoon sir,

I did have a lovely weekend. Lot's of "honey do" items to accomplish. I hope yours was nice as well.

Let me do some research on this and see what I can get for you. I think the big sticking factor will be where the funds come from. I'm on it sir.

**(b) (6)**

Region 1 Shared Service Unit (SSU)  
VA Rocky Mountain Network (VISN 19)  
Veterans Health Administration  
US Department of Veterans Affairs  
Office Phone: **(b) (6)**

This email is confidential and/or privileged. Use of this information by anyone other than the intended recipient is prohibited. If you have received this in error, please inform the sender and remove any record of this message.

*DISCLAIMER: Please be advised that the content of any email(s)/letter(s) are just drafts/recommendations, and that the management official signing any document(s) is responsible for ensuring that the information contained herein is what you intend to express and that the action(s) proposed is initiated by you and not by the Employee/ Labor Relations Staff. If you wish to modify and/delete any information please let me know to properly assist you.*

From: **(b) (6)** @va.gov>  
Sent: Monday, May 4, 2020 3:40 PM  
To: **(b) (6)** @va.gov>  
Subject: Off duty employment

**(b) (6)**

I hope you had a great weekend. I am hoping you can run something up the chain to OPM for me and get an approval. The Crow Tribal Agency contacted me last week and request our officers to augment their police department. This would be done on their off time, and not as a VA Police officer. This would be like a second part-time job. They would be working as Crow Tribal Federal Police. I know a lot of VA police officers work as part-time officers for other departments, I just want to make sure this is ok, since it is another federal police department.

Thank you for your time,

**(b) (6)**

Sheridan VAMC  
1898 Fort Rd  
Sheridan, WY 82801

**(b) (6)**  
**(b) (6)** @va.gov

**(b) (6)**

**From:** (b) (6)  
**Sent:** Tuesday, May 30, 2023 12:28 PM  
**To:** (b) (6)  
**Subject:** FW: Update and time sensitive info request

**From:** Terrill Bracken <Terrill.Bracken@crow-nsn.gov>

**Sent:** Friday, June 5, 2020 7:55 PM

**To:** (b) (6) @va.gov; (b) (6) @va.gov; (b) (6)

(b) (6) @va.gov>

**Subject:** [EXTERNAL] Update and time sensitive info request

I am sending out this letter to update you on our process and gather additional information. My apologies if I have not been able to update some of you sooner, but this has been a rapidly evolving situation. I have also sent this information to some of you already, but this has more detail and is more currently updated so please read carefully. I do not have contact info for Officer (b) (6) or anyone not included in this email.

The Crow Tribe of Indians is working to assume law enforcement responsibilities on or around July 1<sup>st</sup>. BIA OJS has been informed of our intent and we will be working with them to formulate the transition process. This could take place as soon as June 27<sup>th</sup>. We understand that you may not be available until after this date, but we ask for the following information as soon as possible regardless.

I need to gather information on any individuals who are wishing to help with this historic event, wether in a transitional or permanent capacity. Your prompt assistance with gathering this information is critical and very much appreciated.

Our department is in the process of finalizing a full benefits package, relocation assistance, options for housing, and a wage competitive with federal law enforcement standards in this area. Details will be agreed upon and provided on an individual basis in the next few days, but the information requested is time sensitive and critical for you to move forward with us in this process.

There are three areas of information needed from you. Your training and experience / preliminary background waiver, a completed insurance application, and some personal information regarding uniforms and equipment needed for immediate start up. Please note

059

that we need the insurance form filled out even if you do not intend to utilize our health coverage, and we are hoping to submit your information to the BIA on Monday to show that we do have responsible personal involved with this start up. Please re-send your original waiver form that you may have already sent and any new forms as attachemnts for convenience along with this additional information.

Here are the things needed:

Implemintation background waiver form (see attached)

Insurance form (see attached) If you have questions regarding filling out the insurance application, you can call Melissa at (406)586-4334 ext.101.

A list of equipment needs (do we need to provide firearm, holster, or vest, or do you have your own to use for inital start up?) All equipment will eventually be provided, but availability is limited due to COVID related shortages.

Uniform sizes for shirt and pants (please provide your own black footwear for inital start up)

list of training and experience to include

Legal name

dob

dl #

ss#

academy attended and state

date of completion

date of expiration if expired

list major certificates for L.E., Detention, and/or Dispatch. Minor certs not necessary.



060  
total years of experience

Please provide this in bullet point form, on a basic word document if possible, and please note I do not need copies of certificates at this time, but I will require them before service. If you are one of our new hires that has not yet attended an academy, please notate accordingly.

Here is the Crow law and order code for those not familiar for review, please focus on Title 8. It will be helpful for you to be familiar with this document on arrival, but training will be provided.

<https://www.ctlb.org/crow-lawspolicies/>

[Crow Laws/Policies - Crow Agency MTCrow Nation Legislative Branch](#)

Crow Laws/Policies Crow Constitution and By-Laws. Constitution and By-Laws of the Crow Tribe of Indians. Rules c  
Order. Rules of Order. Crow Law and Order Code. Introduction to Crow Law and Order Code Title 1 – General  
Provisions Title 2 – Probate Title 3 – Establishment of the Crow Tribal Courts and Tribal Jurisdiction  
[www.ctlb.org](http://www.ctlb.org)

Please feel free to contact me with questions any time this weekend, I will be mostly available on my personal number 406 697-0542. I hope that you are still willing to be a part of reforming law enforcement on the Crow Indian Reservation. This will be an incredible experience as well as a truly be a historical and life changing event for the people we will protect and serve.

Respectfully

Terrill Bracken

Chief of Police



**(b) (6)**

**From:** (b) (6)  
**Sent:** Tuesday, May 30, 2023 12:32 PM  
**To:** (b) (6)  
**Subject:** FW: 156010 COI - (b) (6) - Outside Activity (x-Ref Crow Agency Police Department)

**From:** (b) (6)@va.gov>  
**Sent:** Monday, June 22, 2020 1:25 PM  
**To:** (b) (6)@va.gov>; (b) (6)@va.gov>  
**Cc:** OGCContinentalEthics (b) (6)@va.gov>  
**Subject:** RE: 156010 COI - (b) (6) - Outside Activity (x-Ref Crow Agency Police Department)

Good afternoon,

Thanks for reaching out with your questions, below. In reviewing the answers you gave in your questionnaire, I see no legal impediment under the Federal Ethics regulations which would prevent you from working as a part-time law enforcement officer with the Crow Tribal Agency Police. You indicated that you are a police sergeant for VA, and that you would be engaging in law enforcement activities. You indicated that these activities would not require you to recuse yourself from activities central or critical to your VA employment. You also indicated that the outside entity's interests would not be substantially affected by the performance, or non-performance, of your VA duties. Please note, this advice is predicated on the fact that it was previously determined in discussion with your office that none of the funds provided for this outside activity by the Crow Tribe are being supplied by the United States Government. This was confirmed through previous communication with the Crow Tribe itself. Additionally, the Crow Tribe Police Department website specifically indicates their police forces are not associated with the Bureau of Indian Affairs (BIA), indicating these employees are not federal staff under the BIA.

Please note, in the event that **any** of the funding provided for this position changes and is received from the United States Government in any way, I would **highly recommend** all outside activities associated with this position cease immediately and you seek out additional ethics advice before proceeding further. This recommendation is grounded in the fact that it is generally impermissible to hold two federal positions at one time, including the receipt of payment from two federal sources. *See* 5 U.S.C. § 5533.

There is no strict prohibition against VA employees working for an outside private employer, nor does such an employee have to seek official written permission to pursue such outside employment. However, there are several governmental ethics rules that apply to such outside employment activity, which, as a VA employee, you must follow when working for a non-federal, private, outside employer. VA employees must keep their official, VA, employment and their outside employment wholly separate and distinct from one another. A VA employee may not use their VA employment to promote, further, or otherwise benefit their outside employment. A VA employee should also avoid anything in their outside employment that would create a

conflict of interest, or even the appearance of one, with their VA position. Please see below for the relevant restrictions related to outside employment for your consideration.

Relevant restrictions:

- **Speaking, writing, teaching:** Federal employees may accept compensation for personal capacity teaching, speaking and writing ONLY if the subject matter of the activity is NOT related to the employee's official duties. Under the Standards of Ethical Conduct, the subject matter of teaching, speaking or writing, is related to official duties where:
  - The writing is undertaken as part of the employee's official duties;
  - The invitation was extended to the employee primarily because of the employee's position;
  - The invitation was extended by someone whose interests may be affected substantially by the employee's government duties;
  - The information conveyed draws substantially on non-public; or
  - The subject matter deals significantly with
    - any matter to which the employee is assigned or was assigned within the past year of his or
    - any ongoing or announced VA policy, program, or operation.
- 5 C.F.R. § 2635.807. If the subject matter of your outside activity deals in significant part with VA programs, policies or operations, or matters to which you are currently assigned, you cannot accept the offered travel reimbursement and honoraria because the subject matter of your talk would be related to your official duties. You cannot use your official VA title except as part of biography information. You will have to use a written disclaimer that this work is not sponsored by VA and is your own medical opinion.
- **Recusal Obligations:** Certain positions or relationships with an outside organization or company will require a Federal employee to recuse himself/herself from certain Government matters affecting that organization; recusal means disqualification, i.e., don't participate in the matter. You can only ask to be recused from a VA duty with your supervisor's permission. You cannot seek to be recused from your essential Federal duties.
  - **18 U.S.C. § 208**, the basic criminal conflict of interest statute, prohibits an executive branch employee from participating personally and substantially in a particular Government matter that will affect his or her own financial interests, as well as the financial interests of: a spouse or minor child; a general partner; an organization in which he or she serves as an officer, director, trustee, general partner or employee; and a person with whom he or she is negotiating for or has an arrangement concerning prospective employment. An employee has a disqualifying financial interest in a particular matter only if there is a close causal link between a particular Government matter in which the employee participates and any effect on the asset or other interest (direct effect) and if there is a real possibility of gain or loss as a result of development in or resolution of that matter (predictable effect). Gain or loss need not be probable. The possibility of a benefit or detriment must be real, not speculative. One common point of confusion is distinguishing

between an asset or other interest and a financial interest in a particular matter under 18 U.S.C. § 208. The financial interest is the possibility of gain or loss (of the value of an asset or other interest) resulting from a particular matter, not the asset or interest itself. Thus, a person could have a large holding but only a relatively small financial interest in the particular matter, because the potential for gain or loss is small. The criminal prohibition has no de minimis level. That is, it applies where any financial interest exists, no matter how small. See 5 C.F.R. § 2640.202(e). **Criminal statute.**

- **5 C.F.R. § 2635.502:** An employee may not participate in a specific party matter:
  - that will directly and predictably affect the financial interest of a member of the employee's household; or
  - in which someone with whom the employee has a "covered relationship" is or represents a party to the matter. (See chart for covered relationships).

