

Board of Ethics and Government Accountability

ETHICS TRAINING



BEGA



- **BEGA Statute:**
 - **The Ethics Act**
 - **Jurisdiction**
- **BEGA Structure:**
 - **Five-member Board**
 - **Office of Open Government**
 - **Office of Government Ethics**
 - **Investigators and attorneys**



What we do



- **Trainings**
- **Advice**
- **Investigations**
- **Enforcement Proceedings**
- **Financial Disclosure Filings**
- **Lobbyist Registration and Activity Reports**
- **Ethics Manual**
- **Annual Best Practices Report**

Penalties



○ **Director :**

- ✦ Ministerial fines

○ **Board :**

- ✦ Fines of up to **\$5,000** per violation or fines of up to 3 times the amount of unlawful contribution, gift, honorarium, or outside income
- ✦ Negotiated Disposition, offered by Director with approval by Board

- **Federal Counterpart = Criminal Penalty**
- **Agency Corrective/Disciplinary Action**

Role of Agency Ethics Counselors



- Provide non-binding advice
- Provide advice on settled principles of government ethics law

Employee Cooperation



- **Reporting**
- **Interference**
- **Cooperation**
- **Retaliation**

Gifts



Gifts



- **Gift means any:**
 - Gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value.
 - This includes gifts provided:
 - ✦ In-kind;
 - ✦ By purchase of a ticket;
 - ✦ Payment in advance; or
 - ✦ Reimbursement after the expense has been incurred.

Gifts



- **Gift does NOT include:**
 - Modest items of food and refreshments offered other than as part of a meal (i.e., coffee and donuts)
 - Items with little intrinsic value, intended solely for presentation (plaques, certificates, greeting cards, and trophies)
 - Unsolicited advertising or promotional items of nominal value (i.e., pens and notepads)

Gifts



- Admission to and the cost of food and beverages, of nominal value, consumed at civic, charitable, government, hosted reception, or community organizations
- Discounts available to ALL District government employees
- Rewards or contest prizes open to the public
- Anything for which market value is paid

Gifts From Outside Sources



- Employees shall not, directly or indirectly, solicit or accept a gift from a **Prohibited Source**:
 - Seeking Official Action
 - Does business or seeks to do business
 - Regulated
 - Substantially affected; or
 - Is an organization in which the majority of its members are described in the items above.

Test Your Knowledge



- **Question:** A not-for-profit organization I dealt with previously when it had grants from my agency, recently contacted me and offered me free tickets to an event they are having. The tickets are expensive and I'd really like to go. By the way, the person who called mentioned that they are in the process of putting together their application for a grant in the up-coming year. Can I accept the tickets?
- **Answer:** No. The not-for-profit organization is a prohibited source because it seeks to do business with your agency. Therefore, you cannot accept the tickets.

Gifts From Outside Sources



- Solicit or accept a gift from anyone (directly or indirectly):
 - **Given because of the employee's official position or duties.**

- This includes gifts accepted or solicited indirectly:
 - To a family member
 - To another person or entity, such as a charity, on the basis of designation, recommendation, or other specification by the employee

Gifts From Outside Sources



- 18 U.S.C. § 209 (Salary Supplementation)



Gifts - Exceptions to Prohibited Source Rule

- **Employees may accept (even from a prohibited source):**
 - Unsolicited gifts, \$10 or less (\$20 aggregate in calendar year) except when the offer of a gift would appear to a **reasonable person** to be intended to influence the employee in his or her official duties.
 - Gifts clearly motivated by family or personal relationships.
 - Meals, lodgings, & transportation (*when clearly not because of the employee's official position*):
 - ✦ Spouse
 - ✦ Outside Business

Gifts From Outside Sources



- **Free Attendance at Events**
- **Employees may accept – Free Attendance at**
 - **Speaker at Event**
 - **Widely Attended Events (50 persons or more)**
 - ✦ **By Sponsor of Event (official capacity only)**
 - ✦ **By someone other than Sponsor of Event (personal or official capacity)**
 - **For the above-listed, the agency shall maintain records for two years.**



Gifts From Outside Sources



- What to do if you are offered or receive a gift that cannot be accepted:
 - Inform the person offering the gift; and
 - Return the gift, donate the gift to a non profit charity, donate it to the District, or reimburse the donor the market value of the gift;
 - If the gift is perishable and returning it would be impractical:
 - ✦ share it with office staff;
 - ✦ Donate to charity; or
 - ✦ destroy it.
- Note: Sharing with office staff or donating to a charity, is a one time only option with respect to any donor.

Happy Birthday and Retirement and
Congratulations on the Wedding and...



