

D.C. Board of Ethics and Government Accountability Complaint Report - July 1, 2013 - September 30, 2013*

	A	B	C	D	E	F	G
	Investigation	Date Received	Nature of Allegation(s)	Referral to Ethics Board (Y/N)	Disposition	Fines/Penalties Imposed by the Ethics Board	Status
1							
2	AI-001-12 (#1024-001)	11/7/2012	Misuse of DC government computer. Potential criminal conduct indicated on documents found on computer.	No	Closed. Use of government computer was de minimis. Re: potential criminal conduct, may be outside statute of limitations, but if not, any sanction imposed would violate <i>ex post facto</i> provisions of U.S. Constitution.	N/A	Closed - 4/2/13
3	AI-002-12 (#1009-005) Graham, J.	10/11/2012	Giving preferential treatment; losing complete independence or impartiality; affecting adversely the confidence of the public in the integrity of government		Dismissed on Constitutional (<i>ex post facto</i>) grounds	N/A	Closed - 2/7/13
4	AI-003-12 (#1022-001)	12/5/2012	Misuse and release of confidential information	No	Closed. Insufficient evidence to support a reasonable belief that there was a violation of the Code of Conduct.	N/A	Closed - 4/5/13
5	AI-004-12 (#1019-001)	10/25/2012	Seeking information outside the scope of job duties	No	Complainant realized complaint based on inaccurate information and withdrew complaint	N/A	Closed - 1/23/13
6	AI-005-12 (#1031-002)	12/6/2012	Accepting something of value (free training including travel and lodging) from a vendor	No	Dismissed. Insufficient evidence to support a reasonable belief that a violation of the Code of Conduct occurred. Although subject failed to follow the required donation process, he did not do so to benefit personally or financially, and was not directed or advised to do so by his agency, which also had failed to do so in a previous, similar situation. Failure to follow the donation process, which is not under the jurisdiction of BEGA, is not, <i>per se</i> , a Code of Conduct violation.	N/A	Closed - 5/14/13

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7	AI-006-12 (#1024-002)	11/6/2012	Non-partisan campaigning	No	Dismissed. Not in BEGA's jurisdiction at the time of occurrence, but OCF handled the matter and stopped the improper activity on election day.	N/A	Closed - 3/8/13
8	AI-007-12 (#1039-001) Allen, S.	11/30/2012	Misuse of government parking placards. Report of Investigation, containing finding of a violation of the Code of Conduct, received from OIG 3/14/13. (Formal Investigation).	Yes - 3/28/13			Pending - Notice of Violation issued June 6, 2013. Hearing Notice issued 7.11.13, for hearing on 8.13.13. Update at 8.1.13, Ethics Board meeting that Hearing Notice not served because of inability to obtain necessary records from the D.C. Office of the Inspector General. Issue regarding records resolved. Hearing Notice served August 16, 2013, for hearing date of September 19, 2013. Hearing held September 19, 2013. Board decision pending.
9	AI-008-12 (#1025-001)	12/11/2012	Helping a family member obtain a government benefit	No	Dismissed. After conducting preliminary investigation, insufficient evidence to support a reasonable believe that there was a code of conduct violation. (Investigation revealed that proper process was followed).	N/A	Closed - 3/11/13
10	AI-009-12 (#1008-002)	1/2/2013	Residency violation	No	Residency enforcement is outside the purview of this office	N/A	Closed - 1/25/13
11	AI-010-12 (#1107-001)	12/18/2012	Inappropriate relationship with a subordinate; ordering a subordinate to perform non-agency duties during work hours; requiring staff to engage in activities outside the scope of their jobs; hiring friends; disproportionately high salaries for some employees; unreported conflict of interest with a vendor		Preliminary investigation dismissed on September 20, 2013. Determination that misconduct alleged to have occurred in 2009, 2010, and 2011, so outside BEGA's enforcement authority. Also, other investigations previously conducted and problems uncovered were remediated or ceased.		OAG guidance sought on 3.12.13 re: jurisdictional question. OAG legal opinion received July 1, 2013. Jurisdictional question resolved in July 31, 2013. Investigation resumed. Closed - 9/20/13

