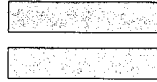


**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY**



Office of Government Ethics

In Re: A [REDACTED] Moon
Case No.: 1630-001

NEGOTIATED DISPOSITION

Pursuant to section 221(a)(4)(A)(v)¹ of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 ("Ethics Act"), effective April 27, 2012 (D.C. Law 19 -12 4, D.C. Official Code § 1 -116 1.01 *et seq.*), the Office of Government Ethics ("the Office") hereby enters into this Public Negotiated Disposition with the Respondent, A. Moon. Respondent agrees that the resulting disposition is a settlement of the above-titled action, detailed as follows:

I. FINDINGS OF FACT

Respondent is an employee with the District Department of Transportation ("DDOT"). On April 18, 2016 Respondent was notified by his agency that he had been designated as a Confidential Financial Disclosure Statement ("CFDS") filer and that he was thus required to complete and submit a CFDS to his ethics counselor on or before May 16, 2016. Respondent failed to file his CFDS for approximately 18 months, despite receiving numerous notifications of his non-compliance from the Office of Government Ethics ("OGE"). Respondent also failed to file his 2017 CFDS for approximately six months, despite being notified by his agency of the requirement for him to do so in April of 2017 and receiving numerous notifications of non-compliance from BEGA after the May 15, 2017 filing deadline.

II. NATURE OF VIOLATIONS

Respondent's conduct is in violation of at least one section of the District Code of Conduct, as set forth below:

- ❖ One: D.C. Official Code § 1-1162.25(a)(1) which states that "[e]ach employee, other than a public official or a Council employee, who advises, makes decisions or participates substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land-use planning, inspecting, licensing, policy-making, regulating, or auditing, or acts in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest, as determined by the appropriate agency head, shall file a report containing a full

¹ Section 221(a)(4)(A) of the Ethics Act provides, in pertinent part, that "[i]n addition to any civil penalty imposed under this title a violation of the Code of Conduct may result in the following:...Any negotiated disposition of a matter offered by the Director of Government Ethics, and accepted by the respondent, subject to approval by the Ethics Board."

and complete statement of the information required by § 1-1162.24 with the appropriate agency head no later than 11:59 p.m. on May 15 of each year.”

- ❖ Two: District Personnel Manual § 1810.4(e), which states: “Each designee shall file with their agency head a report containing a full and complete statement of the information required by D.C. Official Code § 1-1162.24 on or before May 15th of each year.”

Respondent’s continued failure to comply with the financial disclosure filing requirements was a violation of the D.C. Official Code and the District Personnel Manual.

III. TERMS OF THE NEGOTIATED DISPOSITION

Respondent acknowledged that his conduct was in violation of the District Code of Conduct. Respondent agrees to pay a fine in the amount of **\$600** and promises not to engage in such conduct in the future. In return for Respondent's acknowledgement and promise, the Office will not seek any further remedy or take any further action relating to the above misconduct.

Respondent agrees to pay the **\$600.00** by having **\$300.00 per consecutive pay period** automatically deducted from his bi-weekly paycheck from the District government until such time as the fine is satisfied. By this agreement, Respondent expressly authorizes the Office of Pay and Retirement Services ("OPRS") to make these deductions and to transfer such funds to the Board of Ethics and Government Accountability. In the event that Respondent's employment with the District government ceases prior to complete satisfaction of the fine amount, Respondent agrees that any outstanding fine amount will be satisfied by deduction in full from Respondent's final District government paycheck and/or any payment to the Respondent from the District government for unused annual leave. In the event that Respondent makes a payment towards the total amount of the fine outside of the automatic deduction from his paycheck, the Office will notify OPRS that the total amount due has been reduced, reducing the number of payments deducted from Respondent's paychecks, but not reducing the amount deducted. Respondent acknowledges that whether or not OPRS completes these deductions as described herein, Respondent is nonetheless solely responsible for satisfying the fine amount.

Respondent also understands that if Respondent fails to pay the \$600.00 fine in the manner and within the time limit provided above, pursuant to section 221(a)(5)(A) of the Ethics Act (D.C. Official Code § 1-1162.21(a)(5)(A)), the Ethics Board may file a petition in the Superior Court of the District of Columbia for enforcement of this Negotiated Disposition and the accompanying Board Order assessing the fine. Respondent agrees that this Negotiated Disposition is not just an admission of wrongdoing, but constitutes various factual admissions by him that may be used in any subsequent enforcement or judicial proceeding that may result from his failure to comply with this agreement.

Respondent further understands that if he fails to adhere to this agreement, the Office may instead, at its sole option, recommend that the Ethics Board nullify this settlement and hold an open and adversarial hearing on this matter, after which the Ethics Board may impose sanctions up to the full statutory amount (**\$5,000 per violation**) as provided in the Ethics Act for each violation. Because the Office is, at this time, foregoing requesting that the Ethics Board hold an

open and adversarial hearing on this matter, Respondent waives any statute of limitation defenses should the Ethics Board decide to proceed in that manner as a result of Respondent's breach of this agreement

The mutual promises outlined herein constitute the entire agreement in the above-titled action. By our signatures below, we agree to the terms outlined herein.

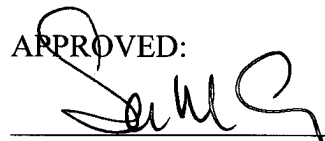

A  MOON
Respondent

12/19/17
Date


BRENT WOLFINGBARGER
Director of Government Ethics

12-19-2017
Date

This agreement shall not be deemed effective unless and until it is approved by the Board of Ethics and Government Accountability, as demonstrated by the signature of the Chairman below.

APPROVED:

TAMEKA COLLIER
Chairperson, Board of Ethics and Government Accountability

12/21/17
Date

#1630-001

BF/ASM

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY**



IN RE: A [REDACTED] Moon,

Respondent

Case No. 1630-001

ORDER

Based upon the mutual representations and promises contained in the Negotiated Disposition approved by the Board herein on December 21, 2017, and upon the entire record in this case; it is, therefore

ORDERED that Respondent pay a civil penalty in the amount of SIX HUNDRED DOLLARS (\$600.00).

This Order is effective upon approval by the Board of Ethics and Government Accountability, as demonstrated by the signature of the Chairperson below.

A handwritten signature in cursive script, appearing to read "Tameka Collier".

Tameka Collier
Chairperson, Board of Ethics and Government Accountability

12/21/17
Date