ETHICS
GIFT ACCEPTANCE

Gifts Between Employees



- **General Rule:**
 - Supervisor/Employee – an employee may NOT:
 - Give a gift or make a donation toward a gift; or
 - Solicit a contribution from another employee.
 - Higher/lower salary
 - ✦ An employee may not accept a gift from a subordinate unless:
 - Not in a subordinate-official superior relationship;
 - Personal relationship; **and**
 - The gift was not given or solicited to gain or induce any professional advantage.
- An official superior shall not coerce a subordinate to make or contribute to a gift.

Gifts Between Employees



- **Exceptions:**

- **Holidays and Birthdays** - On an occasional basis:

- ✦ Items, other than cash, \$10 or less;
- ✦ Food and refreshments to be shared in the office;
- ✦ Personal hospitality
- ✦ Items given in connection with the receipt of personal hospitality



Gifts Between Employees



- **Exceptions**

- **Very Infrequent Occasions**

- ✦ **Marriage, Illness, Birth or Adoption, Retirement, Transfer**

- **Direct Gift - A gift appropriate to the occasion:**

- **Soliciting - up to \$10.00 from fellow employees:**

- ✦ **On a special, very infrequent occasion (see above); or**

- ✦ **On an occasional basis, for items such as food or refreshments to be shared in the office among several employees.**

Test Your Knowledge



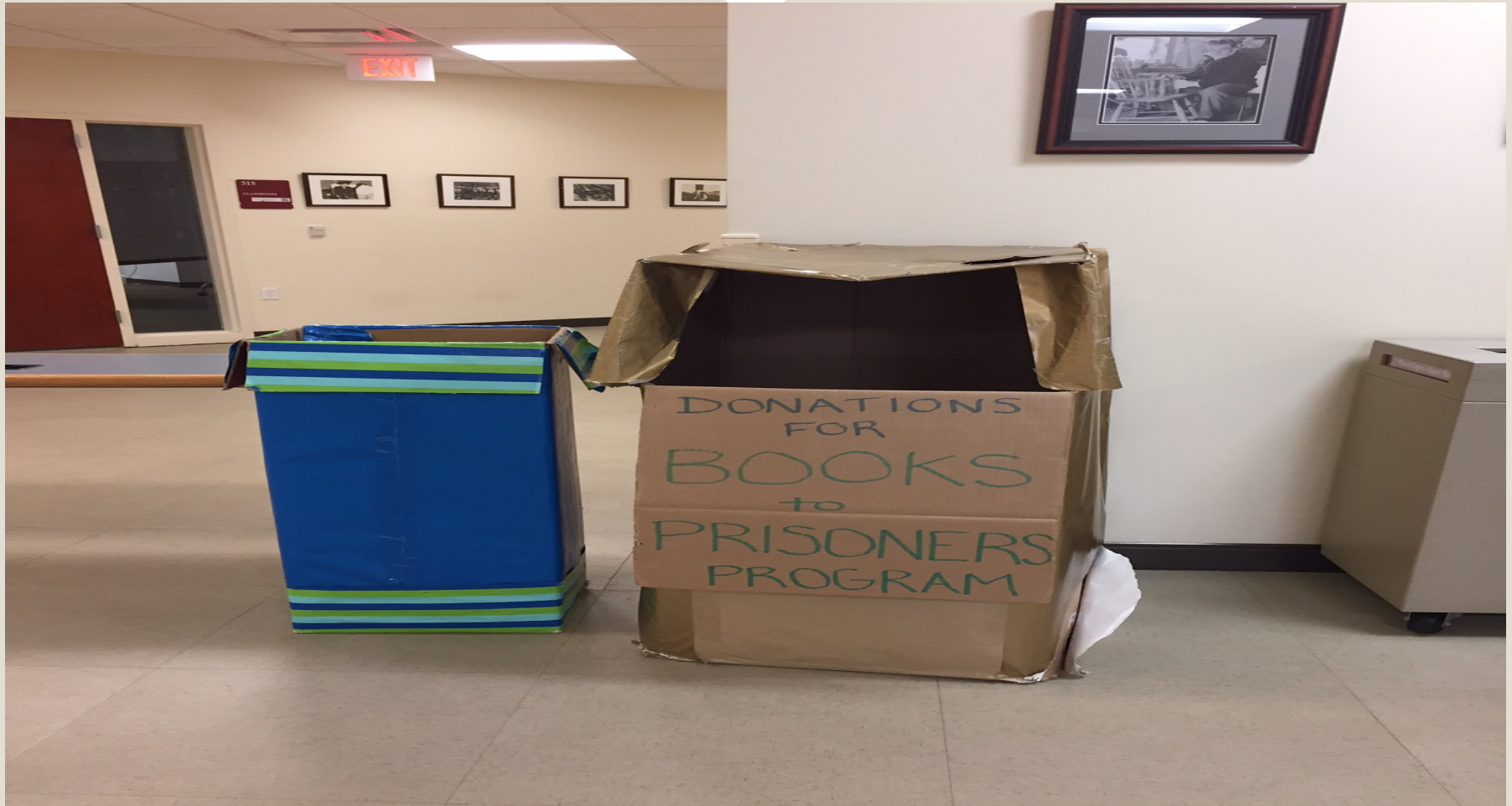
- **Question:** An employee wants to give a holiday gift costing \$20.00 to his supervisor? Is this permissible?
- **Answer:** No, \$10 dollar, non cash gift is the limit.
- **Reasons:** Holiday gifts are now considered permissible because it is an occasion on which gifts are traditionally given.
- **Question:** Can I ask others to contribute to the holiday gift for our boss?
- **Answer:** No – Solicitation not permitted for occasional events