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21	AI-019-13 (#1008-003)	2/6/2013	Failure to follow proper processes when providing funds to an entity; refusal to comply with FOIA; and failure of unidentified District employees to report potential misconduct.	No	Dismissed - - allegations either too vague to be actionable, outside of the statute of limitations, do not identify wrongdoer, and otherwise do not constitute a Code of Conduct violation.	N/A	Closed - 4/2/13
22	AI-020-13 (#1051-001)	2/11/2013	Staffer was directed to create a databank of approximately 3,000 names from campaign petitions. Alleged that staff was directed to perform campaign work and was terminated in retaliation for seeking ethics advice on that issue.	No	Preliminary Investigation revealed insufficient evidence to support a reason to believe that the staffer was directed to perform campaign work or that the staffer was terminated in retaliation for seeking ethics advice on that issue. Dismissed.	N/A	Closed - 5/24/13
23	AI-021-13 (#1017-001)	2/14/2013	Whether staffer violated ethics rules when he provided informal pro bono business advice to and recommended his wife for paid work for an agency subcontractor.	Yes	Employee admitted misconduct and agreed to a negotiated disposition resulting in an Informal Non-Public Admonition - finalized 4/4/13		Closed - 4/4/13
24	AI-022-13 (#1071-001)	3/11/2013	Allegations of nepotism within a District government agency.	No	Preliminary Investigation revealed insufficient evidence to support a reason to believe that nepotism had occurred in the District government agency. (Family relationships could not be established). Dismissed.		Closed - 7/3/13
25	AI-023-13 (#1028-001)	3/14/2013	Misuse of government parking placards. Report of Investigation, containing finding of a violation of the Code of Conduct, received from OIG 3/14/13. (Formal Investigation).	Yes - 3/28/13	Negotiated Disposition - public - finalized 4/11/13. \$500 fine paid in full 4/18/13.	\$500 fine. Paid in full.	Closed - 4/18/13
26	AI-024-13 (#1097-001)	3/14/2013	Misuse of government parking placards. Report of Investigation, containing finding of a violation of the Code of Conduct, received from OIG 3/14/13. (Formal Investigation).	Yes - 3/28/13			OAG guidance sought on 3.12.13 re: jurisdictional question. OAG legal opinion received July 1, 2013. Jurisdictional question resolved July 31, 2013. Investigation now pending.

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27	AI-025-13 (#1098-001)	3/14/2013	Misuse of government parking placards. Report of Investigation, containing finding of a violation of the Code of Conduct, received from OIG 3/14/13. (Formal Investigation).	Yes - 3/28/13			OAG guidance sought on 3.12.13 re: jurisdictional question. OAG legal opinion received July 1, 2013. Jurisdictional question resolved July 31, 2013. Investigation now pending.
28	AI-026-13 (#1031-003)	4/2/2013	Allegation that school principal wanted to hire spouse to work in the same school.		Investigation revealed insufficient evidence to support a reasonable belief that principal violated the code of conduct (asking whether he was allowed to hire wife did not constitute violation). Preliminary investigation dismissed.		Closed - 6.20.13
29	UD-028-13 (1038-001)	4/10/2013	Sworn Complaint - - request to investigate personnel of a quasi-judicial agency for failure to investigate its own personnel after receiving complaints about them.	Yes - 4/24/13	Dismissed by Ethics Board -- not within BEGA's jurisdiction.		Closed - 4/24/13
30	1043-001	4/12/2013	Allegation that an agency head lied during testimony before the D.C. Council.	No	Investigation revealed insufficient evidence to support a reason to believe that the agency head misrepresented information or lied at a Council hearing. A review of the testimony revealed that the Councilmember conducting the hearing had the pertinent information and was asking to work on the matter further. Subsequently, a meeting was held with the Councilmember and further work on the matter was performed. Preliminary Investigation dismissed by Director of Government Ethics.		Closed - 5/24/13
31	1009-004	5/8/2013	Allegations that a public official had an ex parte communication, in the form of a letter on official letterhead, with an Administrative Law Judge in an on-going matter in an attempt to influence outcome.	Yes - 5/13/13; Formal Investigation authorized 5/14/13.			Pending