IF—A reasonable person with knowledge of the relevant facts would question his/her impartiality in the matter. This is a prohibition against the appearance of a conflict of interest or loss of objectivity.

- **Other circumstances:** An agency may disqualify an employee from participating in matters where circumstances, other than those described above, would cause a reasonable person with knowledge of the relevant facts to question an employee's impartiality.
  - 5 C.F.R. § 2635.802(b): If recusal under either of above provisions would materially impair ability to perform critical or central duties of Government job, the employee would be prohibited from engaging in the outside activity.
- **Representational Activity:** Communication or appearance with intent to influence Government; does not include "behind-the-scenes" assistance (but note separate prohibition on compensated assistance in prosecution of a claim); does not include routine communications that neither seek discretionary Government action nor concern an issue as to which there is potential dispute. Such representations must involve communications made with the intent to influence and must concern an issue or controversy. The provision of purely factual information or the submission of documents not intended to influence are not representational acts.
  - **18 U.S.C. § 203/205:** Employees may not represent organization or company (with or without compensation) before Government in connection with any particular matter in which U.S. is party or has a direct and substantial interest. **Criminal statute.**
    - **What this means for you:** You may not represent this entity before any federal agency, including but not limited to VA, with the intent of influencing that agency's official action. For example, this criminal statute would prohibit you from giving a sales presentation to federal agency personnel. If you work on this entity's matters that require interaction with federal personnel, you would generally need someone other than yourself to represent this entity the federal agency on that matter. To be clear, you may work behind the scenes on that matter; you just couldn't represent this entity before the federal agency on that matter.
  - Limited exception for certain nonprofits: An employee may represent nonprofit groups or organizations if majority of members are current Federal employees or their spouses/dependent

children; exception does not apply to claims, proceedings in which group or organization is party, grants/contracts/agreements providing Federal funds to group or organization; see 18 U.S.C. § 205(d)(1)(B).

- **Official Resources:** Use of official property and time generally limited to official business; see 5 C.F.R. § 2635.704, § 2635.705. In short, you may not engage in law enforcement activities for the Crow Tribe while on official duty time or use official property to further the law enforcement activities.
- **Title, position, authority of office:** Employees may not use (or permit organization or company to use) official title, position or other authority of office in way that reasonably implies Government sanction or endorsement of unofficial activities, 5 C.F.R. § 2635.702(b); e.g., employees may not permit organization letterhead to identify them by their official title. See OGE Informal Advisory Letter 99 x 15.
- **Fundraising:** Employees may engage in private fundraising, subject to limitations in 5 C.F.R. § 2635.808.
  - Limits on personal solicitation:
    - Subordinates: May not personally solicit from official subordinate; see 5 C.F.R. § 2635.808(c)(1).
    - Prohibited source: May not personally solicit from “prohibited source,” i.e., person seeking official action from employee’s agency, seeking or doing business with agency, regulated by agency, person having interests that may be substantially affected by employee’s duties, or any organization a majority of whose numbers fall within these categories; see 5 C.F.R. § 2635.808(c)(1).
    - “Personally solicit:” Means person-to-person contact or use of name or identity in correspondence; but does not include mass mailings or mass solicitation through media or oral remarks to large group, unless solicitation known to target subordinates or prohibited sources; does not include “behind-the-scenes” assistance, e.g., drafting (but not signing) correspondence.
  - **Title, position, or authority of office:** May not use (or permit others to use) title, position or authority of office to further fundraising effort; but may use general terms of address or rank, such as “the Honorable” or “Colonel.”
- **Teaching, speaking and writing:** Restrictions on compensation and reference to official title or position, 5 C.F.R. § 2635.807.
  - Compensation: No outside compensation for teaching, speaking or writing that relates to official duties; activity relates to official position, for example, if deals in significant part with current agency policies, programs, operations (including research of other agency employees) or with employee's own recent assignments, 5 C.F.R. § 2635.807(a)(2)(i)(E).
  - Reference to official title/position: Cannot be identified in connection with teaching, speaking or writing by official title or position, 5 C.F.R. § 2635.807(b); unless-
    - One of several biographical details with similar prominence, or
    - If in professional/scientific journal, agency-approved disclaimer.

In the absence of a waiver, VA statute prohibits employees from receiving any compensation from, having any interest in, or receiving any services from any **for-profit institution of education**. 38 U.S.C. § 3683; 38 C.F.R. § 21.4005. Employees may request waivers from their Facility Director. Please let me know should you require one.



- Other Potential Issues:
  - A Federal employee may not give the appearance that VA sanctions or endorses the outside entity or his/her activities with the outside entity. 5 C.F.R. § 2635.702(b) and (c). A Federal employee's government position may only be used as a biographical note so not to create an appearance that VA endorses the thoughts presented.
  - A **criminal statute, 18 U.S.C. § 1905**, protects and prohibits the use or disclosure of trade secrets and confidential business information.
  - A Federal employee has a continuing obligation to the Government not to disclose or misuse any information that he acquired as part of his official duties and which is not generally available to the public. 5 C.F.R. § 2635.703.
  - The Federal employee must ensure that any reimbursements or gifts to him or her are not in any way related to his or her official position. 5 C.F.R. § 2635.202.

Please note that if the Federal employee leaves VA employment and accept a position with this association, he or she cannot represent it before any Executive branch agency or Federal Court in a "particular matter involving specific parties" in which he or she participated "personally and substantially during his Federal employment or which he or she reasonably should have known were pending under his or her "official responsibility" within one year prior to termination of his or her Government employment. **18 U.S.C. § 207(a). Criminal statute.**

I hope this is helpful, and please let us know if you have any further questions.

All the best,

(b) (6)

@va.gov

CONFIDENTIALITY NOTICE:

This communication, along with any attachments, may contain legally privileged and confidential information that is to be used only by the intended recipient. This communication may not be forwarded, shared or sent to anyone other than intended recipient without the express written permission of the author. If you received this message in error, please destroy it and all attachments immediately without opening, reading, saving, or printing, and immediately notify the sender by a separate email message at the address above. Thank you.

From: (b) (6) @va.gov>

Sent: Monday, June 22, 2020 1:19 PM

To: (b) (6) @va.gov>

Cc: OGCContinentalEthics (b) (6); (b) (6) @va.gov>

Subject: REF: 156010 COI - (b) (6) - Outside Activity (x-Ref Crow Agency Police Department

Ms. (b) (6)

Thank you for the updated information. This matter has been assigned to Ethics Attorney (b) (6) (b) (6) for review and response.

(b) (6)

Ethics Specialty Team  
Office of General Counsel

(b) (6)  
(b) (6) @va.gov

From: (b) (6) @va.gov>  
Sent: Monday, June 22, 2020 11:32 AM  
To: OGCContinentalEthics (b) (6) @va.gov>  
Subject: RE: Off duty employment

Sorry for that, I sent the wrong one. Thanks for that.

From: OGCContinentalEthics (b) (6) @va.gov>  
Sent: Monday, June 22, 2020 8:33 AM  
To: (b) (6) @va.gov>  
Subject: RE: Off duty employment

Ms. (b) (6)

I can appreciate that. However, you may want to review the document that you submitted and edit it to reflect your situation and not that of Chief (b) (6)

(b) (6)

Ethics Specialty Team  
Office of General Counsel

(b) (6)  
(b) (6) @va.gov

From: (b) (6) @va.gov>  
Sent: Monday, June 22, 2020 9:26 AM  
To: OGCContinentalEthics (b) (6) @va.gov>  
Subject: RE: Off duty employment

067

No, I am a Sergeant. I received the enclosed form to fill out and was told to send it to this email address for my own approval. Chief (b) (6) had submitted one and thought it was good for all the officers looking to go help out but, was told that we all need to submit our own form for approval.

**From:** OGCContinentalEthics (b) (6) @va.gov>  
**Sent:** Monday, June 22, 2020 8:22 AM  
**To:** (b) (6) @va.gov>  
**Cc:** OGCContinentalEthics (b) (6) @va.gov>  
**Subject:** FW: Off duty employment

Good morning! Just one clarification, please: are you the Chief of Police?

(b) (6)

(b) (6)  
Ethics Specialty Team  
Office of General Counsel  
(b) (6)  
(b) (6) @va.gov

**From:** (b) (6) @va.gov>  
**Sent:** Monday, June 22, 2020 9:06 AM  
**To:** OGCContinentalEthics (b) (6) @va.gov>  
**Subject:** Off duty employment

Can I get your approval for working with the Crow Tribe. I know Chief (b) (6) turned this in and got the approval which we thought this was for everyone but, recently found out that we all needed to submit our own for approval. I appreciate your time. Thanks

(b) (6)  
Sheridan VA Police Department  
1898 Fort Road  
Sheridan, Wyoming 82801  
Office: (b) (6)



**(b) (6)**

**From:** (b) (6)  
**Sent:** Tuesday, May 30, 2023 12:32 PM  
**To:** (b) (6)  
**Subject:** FW: 156010 COI - (b) (6) - Outside Activity (x-Ref Crow Agency Police Department)

**From:** (b) (6)  
**Sent:** Monday, June 22, 2020 1:27 PM  
**To:** (b) (6)@va.gov  
**Subject:** FW: 156010 COI - (b) (6) - Outside Activity (x-Ref Crow Agency Police Department)

This is what I got back for me.

**From:** (b) (6)@va.gov  
**Sent:** Monday, June 22, 2020 1:25 PM  
**To:** (b) (6)@va.gov; (b) (6)@va.gov  
**Cc:** OGCContinentalEthics <OGCContinentalEthics@va.gov>  
**Subject:** RE: 156010 COI - (b) (6) - Outside Activity (x-Ref Crow Agency Police Department)

Good afternoon,

Thanks for reaching out with your questions, below. In reviewing the answers you gave in your questionnaire, I see no legal impediment under the Federal Ethics regulations which would prevent you from working as a part-time law enforcement officer with the Crow Tribal Agency Police. You indicated that you are a police sergeant for VA, and that you would be engaging in law enforcement activities. You indicated that these activities would not require you to recuse yourself from activities central or critical to your VA employment. You also indicated that the outside entity's interests would not be substantially affected by the performance, or non-performance, of your VA duties. Please note, this advice is predicated on the fact that it was previously determined in discussion with your office that none of the funds provided for this outside activity by the Crow Tribe are being supplied by the United States Government. This was confirmed through previous communication with the Crow Tribe itself. Additionally, the Crow Tribe Police Department [website](#) specifically indicates their police forces are not associated with the Bureau of Indian Affairs (BIA), indicating these employees are not federal staff under the BIA.

Please note, in the event that **any** of the funding provided for this position changes and is received from the United States Government in any way, I would **highly recommend** all outside activities associated with this position cease immediately and you seek out additional ethics advice before proceeding further. This recommendation is grounded in the fact that it is generally impermissible to hold two federal positions at one time, including the receipt of payment from two federal sources. *See* 5 U.S.C. § 5533.