Test Your Knowledge



- **Question:** An employee wants to ask their co-workers to chip in and buy their supervisor a retirement gift. Is this permissible?
- **Answer:** Yes, it is permissible if:
 - The contributions toward the gift are voluntary
 - The amount of each contribution is nominal (up to \$10)
- **Reasons:** A retirement is a special, infrequent occasion.

Fundraising & Solicitation



Fundraising & Solicitation



- **General Rule:**
 - Posted or placed in a common area
 - Initiator of the fundraising cannot be in a management position
 - Names of outside entities cannot be placed on the donation boxes.
 - Each individual employee.
- **Social Media:** may not allow his or her title, position, or any authority connected with the District government to further the fundraiser.
 - Also, may not solicit funds or other support from a subordinate, or a prohibited source.



Nepotism

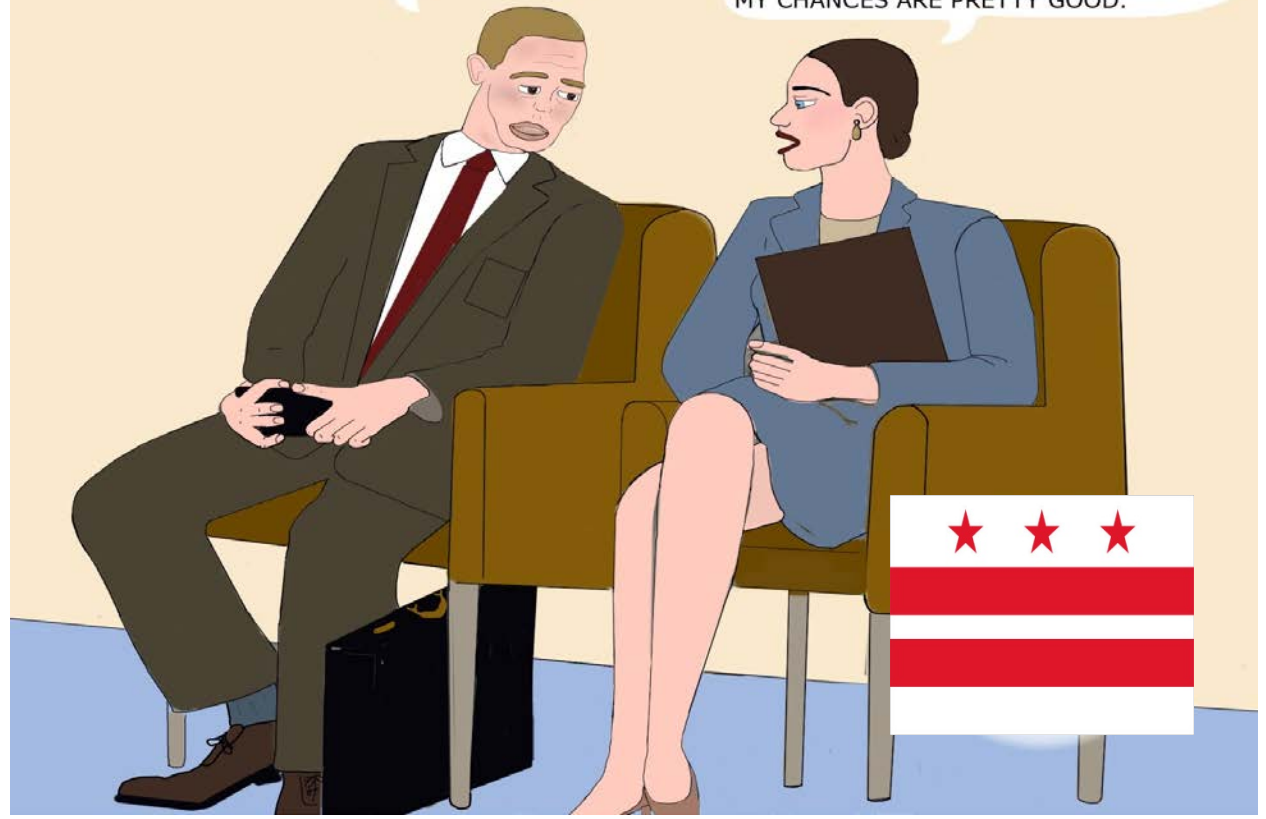
Hiring decision means selecting, appointing, employing, promoting, reassigning, advancing, or advocating a personnel action

