



AGA Ethics Handbook

Updated 2021

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PART I – CODE OF ETHICS¹

Association of Government Accountants (AGA) members and non-members who hold the Certified Government Financial Manager® (CGFM®) certification² exercise the highest quality of performance and help earn and maintain public confidence in the accountability profession.

Our Code of Ethics (the Code) sets a minimum standard of behavior and creates an expectation that AGA members and non-member CGFMs will conduct themselves in an ethical and professional manner. AGA members and non-member CGFMs agree to adhere to the Code of Ethics.

The Code consists of Four Principles with underlying rules supporting each Principle.

Principle 1: AGA Members and CGFMs Shall Serve and Support the Public Interest.

The public consists of citizens, taxpayers, customers, employers, employees, investors, the business and financial sector, and others who rely on the objectivity and integrity of government accountability professionals.

The public should reasonably expect those who serve government to be trustworthy. AGA members also have an obligation to demonstrate accountability. Accordingly, AGA members and non-member CGFMs must adhere to the following rules:

1. Abide by the expectations, standards and rules of the position they hold; and seek necessary information to interpret and apply them.
2. Accept personal responsibility for the foreseeable consequences of action(s) and inaction.
3. Adhere to the standards of conduct of their employer and any professional associations or organizations of which they are a member.
4. Consider the long-term interest of the government and its citizens.

Principle 2: AGA Members and CGFMs Shall Maintain the Highest Standards of Professionalism and Integrity.

Government accountability professionals shall work at the highest standards of professionalism, attain the highest levels of performance, and meet the public interest principle. Accordingly, AGA members and non-member CGFMs must adhere to the following rules:

1. Demonstrate integrity and credibility by being believable, trustworthy, straightforward and honest in performing professional services.
2. Maintain professionalism by acting with the skill, good judgment, and respectful behavior expected of someone trained to do a job well.
3. Perform quality services by providing the highest standards of performance and complying with all applicable professional standards.
4. Project confidence by instilling in others a full and strong belief that ethics govern their actions.
5. Perform job tasks with diligence.

¹ The Code can also be accessed via the AGA website at: <https://www.agacgfm.org/About/Code-of-Ethics.aspx>.

² The Code of Ethics also applies to CGFMs and CGFM candidates.

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6. Maintain professional knowledge and skills for effective, efficient work.
7. Perform the duties of their position and supervise the work of subordinates with the highest degree of professional care.
8. Engage only in those services for which they have the necessary knowledge, skills, and experience.
9. Exercise diligence, objectivity and honesty in professional activities, including utilization and management of resources.
10. Behave with dignity and respect for others.
11. Not engage in acts that are discreditable to the accountability profession.
12. Obey the law.

Principle 3: AGA Members and CGFMs Shall Remain Objective in Carrying Out their Duties and Responsibilities.

Objectivity requires being fair and not allowing prejudice, bias, conflict of interest, or influence of others to affect decision-making. Accordingly, AGA members and non-member CGFMs must adhere to the following rules:

1. Render opinions, observations or conclusions for official purposes only, after appropriate consideration of pertinent facts.
2. Remain free from real or perceived conflicts of interest.
3. Be fair and not allow prejudice, bias, conflict of interest, or influence of others to affect decision-making.
4. Avoid any activity that creates or gives the appearance of impropriety.
5. Remain aware of the responsibility to disclose to appropriate parties any improprieties that come to their attention.

Principle 4: AGA Members and CGFMs Shall Carefully Maintain and Protect Confidential Information.

The public, employers, and organizations with which members are affiliated expect members to maintain confidentiality over information. Accordingly, AGA members and non-member CGFMs must adhere to the following rules:

1. Refuse to disclose or use any confidential information acquired while performing professional services, unless proper and specific authority has been granted or a legal or professional right or duty to disclose becomes apparent.
2. Transmit and use confidential information obtained in their professional work only for the purpose intended, not for personal gain or advantage, or to the disadvantage of others.

PART II – PROFESSIONAL ETHICS BOARD CHARTER³ AND OPERATIONS

Purpose

The purpose of the Professional Ethics Board (PEB) is to elevate the awareness of and disseminate information on ethics issues for AGA members, for individuals who hold the Certified Government Financial Manager (CGFM) designation, and their employers.

Objective

PEB will uphold the Code commensurate with high standards of professional and personal conduct; review violations of those standards; and afford due process to those accused of violations of those standards..

Functions and Responsibilities

The board shall oversee all aspects of AGA's ethics program. Through AGA's National Governing Board (NGB), the board is responsible for:

- Maintaining and interpreting AGA's Code of Ethics.
- Reviewing the Code annually to determine whether changes to the Code are needed.
- Proposing amendments to the Code. (Proposed changes will be submitted to the AGA Chief Executive Officer (CEO) for submission to the National Governing Board (NGB).)
- Interpreting questions related to the Code.
- Overseeing the investigation and disposition of alleged violations of the Code.
- Providing information to AGA members and to individuals who hold the CGFM designation on ethics issues.
- Assisting AGA in providing training sessions on ethics topics.
- Promoting an ethics' perspective in AGA publications and at AGA educational events.

Operation

- PEB will review the Code annually to determine whether changes should be recommended. Any proposals for change will be submitted to the CEO for submission to the NGB for review and approval.
- If the need arises, PEB will investigate alleged violations of the Code. Upon hearing all evidence, PEB will render judgment and, if necessary, recommend appropriate sanctions.
- The PEB Charter will serve as the governing procedures and will be referred to as such in the National Policies and Procedures Manual.

Structure

The board shall consist of nine members (including the chair and vice chair). Of the nine members, at least two shall be from federal government and at least two shall be from

³ The PEB Charter can be accessed at <https://www.agacgfm.org/About/Leadership/National-Boards-and-Committees/Professional-Ethics-Board.aspx>.

state/local government.

Each board member shall be appointed for a three-year term⁴ and may be reappointed for an additional three-year term. To provide continuity, the terms of board members will be staggered. The chair and vice chair will each serve a one-year term but can be appointed to serve additional terms. The Association's CEO shall be an ex-officio board member.

The National President shall appoint the nine members, the board chair and board vice chair. The National Governing Board (NGB) shall approve all appointments.

Publication of Articles and Public Speaking

PEB members may be asked to write articles or speak in public on ethics topics. Unless an article or public talk has been reviewed and approved by the PEB, the author or speaker will include the following disclaimer in the article or presentation:

The views expressed in this [article/presentation] are my views and are not necessarily the views of the AGA Professional Ethics Board.

⁴ As needed to provide for staggered terms, some PEB members may be appointed to serve either a one- or two-year term.

PART III – ETHICS PRONOUNCEMENTS & INQUIRIES

Note: The following sections (Parts III-V plus Appendices) explain the procedures for carrying out AGA's professional ethics mission.