There is no strict prohibition against VA employees working for an outside private employer, nor does such an employee have to seek official written permission to pursue such outside employment. However, there are



several governmental ethics rules that apply to such outside employment activity, which, as a VA employee, you must follow when working for a non-federal, private, outside employer. VA employees must keep their official, VA, employment and their outside employment wholly separate and distinct from one another. A VA employee may not use their VA employment to promote, further, or otherwise benefit their outside employment. A VA employee should also avoid anything in their outside employment that would create a conflict of interest, or even the appearance of one, with their VA position. Please see below for the relevant restrictions related to outside employment for your consideration.

Relevant restrictions:

- **Speaking, writing, teaching:** Federal employees may accept compensation for personal capacity teaching, speaking and writing ONLY if the subject matter of the activity is NOT related to the employee's official duties. Under the Standards of Ethical Conduct, the subject matter of teaching, speaking or writing, is related to official duties where:
  - The writing is undertaken as part of the employee's official duties;
  - The invitation was extended to the employee primarily because of the employee's position;
  - The invitation was extended by someone whose interests may be affected substantially by the employee's government duties;
  - The information conveyed draws substantially on non-public; or
  - The subject matter deals significantly with
    - any matter to which the employee is assigned or was assigned within the past year of his or
    - any ongoing or announced VA policy, program, or operation.
- 5 C.F.R. § 2635.807. If the subject matter of your outside activity deals in significant part with VA programs, policies or operations, or matters to which you are currently assigned, you cannot accept the offered travel reimbursement and honoraria because the subject matter of your talk would be related to your official duties. You cannot use your official VA title except as part of biography information. You will have to use a written disclaimer that this work is not sponsored by VA and is your own medical opinion.
- **Recusal Obligations:** Certain positions or relationships with an outside organization or company will require a Federal employee to recuse himself/herself from certain Government matters affecting that organization; recusal means disqualification, i.e., don't participate in the matter. You can only ask to be recused from a VA duty with your supervisor's permission. You cannot seek to be recused from your essential Federal duties.
  - **18 U.S.C. § 208**, the basic criminal conflict of interest statute, prohibits an executive branch employee from participating personally and substantially in a particular Government matter that will affect his or her own financial interests, as well as the financial interests of: a spouse or minor child; a general partner; an organization in which he or she serves as an officer, director, trustee, general partner or employee; and a person with whom he or she is negotiating for or has an arrangement concerning prospective employment. An employee has a disqualifying financial

interest in a particular matter only if there is a close causal link between a particular Government matter in which the employee participates and any effect on the asset or other interest (direct effect) and if there is a real possibility of gain or loss as a result of development in or resolution of that matter (predictable effect). Gain or loss need not be probable. The possibility of a benefit or detriment must be real, not speculative. One common point of confusion is distinguishing between an asset or other interest and a financial interest in a particular matter under 18 U.S.C. § 208. The financial interest is the possibility of gain or loss (of the value of an asset or other interest) resulting from a particular matter, not the asset or interest itself. Thus, a person could have a large holding but only a relatively small financial interest in the particular matter, because the potential for gain or loss is small. The criminal prohibition has no de minimis level. That is, it applies where any financial interest exists, no matter how small. See 5 C.F.R. § 2640.202(e).

**Criminal statute.**

- **5 C.F.R. § 2635.502:** An employee may not participate in a specific party matter:
  - that will directly and predictably affect the financial interest of a member of the employee’s household; or
  - in which someone with whom the employee has a “covered relationship” is or represents a party to the matter. (See chart for covered relationships).

IF—A reasonable person with knowledge of the relevant facts would question his/her impartiality in the matter. This is a prohibition against the appearance of a conflict of interest or loss of objectivity.

- **Other circumstances:** An agency may disqualify an employee from participating in matters where circumstances, other than those described above, would cause a reasonable person with knowledge of the relevant facts to question an employee’s impartiality.
  - 5 C.F.R. § 2635.802(b): If recusal under either of above provisions would materially impair ability to perform critical or central duties of Government job, the employee would be prohibited from engaging in the outside activity.
- **Representational Activity:** Communication or appearance with intent to influence Government; does not include “behind-the-scenes” assistance (but note separate prohibition on compensated assistance in prosecution of a claim); does not include routine communications that neither seek discretionary Government action nor concern an issue as to which there is potential dispute. Such representations must involve communications made with the intent to influence and must concern an issue or controversy. The provision of purely factual information or the submission of documents not intended to influence are not representational acts.
  - **18 U.S.C. § 203/205:** Employees may not represent organization or company (with or without compensation) before Government in connection with any particular matter in which U.S. is party or has a direct and substantial interest. **Criminal statute.**
    - **What this means for you:** You may not represent this entity before any federal agency, including but not limited to VA, with the intent of influencing that agency’s official action. For example, this criminal statute would prohibit you from giving a sales presentation to federal agency personnel. If you work on this entity’s matters that require interaction with federal personnel, you would generally need someone other than yourself

to represent this entity the federal agency on that matter. To be clear, you may work behind the scenes on that matter; you just couldn't represent this entity before the federal agency on that matter.

- Limited exception for certain nonprofits: An employee may represent nonprofit groups or organizations if majority of members are current Federal employees or their spouses/dependent children; exception does not apply to claims, proceedings in which group or organization is party, grants/contracts/agreements providing Federal funds to group or organization; see 18 U.S.C. § 205(d)(1)(B).
- **Official Resources:** Use of official property and time generally limited to official business; see 5 C.F.R. § 2635.704, § 2635.705. In short, you may not engage in law enforcement activities for the Crow Tribe while on official duty time or use official property to further the law enforcement activities.
- **Title, position, authority of office:** Employees may not use (or permit organization or company to use) official title, position or other authority of office in way that reasonably implies Government sanction or endorsement of unofficial activities, 5 C.F.R. § 2635.702(b); e.g., employees may not permit organization letterhead to identify them by their official title. *See* OGE Informal Advisory Letter 99 x 15.
- **Fundraising:** Employees may engage in private fundraising, subject to limitations in 5 C.F.R. § 2635.808.
  - Limits on personal solicitation:
    - Subordinates: May not personally solicit from official subordinate; see 5 C.F.R. § 2635.808(c)(1).
    - Prohibited source: May not personally solicit from “prohibited source,” i.e., person seeking official action from employee’s agency, seeking or doing business with agency, regulated by agency, person having interests that may be substantially affected by employee’s duties, or any organization a majority of whose numbers fall within these categories; see 5 C.F.R. § 2635.808(c)(1).
    - “Personally solicit:” Means person-to-person contact or use of name or identity in correspondence; but does not include mass mailings or mass solicitation through media or oral remarks to large group, unless solicitation known to target subordinates or prohibited sources; does not include “behind-the-scenes” assistance, e.g., drafting (but not signing) correspondence.
  - **Title, position, or authority of office:** May not use (or permit others to use) title, position or authority of office to further fundraising effort; but may use general terms of address or rank, such as “the Honorable” or “Colonel.”
- **Teaching, speaking and writing:** Restrictions on compensation and reference to official title or position, 5 C.F.R. § 2635.807.
  - Compensation: No outside compensation for teaching, speaking or writing that relates to official duties; activity relates to official position, for example, if deals in significant part with current agency policies, programs, operations (including research of other agency employees) or with employee's own recent assignments, 5 C.F.R. § 2635.807(a)(2)(i)(E).
  - Reference to official title/position: Cannot be identified in connection with teaching, speaking or writing by official title or position, 5 C.F.R. § 2635.807(b); unless-
    - One of several biographical details with similar prominence, or
    - If in professional/scientific journal, agency-approved disclaimer.

In the absence of a waiver, VA statute prohibits employees from receiving any compensation from, having any interest in, or receiving any services from any **for-profit institution of education**. 38 U.S.C. § 3683; 38 C.F.R. § 21.4005. Employees may request waivers from their Facility Director. Please let me know should you require one.

- Other Potential Issues:
  - A Federal employee may not give the appearance that VA sanctions or endorses the outside entity or his/her activities with the outside entity. 5 C.F.R. § 2635.702(b) and (c). A Federal employee's government position may only be used as a biographical note so not to create an appearance that VA endorses the thoughts presented.
  - A **criminal statute, 18 U.S.C. § 1905**, protects and prohibits the use or disclosure of trade secrets and confidential business information.
  - A Federal employee has a continuing obligation to the Government not to disclose or misuse any information that he acquired as part of his official duties and which is not generally available to the public. 5 C.F.R. § 2635.703.
  - The Federal employee must ensure that any reimbursements or gifts to him or her are not in any way related to his or her official position. 5 C.F.R. § 2635.202.

Please note that if the Federal employee leaves VA employment and accept a position with this association, he or she cannot represent it before any Executive branch agency or Federal Court in a "particular matter involving specific parties" in which he or she participated "personally and substantially during his Federal employment or which he or she reasonably should have known were pending under his or her "official responsibility" within one year prior to termination of his or her Government employment. **18 U.S.C. § 207(a). Criminal statute.**

I hope this is helpful, and please let us know if you have any further questions.

All the best,

**(b) (6)**

[@va.gov](mailto: [REDACTED]@va.gov)

**CONFIDENTIALITY NOTICE:**

This communication, along with any attachments, may contain legally privileged and confidential information that is to be used only by the intended recipient. This communication may not be forwarded, shared or sent to anyone other than intended recipient without the express written permission of the author. If you received this message in error, please destroy it and all attachments immediately without opening, reading, saving, or printing, and immediately notify the sender by a separate email message at the address above. Thank you.

From: **(b) (6)** [@va.gov](mailto: [REDACTED]@va.gov)  
 Sent: Monday, June 22, 2020 1:19 PM  
 To: **(b) (6)** [@va.gov](mailto: [REDACTED]@va.gov)

073

Cc: OGCContinentalEthics (b) (6) >; (b) (6) <[@va.gov](mailto:(b) (6)@va.gov)>

Subject: REF: 156010 COI - (b) (6) - Outside Activity (x-Ref Crow Agency Police Department

Ms. (b) (6)

Thank you for the updated information. This matter has been assigned to Ethics Attorney (b) (6) (b) (6) for review and response.

(b) (6)

Ethics Specialty Team  
Office of General Counsel

(b) (6)

(b) (6) <[@va.gov](mailto:(b) (6)@va.gov)>

From: (b) (6) <[@va.gov](mailto:(b) (6)@va.gov)>

Sent: Monday, June 22, 2020 11:32 AM

To: OGCContinentalEthics (b) (6) <[@va.gov](mailto:(b) (6)@va.gov)>

Subject: RE: Off duty employment

Sorry for that, I sent the wrong one. Thanks for that.

