

# Board of Ethics and Government Accountability Boards and Commissions Training



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**(Updated: 3/19/15)**

# What We Do



Ethics Training



Advice



# What We Do

**Investigations**



**Enforcement**

# Sanctions & Penalties

- Violations of the Code of Conduct may result in a variety of sanctions and penalties, including:
  - Censure
  - Admonition
  - Remediation
  - A probationary period
  - Fines of up to \$5,000 per violation

**\$ Fines \$**



# Ethics Standards

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Boards

Commissions

- ▶ Conflicts of Interest Provisions
- ▶ District Personnel Manual Ch. 18; 6B DCMR Ch. 18
- ▶ Financial Disclosure Statement Filings §1-523.01(e)
- ▶ Local Hatch Act § 2(e) and (f) Confirmation Act of 1978
- ▶ Federal Criminal Statutes 18 U.S.C. § 201-209
- ▶ Exception – Special Government Employees

# Confirmation Act - Section 2(e)

## Boards and Commissions

1. Alcoholic Beverage Control Board
2. Board of Library Trustees
3. Board of Trustees of the University of the District of Columbia
4. Board of Zoning Adjustment
5. Police Complaints Board
6. Contract Appeals Board
7. Board of Elections
8. Commission on Human Rights
9. Housing Finance Agency Board of Directors
10. Lottery and Charitable Games Control Board
11. Historic Preservation Review Board
12. Metropolitan Washington Airports Authority Board of Directors
13. Office of Employee Appeals
14. Public Employee Relations Board
15. Public Service Commission
16. Rental Housing Commission
17. Washington Convention and Sports Authority Board of Directors
18. Water and Sewer Authority Board of Directors
19. Zoning Commission
20. Taxicab Commission
21. Housing Authority Board of Commissioners
22. Homeland Security Commission
23. Commission on Fashion Arts and Events



## Confirmation Act - Section 2(e) Boards and Commissions

- If you are a member of a Board or Commission nominated pursuant to Section 2(e) of the Confirmation Act, then you are an “Employee” for the purposes of the Local Hatch Act and are subject to its prohibitions.

Hatch Act (Political Activities):

Do NOT engage in fundraising activities

Do NOT endorse anyone in your official capacity

Do NOT campaign on government time, property or using government resources.

Do NOT run for Mayor, AG or Council (ANC is okay).



# Financial Disclosure Filing Requirements

## ■ Who files?

- Anyone considered a “**Public Official**” under the Ethics Act must file a PUBLIC Financial Disclosure Statement by May 15<sup>th</sup> of each year.
- Members of 2(e) Boards and Commissions are considered **Public Officials**.
- **Reminder:** A person is considered a “public official” only if they held the position that made them a “public official” for **more than thirty (30) days** within the prior calendar year.

## ■ When?

- **MAY 15<sup>TH</sup> OF EACH YEAR**
- In late April, every Public filer will receive a letter or email from BEGA. The letter will:
  - Explain the process for filing
  - Include the log-in information for those who wish to file electronically
  - However, you are still required to file if you are a Public Official even if you do *not* receive a letter from BEGA.

## ■ Where?

- You can file electronically through BEGA’s e-filing website or by sending a hard copy of your filing to BEGA’s offices



# Confirmation Act - Section 2(f)

## Boards and Commissions

1. Apprenticeship Council
2. Armory Board
3. Board of Dentistry
4. Board of Medicine
5. Board of Nursing
6. Board of Nursing Home Administration
7. Board of Psychology
8. Child Support Guideline Commission
9. Commission on the Arts and Humanities
10. Boxing and Wrestling Commission
11. Multistate Tax Commission
12. Public Access Corporation Board of Directors
13. Board of Real Estate
14. Board of Dietetics and Nutrition
15. Board of Occupational Therapy
16. Board of Optometry
17. Board of Pharmacy
18. Board of Physical Therapy
19. Board of Podiatry
20. Board of Social Work
21. Board of Professional Counseling
22. Board of Respiratory Care
23. Board of Massage Therapy
24. Board of Chiropractic
25. Statewide Health Coordinating Council
26. Board of Barber and Cosmetology
27. Board of Real Estate Appraisers
28. Board of Funeral Directors
29. Board of Veterinary Examiners
30. Board of Architecture and Interior Designers
31. Board of Accountancy
32. Board of Industrial Trades
33. Board of Professional Engineering
34. Housing and Community Development Reform Commission
35. Commission on Asian and Pacific Islander Community Development
36. Board of Marriage and Family Therapy
37. Small and Local Business Opportunity Commission
38. Security Officer Advisory Commission
39. Motor Vehicle Theft Prevention Commission
40. Commission on African Affairs
41. Science Advisory Board to the Department of Forensic Sciences
42. Commission on African-American Affairs
43. Health Benefits Exchange Board