A. Ethics Pronouncements

1. Types of AGA Pronouncements

- a. Standards: the published Code
- b. Interpretations: guidelines for the scope and application of Code provisions.
- c. Rulings: applications of the Code and interpretations of a set of facts.

2. Enforceability

Any violation of the Code is subject to discipline by AGA through the PEB.

However, in determining whether the Code has been violated:

- a. A member who departs from a published interpretation bears the burden of justifying such departure in any disciplinary proceeding.
- b. A member who departs from a published ruling may be requested by the NGB to justify such departure.

3. Additions, deletions, amendments

- a. The need for new pronouncements arises when:
 - Inquiries received by the PEB reveal that existing pronouncements do not cover a specific subject;
 - Complaints received by the PEB indicate current standards, interpretations and rulings do not cover the type of activity reported;
 - Existing ethics standards require modification to bring them up-to date with the current PEB position on interpretation of the Code;
 - New situations arise in the practice of accounting and financial management that require standards, interpretations or rulings.
- b. Amendments to the Code are proposed and processed as prescribed in the Bylaws, in which the Code is included.
- c. The effective date of new pronouncements, other than amendments to the Code, shall be the publication date of AGA's next bi-weekly TOPICS.

B. Ethics Inquiries and Investigations

An "ethics inquiry" is designed to educate members (and non-member CGFMs) facing ethical dilemmas in a proactive and non-threatening manner. An inquiry is NOT a full-blown investigation. The PEB encourages members (and non-member CGFMs) to take advantage of the ethics inquiry process as a source of information and guidance in their decision-making processes.

1. The PEB may reply to requests for interpretations or rulings from:
 - a. Individual AGA members (and non-member CGFMs)
 - b. AGA Chapters
2. The following classes of ethics inquiries may be made:
 - a. Situations in which an existing provision or interpretation of the code of ethics or Board ruling is directly applicable.
 - b. Situations in which (a) does not apply and an interpretive opinion must be

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expressed in order to relate existing ethical standards to the question presented.

3. Inquiries will be processed as follows:
 - a. Only written inquiries will be accepted. They may be submitted by mail or e-mail and should be addressed to the AGA CEO or the chair of the PEB. Inquiries of a sensitive nature should be clearly marked "Ethics Confidential." All inquiries will be acknowledged.
 - b. An inquiry may be answered by the PEB Chair or a PEB member who has been authorized by the Chair to reply to inquiries. All responses to inquiries will be approved by the PEB.
 - c. Certain inquiries may be so complex or may present such new issues that they must be discussed by the full PEB membership (except those recused due to a conflict of interest) at a meeting, or alternatively by correspondence among all PEB members (except those recused due to a conflict of interest).
 - d. Inquirers are advised to review the regulations of government agencies, such as the Office of Government Ethics, SEC, GAO, Treasury Department, Federal Home Loan Bank Board, State Boards of Accountancy, etc., where applicable.
 - e. Inquirers will be made aware, along with PEB members and AGA staff, in so far as reasonably possible, that AGA intends to maintain strict confidentiality within the PEB on all inquiries.

4. Inquiries potentially involving ethics complaints or litigation shall be processed as follows:
 - a. The PEB will be sensitive to inquiries that suggest a prelude to possible complaint filings or lawsuits. As a matter of AGA policy, the PEB does not give legal advice or make "expert" statements for use in litigation.
 - b. Replies are only given when substantially all relevant facts become available and have been reviewed.
 - c. In replying to a general inquiry, consideration is given to the following:
 - Whether the inquirer is merely seeking references to existing ethical standards on a specific subject. In this case, the PEB should provide applicable references.
 - Whether the inquirer is seeking an opinion on the ethical conduct of an AGA member; if so, it is especially important that no interpretive reply is given until the PEB is assured that all facts have been detailed. Interpretations of another body's Standards of Conduct or Code of Ethics will be reserved to that entity.
 - Whether the inquirer is seeking guidance for a decision on filing an ethics complaint; if so, care must be taken to review facts and identify possible ethics violations without offering the inquirer any solutions. Until all sides of a story are obtained, any conclusion could be unwarranted and may create potential legal problems.
 - d. Ethics complaints against a specific AGA member or non-member CGFM will be processed through an investigation rather than these ethics inquiry procedures.
 - e. This handbook delineates time limits for selected steps of investigations, hearings, and appeals procedures.
 - f. The PEB Chair is responsible for determining whether alterations in time limits are warranted in a specific case and for notifying all parties affected if a time limit is changed.
 - g. All reply letters shall contain the following statement: "This reply is based upon facts as presented. Additional or revised information could alter our conclusion."

PART IV- ETHICS INVESTIGATION PROCEDURES

A. Investigations into violations of AGA's Code of Ethics can result from:

1. Complaints received from members or nonmembers.
2. Receipt of information from other direct or indirect sources.

B. Investigative responsibility

1. The PEB is responsible for reviewing an alleged ethics violation. If the PEB decides no action is warranted in the circumstance, no investigation will be ordered. The reasons for the decision, together with a copy of the allegation, will be made a matter of record with the PEB, but maintained confidentially.
2. All investigations of alleged ethics violations will be conducted by the PEB.

C. General

Complaints will be acknowledged, and every investigation will be pursued as expeditiously as possible. A complaint file is opened only when a decision has been made to launch an investigation.

D. Deferral of investigation due to litigation

1. For these purposes, litigation means civil, criminal, or administrative actions initiated by persons, entities, or government agencies, and all appeal processes involving matters that are subject to investigation.
2. If litigation is involved, in order to defer the investigation, the respondent must send a letter to the PEB with details of the litigation.
3. The respondent must notify the PEB within 15 days of completion of litigation. Investigation by PEB shall commence upon receiving the notification.
4. Quarterly follow-up with the respondent will be made to determine the status of litigation.
5. The PEB may conclude that a temporary suspension of the respondent's membership is warranted in order to protect AGA. Such suspensions will not be published and will be lifted upon conclusion of the ethics investigation.

E. Conflict of interest by a PEB member

If a complainant or respondent is associated with a PEB member, that PEB member must recuse him/herself from deliberation on the ethics matter. The PEB member will not receive copies of minutes or correspondence that refer to the matter in question. The PEB member must not correspond, participate in, or observe PEB discussions, answer questions, or vote on the matter.

F. Preliminary evaluation of a complaint

1. Upon receipt of a complaint, the PEB chair will appoint a committee of PEB members (usually two) to evaluate the complaint to determine if an investigation should be conducted.
2. The committee will contact the AGA National office to determine the respondent's current membership status and whether the respondent is a CGFM.
 - a. If the respondent is no longer an AGA member, AGA and the PEB have no jurisdiction over the respondent, the matter will be closed, and the complainant so informed.
 - b. If the respondent is a CGFM but not an AGA member, the PEB will inform the Professional Certification Board (PCB) and forward the complaint to the PCB for disposition.
 - c. If the respondent is a CGFM and an active AGA member, the PEB will inform the PCB, forward the complaint to the PCB, and coordinate the following steps with the PCB.
3. After an initial review of the complaint (including additional communications with the complainant as deemed appropriate) the committee will report to the PEB chair on its conclusions and recommendations. The PEB chair can conclude that (a) an investigation is not warranted, (b) an investigation is warranted, or (c) the matter should be discussed by the full PEB (except those recused due to a conflict of interest) for a decision to open an investigation.