From: OGCContinentalEthics (b) (6) <[@va.gov](mailto:(b) (6)@va.gov)>

Sent: Monday, June 22, 2020 8:33 AM

To: (b) (6) <[@va.gov](mailto:(b) (6)@va.gov)>

Subject: RE: Off duty employment

Ms. (b) (6)

I can appreciate that. However, you may want to review the document that you submitted and edit it to reflect your situation and not that of Chief (b) (6).

(b) (6)

Ethics Specialty Team  
Office of General Counsel

(b) (6)

(b) (6) <[@va.gov](mailto:(b) (6)@va.gov)>

From: (b) (6) <[@va.gov](mailto:(b) (6)@va.gov)>

Sent: Monday, June 22, 2020 9:26 AM



074

**To:** OGCContinentalEthics (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

No, I am a Sergeant. I received the enclosed form to fill out and was told to send it to this email address for my own approval. Chief (b) (6) had submitted one and thought it was good for all the officers looking to go help out but, was told that we all need to submit our own form for approval.

**From:** OGCContinentalEthics (b) (6) @va.gov>  
**Sent:** Monday, June 22, 2020 8:22 AM  
**To:** (b) (6) @va.gov>  
**Cc:** OGCContinentalEthics (b) (6) @va.gov>  
**Subject:** FW: Off duty employment

Good morning! Just one clarification, please: are you the Chief of Police?

(b) (6)

Ethics Specialty Team  
Office of General Counsel  
(b) (6)  
(b) (6) @va.gov

**From:** (b) (6) @va.gov>  
**Sent:** Monday, June 22, 2020 9:06 AM  
**To:** OGCContinentalEthics (b) (6) @va.gov>  
**Subject:** Off duty employment

Can I get your approval for working with the Crow Tribe. I know Chief (b) (6) turned this in and got the approval which we thought this was for everyone but, recently found out that we all needed to submit our own for approval. I appreciate your time. Thanks

(b) (6)  
Sheridan VA Police Department  
1898 Fort Road  
Sheridan, Wyoming 82801  
Office: (b) (6)

(b) (6)

**From:** (b) (6)  
**Sent:** Tuesday, May 30, 2023 12:31 PM  
**To:** (b) (6)  
**Subject:** FW: Off duty employment  
**Attachments:** COI-Outside Activity Questionnaire for Crow Tribal job - 20200622.doc

**From:** (b) (6) @va.gov>  
**Sent:** Monday, June 22, 2020 10:59 AM  
**To:** OGCContinentalEthics (b) (6) @va.gov>  
**Cc:** (b) (6) @va.gov>; (b) (6) @va.gov>  
**Subject:** Off duty employment

To whom this may concern.

**From:** (b) (6) @va.gov>  
**Sent:** Thursday, June 18, 2020 11:30 AM  
**To:** (b) (6) @va.gov>; (b) (6) @va.gov>; (b) (6) @va.gov>  
<(b) (6) @va.gov>; (b) (6) @va.gov>; (b) (6) @va.gov>  
**Subject:** FW: Off duty employment

All,

Attached is a form you need to fill out and send to OGC for the crow agency job. I doubled back with them to make sure we were doing everything right. You will need your own individual approval decision.

Once you have filled out the form, please send it to the email below.

Chief

**From:** OGCContinentalEthics (b) (6)  
**Sent:** Thursday, June 18, 2020 11:23 AM  
**To:** (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

Please have them send it to (b) (6) @va.gov.

(b) (6)

**From:** (b) (6) @va.gov>  
**Sent:** Thursday, June 18, 2020 12:22 PM  
**To:** (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

I will send them the form. Can they send it back to you?

076

From: OGCContinentalEthics (b) (6) @va.gov>  
Sent: Thursday, June 18, 2020 11:22 AM  
To: (b) (6) @va.gov>  
Subject: RE: Off duty employment

Yes, the other officers will need to do the same. Their situations may be slightly different than yours. Each of them will need their own opinions in order to obtain "safe harbor".

(b) (6)

From: (b) (6) @va.gov>  
Sent: Thursday, June 18, 2020 12:15 PM  
To: OGCContinentalEthics (b) (6) @va.gov>  
Subject: RE: Off duty employment

Thank you ma'am.

I do have a quick question. I have other officers who will be working in the same place, do they also need to do this, or will the one decision work for all?

From: OGCContinentalEthics (b) (6) @va.gov>  
Sent: Thursday, June 18, 2020 11:12 AM  
To: (b) (6) @va.gov>  
Subject: RE: Off duty employment

No, this is the same thing. I was thinking you had completed it and (b) (6) had advised, but was not certain. Please disregard.

(b) (6)

From: (b) (6) @va.gov>  
Sent: Thursday, June 18, 2020 12:10 PM  
To: (b) (6) @va.gov>  
Cc: (b) (6) @va.gov>; OGCContinentalEthics (b) (6) >;  
(b) (6) @va.gov>  
Subject: RE: Off duty employment

I believe I already filled one of these out and got an approval a few weeks back. Is this something different?

From: (b) (6) @va.gov>  
Sent: Thursday, June 18, 2020 11:09 AM  
To: (b) (6) @va.gov>  
Cc: (b) (6) @va.gov>; OGCContinentalEthics (b) (6) >;  
(b) (6) @va.gov>  
Subject: RE: Off duty employment

Mr. (b) (6)

Good Afternoon. Please complete the attached form to the best of your ability, and when ready, please return the form to (b) (6) @va.gov.



When resubmitting, please be sure to include this email so that all information is compiled in one location for the attorney's review.

Thank you,

(b) (6)

Ethics Specialty Team  
Office of General Counsel

(b) (6)  
(b) (6) @va.gov

**From:** (b) (6) @va.gov  
**Sent:** Thursday, June 18, 2020 11:57 AM  
**To:** OGCContinentalEthics (b) (6); (b) (6) @va.gov  
**Cc:** (b) (6) @va.gov  
**Subject:** RE: Off duty employment

We are still pursuing the outside activity. Should be starting around the beginning of July. Do you need anything else from me?

**From:** OGCContinentalEthics (b) (6) @va.gov  
**Sent:** Thursday, June 18, 2020 10:19 AM  
**To:** (b) (6) @va.gov  
**Cc:** (b) (6) @va.gov; (b) (6) @va.gov; OGCContinentalEthics <(b) (6) @va.gov>  
**Subject:** RE: Off duty employment

Good afternoon,

Just a follow-up email to see if you were still interested in pursuing this outside activity. If you are not, please let me know so I can close out my suspense.

Thank you,

(b) (6)

Ethics Specialty Team  
Office of General Counsel

(b) (6)  
(b) (6) @va.gov

078

From: OGCContinentalEthics (b) (6) @va.gov>

Sent: Thursday, May 7, 2020 12:19 PM

To: (b) (6) @va.gov>

Cc: (b) (6) @va.gov>; OGCContinentalEthics <(b) (6)>; (b) (6)

(b) (6) @va.gov>

Subject: RE: Off duty employment

Mr. (b) (6)

Good Afternoon. In order for the assigned Ethics Specialty Team attorney to provide you with guidance on this matter, they will require additional information.

Please have the concerned employee complete the attached form to the best of his ability, and when ready, please return the form to (b) (6) @va.gov.

When resubmitting, please be sure to include this email and the reference number listed in the subject line above so that all information is compiled in one location for the attorney's review.

Thank you,

(b) (6)

Ethics Specialty Team  
Office of General Counsel

(b) (6)

(b) (6) @va.gov

From: (b) (6) @va.gov>

Sent: Thursday, May 7, 2020 12:13 PM

To: OGCContinentalEthics (b) (6) @va.gov>

Cc: (b) (6) @va.gov>; (b) (6) @va.gov>

Subject: FW: Off duty employment

Good morning.

I have received this inquiry, and wanted to run it past the Ethics Team for a review regarding VA Police Officers undertaking outside employment with the Crow Tribal Agency, as this may be a dual federal employment issue. I have cc'd the VISN ER/LR and the Sheridan Chief of Police, should you have questions or need additional information.

Mr. (b) (6) I am forwarding your inquiry to our Ethics team for response. They should get back to you within the next few days with an answer. Please let me know if you have any questions.

Thank you!

Very Respectfully,

(b) (6)

(b) (6)

Department of Veterans Affairs  
Continental District (AR, CO, LA, MS, MT, OK, TX, UT & WY)  
P.O. Box 25126  
Denver, CO 80225  
Phone: (b) (6)  
Fax: (b) (6)

This message may contain information that is confidential and/or protected by law. If it has been sent to you in error, please reply immediately to advise the sender of the error and then destroy this message, any copies of this message and any printout of this message. If you are not the intended recipient of the message, any unauthorized dissemination, distribution or copying of the material in this message, and any attachments to the message, is strictly forbidden.

From: (b) (6) @va.gov>  
Sent: Thursday, May 7, 2020 10:38 AM  
To: (b) (6) @va.gov>  
Subject: FW: Off duty employment

Good morning (b) (6)

My name is (b) (6). I am a (b) (6) with VISN 19. Would you have any opinion on the below question? My only concern is if the tribe is federally funded. I don't know how I would discern if they were or not.

(b) (6)

Region 1 Shared Service Unit (SSU)  
VA Rocky Mountain Network (VISN 19)  
Veterans Health Administration  
US Department of Veterans Affairs  
Office Phone: (b) (6)

This email is confidential and/or privileged. Use of this information by anyone other than the intended recipient is prohibited. If you have received this in error, please inform the sender and remove any record of this message.

***DISCLAIMER: Please be advised that the content of any email(s)/letter(s) are just drafts/recommendations, and that the management official signing any document(s) is responsible for ensuring that the information contained herein is what you intend to express and that the action(s) proposed is initiated by you and not by the Employee/ Labor Relations Staff. If you wish to modify and/delete any information please let me know to properly assist you.***

From: (b) (6) @va.gov>  
Sent: Monday, May 4, 2020 5:18 PM  
To: (b) (6) @va.gov>  
Subject: RE: Off duty employment

Petie,

I just spoke with the Chief of Police for the Crow Tribal Agency, and he wanted me to make it clear to everyone, that the officers pay would not be from a federal agency, but from the tribe itself. This may make a difference in how they view



it. The officers that work their have to get federal law enforcement certification, but are not paid by the federal government.

From: (b) (6) @va.gov>  
Sent: Monday, May 4, 2020 1:43 PM  
To: (b) (6) @va.gov>  
Subject: RE: Off duty employment

Afternoon sir,

I did have a lovely weekend. Lot's of "honey do" items to accomplish. I hope yours was nice as well.

Let me do some research on this and see what I can get for you. I think the big sticking factor will be where the funds come from. I'm on it sir.

(b) (6)  
Region 1 Shared Service Unit (SSU)  
VA Rocky Mountain Network (VISN 19)  
Veterans Health Administration  
US Department of Veterans Affairs  
Office Phone: (b) (6)

This email is confidential and/or privileged. Use of this information by anyone other than the intended recipient is prohibited. If you have received this in error, please inform the sender and remove any record of this message.

