

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



[Redacted]

[Redacted]

Office of Government Ethics

IN RE: R [Redacted] French,

Respondent

CASE No.: #1641-001

R [Redacted] French
[Redacted]

NOTICE OF VIOLATION

Pursuant to 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 19-124; D.C. Official Code § 1-1161.01, et seq.), the Director of Government Ethics completed a preliminary investigation and presented evidence to the Board of Ethics and Government Accountability (the “Ethics Board”) that there is reason to believe the Respondent named above violated the District Code of Conduct.

The Ethics Board has reason to believe Respondent, R [Redacted] French violated one section of the District Code of Conduct based on the following facts and evidence uncovered during the preliminary investigation and presented to the Ethics Board:

1. Respondent is a District government employee, who works for the District Department of Transportation (“DDOT”).

2. D.C. Official Code § 1-1162.259(a) requires that “[a]ny employee, other than a public official, 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, before May 15th of each year, with that agency head a report containing a full and complete statement of the information required by § 1-1162.24.¹
3. The 2016/2017 Confidential Financial Disclosure Statement was due on May 16, 2016 and asked employees to answer questions as they would have been answered at the end of December 2015.²
4. On April 18, 2016 Respondent was notified by his agency via email that he had been designated as a 2016/2015 CFDS filer and provided with instructions on how to file. On June 1, 2016, DDOT’s ethics counselor informed BEGA that Respondent failed to timely file his 2016/2015 CFDS.
5. On June 1, 2017 BEGA was informed by DDOE’s ethics counselor that Respondent also failed to file his 2017/2016 CFDS. To date, Respondent has not filed his 2017/2016 CFDS.
6. BEGA has contacted Respondent via his work email address on three separate occasions to notify him that he failed to file his 2016/2015 CFDS. Specifically,

¹ DPM § 1810.4(e) mandates that: “For purposes of public reporting and confidential financial disclosures...[e]ach 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.”

² Financial Disclosure Statements (“FDS”) are due May 15th of each year or, if May 15th lands on a holiday or weekend day, the following working day. Because May 15, 2016 fell on a Sunday all FDS filers were required to file their forms on or before May 16, 2016.

BEGA contacted Respondent on February 14, 2017, March 28, 2017, and May 24, 2017 and urged him to come into compliance with the requirements set out in the District Personnel Manual by filing his 2016/2015 CFDS.

7. On June 21, 2017, BEGA sent Respondent an email copy letter to his email and a hard copy letter to his residence notifying him that he failed to file his 2016/2015 CFDS and that he must immediately file his form and pay the \$300.00 fine associated with his failure to file.³
8. To date, Respondent has failed to file his 2016/2015 CFDS or pay his fine.
9. With respect to his failure to file CFDS forms, Respondent violated the following provision of Chapter 18 of Title 6B of the District of Columbia Municipal Regulations, hereinafter referred to as the District Personnel Manual (“DPM”):

a. Count 1: Failure to file a Financial Disclosure Statement for 2016.

The Respondent violated D.C. Official Code § 1-1162.25(a), DPM § 1810.4(e) and DPM § 1810.12 in that the Respondent failed to file a Financial Disclosure Statement for 2016.⁴ D.C. Official Code § 1-1162.25, DPM § 1810.4, and DPM § 1810.12 are a part of the District Code of Conduct, which BEGA is charged with enforcing. In April of 2016 Respondent was designated, by his agency, as a CFDS filer. Respondent was required to file, within his agency, a CFDS on or before May 16, 2016. As of the date of this writing, Respondent has not filed his CFDS for the 2016/2015 filing year.

b. Count 2: Failure to file a Financial Disclosure Statement for 2017.

³ Pursuant to D.C. Code § 1162.21 “...[T]he Ethics Board may issue a schedule of fines for violations of this subchapter, which may be imposed ministerially by the Director of Government Ethics... The aggregate set of penalties imposed against each person under the authority of this paragraph may not exceed \$5,000.

⁴ DPM § 1810.12 requires that “[a]n employee who has been designated to submit a confidential report shall provide the information specified in th[e] section.”

The Respondent violated D.C. Official Code § 1-1162.25(a), DPM § 1810.4(e) and DPM § 1810.12 in that the Respondent failed to file a Financial Disclosure Statement for 2017. D.C. Official Code § 1-1162.25, DPM § 1810.4, and DPM § 1810.12 are a part of the District Code of Conduct, which BEGA is charged with enforcing. In April of 2017 Respondent was designated, by his agency, as a CFDS filer. Respondent was required to file, with his agency, a CFDS on or before May 15, 2017. As of the date of this writing, Respondent has not filed his CFDS for the 2017/2016 filing year.

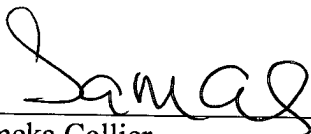
Respondent shall file with the Ethics Board, and serve a copy upon the Director of Government Ethics, a written response that states in short and plain terms his defenses to each violation alleged and shall admit or deny the averments, set forth in each numbered paragraph above, upon which the notice of violation relies. Respondent shall serve his response within (15) days after the service of the Notice of Violation upon him. Accordingly, Respondent shall submit his response, either electronically or in hard copy, no later than the close of business on **Monday, September 25, 2017**. If submitted in hard copy via U.S. mail, Respondent must allow sufficient time for mailing delays in that the written response must be received by the Ethics Board and the Director of Government Ethics no later than close of business on **Monday, September 25, 2017**. Responses submitted via U.S. mail or in person shall be addressed to **Tameka Collier, Chairperson, Ethics Board, c/o Jack Grimaldi, Attorney for the Board, and Brian K. Flowers, Interim Director of Government Ethics**, at the following address: **441 4th Street, N.W., Suite 830 South, Washington, D.C. 20001**. If submitted electronically, Respondent may email his response to john.grimaldi@dc.gov and brian.flowers@dc.gov.

Once Respondent has submitted his response or failed to submit a response by the due date provided, the Board shall send a Notice of Hearing to Respondent. The Notice of Hearing will provide the time, date, and location of the hearing; reference applicable statutes, rules, or regulations, state the purpose of the hearing, advise Respondent that he may be represented by counsel or other representative of his choosing, and advise Respondent that he may bring witnesses. Evidence at the hearing shall be taken in conformity with D.C. Official Code § 2-509(b).

A copy of the Ethics Board's rules, 3 DCMR Section 5500 *et. seq.*, which provide a description of Respondent's right to a hearing, all procedural rights available to Respondent at the hearing, and a description of the applicable law and regulations that govern the disposition of the Notice of Violation should Respondent choose not to file a response or fail to appear at a scheduled hearing, is attached to this Notice of Violation and herein incorporated by reference.

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

APPROVED:



Tameka Collier
Chair, Board of Ethics and Government Accountability

9/7/17
Date

Enclosure: 3 DCMR 5500 *et. seq.*

#1641-001
ASM/BF