G. Situations resulting in immediate termination

If a member is found guilty by a court of competent jurisdiction of a crime punishable by imprisonment of more than one year, a felony, or any crime involving moral turpitude⁵, the PEB may determine a sanction of termination without the need for further investigation. In such cases, before imposing the termination sanction, (1) the PEB will request that AGA's General Counsel conduct such evaluation as is necessary to verify that the member was, in fact, found guilty of such a crime; (2) the member shall be notified in writing of the PEB determination; and (3) the member shall be afforded seven (7) calendar days to respond. In such circumstance, the PEB may expel the member, suspend the member pending further investigation of the matter, or take any other disciplinary, remedial, or corrective action it deems appropriate. The member's appeal rights (see Part V) remain in effect in such cases.

H. Investigation procedures

1. The PEB chair will appoint an investigative panel of two PEB members to conduct an investigation.
2. Opening communication⁶ to the respondent
 - a. Opening communications to respondents are to be tailored to the situation at hand. The purpose of such communications is to advise the respondent of the pending action and obtain information that may offer the PEB a more complete understanding of the matter.
 - b. All letters and envelopes sent to respondents by the PEB or its investigative panel will be marked "Personal and Confidential."
 - c. The initial communication to a respondent will include the following statement in

⁵ "1 : an act or behavior that gravely violates the sentiment or accepted standard of the community

2 : a quality of dishonesty or other immorality that is determined by a court to be present in the commission of a criminal offense." [<https://www.merriam-webster.com/legal/moral%20turpitude.>]

⁶ Communications with respondents will generally be via electronic mail or telephone.

the body of the letter: "Initiation of an investigation does not mean the Professional Ethics Board has concluded a violation of AGA's Code of Ethics occurred."

- d. A link to the online AGA Ethics Handbook will be made available to each respondent.
- e. Under AGA Bylaws and implementing procedures, a member will be disciplined for failure to cooperate. Therefore, care must be taken to ensure the respondent receives adequate notice of the investigation.
- f. If a respondent does not reply within 15 days to an email communication requesting information, a follow-up letter shall be sent by certified mail, return receipt requested, by the AGA National Office, to the last known address of the respondent on AGA records. This letter will begin by inquiring whether the first communication was received and then inform the respondent that failure to respond within 15 days of receipt of the certified letter may be considered non-cooperation and thereby subject to disciplinary action. The letter will also reiterate specific questions and requests for information included in the previous communication.

3. Interviews of respondents

- a. In complex cases, representatives of PEB will afford respondents an opportunity for an interview as part of the investigative process and prior to implementing administrative reprimand or other PEB actions.
- b. The PEB interview team will consist of at least two people, and the interview should be planned to maximize information-gathering to support appropriate closing action.
- c. A memorandum reporting the results of the interview must be prepared; it shall include a statement of facts discussed in the interview and the respondent's replies to interview questions. The memorandum shall be sent to the respondent, who then will have 15 days to provide comment. Requests for time extensions may be approved by the PEB when, in its judgment, circumstances warrant such extension(s).

I. Resignation of a respondent before completion of an investigation

In the event that a member resigns or allows his or her membership to expire after a formal notice of a disciplinary complaint has been filed against him or her by the PEB, but before a final determination on the complaint by the PEB has been made, that member shall not be eligible for renewal of membership with the AGA unless authorized by the NGB. Additionally, such a member shall be given the status of "not eligible for membership" in AGA records.

J. Summary of investigation findings and recommendations

1. Findings of an investigative panel must be presented to the full PEB (except those recused due to a conflict of interest) in a report that shall include both the facts and the development of conclusions by the investigatory panel concerning any Code violation, including recommended sanctions, if any.
2. In simple investigations, items presented to PEB for rendering of the investigative panel's recommendations may include only the complaint, the first letter to the respondent, and the respondent's reply to that letter.
3. In complex cases, the investigative panel must prepare a comprehensive report covering the nature and background of the complaint, the specific issues involved,

the results of the interviews, and any other material the investigative panel believes the full PEB (except those recused due to a conflict of interest) should know. This report shall also include a description of any mitigating circumstances.

K. Conclusion of the investigation

1. The PEB will consider, discuss, and vote on approval of the investigative panel's conclusions and recommended sanctions.
2. Once approved by a vote of the PEB, the respondent will be informed of the outcome of the investigation, and informed of the respondent's appeal rights (see Part V).
3. Once the respondent's appeal (if any) has been adjudicated, the PEB will inform the complainant of the outcome of the investigation. The information communicated to the complainant will be limited to (a) the PEB's determination of what parts of the Code were violated and (b) the sanctions imposed. The complainant will be advised that he or she should keep the information communicated regarding the outcome confidential.
4. In the event a sanctioned member is also a member of another professional association or holds a credential subject to regulatory agency oversight, PEB will decide on a case-by-case basis whether to (a) inform the other association or regulatory agency of the ethics violation and sanction, and/or (b) provide a copy of the investigative panel report to the other association or regulatory agency.

L. AGA policy on publishing sanctions⁷

The purpose of Member Discipline Proceedings is to protect AGA, the public, government offices, and officials from members who have not discharged, will not discharge, or are unlikely to properly discharge their professional duties to their clients, the public, their employer, and the government accountability profession.⁸

Publication of sanctions furthers this purpose by:

- Letting AGA members and CGFM credential holders know that the ethics enforcement process is taken seriously;
- Protecting the reputation of the AGA;
- Protecting the reputations of AGA members and CGFM credential holders;
- Protecting the public;
- Protecting organizations that employ AGA members and CGFM credential holders.
- AGA's policies regarding publishing sanctions are set forth in the following paragraphs.

Sanctions of suspension and termination

Upon conclusion of an ethics investigation resulting in a determination that the Code of Ethics has been violated and a sanction of either termination or suspension of AGA membership has been decided upon, the PEB should⁹ publish that decision as follows:

⁷ This policy was approved by the NGB in January 2020.

⁸ AGA Ethics Handbook, 2018, Appendix B, A, 1.1.

⁹ "Should" denotes a presumptively mandatory requirement. If the PEB determines that any particular termination or suspension sanction decision will not be published, the basis for that determination will be

- The decision will be published one time in the routine communications to members and leaders (currently Topics, the AGA Journal, and Leadership Matters.)
- The decision will be published on an “Ethics Decisions” page on the AGA web site and generally remain on that web site page for 5 years in the case of terminations and 1 year in the case of suspensions.