*DISCLAIMER: Please be advised that the content of any email(s)/letter(s) are just drafts/recommendations, and that the management official signing any document(s) is responsible for ensuring that the information contained herein is what you intend to express and that the action(s) proposed is initiated by you and not by the Employee/ Labor Relations Staff. If you wish to modify and/delete any information please let me know to properly assist you.*

From: (b) (6) @va.gov>  
Sent: Monday, May 4, 2020 3:40 PM  
To: (b) (6) @va.gov>  
Subject: Off duty employment

(b) (6)

I hope you had a great weekend. I am hoping you can run something up the chain to OPM for me and get an approval. The Crow Tribal Agency contacted me last week and request our officers to augment their police department. This would be done on their off time, and not as a VA Police officer. This would be like a second part-time job. They would be working as Crow Tribal Federal Police. I know a lot of VA police officers work as part-time officers for other departments, I just want to make sure this is ok, since it is another federal police department.

Thank you for your time,

(b) (6)  
Sheridan VAMC

081  
1898 Fort Rd  
Sheridan, WY 82801

(b) (6)  
(b) (6) @va.gov

(b) (6)

---

**From:** (b) (6)  
**Sent:** Tuesday, May 30, 2023 12:30 PM  
**To:** (b) (6)  
**Subject:** FW: Insurance Apps.

**From:** rr bb <rrbarkbrad@hotmail.com>  
**Sent:** Monday, June 15, 2020 12:26 PM  
**To:** (b) (6)@va.gov>  
**Subject:** [EXTERNAL] Insurance Apps.

Hello (b) (6)

My name is Royleene Baracker and we are working with the Chief of Police Terrill Bracken on completing the health applications.

I will send you a direct link for the application process. Please make sure you answer all the questions or it just slows down the underwriting. If you have any questions please contact me.

Thanks and looking forward to working with you.

Royleene

Baracker Insurance  
406-896-0768  
[rrbarkbrad@hotmail.com](mailto:rrbarkbrad@hotmail.com)  
406-670-3505 cl.

Sent from Windows Mail

(b) (6)

**From:** (b) (6)  
**Sent:** Tuesday, May 30, 2023 12:29 PM  
**To:** (b) (6)  
**Subject:** FW: Update and time sensitive info request  
**Attachments:** SFC EE Application 11.18 (071119).pdf; Implemintation Waiver.docx

**From:** Terrill Bracken <Terrill.Bracken@crow-nsn.gov>

**Sent:** Saturday, June 6, 2020 11:36 AM

**To:** (b) (6)@va.gov; (b) (6)@va.gov; (b) (6)  
 (b) (6)@va.gov

**Subject:** [EXTERNAL] Re: Update and time sensitive info request

**From:** Terrill Bracken

**Sent:** Friday, June 5, 2020 7:54 PM

**To:** (b) (6); (b) (6)@va.gov; (b) (6)  
 (b) (6)@va.gov

**Subject:** Update and time sensitive info request

I am sending out this letter to update you on our process and gather additional information. My apologies if I have not been able to update some of you sooner, but this has been a rapidly evolving situation. I have also sent this information to some of you already, but this has more detail and is more currently updated so please read carefully. I do not have contact info for Officer (b) (6) or anyone not included in this email.

The Crow Tribe of Indians is working to assume law enforcement responsibilities on or around July 1<sup>st</sup>. BIA OJS has been informed of our intent and we will be working with them to formulate the transition process. This could take place as soon as June 27<sup>th</sup>. We understand that you may not be available until after this date, but we ask for the following information as soon as possible regardless.

I need to gather information on any individuals who are wishing to help with this historic event, wether in a transitional or permanent capacity. Your prompt assistance with gathering this information is critical and very much appreciated.

Our department is in the process of finalizing a full benefits package, relocation assistance, options for housing, and a wage competitive with federal law enforcement standards in this area. Details will be agreed upon and provided on an individual basis in the next few days, but

084

the information requested is time sensitive and critical for you to move forward with us in this process.

There are three areas of information needed from you. Your training and experience / preliminary background waiver, a completed insurance application, and some personal information regarding uniforms and equipment needed for immediate start up. Please note that we need the insurance form filled out even if you do not intend to utilize our health coverage, and we are hoping to submit your information to the BIA on Monday to show that we do have responsible personal involved with this start up. Please re-send your original waiver form that you may have already sent and any new forms as attachments for convenience along with this additional information.

Here are the things needed:

Implementation background waiver form (see attached)

Insurance form (see attached) If you have questions regarding filling out the insurance application, you can call Melissa at (406)586-4334 ext.101.

A list of equipment needs (do we need to provide firearm, holster, or vest, or do you have your own to use for initial start up?) All equipment will eventually be provided, but availability is limited due to COVID related shortages.

Uniform sizes for shirt and pants (please provide your own black footwear for initial start up)

list of training and experience to include

Legal name

dob

dl #

ss#



085  
academy attended and state

date of completion

date of expiration if expired

list major certificates for L.E., Detention, and/or Dispatch. Minor certs not necessary.

total years of experience

Please provide this in bullet point form, on a basic word document if possible, and please note I do not need copies of certificates at this time, but I will require them before service. If you are one of our new hires that has not yet attended an academy, please notate accordingly.

Here is the Crow law and order code for for those not familiar for review, please focus on Title 8. It will be helpful for you to be familiar with this document on arrival, but training will be provided.

<https://www.ctlb.org/crow-lawspolicies/>

[Crow Laws/Policies - Crow Agency MTCrow Nation Legislative Branch](#)

Crow Laws/Policies Crow Constitution and By-Laws. Constitution and By-Laws of the Crow Tribe of Indians. Rules c  
Order. Rules of Order. Crow Law and Order Code. Introduction to Crow Law and Order Code Title 1 – General  
Provisions Title 2 – Probate Title 3 – Establishment of the Crow Tribal Courts and Tribal Jurisdiction  
[www.ctlb.org](http://www.ctlb.org)

Please feel free to contact me with questions any time this weekend, I will be mostly available on my personal number 406 697-0542. I hope that you are still willing to be a part of reforming law enforcement on the Crow Indian Reservation. This will be an incredible experience as well as a truly be a historical and life changing event for the people we will protect and serve.

Respectfully

Terrill Bracken

Chief of Police

(b) (6)

**From:** (b) (6)  
**Sent:** Tuesday, May 30, 2023 12:28 PM  
**To:** (b) (6)  
**Subject:** FW: new insurance form  
**Attachments:** SFC EE Application 11.18 (071119).pdf; Implementation Waiver.docx

**From:** (b) (6)@va.gov>  
**Sent:** Thursday, June 4, 2020 9:27 AM  
**To:** SHE Police <(b) (6)@va.gov>  
**Subject:** FW: new insurance form

For those of you doing the Crow Agency job, the attachments and the email below are what the Chief there needs from you. Please put it all together and send it to him.

Thank you,  
 chief

**From:** Terrill Bracken <Terrill.Bracken@crow-nsn.gov>  
**Sent:** Thursday, June 4, 2020 9:22 AM  
**To:** (b) (6)@va.gov>  
**Subject:** [EXTERNAL] new insurance form

Things needed:

List of equipment needs for each person  
 uniform sizes

Insurance form  
 waiver form

list of training and experience to include

- Name
- dob
- dl #
- academy attended and state
- date of completion
- major certs
- total years of experience

Here is the Crow law and order code for review, please focus on Title 8  
<https://www.ctlb.org/crow-lawspolicies/>

**(b) (6)**

**From:** **(b) (6)**  
**Sent:** Tuesday, May 30, 2023 12:27 PM  
**To:** Garstad, Lisa D.  
**Subject:** FW: [EXTERNAL] Crow Police Dept. Background Investigation Waiver/Medical Insurance Census  
**Attachments:** Crow PD Back Ground Implemintation Waiver.docx; doc05245520200506131536.pdf

**From:** **(b) (6)** @va.gov>  
**Sent:** Wednesday, May 20, 2020 4:49 PM  
**To:** SHE Police **(b) (6)** @va.gov>  
**Subject:** FW: [EXTERNAL] Crow Police Dept. Background Investigation Waiver/Medical Insurance Census

All,

We have been approved by the Office of General Council's Ethics division, to assist the Crow Agency with Law Enforcement Duties. If you want to do this as a part-time gig on your days off, you need to fill these forms out and send them to Terrill Bracken [Terrill.Bracken@crow-nsn.gov](mailto:Terrill.Bracken@crow-nsn.gov). He is the Chief of Police for Crow Agency. You also need to send him copies of all of your LE certs.

The way this will work is you will be sworn in as Crow Agency Officers and provided all the guns and gear. You will also have to qualify on your duty weapon before starting work. You will receive insurance through them and will be fully covered if any injuries occur, through the crow agency. You will do none of this as a VA officer and will not use any VA equipment, other than possibly your duty belt. You will not use your VA firearm or your VA intermediate weapons. This is a secondary part-time job. You will ride in a 2 man car with an officer that has worked and knows the area. The pay will be around 30 bucks an hour as well.

If you want to take part in this opportunity, get these forms and your certs to the Chief's email above, so he can get started on your background and start dates.

Thank you,

Chief

**From:** Chris Kortlander <[chris@historicalrarities.com](mailto:chris@historicalrarities.com)>  
**Sent:** Monday, May 11, 2020 2:03 PM  
**To:** **(b) (6)** @va.gov>; 'Chris Kortlander' <[chris@historicalrarities.com](mailto:chris@historicalrarities.com)>; 'Terrill Bracken' <[Terrill.Bracken@crow-nsn.gov](mailto:Terrill.Bracken@crow-nsn.gov)>  
**Subject:** [EXTERNAL] Crow Police Dept. Background Investigation Waiver/Medical Insurance Census

V.A. Chief **(b) (6)** meet Crow Chief Terril Bracken.

Chief **(b) (6)** would you be so kind to have the officers that would like to work shifts for the Crow P.D. fill these two simple forms and send back to me as soon as you

088  
can. Even though you are awaiting final approval from DC this will give us a jump on the vetting process so we can be ready to go.

Any questions please call me. This is time sensitive.

Thank you,

Chris Kortlander

406 679 4444 cell



**(b) (6)**

**From:** (b) (6)  
**Sent:** Tuesday, May 30, 2023 12:27 PM  
**To:** (b) (6)  
**Subject:** FW: [EXTERNAL] Crow Police Dept. Background Investigation Waiver/Medical Insurance Census  
**Attachments:** Crow PD Back Ground Implemintation Waiver.docx; doc05245520200506131536.pdf

**From:** (b) (6) @va.gov>  
**Sent:** Monday, May 11, 2020 2:41 PM  
**To:** SHE Police (b) (6) @va.gov>  
**Subject:** FW: [EXTERNAL] Crow Police Dept. Background Investigation Waiver/Medical Insurance Census

All,

We have not got the final go for augmenting the Crow Agency, but they requesting those of you that are interested to fill out the forms and send them back. That way, if we get the go, they can be ahead of the game.

