

MEMORANDUM

January 22, 1997

To: File 3.1.6

From: Brian E. Rosen

Subject: Ethics Advice for Thom Wilborn Regarding Outside Consulting Contract

Thom was recently approached by his former employer, the National Milk Producers Federation ("NMPPF"), to present a contract proposal for some radio interviewing work. The work would involve creating audio cuts offered to radio stations by an on-demand digital provider. Thom was contacted by NMPPF because he had done similar work for them before. He would not use his government title in connection with this job in any way and he would perform all the work on his own time. Additionally, although NMPPF is a lobbying group, Thom would not be making any personal representations before the government.

After reviewing the applicable rules and regulations and consulting our desk officer at the Office of Government Ethics, I advised Thom that he could pursue the contract. I also advised him that he should be careful to structure the contact so that the contractual relationship exists solely between him and the NMPPF and does not involve the Beef Board, a federally appointed board funded by mandatory contributions by cattle producers. This precaution avoids any potential problems with § 203, which is interpreted by OGE to prohibit outside contracts contingent on the receipt of government funds.

Thom agreed to keep me informed of any new developments related to the proposed contract.