The published decision will be limited to:

- The sanction(s) imposed,
- A brief, factual statement of the respondent’s action(s) that resulted in the sanction, and Reference to the specific Code of Ethics provision(s) that those action(s) violated.

AGA’s legal counsel will review and approve each disclosure to be published before it is published.

In the event that an allegation against a member or CGFM leads the PEB to conclude that the member or CGFM should be suspended pending completion of the investigation (interim suspension), such suspension will not be published until and unless the completed investigation has concluded that a suspension or termination sanction is warranted.

Normally, the name of the respondent will not be published. However, the PEB may include the name of the respondent in a published decision if the PEB decides that doing so would be important to protect the reputation of AGA or AGA members and CGFM credential holders, protect the public, or protect organizations that employ AGA members and CGFM credential holders. AGA’s National Governing Board (NGB) will review and approve each disclosure that includes the name of the respondent before it is published.

Sanctions of Other Than Suspension and Termination

For ethics investigations resulting in a sanction of other than termination or suspension (i.e., reprimand or reciprocal discipline), the PEB will decide on a case-by-case basis whether the sanction will be published after consideration of the nature and seriousness of the offense. If the PEB decides that such sanctions will be published, the published decision will be limited to:

- The sanction(s) imposed,
- A brief, factual statement of the respondent’s action(s) that resulted in the sanction, and
- Reference to the specific Code of Ethics provision(s) that those action(s) violated.

Such decisions will be published as follows:

- The decision will be published one time in the routine communications to members and leaders (currently Topics, the AGA Journal, and Leadership Matters.)
- The decision will be published on an “Ethics Decisions” page on the AGA web site and generally remain on that page for 1 year.

AGA’s legal counsel will review and approve each disclosure to be published before it is published.

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Normally, the name of the respondent will not be published. However, the PEB may include the name of the respondent in a published decision if the PEB decides that doing so would be important to protect the reputation of AGA or AGA members and CGFM credential holders, protect the public, or protect organizations that employ AGA members and CGFM credential holders. AGA's NGB will review and approve each disclosure that includes the name of the respondent before it is published.

PART V – APPEAL PROCESS

A. Right to Appeal

1. When the respondent receives PEB's final decision, the respondent may appeal by submitting a written request that includes all pertinent facts and/or materials related to the case. The written appeal must be submitted by certified mail within 15 calendar days of receiving PEB's decision to: Association of Government Accountants, ATTN: National President, 2208 Mt. Vernon Avenue, Alexandria, VA 22301.
2. The National President (in consultation with the NGB) has 30 days after receipt of an appeal to consider the case and render a final decision to the PEB and the respondent (by certified mail).

APPENDIX A:

EXPLANATIONS AND INTERPRETATIONS

The information in this Appendix is not intended to supplant the Code of Ethics, but rather to elaborate on how the Code can and should be interpreted in practice.

Principle 1: AGA Members and CGFMs¹⁰ Shall Serve and Support the Public Interest.

AGA members and CGFMs shall adhere to the standards of conduct promulgated by their employer, their government, and any other professional associations or organizations of which they are a member.

All applicable legal requirements for government employees and those doing business with the government should be interpreted and, when necessary, supplemented by codes of ethics or conduct. In many cases, individual government bodies and professional organizations interpret the same goals with varied stringency. As AGA members and non-member CGFMs, we must be aware of and consider all standards and interpretations that apply to us in our work. We must also seek guidance from appropriate counsel when resolving apparent conflicts.

Example: A non-member CGFM attended an AGA professional development conference, paid for in full by his employer. The CGFM won a door prize valued at over \$350 that had been donated by one of the conference exhibitors, a computer software company. The door prize was awarded at a conference luncheon in a random drawing from the names of all attendees. Although the door prize did not violate AGA standards of conduct or other guidelines, it was not allowed by the CGFM's employer, which stipulates in its own standards of conduct that any prizes or gifts received by employees at events paid for by the employer become the property of the employer. Therefore, the employer claimed the prize upon the recipient's return to the office.

In carrying out duties and responsibilities, AGA members and CGFMs consider public interest to be paramount.

As government accountability professionals, we are entrusted by the public to carry out our work with their best interest in mind. Public trust is often fragile and can be destroyed by scandal, allegations of fraud, or mismanagement of public funds. We must perform our duties to the best of our abilities, with public interest as our highest consideration.

In carrying out the duties of a government accountability professionals, it is important to make sound decisions in the public interest and to discharge duties to protect the safety and security of the public.

For example:

- Take care to secure confidential business information and other information that is private.

¹⁰ The Code of Ethics also applies to CGFMs and CGFM candidates.

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- Never use information discovered in performing official duties for personal gain.
- Discharge duties in accordance with all applicable laws.

The public is our ultimate customer; they provide the resources to support public services. The accountability services we provide ultimately serve and benefit the public. We should always be guided in our decision-making process by the question: “What choice will best serve the public?”

Never engage in acts, or be associated with activities, that are contrary to public interest. Also, do not engage in acts or be associated with activities that discredit AGA or the government accountability profession.

For example:

- Do not join an organization that advocates the overthrow of government.
- Never make a public display of encouraging dishonest dealings with government offices or officials.

Principle 2: AGA Members and CGFMs Shall Maintain the Highest Standards of Professionalism and Integrity.

AGA members and CGFMs will actively promote and encourage the highest level of ethics within the government accountability community and profession.

We can maintain the public’s confidence only to the extent that every one of our contacts with the public reflects the highest ethical and moral standards. AGA members and non-member CGFMs shall observe and promote certain rules arising from the principle of supporting the public interest to achieve the objectives and principles of the government accountability profession and AGA. The following are AGA guidelines related to some unethical situations:

- Bribery:** Do not provide favors or exercise official influence for money or any other thing of value.
- Persons seeking influence:** Do not accept gifts, favors, or gratuitous benefits of any kind from persons seeking official action from you or your agency, doing official business with you or your agency, or conducting activities which you or your agency regulate.
- Expressions of gratitude:** Do not accept any personal benefit other than your official salary as payment, reward, or expression of gratitude for the performance of a public duty or the exercise of official influence.
- Benefits given because of public position:** Do not accept gifts, favors, or benefits of any kind that would not be conferred but for your official position.
- Favoritism:** Do not use your official powers or influence to confer financial or other undue benefits on family, friends, or yourself.
- Use of title:** Do not use your official title, badges, identification cards, official letterhead, or the stature of your public office to gain any personal advantage or to create the appearance of government endorsement of your personal activities or those of others.
- Use of government resources:** Do not use government resources, including facilities, services, staff, supplies, or your own official time, for any purpose other than

official duties.