Thanks,

Chief

**From:** Chris Kortlander <[chris@historicalrarities.com](mailto:chris@historicalrarities.com)>  
**Sent:** Monday, May 11, 2020 2:03 PM  
**To:** (b) (6) @va.gov>; 'Chris Kortlander' <[chris@historicalrarities.com](mailto:chris@historicalrarities.com)>; 'Terrill Bracken' <[Terrill.Bracken@crow-nsn.gov](mailto:Terrill.Bracken@crow-nsn.gov)>  
**Subject:** [EXTERNAL] Crow Police Dept. Background Investigation Waiver/Medical Insurance Census

V.A. Chief (b) (6) meet Crow Chief Terril Bracken.

Chief (b) (6) would you be so kind to have the officers that would like to work shifts for the Crow P.D. fill these two simple forms and send back to me as soon as you can. Even though you are awaiting final approval from DC this will give us a jump on the vetting process so we can be ready to go.

Any questions please call me. This is time sensitive.

Thank you,  
Chris Kortlander  
406 679 4444 cell

(b) (6)

**From:** (b) (6)  
**Sent:** Tuesday, May 30, 2023 12:26 PM  
**To:** (b) (6)  
**Subject:** FW: Part-time job opportunity

**From:** (b) (6)@va.gov>  
**Sent:** Monday, May 4, 2020 3:15 PM  
**To:** SHE Police (b) (6)@va.gov>  
**Subject:** Part-time job opportunity

All,

We are waiting on approval from the OPM powers that be, but if we get the go, there is a part-time opportunity to work on your off time, on the Crow Reservation as a police officer. They contacted us last week and asked for our help, while they stand up their new police department. The Reservation stays very busy and you would be exposed to a lot more major crime than you are here. You would be riding with an officer from the Crow Reservation, in a two man car. You will not be acting as a VA Officer and will be deputized by the Crow Agency. This will be just like working a part-time gig at a local PD. If any of you are interested, please let me know, so we can move forward if we get the go ahead.

Thanks,

(b) (6)

Sheridan VAMC  
1898 Fort Rd  
Sheridan, WY 82801

(b) (6)  
(b) (6)@va.gov

**PISTOL QUALIFICATION****STAGE 1**

3 Yard Line                      1 Magazine                      4 Rounds

On Command, draw and fire two rounds from close combat. Holster weapon

On command, draw and fire two rounds from close combat. Holster weapon

Clear and safe your weapon, re-holster

**STAGE 2**

5 Yard Line                      2 Magazines, 5 rounds in each magazine.

Place one 5 round magazine in your front pouch. Lock and load one 5 round magazine in your weapon and holster your weapon.

On command, draw and fire five rounds strong hand unsupported. Speed reload, fire five round support hand unsupported.

Clear and safe your weapon, re-holster

**STAGE 3**

10 Yard Line                      2 Magazines, 6 rounds in the pistol, 3 rounds in front pouch

Place the 3 round magazine in your front pouch. Lock and load your six round magazine in your weapon. Holster your weapon

On command, draw and fire three rounds, re-holster

On command, draw and fire three rounds, speed re-load, holster

On command, draw and fire three rounds. Re-Holster

Safe and clear your weapon, re-holster

**STAGE 4**

15 Yard

2 Magazines, 5 rounds in your weapon, two rounds in front pouch

Place the 2 round magazine in your front pouch, lock and load the 5 round magazine in your weapon and holster your weapon

Draw and fire 2 rounds, re-holster

Draw and fire 3 rounds, speed re-load, holster

Draw and fire 2 rounds, holster

Clear and safe your weapon, re-holster.



**RIFLE QUALIFICATION**

**STAGE 1**

3 Yard Line

2 Magazine

10 rounds in pouch, 10 rounds in weapon

Lock and load one 10 round magazine in your weapon

On command, fire three rounds

Place your weapon on safe

**STAGE 2**

10 Yard Line

On Command, fire 2 rounds, return to low gun ready

On command, fire 2 rounds

Place your weapon on safe

**STAGE 3**

15 yard line

On command, fire three rounds, speed reload, return to low gun ready

On command, fire three rounds

Place your weapon on safe

**STAGE 4**

25 Yard

On command, fire three rounds

Place your weapon on safe

094

**STAGE 5**

50 Yards

On command, fire 2 rounds, return to low gun ready

On command, fire 2 rounds

Safe and clear your weapon.

(b) (6)

**From:** (b) (6)  
**Sent:** Wednesday, May 17, 2023 7:20 AM  
**To:** (b) (6)  
**Subject:** FW: Background  
**Attachments:** Background Investigation Questionnaire 2020 packet.pdf

Please see below.

(b) (6)

Sheridan VA Medical Center

(b) (6)

Code of Integrity: <https://www.va.gov/VHAoversight/docs/VHA-code-of-integrity.pdf> Act With Integrity. Learn about and stay alert for signs of Fraud Waste and Abuse (FWA) Report FWA and Integrity Concerns: VA OIG Hotline: 1-800-488-8244 or [www.va.gov/oig/hotline](http://www.va.gov/oig/hotline) OIC Helpline: 1-866-842-4357 or [vhacbihelpline@va.gov](mailto:vhacbihelpline@va.gov)

**From:** (b) (6) @va.gov>  
**Sent:** Thursday, July 9, 2020 8:08 PM  
**To:** (b) (6) @gmail.com>  
**Subject:** Fwd: Background

Get [Outlook for iOS](#)

**From:** Terrill Bracken <[Terrill.Bracken@crow-nsn.gov](mailto:Terrill.Bracken@crow-nsn.gov)>  
**Sent:** Thursday, July 9, 2020 12:37:22 PM  
**To:** (b) (6) @va.gov>; (b) (6) @va.gov>  
**Subject:** [EXTERNAL] Background

Hello, I know this is a big ask and you have been over run with paper work, but if it is possible, can you please fill out the BIA background packet and return ASAP? Hoping for Friday. This will be VERY helpful in assisting us with our 638 contract. Please contact me with any questions and let me know how big of a Steak dinner this is going to cost me... It is our final hoop to jump through.



**TERRILL BRACKEN | CHIEF OF POLICE**  
**Crow Tribe of Indians**

**Mobile | 406 679-2465**  
**terrill.bracken@crow-nsn.gov**



**(b) (6)**

**From:** (b) (6)  
**Sent:** Wednesday, May 17, 2023 7:19 AM  
**To:** (b) (6)  
**Subject:** FW: 1561111 COI - (b) (6) - Outside Activity (x-Ref: Crow Agency Tribal Police Department)

**(b) (6)**

Sheridan VA Medical Center

**(b) (6)**

Code of Integrity: <https://www.va.gov/VHAoversight/docs/VHA-code-of-integrity.pdf> Act With Integrity. Learn about and stay alert for signs of Fraud Waste and Abuse (FWA) Report FWA and Integrity Concerns: VA OIG Hotline: 1-800-488-8244 or [www.va.gov/oig/hotline](http://www.va.gov/oig/hotline) OIC Helpline: 1-866-842-4357 or [vhacbihelpline@va.gov](mailto:vhacbihelpline@va.gov)

**From:** (b) (6) @va.gov>  
**Sent:** Monday, June 29, 2020 1:19 PM  
**To:** (b) (6) @va.gov>  
**Cc:** (b) (6) @va.gov>  
**Subject:** RE: 1561111 COI - (b) (6) - Outside Activity (x-Ref: Crow Agency Tribal Police Department)

Good afternoon,

Thanks for reaching out with your questions, below, as well as for your patience while I got back to you. In reviewing the answers you gave in your questionnaire, I see no legal impediment under the Federal Ethics regulations which would prevent you from working as a part-time law enforcement officer with the Crow Tribal Agency Police. You indicated that you are the deputy chief police officer for VA, and that you would be engaging in law enforcement activities. You indicated that these activities would not require you to recuse yourself from activities central or critical to your VA employment. You also indicated that the outside entity's interests would not be substantially affected by the performance, or non-performance, of your VA duties. Please note, this advice is predicated on the fact that it was previously determined in discussion with your office that none of the funds provided for this outside activity by the Crow Tribe are being supplied by the United States Government. This was confirmed through previous communication with the Crow Tribe itself. Additionally, the Crow Tribe Police Department [website](#) specifically indicates their police forces are not



associated with the Bureau of Indian Affairs (BIA), indicating these employees are not federal staff under the BIA.

Please note, in the event that **any** of the funding provided for this position changes and is received from the United States Government in any way, I would **highly recommend** all outside activities associated with this position cease immediately and you seek out additional ethics advice before proceeding further. This recommendation is grounded in the fact that it is generally impermissible to hold two federal positions at one time, including the receipt of payment from two federal sources. *See* 5 U.S.C. § 5533.

There is no strict prohibition against VA employees working for an outside private employer, nor does such an employee have to seek official written permission to pursue such outside employment. However, there are several governmental ethics rules that apply to such outside employment activity, which, as a VA employee, you must follow when working for a non-federal, private, outside employer. VA employees must keep their official, VA, employment and their outside employment wholly separate and distinct from one another. A VA employee may not use their VA employment to promote, further, or otherwise benefit their outside employment. A VA employee should also avoid anything in their outside employment that would create a conflict of interest, or even the appearance of one, with their VA position. Please see below for the relevant restrictions related to outside employment for your consideration.

Relevant restrictions:

- **Speaking, writing, teaching:** Federal employees may accept compensation for personal capacity teaching, speaking and writing ONLY if the subject matter of the activity is NOT related to the employee's official duties. Under the Standards of Ethical Conduct, the subject matter of teaching, speaking or writing, is related to official duties where:
  - The writing is undertaken as part of the employee's official duties;
  - The invitation was extended to the employee primarily because of the employee's position;
  - The invitation was extended by someone whose interests may be affected substantially by the employee's government duties;
  - The information conveyed draws substantially on non-public; or
  - The subject matter deals significantly with
    - any matter to which the employee is assigned or was assigned within the past year of his or
    - any ongoing or announced VA policy, program, or operation.
- 5 C.F.R. § 2635.807. If the subject matter of your outside activity deals in significant part with VA programs, policies or operations, or matters to which you are currently assigned, you cannot accept the offered travel reimbursement and honoraria because the subject matter of your talk would be related to your official duties. You cannot use your official VA title except as part of biography information. You will have to use a written disclaimer that this work is not sponsored by VA and is your own medical opinion.