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32	1041-002	5/10/2013	Allegations that agency personnel had meetings with a vendor seeking a contract, even though agency no longer intended to issue the solicitation for that contract, and accepted gift cards and food from the vendor at those meetings.				Pending
33	1044-001	5/14/2013	Allegations that an agency employee hired a relative.	No	Because Respondent's actions occurred in 2010 and 2011, they are outside the enforcement authority of this Office. Further, it appears that DCHR conducted a full investigation, determined that wrongdoing had occurred, and the employing agency took disciplinary action by terminating the respondent.		Closed - 8.14.13
34	1046-001	5/17/2013	Review of Confidential Financial Disclosure Statement filed by a designated employee reveals discrepancies with previous filings regarding the employee's position with an outside company and concerns regarding whether the company contracts with the District or subcontracts for companies with District contracts.	No	Preliminary Investigation revealed insufficient evidence to support a reasonable belief that the employee violated the Code of Conduct. The employee had not been required to disclose the outside company on previous filings and, on the current filings, the employee disclosed the company but erred in the description of his affiliation with the company. The employee was directed to file an amended disclosure form with his agency and did so.		Closed - 6.20.13
35	1028-003 Malone T.	5/28/2013	District employee arrested for theft and stored stolen items at work location.	Yes	Public Negotiated Disposition signed 6/20/13. \$500 fine imposed, on payment plan with possibility of waiver of partial payment. First installment of \$100 paid timely.		Closed - 6.20.13
36	1028-004 Wade B.	5/28/2013	Alleged that district employee stole items from a location other than the employee's work location. Employee not arrested.	Yes - Draft NOV sent to Ethics Board 7.2.13. NOV approved 7.11.13.	At Ethics Board meeting of August 1, 2013, Ethics Board approved the Public Negotiated disposition.	\$350 fine, payable in installments.	Closed 8.1.13

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37	1030-002	5/24/2013	Sworn Complaint - - Request that Ethics Board Chairman be recused from all matters relating to complainant. Complaint references April 2009.	Yes - presented to Ethics Board May 31, 2013, within 14-day statutory required.	At Ethics Board meeting of June 6, 2013, Chairman recused himself and other two Ethics Board members voted to dismiss the matter for failure to state a claim upon which action can be taken and because the date referenced pre-dates the establishment of BEGA.		Closed - 6.11.13
38	1054-001	6/3/2013	Alleged that District employee testified at Council hearing of failure to process Freedom of Information Act requests. Investigation into whether such conduct was willful, persistent, and systematic.	Yes - presented to Ethics Board 6/6/13.	Preliminary investigation dismissed. Although there was a systemic problem meeting FOIA deadlines by the agency, there was insufficient evidence to conclude that any one employee committed a Code of Conduct violation in failing to meet FOIA deadlines.		Closed - 9.27.13
39	1055-001 (M. Barry)	6/5/2013	Investigation concerning a public official who disclosed receipt of gifts from prohibited sources on 2012 Financial Disclosure Statement filing.	Yes - presented to Ethics Board 6/6/13. Formal Investigation authorized.	Public Negotiated Disposition approved by Ethics Board on 7/11/13.	Public Censure; \$13,600 fine; Ethics training within 6 months.	Closed 7.12.13
40	1056-001	6/6/2013	Sworn Complaint - - Request for investigation into circumstances of termination from District agency employment.	Yes - presented to Ethics Board 6/10/13.	On 8/8/13, the Ethics Board voted to dismiss the complaint because it is a personnel matter, not within the jurisdiction of the Ethics Board. Dismissed 8/19/13.		Closed - 8/19/13
41	1057-001 Brown, M.A.	6/11/2013	Investigation concerning a former Councilmember who contacted District government agencies on behalf of a private entity in exchange for money. (Guilty plea in U.S. District Court).	Yes - presented to Ethics Board 6/20/13. Formal Investigation Authorized. NOV approved 7.11.13.			Request for extension by Respondent to respond to NOV granted to January 23, 2014 (after sentencing) - Pending
42	1060-001	6/11/2013	Investigation concerning an agency head who hired a subordinate with whom the agency head had an existing business relationship.				Pending