- ❑ **Use of nonpublic information:** Do not use information obtained through official public employment for personal gain or any reason other than the performance of duties. Do not provide information acquired through official duties to others, such as family members or friends.
- ❑ **Good faith implementation:** Acknowledge the authority of others to make policy and implement policies and regulations of authorized policy-makers in good faith.
- ❑ **Duty to improve system:** Actively and continuously seek to improve systems and procedures in order to render public service with the utmost courtesy, efficiency, and equity.

Example: A government contracts auditor is assigned the case of a computer software company. On three separate occasions during one calendar year, the company offers the auditor computer software valued at \$25. The value of each gift exceeds the \$20 limit per occasion as well as the \$50 annual limit imposed by the auditor’s employer. The auditor must not accept the software. Further, even if the value of the software is less than the limit defined by the employer, the auditor still should not accept it because so doing would create the appearance of impropriety, suggesting the company influenced the auditor’s performance of official duties.

AGA members and CGFMs will conduct themselves with integrity, dignity, and respect for others.

In addition to daily assigned tasks, each of us plays an important public relations role for the government accountability profession. We must act not only with complete propriety, but also with transparency, so that our actions will not be misinterpreted. The focus of ethics is on behavior, meaning personal conduct and how others perceive it. We must always strive to do the right thing in our public jobs and our personal lives. As former Supreme Court Justice Potter Stewart said, “There is a big difference between what you have a right to do and what is right to do.”

AGA members and CGFMs can demonstrate integrity by:

- ❑ Acting in ways consistent with core beliefs and ensuring practices are congruent with established and public principles.
- ❑ Honoring and adhering to the principles of public service ethics, the mission and values of organizations and personal moral beliefs with courage and character, regardless of personal (family), political, social, and economic pressures.
- ❑ Expressing and defending the concept of what is right, and upholding ethical convictions to the best of one’s ability.
- ❑ Demonstrating honest effort in the performance of official duties.

AGA members and CGFMs can demonstrate dignity by:

- ❑ Showing commitment to justice, equitable treatment of individuals, and appreciation for diversity in all official and managerial actions.
- ❑ Being truthful, sincere, forthright, and, unless required by professional duties of confidentiality or special discretion, candid, straightforward, and frank.
- ❑ Keeping promises, fulfilling commitments, and abiding by the letter and spirit of agreements.

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- Accepting responsibility for the foreseeable consequences of action(s) and inaction.

AGA members and CGFMs can demonstrate respect for others by:

- Making official and managerial decisions with impartiality and professional objectivity based on consistent and appropriate standards.
- Acknowledging and honoring the right of those affected by official and managerial decisions to autonomy, privacy, and fair treatment.
- Treating all others with courtesy and decency.

AGA members and CGFMs will strive to perform the duties of their positions and supervise the work of subordinates with the highest degree of professional care.

As government accountability professionals, we are afforded a degree of trust that a job or assignment will be done properly, whether completed by ourselves or by our subordinates. It is imperative to safeguard that trust to remain a profession recognized for its integrity.

The duties of a government accountability professional are usually spelled-out in a formal position description. However, duties and responsibilities can (and often do) go beyond the written position description. "That's not my job" is not an acceptable statement from a government accountability professional. While this does not imply we perform all tasks and functions in our organizations, it encourages openness to new ways to apply our knowledge and skills to the benefit of our employers.

Many times we cannot perform all necessary work, so we delegate tasks to others whom we oversee or supervise. The key to effective supervision is imparting to subordinates the necessity of professional care for the delegated duties to be adequately performed. To accomplish this, the supervisor becomes an educator as well as an overseer of others.

Example: An accounting manager, in reviewing reconciliations performed by staff accountants, notices one reconciliation done to within a few hundred dollars of the trial balance amount, with the words "difference immaterial" written on the statement. The supervisor instructs the subordinate on the importance of accurate reconciliations and the way in which a few hundred dollars could, cumulatively, result in thousands of dollars in misstatements.

Professional care demands reasonable skill and judgment in performing a task. It may entail gathering more information, new skills, or additional knowledge to fully support or enhance a work product. Professional care implies neither ultimate perfection nor extraordinary performance. In addition, striving to the highest degree of professional care requires constant self-evaluation in which we maintain a healthy degree of professional skepticism regarding our own work.

Example: An auditor is fairly sure she has enough supporting evidence to finalize and publish a finding. Management disagrees with the finding, citing a regulation unknown to the auditor. Although the auditor firmly believes her finding is sound, she will investigate management's rebuttal to determine the impact of the regulation on her finding.

AGA members and CGFMs continually seek to increase professional knowledge and skills to improve service to employers, associates, and fellow members.

The CGFM program, as well as most other professional accountability certifications and organizations, requires a MINIMUM of 80 hours of Continuing Professional Education (CPE) every two years to maintain certification. CGFMs are required to obtain this training in

government accountability or related topics.

An employer's lack of support in paying for training is not an acceptable excuse for failing to maintain the minimum education requirement.

We must consider the level of knowledge and skills needed to provide services to our employers, associates, and fellow members. Oftentimes, the demand for greater knowledge and skill outpaces the required certification minimum (cited above). Therefore, we should not pursue CPE merely to meet requirements, but to improve delivery of service.

We must constantly refine our skills to keep up with rapid changes in the world if we expect to continue to serve the public. Financial managers who do not remain current with professional issues, specific disciplines, and general skill improvement perform a disservice to their employers, themselves, and the public in general.

The purpose of furthering knowledge and skills is to enhance service to employers, associates, and fellow members. We have a responsibility to serve to the best of our abilities. If we neglect to better those abilities, we break trust with our employers, associates, and fellow members.

Additionally, in the pursuit of knowledge and new skills, we must aim to choose classes that will assist our employers and not just ourselves. In this light, we should schedule a well-rounded training agenda that goes beyond traditional accounting topics and explores subjects related to agency mission, communications, and other non-traditional skills needed in our work.

Example: An auditor is given a training budget for the year. The audit plan calls for audits of local area network (LAN) security, as well as agency motor vehicle usage. With these audits in mind, she schedules training on LAN security before that audit commences and plans to take a course on the agency's personal computer database product to help in analyzing data regarding vehicle usage. By organizing CPEs to enhance upcoming audits, the auditor is increasing her value to both her employer and the auditees.

We live and work in an environment with an ever-expanding knowledge base. Although government accountability professionals possess skills and knowledge in numerous disciplines, no one is expert in everything. Therefore, we must assess our knowledge, skills, and abilities to determine if our levels of expertise are adequate to render a decision on a specific matter. Failure to recognize and request needed assistance can lead to faulty decision-making and, in turn, a loss of respect by the public and those who rely on our work. In short, it is important to recognize our limitations.

Diligence is striving to achieve an end through various obstacles. Government accountability professionals should pursue their work with diligence; however, reason and judgment should temper this pursuit to ensure diligence does not become obsession, which can taint work efforts with cost ineffectiveness and wastefulness.