- **Recusal Obligations:** Certain positions or relationships with an outside organization or company will require a Federal employee to recuse himself/herself from certain Government matters affecting that organization; recusal means disqualification, i.e., don't participate in the matter. You can only ask to be recused from a VA duty with your supervisor's permission. You cannot seek to be recused from your essential Federal duties.
  - **18 U.S.C. § 208**, the basic criminal conflict of interest statute, prohibits an executive branch employee from participating personally and substantially in a particular Government matter that will affect his or her own financial interests, as well as the financial interests of: a spouse or minor child; a general partner; an organization in which he or she serves as an officer, director, trustee, general partner or employee; and a person with whom he or she is negotiating for or has an arrangement concerning prospective employment. An employee has a disqualifying financial interest in a particular matter only if there is a close causal link between a particular Government matter in which the employee participates and any effect on the asset or other interest (direct effect) and if there is a real possibility of gain or loss as a result of development in or resolution of that matter (predictable effect). Gain or loss need not be probable. The possibility of a benefit or detriment must be real, not speculative. One common point of confusion is distinguishing between an asset or other interest and a financial interest in a particular matter under 18 U.S.C. § 208. The financial interest is the possibility of gain or loss (of the value of an asset or other interest) resulting from a particular matter, not the asset or interest itself. Thus, a person could have a large holding but only a relatively small financial interest in the particular matter, because the potential for gain or loss is small. The criminal prohibition has no de minimis level. That is, it applies where any financial interest exists, no matter how small. See 5 C.F.R. § 2640.202(e). **Criminal statute.**
  - **5 C.F.R. § 2635.502:** An employee may not participate in a specific party matter:
    - that will directly and predictably affect the financial interest of a member of the employee's household; or
    - in which someone with whom the employee has a "covered relationship" is or represents a party to the matter. (See chart for covered relationships).

IF—A reasonable person with knowledge of the relevant facts would question his/her impartiality in the matter. This is a prohibition against the appearance of a conflict of interest or loss of objectivity.

- **Other circumstances:** An agency may disqualify an employee from participating in matters where circumstances, other than those described above, would cause a reasonable person with knowledge of the relevant facts to question an employee's impartiality.
  - 5 C.F.R. § 2635.802(b): If recusal under either of above provisions would materially impair ability to perform critical or central duties of Government job, the employee would be prohibited from engaging in the outside activity.
- **Representational Activity:** Communication or appearance with intent to influence Government; does not include "behind-the-scenes" assistance (but note separate prohibition on compensated assistance in prosecution of a claim); does not include routine communications that neither seek discretionary



Government action nor concern an issue as to which there is potential dispute. Such representations must involve communications made with the intent to influence and must concern an issue or controversy. The provision of purely factual information or the submission of documents not intended to influence are not representational acts.

- **18 U.S.C. § 203/205:** Employees may not represent organization or company (with or without compensation) before Government in connection with any particular matter in which U.S. is party or has a direct and substantial interest. **Criminal statute.**
  - **What this means for you:** You may not represent this entity before any federal agency, including but not limited to VA, with the intent of influencing that agency’s official action. For example, this criminal statute would prohibit you from giving a sales presentation to federal agency personnel. If you work on this entity’s matters that require interaction with federal personnel, you would generally need someone other than yourself to represent this entity the federal agency on that matter. To be clear, you may work behind the scenes on that matter; you just couldn’t represent this entity before the federal agency on that matter.
- **Limited exception for certain nonprofits:** An employee may represent nonprofit groups or organizations if majority of members are current Federal employees or their spouses/dependent children; exception does not apply to claims, proceedings in which group or organization is party, grants/contracts/agreements providing Federal funds to group or organization; see 18 U.S.C. § 205(d)(1)(B).
- **Official Resources:** Use of official property and time generally limited to official business; see 5 C.F.R. § 2635.704, § 2635.705. In short, you may not engage in law enforcement activities for the Crow Tribe while on official duty time or use official property to further the law enforcement activities.
- **Title, position, authority of office:** Employees may not use (or permit organization or company to use) official title, position or other authority of office in way that reasonably implies Government sanction or endorsement of unofficial activities, 5 C.F.R. § 2635.702(b); e.g., employees may not permit organization letterhead to identify them by their official title. See OGE Informal Advisory Letter 99 x 15.
- **Fundraising:** Employees may engage in private fundraising, subject to limitations in 5 C.F.R. § 2635.808.
  - **Limits on personal solicitation:**
    - **Subordinates:** May not personally solicit from official subordinate; see 5 C.F.R. § 2635.808(c)(1).
    - **Prohibited source:** May not personally solicit from “prohibited source,” i.e., person seeking official action from employee’s agency, seeking or doing business with agency, regulated by agency, person having interests that may be substantially affected by employee’s duties, or any organization a majority of whose numbers fall within these categories; see 5 C.F.R. § 2635.808(c)(1).
    - **“Personally solicit:”** Means person-to-person contact or use of name or identity in correspondence; but does not include mass mailings or mass solicitation through media or oral remarks to large group, unless solicitation known to target subordinates or prohibited sources; does not include “behind-the-scenes” assistance, e.g., drafting (but not signing) correspondence.

- **Title, position, or authority of office:** May not use (or permit others to use) title, position or authority of office to further fundraising effort; but may use general terms of address or rank, such as “the Honorable” or “Colonel.”
- **Teaching, speaking and writing:** Restrictions on compensation and reference to official title or position, 5 C.F.R. § 2635.807.
  - Compensation: No outside compensation for teaching, speaking or writing that relates to official duties; activity relates to official position, for example, if deals in significant part with current agency policies, programs, operations (including research of other agency employees) or with employee's own recent assignments, 5 C.F.R. § 2635.807(a)(2)(i)(E).
  - Reference to official title/position: Cannot be identified in connection with teaching, speaking or writing by official title or position, 5 C.F.R. § 2635.807(b); unless-
    - One of several biographical details with similar prominence, or
    - If in professional/scientific journal, agency-approved disclaimer.

In the absence of a waiver, VA statute prohibits employees from receiving any compensation from, having any interest in, or receiving any services from any **for-profit institution of education**. 38 U.S.C. § 3683; 38 C.F.R. § 21.4005. Employees may request waivers from their Facility Director. Please let me know should you require one.

- **Other Potential Issues:**
  - A Federal employee may not give the appearance that VA sanctions or endorses the outside entity or his/her activities with the outside entity. 5 C.F.R. § 2635.702(b) and (c). A Federal employee’s government position may only be used as a biographical note so not to create an appearance that VA endorses the thoughts presented.
  - A **criminal statute, 18 U.S.C. § 1905**, protects and prohibits the use or disclosure of trade secrets and confidential business information.
  - A Federal employee has a continuing obligation to the Government not to disclose or misuse any information that he acquired as part of his official duties and which is not generally available to the public. 5 C.F.R. § 2635.703.
  - The Federal employee must ensure that any reimbursements or gifts to him or her are not in any way related to his or her official position. 5 C.F.R. § 2635.202.

Please note that if the Federal employee leaves VA employment and accept a position with this association, he or she cannot represent it before any Executive branch agency or Federal Court in a “particular matter involving specific parties” in which he or she participated “personally and substantially during his Federal employment or which he or she reasonably should have known were pending under his or her “official responsibility” within one year prior to termination of his or her Government employment. **18 U.S.C. § 207(a). Criminal statute.**

I hope this is helpful, and please let us know if you have any further questions.

All the best,

**(b) (6)**



(b) (6) @va.gov

CONFIDENTIALITY NOTICE:

This communication, along with any attachments, may contain legally privileged and confidential information that is to be used only by the intended recipient. This communication may not be forwarded, shared or sent to anyone other than intended recipient without the express written permission of the author. If you received this message in error, please destroy it and all attachments immediately without opening, reading, saving, or printing, and immediately notify the sender by a separate email message at the address above. Thank you.

From: (b) (6) @va.gov>  
Sent: Thursday, June 25, 2020 4:19 PM  
To: (b) (6) @va.gov>  
Cc: OGCContinentalEthics (b) (6) @va.gov>; (b) (6) @va.gov>  
Subject: REF: 1561111 COI - (b) (6) - Outside Activity (x-Ref: Crow Agency Tribal Police Department)

Mr. (b) (6)

This matter has been assigned to Ethics Attorney (b) (6) for review and response.

(b) (6)

Ethics Specialty Team  
Office of General Counsel  
(b) (6)  
(b) (6) @va.gov

From: (b) (6) @va.gov>  
Sent: Thursday, June 25, 2020 3:06 PM  
To: OGCContinentalEthics (b) (6) @va.gov>  
Subject: Outside Employment Form

To Whom It May Concern;

I am seeking outside employment with the Crow Agency Tribal Police. I was told to fill out this form. Please see attached. Thank you.

Respectfully,

(b) (6)

(b) (6)

**From:** (b) (6)  
**Sent:** Wednesday, May 17, 2023 7:18 AM  
**To:** (b) (6)  
**Subject:** FW: Off duty employment  
**Attachments:** COI-Outside Activity Questionnaire.doc

(b) (6)

Sheridan VA Medical Center

(b) (6)

Code of Integrity: <https://www.va.gov/VHAoversight/docs/VHA-code-of-integrity.pdf> Act With Integrity. Learn about and stay alert for signs of Fraud Waste and Abuse (FWA) Report FWA and Integrity Concerns: VA OIG Hotline: 1-800-488-8244 or [www.va.gov/oig/hotline](http://www.va.gov/oig/hotline) OIC Helpline: 1-866-842-4357 or [vhacbihelpline@va.gov](mailto:vhacbihelpline@va.gov)

**From:** (b) (6) @va.gov>  
**Sent:** Thursday, June 18, 2020 11:30 AM  
**To:** (b) (6) @va.gov>; (b) (6) @va.gov>; (b) (6) @va.gov>; (b) (6) @va.gov>; (b) (6) @va.gov>  
**Subject:** FW: Off duty employment

All,

Attached is a form you need to fill out and send to OGC for the crow agency job. I doubled back with them to make sure we were doing everything right. You will need your own individual approval decision.

Once you have filled out the form, please send it to the email below.

Chief

**From:** OGCContinentalEthics <(b) (6)>  
**Sent:** Thursday, June 18, 2020 11:23 AM  
**To:** (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

Please have them send it to (b) (6)

(b) (6)

**From:** (b) (6) @va.gov>  
**Sent:** Thursday, June 18, 2020 12:22 PM  
**To:** OGCContinentalEthics (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

I will send them the form. Can they send it back to you?

**From:** OGCContinentalEthics (b) (6) @va.gov>  
**Sent:** Thursday, June 18, 2020 11:22 AM  
**To:** (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

Yes, the other officers will need to do the same. Their situations may be slightly different than yours. Each of them will need their own opinions in order to obtain "safe harbor".

(b) (6)

**From:** (b) (6) @va.gov>  
**Sent:** Thursday, June 18, 2020 12:15 PM  
**To:** OGCContinentalEthics (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

Thank you ma'am.

I do have a quick question. I have other officers who will be working in the same place, do they also need to do this, or will the one decision work for all?

**From:** OGCContinentalEthics (b) (6) @va.gov>  
**Sent:** Thursday, June 18, 2020 11:12 AM  
**To:** (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

No, this is the same thing. I was thinking you had completed it and (b) (6) had advised, but was not certain. Please disregard.

