

ATTENDANCE BY DOD PERSONNEL

DoD personnel paying in full for their own Wallow ticket - The Federal Executive Branch ethics rules do not prohibit attendance by personnel paying in full for their own Wallow ticket – either via direct payment to the Order of the Carabao or via reimbursement to the ticket purchaser prior to the event.

Note: Optics are always a consideration. Therefore, it may be prudent for defense contractors to avoid purchasing tickets for DoD personnel on a reimbursable basis where possible. DoD personnel offered a reimbursable ticket (or unable to accept the gift of a free ticket) should ensure that they make prompt reimbursement of full market value for tickets procured by a defense contractor.

DoD personnel receiving a gift of free Wallow attendance – The Federal Executive Branch ethics rules may prohibit DoD personnel from accepting a gift of free attendance at the Wallow unless an exception applies. Unless an exclusion or exception applies, personnel may not accept gifts either 1) given by a prohibited source (e.g., a contractor); or 2) given by reason of the individual's official position. Personnel offered a gift of free Wallow attendance should consult their local ethics counsel to determine whether the gift may be accepted. One common exception used to permit acceptance of free attendance at events such as the Wallow is known as the Widely Attended Gathering (WAG) exception, found at 5 C.F.R. § 2635.204(g). This exception applies if the event meets the parameters set forth in the regulation (usually determined by agency ethics counsel) and the agency designee (usually the supervisor) makes a written determination as to agency interest. Attendance using the WAG exception is in a personal, not an official, capacity. Most DoD ethics offices provide standard forms for requesting and receiving a WAG determination. To ensure compliance with the Federal Executive Branch ethics rules, we suggest that DoD personnel consult with their supervisor and ethics counsel prior to acceptance of free Wallow attendance.

ATTENDANCE BY POLITICAL APPOINTEES - LOBBYIST GIFT BAN

Executive Order 13770 of January 20, 2017 prohibits political appointees from accepting gifts from lobbyists or lobbying organizations (which may include many defense contractors and other large companies). Many of the gift exceptions in § 2635.204 do not apply to gifts from lobbyists or lobbying organizations, to includes the WAG exception. Therefore, political appointees may not use the WAG exception to accept a gift of free Wallow attendance from a lobbyist or lobbying organization. However, please note that the Military Order of the Carabao is not a lobbying organization, and therefore, the Lobbyist Gift Ban would not apply to invitations extended by our organization.