Example: A team is assembled to develop a revenue management program to replace a conglomeration of disconnected systems. They overcome "turf wars" among units angling for their system to be the one used agency-wide; disagreements among team members over which system to choose; and loss of key team members to other projects and outside employment. Nevertheless, through diligence and staying focused on the goal of a single program to meet the needs of all operating units, the team completes the task and delivers a useful product.

AGA members and CGFMs must remain aware of and strive to apply work-related requirements and standards prescribed by authorized government agencies and employers.

Many agencies and organizations prescribe requirements and standards for government accountability professionals. The US Government Accountability Office, the Government Accounting Standards Board, federal and state agencies, as well as executive directives by governors, mayors, and commissioners, legislative mandates, and AGA are among the numerous forces that regulate or influence the work of government accountability professionals. In some instances, unclear, vague or conflicting requirements may exist. Government accountability professionals should be familiar with all factors affecting their work and obtain authoritative interpretations whenever the appearance of conflicting requirements or standards occurs.

Principle 3: AGA Members and CGFMs Shall Remain Objective in Carrying Out their Duties and Responsibilities.

AGA members and CGFMs render opinions, observations or conclusions for official purposes only, after (a) appropriate consideration of pertinent facts; (b) ascertainment of one's own expertise in that area; and (c) a determination free from real or perceived conflicts of interest.

Opinions, reports, statements (numerical and qualitative) and other communication media are means used by government financial managers to express professional evaluations of data in their areas of expertise. The credibility of these outputs are assured by ethical choices made by the financial managers responsible for their preparation.

Many inputs must be considered before rendering an opinion, observation, or conclusion on a matter. It is important not to overlook or discount applicable facts because of personal prejudice, lack of understanding, or intentional oversight of information or its source. All facts pertinent to the task at hand must be considered before making a professional decision on a matter.

Likewise, the government accountability professional should be wary of basing opinions and judgments only upon knowledge currently possessed. Additional research into a specific matter is sometimes necessary before expressing professional thoughts on it.

Example: An agency's Director of Administration is evaluating a lease-versus-buy decision regarding a piece of equipment. Although he knows owning the equipment would reduce payment processing work for the finance unit, leasing makes more economic sense, given the equipment's relatively short expected useful life and the discounted lease payments. Because it is more beneficial to the agency, he chooses the lease, although his decision will negatively impact the workload of the finance unit under his direction.

AGA members and CGFMs avoid conflicts of interest whenever possible, and resolve or disclose conflicts of interest that are unavoidable.

It is important to address all real or perceived conflicts of interest as soon as they are identified and to avoid them whenever possible. The appearance of a conflict of interest destroys the credibility of any work done by a government accountability professional. All potential conflicts of interest should be brought before an individual's supervisor and openly discussed to determine appropriate action (unrestricted assignment, restricted duties, reassignment, etc.)

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Individuals should evaluate each assignment received to ensure freedom from any conflicts of interest, real or apparent. Governments and employers usually have detailed requirements regarding conflicts of interest that apply to all employees in addition to definitive provisions for specific positions, such as auditors, procurement officials, and financial personnel in general. Also, employers may require completion of formal statutory or regulatory conflict of interest statements.

An AGA member or CGFM who conceals or knowingly fails to disclose any potential conflicts of interest can be subject to disciplinary action by AGA. Additionally, refusal to comply with or deliberate falsification of a government or employer's conflict of interest requirements can be considered grounds for disciplinary action by AGA.

Example: A government accountability professional is asked to join a request for proposal (RFP) evaluation panel. She accepts, knowing she can objectively evaluate proposals for the service being sought by the agency. After agreeing to serve on the panel, the accountability professional learns that one proposal came from a firm where she worked three years before. She notifies the evaluation team leader and the agency procurement officer of the dilemma. After the matter is discussed, the accountability professional resigns from the evaluation team to avoid the potential conflict of interest. She feared a protest of favoritism would erupt if her prior employer was awarded the contract; and, likewise, that if another firm won the contract, her former employer might claim a negative bias because the accountability professional had been terminated there.

AGA members and CGFMs must exercise diligence, objectivity and honesty in professional activities and must remain aware of the responsibility to disclose the discovery of improprieties to appropriate parties.

Diligence, objectivity and honesty are key traits sought in government accountability professionals. They are the core values and necessary attributes for performing our work with confidence. Without them, government accountability would not exist as a profession.

Government accountability professionals must maintain an independent attitude and appearance regarding work. They should be free from bias and prejudices based on past experiences. All conclusions and reports must be fact-based.

This does not mean that bits of information, clues, tips, or other evidence should be completely ignored. The accountability professional must weigh and judge all applicable data to determine whether it applies to the work at hand.

Example: A newly appointed agency head is assigned to direct a new agency that will run a state lottery. The individual personally opposes a state lottery, but, despite his opinion, accepts the challenge to honor the wishes of the electorate. He assembles an agency staff and gathers facts and data from other state lotteries, which is evaluated and used to design a successful, well-controlled lottery.

Above all other qualities, honesty should be the most treasured by government accountability professionals. Honesty is the core source of credibility—and without credibility, government accountability professionals lose their ability to contribute to the well-being of an organization's mission and purpose.

Example: An auditor completes an audit and issues a report. Management concurs with the findings and begins corrective action. In closing out the work papers, the auditor notices a

reference to a policy that was previously overlooked. Application of the policy would have negated a component of one finding, although the main point of the finding remains valid. The auditor immediately notifies the agency head, auditee, and all affected personnel of the mistake and issues a revised audit report.

When any suspicion of improprieties arises, appropriate authorities within the organization should be informed. In some circumstances, it may be appropriate to directly notify an outside organization, such as a law enforcement entity. However, most government organizations have internal mechanisms (Inspector General, Internal Audit, Investigators, Police, etc.) to handle improprieties or illegal activities.

Caution is advised before undertaking any investigation: accountability professionals must be sure they have adequate training to handle it.

Example: An accounts payable clerk routinely reviewing travel vouchers notices a senior manager (to whom her supervisor reports) attended a conference in another state and rented a car. This is not unusual, except that the conference was held at a hotel near the airport and 1,000 miles were put on the rental car. The clerk reasons correctly that a rental car was not justified for this trip. She approaches her supervisor, but he is reluctant to confront his own supervisor, who had filed the excessive travel voucher. Therefore, the clerk brings the matter before the agency's internal audit and investigation unit for additional action.

Avoid any activity that creates or gives the appearance of a conflict of interest with work-related responsibilities.

An AGA member or CGFM has an obligation to follow the Codes of both their employer and AGA and to meet ethics training requirements of their employer and AGA's CGFM credential. Generally, employer codes deal with conflicts of interest and require employees to seek guidance from senior organization ethics officials as circumstances warrant. It is crucial to be aware of situations that may cause an actual or apparent conflict of interest in professional duties.

Remember always to separate personal opinions from official positions of an employer. Do not engage in private employment, self-promote as an independent practitioner, or accept other remuneration or benefits, except as authorized by an employer.