## Confirmation Act - Section 2(f) Boards and Commissions

- If you are a member of a Board or Commission nominated pursuant to Section 2(f) of the Confirmation Act, then you are an “Employee” for the purposes of the Local Hatch Act when you are engaged in political activity *that relates to the subject matter that your Board or Commission regulates.*



# All other Boards and Commissions

- Although Members of all other Boards and Commissions are not covered by the Local Hatch Act (unless the Member is otherwise employed by the District), they are subject to:
  - D.C. Code Section 1-1163.36, which prohibits the use of District government resources for campaign-related activities, such as engaging in any campaign-related activities:
    - during work time or at Board/Commission Meetings;
    - in District Government facilities or on government property;
    - Do NOT endorse anyone in your official capacity

# Ten Principles of Ethical Conduct

1. **Public office is a public trust**
2. **Avoid financial conflicts of interest**
3. **Avoid representational conflicts of interest**
4. **Avoid gifts and payments from interested parties**
5. **Avoid outside payment for government work**



# Ten Principles of Ethical Conduct

6. Act impartially
7. Safeguard government resources
8. Safeguard confidential non-public information
9. Disclose waste or illegal conduct by government officials to the appropriate authorities
10. Abide by revolving door restrictions





# 1. Public office is a public trust

- Don't use title or position for personal gain of self or others.
  - i.e., When calling Comcast to complain about a cable bill, **do not say**:  
“Do you know who I am and what I can do to you?”
    - Also – do not send an email with your auto signature and government title to anyone if it involves a personal matter (i.e., mortgage company).
    - Also – Fundraising for private non profit entities – NOT ALLOWED



## 2. Avoid financial conflicts of interest

- Do not take any action that could benefit you or someone close to you financially
  - i.e, business partner or family member.
  - Federal criminal penalties apply as well.
  - Recusal is the proper recourse when something lands on your desk.



### 3. Avoid representational conflicts of interest

- Do not represent anyone against the District.
  - i.e., as a lawyer or in any other capacity like signing a grant application on behalf of a non-profit with which you might be involved.
  - Exception: Special Government Employees (130 days or less) may engage in representation against the District – BUT NOT IN FRONT OF THE SAME BOARD OR COMMISSION ON WHICH THE INDIVIDUAL SERVES.





## 4. Avoid gifts and payments from interested parties (also called bribery)

- This means don't accept gifts from prohibited sources:
  - i.e., prohibited sources include:
    - Lobbyists
    - Vendors
    - Contractors
    - Developers
    - Those who are regulated by the District like Pepco, Comcast, etc.
    - Anyone who wants to do business with the District.
  - Unsolicited Gifts should be returned, donated to the District or destroyed.
  - Exceptions exist for symbolic or de minimis items so please contact BEGA for advice.
  - Exceptions exist for gifts you receive in the course of your regular non-government job.
  - Bona fide personal relationships



## 5. Avoid outside payment for government work

- Also called the Salary supplementation rule:
  - No one should pay you for your District work except for the District.
    - i.e., Contractor says, “I know you have been working extra hard on this contract and that your agency is having budget issues and can’t pay overtime. Let me help out a bit.” or
    - “You did such a great job for us, now that the project is done and we are no longer city contractors let us take you out to dinner to say thank you for all your hard work.”
  - Also a Federal Criminal law with criminal penalties.



## 6. Act impartially

- Don't give preferential treatment to:
  - friends
  - neighbors or acquaintances
  - or political donors/allies
  - family members (of course family and business associates would also fall under the financial conflict of interest provision).



## 7. Safeguard government resources


- Don't misuse government property.
  - Anything that costs the government money is a violation:
    - i.e., using printer toner for personal matters; improper appropriations expenditures (food and beverage); using the Government Credit Card for personal matters with intent to pay it back.

Email policy: Mayor's Order in place that says you must use official email account for all government business, not private email.



## 8. Safeguard confidential non-public information

- Don't leak non-public information.
- This includes talking about your job on Social media like twitter.



## 9. Disclose waste or illegal conduct by government officials to the appropriate authorities

- Affirmative obligation to report to BEGA and/or the IG “credible” violations of the Code of Conduct.
  - Failure to do so is itself a violation.
  - Cooperation is mandatory.
  - Retaliation is a separate ethics violation.



## 10. Abide by revolving door restrictions

- Once you leave government, you must abide by certain restrictions for differing periods of time, i.e., 1 year, 2 years and in some cases permanently.
- Complicated – Call BEGA before and after you leave.
- Be mindful of former government employees calling you.
- Free safe-harbor Post-Employment advice for life.



# Contact Us

## For advice or to make a complaint

- **Board of Ethics and Government Accountability (“BEGA”)**
  - **BEGA Hotline: (202) 535-1002**
  - **BEGA Email: [BEGA@dc.gov](mailto:BEGA@dc.gov)**
  - **Main Number: (202) 481-3411**
  - **Address: 441 4<sup>th</sup> Street, NW, Suite 830 South  
Washington, D.C. 20001**