

§ 1505.35

any matter in which such a financial interest exists.

(b) For the purposes of 18 U.S.C. 208, the phrase “participates personally and substantially in a particular matter” applies to participation through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, change, accusation, arrest, or other particular matter. Accordingly, a special government employee should in general be disqualified from participating as such in a matter of any type the outcome of which will have a direct and predictable effect upon the financial interests covered by section 208.

§ 1505.35 Use of Board employment.

A special government employee shall not use his or her Board employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or herself or another person, particularly one with whom he or she has family, business, or financial ties.

§ 1505.36 Use of inside information.

(a) A special government employee shall not use any inside information obtained as a result of his or her Board employment for private gain for himself or herself or another person, either by direct action on his or her part or by counsel, recommendation, or suggestion to another person, particularly one with whom he or she has family, business, or financial ties. For the purpose of this section, “inside information” means information obtained under Board or RTC authority which has not become part of the body of public information.

(b) The provisions of §1505.11(a) through (d) with regard to employees shall be applicable to special government employees.

§ 1505.37 Coercion.

A special government employee shall not use his or her Board employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or herself or another person particularly one with whom he

12 CFR Ch. XV (1–1–98 Edition)

or she has family, business, or financial ties.

§ 1505.38 Advice on rules of conduct and conflicts of interest statutes.

Any special government employee having any doubt as to the ethics of any conduct falling within the conflicts of interest statutes, or regulations, should confer with the DAEO. Assistance in interpreting the conflicts of interest statutes, these regulations, and any other instructions involving conduct and conflicts of interest, will also be provided by the DAEO to any special government employee, prospective special government employee, and their appointing officials and supervisors desiring it.

§ 1505.39 Disclosure of employment and financial interests.

Special government employees will be required to file a confidential statement of employment and financial interests in accordance with §1505.24, or a Financial Disclosure Report (SF 278) in accordance with §1505.25.

Subpart G—Competence, Experience, Integrity, and Fitness of Resolution Trust Corporation Employees

§ 1505.40 Minimum competence, experience, integrity, and fitness requirements for Resolution Trust Corporation employees.

- (a) For the purposes of this section:
- (1) *Default* has the meaning set forth in 12 CFR 1506.2(d).
 - (2) *Pattern or practice of defalcation* has the meaning set forth in 12 CFR 1506.2(k).
 - (3) *Loss* has the meaning set forth in 12 CFR 1506.2(g).
 - (4) *Material obligation* has the meaning set forth in 12 CFR 1506.2(i).
 - (5) *Substantial loss to the Federal Deposit insurance funds* has the meaning set forth in 12 CFR 1506.2(t).

(b) The RTC shall prescribe policies and procedures which, at a minimum ensure that any individual (not subject to the regulations at 12 CFR part 1506 or 12 CFR part 1606) who is performing, directly or indirectly, any function or service on behalf of the RTC meets