Principle 4: AGA Members and CGFMs Shall Carefully Maintain and Protect Confidential Information.

AGA members and CGFMs will transmit or use confidential information obtained in their professional work only for the purpose intended and neither for personal gain or other advantage nor to the disadvantage of others.

The business of government is fueled by information, its primary asset. Protecting the public's privacy and safeguarding confidential information is a public trust we must uphold. As AGA members and CGFMs, we must ensure that confidential and private information is used only for official purposes and that the information collected is only that which is necessary or relevant to a government agency's mission or the legally mandated or authorized purpose.

Example: In examining a company, a government regulator discovers information that suggests extreme financial difficulty. A good friend of the regulator owns stock in the company and could lose a large amount of money, should this information become public.

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The regulator informs the friend about the situation so the friend can sell stock before “financial difficulty” information is made known and avoid potential losses. The regulator has acted improperly and possibly illegally by disclosing confidential information obtained through work.

APPENDIX B:

STANDARDS FOR IMPOSING MEMBER SANCTIONS

Definitions:

“Client” is a person or organization who engages the professional advice or services of another, e.g., employer.

“Injury” is harm to a client, the public, AGA, or the government accountability profession that results from a member’s misconduct. The level of injury can range from “serious” injury to “little or no” injury; a reference to injury alone indicates any level of injury greater than “little or no” injury.

“Intent” is the conscious objective or purpose to accomplish a particular result.

“Knowledge” is the conscious awareness of the nature or attendant circumstances of the conduct but without the conscious objective or purpose to accomplish a particular result.

“Negligence” is the failure of a member to heed a substantial risk that circumstances exist or that a result will follow—a failure that causes deviation from the standard of care a reasonable member would exercise in the situation.

“Potential injury” is harm to a client, the public, AGA, or the government accountability profession that is reasonably foreseeable at the time of the member’s misconduct and which, but for some intervening factor or event, would probably have resulted from the member’s misconduct

A. PURPOSE AND NATURE OF SANCTIONS

1.1 The purpose of Member Discipline Proceedings is to protect AGA, the public, government offices, and officials from members who have not discharged, will not discharge, or are unlikely to properly discharge their professional duties to their clients, the public, their employer, and the government accountability profession.

1.2 Public Nature of Member Discipline: Ultimate disposition of member discipline may be public in cases of termination and suspension.

1.3 The purpose of these standards is for use in imposing a sanction or sanctions after determination by clear and convincing evidence that an AGA member or CGFM has violated a provision of the Code. Descriptions in these standards of substantive disciplinary offenses are not intended to create grounds for determining culpability independent of the Code.

The standards constitute a model, setting forth a comprehensive system for determining sanctions. They allow flexibility and creativity in assigning sanctions in specific cases of member misconduct and are designed to promote:

- consideration of all factors relevant to imposing an appropriate sanction in an individual case;
- consideration of the appropriate weight of such factors such as the stated goals of member discipline; and
- consistency in the imposition of disciplinary sanctions in similar offenses.

B. SANCTIONS

2.1 Scope: A disciplinary sanction is imposed on an AGA member or non-member CGFM upon a finding or acknowledgment that the member violated the Code.

2.2 Termination ends the individual's status as a member. No application for readmission to AGA will be considered for two years from the effective date of termination.

2.3 Suspension is the removal of a member from AGA for a specified time period. Generally, suspension lasts six months or longer; but never more than two years.

2.4 Interim Suspension is the temporary suspension of a member from AGA, pending imposition of final discipline. Interim suspension includes:

- a) suspension upon conviction of a serious crime; or
- b) suspension when the member's continuing conduct is or is likely to cause immediate and serious injury to the public, the individual's employer, AGA, and/or the government accountability profession.

2.5 Reprimand, also known as censure or public censure, is a form of public discipline which declares the conduct of a member improper, but does not limit the member's right to participate in AGA.

2.6 Reciprocal Discipline is the imposition of a disciplinary sanction on a member who has been disciplined by another association or professional organization.

C. FACTORS TO BE CONSIDERED IN IMPOSING SANCTIONS

3.0 GENERAL

In imposing a sanction after a finding of member misconduct, the PEB should consider the following:

- a) the standard violated;
- b) the potential or actual injury caused by the member's misconduct; and
- c) the existence of aggravating or mitigating factors.

4.0 VIOLATIONS OF DUTIES OWED TO CLIENTS

4.1 Failure to Preserve the Client's Property

4.11 Termination is generally appropriate when a member knowingly converts client property and causes injury or potential injury to a client.

- 4.12 Suspension is generally appropriate when a member knows or should know that he is dealing improperly with a client's property and causes injury or potential injury to that client.
- 4.13 Reprimand is generally appropriate when the member is negligent in dealing with the client's property and causes little or no actual or potential injury.

4.2 Failure to Preserve the Client's Confidences

- 4.21 Termination is generally appropriate when a member, with the intent to benefit him/herself or another, knowingly reveals information relating to a client that is not lawfully permitted to be disclosed; and that disclosure causes injury or potential injury to the client.
- 4.22 Suspension is generally appropriate when a member inadvertently or negligently reveals information relating to the client that is not lawfully permitted to be disclosed; and that disclosure causes injury or potential injury to the client.
- 4.23 Reprimand is generally appropriate when a member negligently reveals client information not lawfully permitted to be disclosed; and no actual or potential injury comes to the client.

4.3 Failure to Avoid Conflicts of Interest

- 4.31 Termination is generally appropriate when a member, without the informed consent of a client:
- a) works with the intent to benefit him/herself or another, knowing that his/her interests are adverse to those of the client, and causes serious or potentially serious injury to the client; or
 - b) simultaneously works for clients the member knows to have adverse interests with the intent to benefit him/herself or another and causes serious or potentially serious injury to the client.
- 4.32 Suspension is generally appropriate when a member knows of a conflict of interest and does not fully disclose to a client the possible effect of that conflict and causes injury or potential injury to the client.
- 4.33 Reprimand is generally appropriate when a member is negligent in determining whether interests directly conflict with those of a client, and the client suffers little or no actual or potential damages.

4.4 Lack of Diligence

- 4.41 Termination is generally appropriate when a member:
- a) knowingly fails to perform duties and causes serious actual or potentially serious injury to a client; or
 - b) engages in a pattern of neglecting duties and causes serious actual or potentially serious injury to a client.
- 4.42 Suspension is generally appropriate when a member:
- a) fails to perform duties and causes serious or potentially serious injury to a client; or
 - b) neglects duties and causes serious actual or potentially serious injury to a client.
- 4.43 Reprimand is generally appropriate when a member is negligent in performing duties and causes little or no actual or potential injury to a client.

