

From: [Garcia, Monica L](#)
To: [Culver, Nada L](#)
Cc: [Genter, Constance G](#)
Subject: RE: Links
Date: Thursday, September 9, 2021 3:13:51 PM

Hi Nada! Constance is working with me on getting you an answer to your question and we had just a few follow up questions to discuss. That is the ethics discussion she requested on your calendar for tomorrow afternoon.

If you would prefer, we can work with Fran to find a different time on your schedule.

-Monica

From: Culver, Nada L <nculver@blm.gov>
Sent: Wednesday, September 1, 2021 7:59 PM
To: Garcia, Monica L <monica.garcia@sol.doi.gov>
Subject: RE: Links

Well they were hoping I could film a statement as soon as this weekend but I'm assuming I can wait a week or so if that's doable?

Thanks so much.

Nada Wolff Culver
Deputy Director, Policy and Programs
Bureau of Land Management
nculver@blm.gov
202-255-6979

From: Garcia, Monica L <monica.garcia@sol.doi.gov>
Sent: Wednesday, September 1, 2021 3:46 PM
To: Culver, Nada L <nculver@blm.gov>
Subject: RE: Links

Thank you, Nada. I'll assign out and get someone started on this ASAP. Is there a deadline when you need a response?

-Monica

From: Culver, Nada L <nculver@blm.gov>
Sent: Wednesday, September 1, 2021 4:53 PM
To: Garcia, Monica L <monica.garcia@sol.doi.gov>
Subject: Links

Hi Monica – Here's one of the links: <https://www.wilderness.org/get-involved/see-more-ways-give>

And it also appears here if you scroll down <https://www.scholarshipy.com/more-info/www.wilderness.org?page=2>

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From: [Culver, Nada L](#)
To: [Garcia, Monica L](#)
Cc: [Genter, Constance G](#)
Subject: RE: Links
Date: Thursday, September 9, 2021 4:29:06 PM

Thanks for explaining, Monica – I was hoping that was it. I have a call that could run a little over into that time but let's try to make it work and if I can't I'll let you know. Is that okay?

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From: Garcia, Monica L <monica.garcia@sol.doi.gov>
Sent: Thursday, September 9, 2021 1:14 PM
To: Culver, Nada L <nculver@blm.gov>
Cc: Genter, Constance G <constance.genter@sol.doi.gov>
Subject: RE: Links

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From: [Garcia, Monica L](#)
To: [Culver, Nada L](#)
Cc: [Genter, Constance G](#)
Subject: RE: Links
Date: Thursday, September 9, 2021 4:32:50 PM

That would be great. Looking forward to connecting with you!

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Cc: Genter, Constance G <constance.genter@sol.doi.gov>
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From: [Culver, Nada L](#)
To: [Genter, Constance G](#)
Cc: [Garcia, Monica L](#)
Subject: RE: Megan Dickie Wilderness Leadership Fund Tribute
Date: Saturday, September 11, 2021 12:07:36 PM

Thanks very much, Constance and Monica. I hope your weekends are off to an excellent and relaxing start.

Nada Wolff Culver
Deputy Director, Policy and Programs
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From: Genter, Constance G <constance.genter@sol.doi.gov>
Sent: Friday, September 10, 2021 5:20 PM
To: Culver, Nada L <nculver@blm.gov>
Cc: Garcia, Monica L <monica.garcia@sol.doi.gov>
Subject: Megan Dickie Wilderness Leadership Fund Tribute

Ms. Culver:

We understand you have been invited to provide a pre-recorded tribute to be played at the Wilderness Chic, a virtual celebration to be held on the evening of October 9, 2021, benefitting the Megan Dickie Wilderness Leadership Endowment Fund (Endowment Fund) and The Wilderness Society, hosted by The Wilderness Society. You would like to participate in this activity and also potentially participate in fundraising related to this Endowment Fund. We further understand that the aforementioned proposed outside activities will be unpaid and conducted in your personal capacity. Based on the limited facts presented, there is no legal objection under the ethics statutes and regulations, or the Administration's Ethics Pledge (Ethics Pledge), to your participating in the aforementioned proposed outside activities **subject to the restrictions discussed below**.

Based on the limited information provided, we understand that:

1. The Wilderness Society, a former employer of yours from 2003 through mid-2019, is a 501(c)(3) nonprofit organization land conservation organization dedicated to protecting natural areas and federal public lands in the United States. Megan Dickie, who was a close colleague of yours at The Wilderness Society, passed away suddenly and at a young age in 2017. That same year, an Endowment Fund was established in her name, the Megan Dickie Wilderness Leadership Endowment Fund, honoring her legacy and commitment to expanding the community of public lands advocates by providing law students of diverse backgrounds paid summer clerkships with The Wilderness Society. Since its inception, the Endowment Fund has provided numerous law students committed to public interest with experience working in public land law and conservation.

2. As a former colleague of Ms. Dickie and member of the Advisory Committee for the Megan Dickie Wilderness Leadership Fund, The Wilderness Society has asked you to provide pre-recorded remarks to be played at the virtual celebration. In addition, you potentially may elect to participate in fundraising efforts for the Endowment Fund. These aforementioned activities would be unpaid and conducted on your own time (aka in a personal capacity). The target audience of the virtual celebration consists of close friends and family of the Dickies, contacts of the Wilderness Society Steering Committee members (also friends of the Dickie family), as well as supporters of The Wilderness Society from key cities, including Denver, Chicago, NYC, Vail, and San Francisco, to name a few.
3. You currently serve as the Deputy Director for Policy and Programs for the Bureau of Lands Management.