(b) (6)

**From:** (b) (6) @va.gov>  
**Sent:** Thursday, June 18, 2020 12:10 PM  
**To:** (b) (6) @va.gov>  
**Cc:** (b) (6) @va.gov>; OGCContinentalEthics (b) (6) @va.gov>; (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

I believe I already filled one of these out and got an approval a few weeks back. Is this something different?



**From:** (b) (6) @va.gov>  
**Sent:** Thursday, June 18, 2020 11:09 AM  
**To:** (b) (6) @va.gov>  
**Cc:** (b) (6) @va.gov>; OGCContinentalEthics (b) (6) @va.gov>; (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

Mr. (b) (6)

Good Afternoon. Please complete the attached form to the best of your ability, and when ready, please return the form to (b) (6) @va.gov.

When resubmitting, please be sure to include this email so that all information is compiled in one location for the attorney's review.

Thank you,

(b) (6)  
Ethics Specialty Team  
Office of General Counsel  
(b) (6)  
(b) (6) @va.gov

---

**From:** (b) (6) @va.gov>  
**Sent:** Thursday, June 18, 2020 11:57 AM  
**To:** OGCContinentalEthics (b) (6) @va.gov>; (b) (6) @va.gov>  
**Cc:** (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

We are still pursuing the outside activity. Should be starting around the beginning of July. Do you need anything else from me?

---

**From:** OGCContinentalEthics (b) (6) @va.gov>  
**Sent:** Thursday, June 18, 2020 10:19 AM  
**To:** (b) (6) @va.gov>  
**Cc:** (b) (6) @va.gov>; (b) (6) @va.gov>; OGCContinentalEthics (b) (6) @va.gov>  
**Subject:** RE: Off duty employment

Good afternoon,

Just a follow-up email to see if you were still interested in pursuing this outside activity. If you are not, please let me know so I can close out my suspense.

Thank you,



(b) (6)

Ethics Specialty Team  
Office of General Counsel

(b) (6)  
(b) (6) @va.gov

**From:** OGCContinentalEthics <(b) (6) @va.gov>  
**Sent:** Thursday, May 7, 2020 12:19 PM  
**To:** (b) (6) @va.gov  
**Cc:** (b) (6) @va.gov; OGCContinentalEthics <(b) (6) @va.gov>; (b) (6) @va.gov  
**Subject:** RE: Off duty employment

Mr. (b) (6)

Good Afternoon. In order for the assigned Ethics Specialty Team attorney to provide you with guidance on this matter, they will require additional information.

Please have the concerned employee complete the attached form to the best of his ability, and when ready, please return the form to (b) (6) @va.gov.

When resubmitting, please be sure to include this email and the reference number listed in the subject line above so that all information is compiled in one location for the attorney's review.

Thank you,

(b) (6)

Ethics Specialty Team  
Office of General Counsel

(b) (6)  
(b) (6) @va.gov

**From:** (b) (6) @va.gov  
**Sent:** Thursday, May 7, 2020 12:13 PM  
**To:** OGCContinentalEthics (b) (6) @va.gov  
**Cc:** (b) (6) @va.gov; (b) (6) @va.gov  
**Subject:** FW: Off duty employment

Good morning.

I have received this inquiry, and wanted to run it past the Ethics Team for a review regarding VA Police Officers undertaking outside employment with the Crow Tribal Agency, as this may be a dual federal employment issue. I have cc'd the VISN ER/LR and the Sheridan Chief of Police, should you have questions or need additional information.

Mr. (b) (6) – I am forwarding your inquiry to our Ethics team for response. They should get back to you within the next few days with an answer. Please let me know if you have any questions.

Thank you!

Very Respectfully,

(b) (6)

Department of Veterans Affairs  
Continental District (AR, CO, LA, MS, MT, OK, TX, UT & WY)

(b) (6)

Denver, CO 80225

Phone: (b) (6)

Fax: (b) (6)

This message may contain information that is confidential and/or protected by law. If it has been sent to you in error, please reply immediately to advise the sender of the error and then destroy this message, any copies of this message and any printout of this message. If you are not the intended recipient of the message, any unauthorized dissemination, distribution or copying of the material in this message, and any attachments to the message, is strictly forbidden.

**From:** (b) (6) <(b) (6)@va.gov>

**Sent:** Thursday, May 7, 2020 10:38 AM

**To:** (b) (6) <(b) (6)@va.gov>

**Subject:** FW: Off duty employment

Good morning Ms. (b) (6)

My name is (b) (6). I am a (b) (6) with VISN 19. Would you have any opinion on the below question? My only concern is if the tribe is federally funded. I don't know how I would discern if they were or not.

(b) (6)

Region 1 Shared Service Unit (SSU)  
VA Rocky Mountain Network (VISN 19)  
Veterans Health Administration  
US Department of Veterans Affairs  
Office Phone: (b) (6)

This email is confidential and/or privileged. Use of this information by anyone other than the intended recipient is prohibited. If you have received this in error, please inform the sender and remove any record of this message.

**DISCLAIMER:** Please be advised that the content of any email(s)/letter(s) are just drafts/recommendations, and that the management official signing any document(s) is responsible for ensuring that the information contained herein is what you intend to express and that the action(s) proposed is initiated by you and not by the Employee/Labor Relations Staff. If you wish to modify and/delete any information please let me know to properly assist you.

From: (b) (6) @va.gov>  
Sent: Monday, May 4, 2020 5:18 PM  
To: (b) (6) @va.gov>  
Subject: RE: Off duty employment

Petie,

I just spoke with the Chief of Police for the Crow Tribal Agency, and he wanted me to make it clear to everyone, that the officers pay would not be from a federal agency, but from the tribe itself. This may make a difference in how they view it. The officers that work their have to get federal law enforcement certification, but are not paid by the federal government.

From: (b) (6) @va.gov>  
Sent: Monday, May 4, 2020 1:43 PM  
To: (b) (6) @va.gov>  
Subject: RE: Off duty employment

Afternoon sir,

I did have a lovely weekend. Lot's of "honey do" items to accomplish. I hope yours was nice as well.

Let me do some research on this and see what I can get for you. I think the big sticking factor will be where the funds come from. I'm on it sir.

(b) (6)

Region 1 Shared Service Unit (SSU)  
VA Rocky Mountain Network (VISN 19)  
Veterans Health Administration  
US Department of Veterans Affairs  
Office Phone: (b) (6)

This email is confidential and/or privileged. Use of this information by anyone other than the intended recipient is prohibited. If you have received this in error, please inform the sender and remove any record of this message.

***DISCLAIMER: Please be advised that the content of any email(s)/letter(s) are just drafts/recommendations, and that the management official signing any document(s) is responsible for ensuring that the information contained herein is what you intend to express and that the action(s) proposed is initiated by you and not by the Employee/ Labor Relations Staff. If you wish to modify and/delete any information please let me know to properly assist you.***

From: (b) (6) @va.gov>  
Sent: Monday, May 4, 2020 3:40 PM  
To: (b) (6) @va.gov>  
Subject: Off duty employment

(b) (6)



I hope you had a great weekend. I am hoping you can run something up the chain to OPM for me and get an approval. The Crow Tribal Agency contacted me last week and request our officers to augment their police department. This would be done on their off time, and not as a VA Police officer. This would be like a second part-time job. They would be working as Crow Tribal Federal Police. I know a lot of VA police officers work as part-time officers for other departments, I just want to make sure this is ok, since it is another federal police department.

Thank you for your time,

**(b) (6)**

Sheridan VAMC  
1898 Fort Rd  
Sheridan, WY 82801

**(b) (6)**

**(b) (6)** @va.gov

(b) (6)

**From:** (b) (6)  
**Sent:** Wednesday, May 17, 2023 7:17 AM  
**To:** (b) (6)  
**Subject:** FW: [EXTERNAL] Crow Police Dept. Background Investigation Waiver/Medical Insurance Census  
**Attachments:** Crow PD Back Ground Implemintation Waiver.docx; doc05245520200506131536.pdf

Please see below.

(b) (6)

Sheridan VA Medical Center

(b) (6)

Code of Integrity: <https://www.va.gov/VHAoversight/docs/VHA-code-of-integrity.pdf> Act With Integrity. Learn about and stay alert for signs of Fraud Waste and Abuse (FWA) Report FWA and Integrity Concerns: VA OIG Hotline: 1-800-488-8244 or [www.va.gov/oig/hotline](http://www.va.gov/oig/hotline) OIC Helpline: 1-866-842-4357 or [vhacbihelpline@va.gov](mailto:vhacbihelpline@va.gov)

**From:** (b) (6)@va.gov>  
**Sent:** Wednesday, May 20, 2020 4:49 PM  
**To:** SHE Police (b) (6)@va.gov>  
**Subject:** FW: [EXTERNAL] Crow Police Dept. Background Investigation Waiver/Medical Insurance Census

All,

We have been approved by the Office of General Council's Ethics division, to assist the Crow Agency with Law Enforcement Duties. If you want to do this as a part-time gig on your days off, you need to fill these forms out and send them to Terrill Bracken [Terrill.Bracken@crow-nsn.gov](mailto:Terrill.Bracken@crow-nsn.gov). He is the Chief of Police for Crow Agency. You also need to send him copies of all of your LE certs.

The way this will work is you will be sworn in as Crow Agency Officers and provided all the guns and gear. You will also have to qualify on your duty weapon before starting work. You will receive insurance through them and will be fully covered if any injuries occur, through the crow agency. You will do none of this as a VA officer and will not use any VA equipment, other than possibly your duty belt. You will not use your VA firearm or your VA intermediate weapons. This is a secondary part-time job. You will ride in a 2 man car with an officer that has worked and knows the area. The pay will be around 30 bucks an hour as well.

If you want to take part in this opportunity, get these forms and your certs to the Chief's email above, so he can get started on your background and start dates.

Thank you,

Chief

---

**From:** Chris Kortlander <[chris@historicalrarities.com](mailto:chris@historicalrarities.com)>

**Sent:** Monday, May 11, 2020 2:03 PM

**To:** (b) (6) <[REDACTED]@va.gov>; 'Chris Kortlander' <[chris@historicalrarities.com](mailto:chris@historicalrarities.com)>; 'Terrill Bracken' <[Terrill.Bracken@crow-nsn.gov](mailto:Terrill.Bracken@crow-nsn.gov)>

**Subject:** [EXTERNAL] Crow Police Dept. Background Investigation Waiver/Medical Insurance Census

V.A. Chief (b) (6) meet Crow Chief Terril Bracken.

Chief (b) (6) would you be so kind to have the officers that would like to work shifts for the Crow P.D. fill these two simple forms and send back to me as soon as you can. Even though you are awaiting final approval from DC this will give us a jump on the vetting process so we can be ready to go.

Any questions please call me. This is time sensitive.

Thank you,

Chris Kortlander

406 679 4444 cell