4.5 Lack of Competence

- 4.51 Termination is generally appropriate when a member's course of conduct demonstrates that the member does not understand fundamental government accountability principles or procedures, and the member's behavior causes injury or potential injury to a client.
- 4.52 Suspension is generally appropriate when a member works in an area in which the member knows he/she is not competent and causes injury or potential injury to a client.
- 4.53 Reprimand is generally appropriate when a member:
- a) demonstrates failure to understand and practice relevant government accountability principles and procedures and causes little or no actual or potential injury to a client; or
 - b) is negligent in determining his/her own competence to handle specific government accountability tasks and causes little or no actual or potential injury to a client.

5.0 VIOLATIONS OF DUTIES OWED TO THE PUBLIC

5.1 Failure to Maintain Personal Integrity

The following sanctions are generally appropriate in cases involving commission of a criminal act that reflects adversely on the member's honesty, trustworthiness, or fitness as a member in other respects, or in cases of behavior involving dishonesty, fraud, deceit, or misrepresentation.

- 5.11 Termination is generally appropriate when a member
- a) engages in serious criminal conduct, which includes false swearing, misrepresentation, fraud, extortion, misappropriation, or theft; or the sale, distribution, or importation of controlled substances; or the intentional killing of another; or an attempt, conspiracy, or solicitation of another to commit any of these offenses; or
 - b) engages in any other intentional behavior involving dishonesty, fraud, deceit, or misrepresentation that seriously reflects on the member's fitness to serve as a public employee.
- 5.12 Suspension is generally appropriate when a member engages in criminal conduct not listed above that is unrelated to her or his duties as a public employee.
- 5.13 Reprimand is generally appropriate when a member knowingly engages in any other behavior or conduct that involves dishonesty, fraud, deceit, or misrepresentation and that adversely reflects on the member's fitness to be a public employee.

5.2 Failure to Maintain the Public Trust

The following sanctions are generally appropriate in cases involving members who engage in conduct that is prejudicial to the development and application of sound government accountability principles or who state or imply an ability to influence improperly a government or private enterprise agency or official.

- 5.21 Termination is generally appropriate when a member in an official position knowingly misuses the position with intent to obtain a significant benefit or advantage for him/herself or another, or with the intent to cause a serious or potentially serious injury to a party or to the integrity of the government accountability process.

5.22 Suspension is generally appropriate when a member in an official position knowingly fails to follow proper procedures or other rules and causes injury or potential injury to party or to the integrity of the government accountability process.

5.23 Reprimand is generally appropriate when a member in an official position negligently fails to follow proper procedures or other rules and causes little or no actual or potential injury to a party or to the integrity of the government accountability process.

6.0 VIOLATIONS OF DUTIES OWED THE GOVERNMENT ACCOUNTABILITY PROFESSION

False Statements, Fraud and Misrepresentation: The following sanctions are generally appropriate in cases involving behavior or conduct that is detrimental to the government accountability profession or that involves dishonesty, fraud, deceit, or misrepresentation to an official party.

6.1 Termination is generally appropriate when a member, with the intent to deceive makes a false statement, submits a false document, or improperly withholds material information and causes serious or potentially serious injury to a party, or causes significant or a potentially significant adverse effect on the government accountability profession.

6.2 Suspension is generally appropriate when a member knows that false statements or documents are being submitted or used or that material information is being improperly withheld and takes no remedial action and causes injury or potential injury to a party or the government accountability profession.

6.3 Reprimand is generally appropriate when a member engages in isolated instances of neglect in determining whether submitted documents or statements are false or in failing to disclose material information upon learning it is false and causes little or no actual or potential injury to a party.

6.4 If a member is found guilty by a court of competent jurisdiction of a crime punishable by imprisonment of more than one year, a felony, or any crime involving moral turpitude¹¹, a complaint against that member may be presented directly to the PEB without the need for further investigation except: (1) the AGA General Counsel shall conduct such evaluation as is necessary to verify that the member was, in fact, found guilty of such a crime; (2) the member shall be notified of the complaint; and (3) the member shall be afforded seven (7) days to respond. In such circumstance, the PEB may expel the member, suspend the member pending an investigation of the complaint, or take any other disciplinary, remedial, or corrective action it deems appropriate.

7.0 AGGRAVATION AND MITIGATION

7.1 General

¹¹ “1 : an act or behavior that gravely violates the sentiment or accepted standard of the community

2 : a quality of dishonesty or other immorality that is determined by a court to be present in the commission of a criminal offense.” [<https://www.merriam-webster.com/legal/moral%20turpitude.>]

After misconduct has been established, aggravating and mitigating circumstances may be considered in deciding which sanctions to impose.

7.2 Aggravation

7.21 Aggravation or aggravating circumstances are any considerations of factors that may justify an increase in the degree of discipline to be imposed.

7.22 Aggravating factors include:

- a) prior disciplinary offenses
- b) dishonest or selfish motive
- c) a pattern of misconduct
- d) multiple offenses
- e) bad faith obstruction of disciplinary proceedings by intentionally failing to comply with rules or PEB requests
- f) submission of false evidence, false statements, or other deceptive practices during a disciplinary proceeding
- g) refusal to acknowledge wrongful nature of behavior or conduct
- h) illegal conduct or behavior, including the use of controlled substances

7.3 Mitigation

7.31 Mitigation or mitigating circumstances are any consideration of factors that may justify a reduction in the degree of discipline to be imposed.

7.32 Mitigating factors include:

- a) absence of a prior disciplinary record
- b) absence of a dishonest or selfish motive
- c) personal or emotional problems
- d) timely good faith effort to rectify consequences of behavior or misconduct
- e) full and free disclosure to PEB or cooperative attitude toward proceedings
- f) character or reputation
- g) physical disability
- h) mental disability or chemical dependency, including alcoholism or drug abuse
- i) delay in disciplinary proceedings
- j) interim rehabilitation
- k) imposition of other penalties or sanctions
- l) remorse
- m) relevance of prior offenses.

7.4 Factors Which Are Neither Aggravating nor Mitigating

The following factors should not be considered as either aggravating or mitigating:

- a) forced or compelled restitution
- b) agreeing to the party's demand for certain improper behavior or result
- c) withdrawal of the complaint against the member
- d) failure of injured party to complain.

APPENDIX C:

RETENTION OF RECORDS

Definition of a Record: Information recorded in any medium and required for conducting business.

Working Definition of a Record: Documents in any medium (paper, electronic, audiovisual, etc.) that an organization must retain as evidence of its organization, functions, policies, decisions, operations, and internal or external transactions.

PEB Records and Retention Periods:

Type of Record:

Retention Period:

Reports or other Board products (one copy)	Permanent record
Records of expenses and other financial records	7 years or audit cycle
Correspondence with AGA	5 years
Correspondence with other groups and individuals	3 years
Items sent to PEB members	3 years
Draft materials and comments on drafts	6 mo.-3 years

Such records will be retained in locked or secured storage facilities by the CEO or his/her designee.