Based on the limited facts presented, although The Wilderness Society is a prohibited source, providing filmed remarks and participating in fundraising activities as proposed in an unpaid and personal capacity does not require prior ethics approval under the Department's supplemental ethics regulations, found at 5 C.F.R. § 3501.105(b)(1)(i), as these outside activities do not meet the definition of "employment." Additionally, we note that your proposed outside activities as stated do not constitute a prohibited direct or indirect interest in federal lands as defined in 43 C.F.R. § 20.401.

Moreover, based on the limited facts presented, your proposed outside activities as stated do not create a personal or imputed financial interest creating recusal obligations under 18 U.S.C. § 208. Further, your proposed outside activities as stated do not create a "covered relationship" triggering recusal requirements under 5 C.F.R. § 2635.502. Please be advised, however, that were you to spend a significant amount of time devoted to coordinating fundraising efforts for The Wilderness Society's fundraising activities for the Endowment Fund, such activities would create a covered relationship with The Wilderness Society, pursuant to 5 C.F.R. § 2635.502(b)(1)(v), triggering recusal requirements as to particular matters involving specific parties to which this organization is a party or represents a party pursuant to 5 C.F.R. § 2635.502(a).

While there is generally no legal objection to your proposed outside activities, specifically providing filmed remarks in support of the Endowment Fund and participating in fundraising efforts related to the Endowment Fund in an unpaid personal capacity, we remind you of the following restrictions which are applicable to these proposed outside activities:

1. **Reference to Official Position:** You may not use or permit the use of your official title or position to identify you in connection with your outside activities. 5 C.F.R. § 2635.702.
- 2.
3. Please ensure adequate communication with organizers in order to help prevent an inadvertent use of your official title in publications, marketing material, advertisements, and other materials related to your pre-recorded speaking engagement. To this end, you may want to consider providing The Wilderness Society the following statement:
- 4.
5. *While I agree to provide you pre-recorded statements to be presented at the Wilderness Chic*

celebration event, I do not grant you permission to use my official title or position with the Department of the Interior (DOI). Specifically, I do not consent to the use of my DOI position, title or authority associated with my public office to endorse any product, service or enterprise, to include the Wilderness Chic virtual event, The Wilderness Society, and the Endowment Fund. Furthermore, I do not consent to the use of my DOI position, title or authority associated with my public office for any charitable fundraising purposes, to include stating or implying that DOI or its employees engaged in the solicitation of funds or sale of items except as authorized by law.

2. **No Endorsement:** You may not permit the use of your Government position or title or any authority associated with your public office to endorse any product, service, or enterprise, including the Wilderness Chic, The Wilderness Society or the Endowment Fund. 5 C.F.R. § 2635.702(c).
3. **No Use of Official Time or Government Property:** While engaging in outside activities, Federal employees are not permitted to use official time or Government property. 5 C.F.R. § 2635.101(b)(9), 704, and 705.
4. **No Use of Public Office for Private Gain:** Pursuant to 5 C.F.R. § 2635.702, you may not use your public office (authority or title) for your own private gain or the private gain of others, to include the Wilderness Chic, The Wilderness Society or the Endowment Fund.
5. **Nonpublic Information:** You may not use or improperly disclose nonpublic information or otherwise protected information acquired as part of your official duties which is not generally available to the public. 18 U.S.C. § 1905; 5 C.F.R. § 2635.703; 41 U.S.C. § 2102.
6. **Lobbyist Gift Ban:** As a reminder, we caution you not to accept gifts from registered lobbying organizations and registered lobbyists.
7. **Fundraising:** When fundraising in a personal capacity, you may not use or permit the use of your official title to further a fundraising effort. Additionally, you are prohibited from “personally soliciting” funds or other support from (a) a subordinate or (b) **any person whom you know to be a prohibited source within the meaning of 5 C.F.R. § 2635.203(d)**. 5 C.F.R. § 2635.808.
- 8.
9. Please be advised that the term “personally solicit” means to request or otherwise encourage donations or other support either through person-to-person contact **or through the use of your name or identity in correspondence or by permitting its use by others**. It does not, however, include the solicitation of funds through the media or through either oral remarks, or the contemporaneous dispatch of like items of mass-produced correspondence, if such remarks or correspondence are addressed to a group consisting of many persons, **unless it is known to you that the solicitation is targeted at subordinates or at persons who are prohibited sources**. It also does not include behind-the-scenes assistance in the solicitation of funds (*e.g.*, drafting correspondence, stuffing envelopes, or accounting for contributions). 5 C.F.R. § 2635.808(a)(4).

Please let us know if we can be of further assistance with this or any other question.

Regards,

-Constance

Constance G. Genter
Supervisory Attorney-Advisor (Acting), Advice and Counsel Branch
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U.S. Department of the Interior | Phoenix Field Office
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Email: constance.genter@sol.doi.gov

Visit us online at: www.doi.gov/ethics

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