RECUSAL - the employee must file a written recusal. You must recuse yourself even if you are not a part of the hiring process.

Nepotism In Government Jobs

I'VE BEEN LOOKING FOR A TEACHING JOB FOR A WHILE. I NEVER THOUGHT IT WOULD BE SO HARD TO FIND A ONE.

MY MOM IS A SECRETARY HERE, MY DAD IS HEAD OF FINANCES AND MY UNCLE IS THE HEAD OF MAINTENANCE SO I KNOW MY CHANCES ARE PRETTY GOOD.



Nepotism



- **Violations**

- Hiring Official

- ✦ Disciplinary action, up to, and including removal; and

- ✦ Restitution to the District of Columbia

- ✦ BEGA Penalties.

- New employee – immediately fired (no discretion).

Wearing too many hats?



ETHICS
OUTSIDE ACTIVITIES

Outside Employment & Activities



- Employees shall not engage in any outside employment or activity incompatible with the full and proper discharge of his or her duties and responsibilities, such as:
 - **Interfere**
 - **Impair**
 - **Government time or resources**
 - **Financial or economic interest in or serving (with or without compensation) as an officer or director**

Outside Employment & Activities



- **Capitalizing / official title or position.**
- **Non-Public information**
- **Representative capacity**
- **Violation of federal or District law**

Test Your Knowledge



- **Question:** I sometimes do volunteer work for my neighborhood civic association, which is a non-profit entity. The association has asked me to prepare and sign a grant application requesting grant funds from a District Government agency. I work for another agency and there is no overlap with my governmental duties and the civic association. Can I do as they ask?
- **Answer:** No.
- **Reason:** Your signature on the grant application amounts to you serving in a representative capacity for the neighborhood civic association (an outside entity) in a matter before the District government, which is prohibited.

Teaching, Writing & Speaking



- Permitted if outside regular working hours or while on leave
- Waivable ban on using nonpublic information
- If paid, then can't be “devoted substantially” to:
 - Your job
 - Your agency
 - Information obtained from your government employment
- Social Media:
 - Paid blogging
 - Separate your personal and official capacity
 - Disclaimer

Government Property



- An employee has a duty to protect and conserve government property and shall not use such property, or allow its use, for other than authorized purposes.
- Government property includes:
 - ✦ Any form of real or personal property in which a federal, District, state, or local government agency or entity has an ownership, leasehold, or other property interest.
- Authorized purposes



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DISTRICT *of* COLUMBIA

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FOR IMMEDIATE RELEASE

Monday, March 9, 2015

Former D.C. Government Employee Pleads Guilty To Using Government-Issued Credit Card for Personal Purposes Admits Making Over 200 Purchases of Gasoline For Personal Vehicle, Totaling Over \$11,000

WASHINGTON – Kimberley Pinkney, a former inspector with the District of Columbia Department of Fire and Emergency Medical Services (DCFEMS), pled guilty today to using her government-issued credit card to purchase over \$11,000 in gasoline for her personal vehicle, announced U.S. Attorney Ronald C. Machen Jr. and Robert C. Erickson, Deputy Inspector General of the U.S. General Services Administration (GSA).

Pinkney, 45, of Washington, D.C., pled guilty in the Superior Court of the District of Columbia to a charge of second-degree felony fraud. The Honorable Juliet McKenna scheduled sentencing for May 5, 2015. The charge carries a statutory maximum of three years in prison and potential financial penalties. The plea agreement calls for Pinkney to make full restitution.



The United States Attorney's Office In Your Neighborhood

LEARN MORE

Financial Conflicts of Interest



- District Law - the financial interests of the employee or a **person closely affiliated** with the employee
- Federal Law
- Penalties for violations include:
 - Civil penalties pursuant to the Ethics Act
 - ✦ \$5,000 per violation
 - Criminal Penalties pursuant to 18 U.S.C. § 216: up to 5 years imprisonment and \$50,000 fine

Negotiating for Employment



Before you walk out of the door...