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43	1069-001	6/27/2013	Sworn Complaint - - Request for investigation regarding a public official who allegedly stole complainant's thermos.	Yes - 7/1/13	Dismissed by Ethics Board on 9/4/13 for failure to state a claim upon which action can be taken.		Closed - 9/4/13
44	1030-003	7/3/2013	Sworn Complaint - - Request for investigation regarding public official who allegedly was unjustly enriched by parties who appear before that official's office.	Yes - 7/11/13	Dismissed by Ethics Board on 9/4/13 for failure to state a claim upon which action can be taken.		Closed - 9/4/13
45	1074-001	7/3/2013	Sworn Complaint - - Request for investigation regarding public official who allegedly was unjustly enriched by parties who appear before that official's office.	Yes - 7/11/13	Dismissed by Ethics Board on 9/4/13 for failure to state a claim upon which action can be taken.		Closed - 9/4/13
46	1080-001	7/16/2013	Request for investigation regarding District employee who misrepresented reason for leave, stating that he had to care for an ailing parent when, in fact, he was working at a different job, outside the country. Also, allegations that another employee requested that a subordinate find a job for employee's relative and requested that the subordinate allow the employee to use something of value belonging to the subordinate, to the financial benefit of the employee.	Yes - 8/8/13 - Formal investigation authorized. Keep confidential.			Pending
47	1085-001	8/1/2013	Referral from D.C. Office of the Inspector General regarding District government employee who misused disability parking placard to park in the vicinity of the employee's work location for free. (Formal Investigation)	Yes - 8/8/13	Public Negotiated Disposition approved by Ethics Board on 9//13.	\$100 fine.	Closed - 9/5/13
48	1086-001	8/1/2013	Referral from D.C. Office of the Inspector General regarding District government employee who stole District government fuel for the employee's personal vehicles. (Formal Investigation).	Yes - 8/8/13.			Pending
49	1067-001	7/24/2013	Failure to file Financial Disclosure Statement	Yes - 8/1/13	Notice of Violation issued 8.1.13. Dismissed by Ethics Board 9.10.13.		Closed - 9.10.13

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50	1087-001 (R. Moten)	7/26/2013	Failure to file Financial Disclosure Statement	Yes - 8/1/13	Notice of Violation issue 8.1.13. Hearing scheduled for 10.17.13.		Pending
51	1088-001	7/29/2013	Failure to file Financial Disclosure Statement	No	FDS subsequently filed.		Closed - 8/6/13
52	1089-001	7/29/2013	Failure to file Financial Disclosure Statement	No	FDS subsequently filed.		Closed - 8/6/13
53	1090-001	7/30/2013	Failure to file Financial Disclosure Statement				Pending
54	1092-001	8/13/2013	Sworn Complaint - Allegation that a District government employee is harboring a minor in her Maryland home.	Yes - 8/15/13	Dismissed by Ethics Board -- not within BEGA's jurisdiction because none of the allegations raised constitute violations of the Ethics Act. (Administrative investigation by employing agency determined allegations to be false).		Closed - 8/20/13
55	1101-001	8/23/2013	Investigation into concerns raised in a media report that an elected official failed to take a promised legislative action in order to receive campaign support from a private entity.				Pending
56	1095-001	8/13/2013	Investigation concerning an elected official who is alleged to have engaged in a conflict of interest by handling the same matter in both official and private capacities.				Pending
57	1008-006	9/9/2013	Investigation into allegations that a District government employee took money from members of the public to process their paperwork, rather than collect the processing fee for the District government.				Pending
58	1109-001	9/25/2013	Investigation into allegations that a District government employee caught shoplifting outside the District and not while on work time, then assaulted a store security guard, evaded the police, and engaged in a pattern of conduct of continuing harassment of the store security guard. (Hotline)				Pending

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59	1108-001	9/26/2013	Sworn Complaint - Allegations regarding unfair labor practices in 2005.				Pending	
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62	* This report is current as of September 30, 2013, and does not reflect activity and dispositions after that date.							
63	Dispositions, activity, and other data for the time period October 1, 2013 - December 31, 2013, will be reflected on the quarterly report for that period.							