ETHICS
POST-EMPLOYMENT

Post-Employment Conflicts of Interest



- **Permanent Prohibition**
- A former government employee who participated **personally and substantially** in a **particular government *matter*** involving a **specific *party***.
 - **representative** in any formal or informal appearance before an agency.
 - **communication** to an agency with the intent to influence that agency on behalf of another person.
 - **Bottom Line: No Communications or Appearances**

Post-Employment Conflicts of Interest



- **Two (2) Year Prohibition**

- *Official responsibility* – prohibited from serving as a representative in any formal or informal matter
- Behind-the-scenes assistance

Post-Employment Conflicts of Interest



- **One (1) Year Prohibition (cooling off period)**
- **Any transactions with the former agency intended to influence the agency, in connection with any particular government**
 - No personal and substantial participation needed
 - First arises after the employee leaves government service.
 - 18 U.S.C. § 207 applies (federal criminal restrictions on post-employment)
 - You are eligible for free post-employment advice **forever**.

Express Exceptions



- **Exceptions to the One (1) year Cooling Off Period**
 - ✦ **To furnish scientific or technological information to agency.**
 - ✦ **New job - State or federal government.**
 - ✦ **Testimony under oath.**
 - ✦ **Personal matters, i.e., income taxes, licensure, or pension benefits.**
 - ✦ **Litigation or Administrative Proceeding**

Test Your Knowledge




- **Question:** I left the District government approximately two months ago and went into business for myself. One of my clients has a payment issue with my former agency and wants me to see if I can work with the agency to get the payment approved. My client assures me that he did not have any dealings with my former agency during the time that I worked there. Can I contact my former co-workers for assistance?
- **Answer:** No. Because you left your former agency less than one year ago, you are prohibited from having any transactions, appearances, or communications with your former agency with the intent to influence the agency in a matter in which it has a direct and substantial interest. It doesn't matter that the issue did not arise until after you left the agency.

Test Your Knowledge



- Question: I left the District government, specifically the Department of Motor Vehicles (“DMV”), 6 months ago. My license expires this month, am I prohibited from going to the DMV to get my license renewed?
- Answer: No. There is a special exception for matters of a personal nature such as taxes, pension and licensure for yourself (but not others).

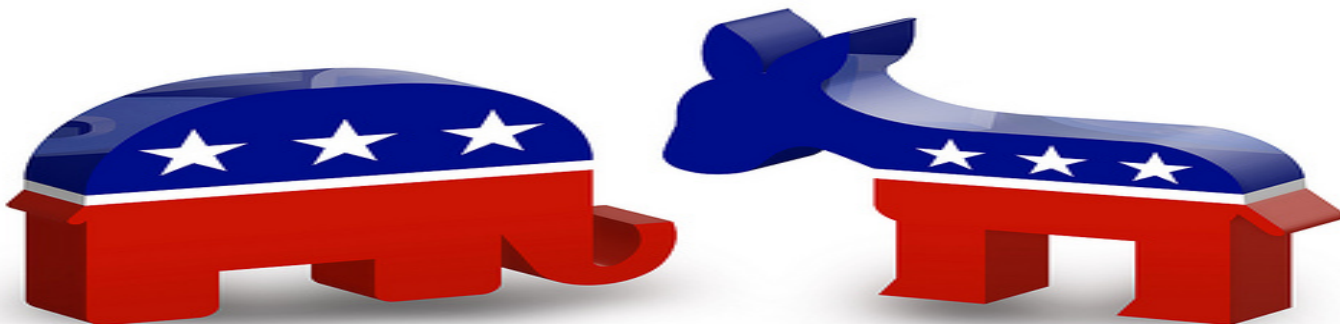


HATCH ACT

BE RESPONSIBLE

EFFECTIVE ON MARCH 7, 2013

THE LOCAL HATCH ACT ESTABLISHES RESTRICTIONS ON
THE *POLITICAL ACTIVITY* OF D.C. GOVERNMENT
EMPLOYEES.



Political Activity



- ***“Political Activity”*** means:
 - Any activity that is directed toward the success or failure of a political party, candidate for partisan political office, partisan political group, ballot initiative, or referendum.
- ***“District Regulated Political Activity”*** means:
 - Any election, ballot initiative, or referendum **regulated by the D.C. Board of Elections**

Prohibited Political Activity (District Campaigns)



- When engaging in **District campaigns or elections**, D.C. government employees cannot:
 - Knowingly solicit, accept, or receive a political contribution from any person
 - File as a candidate for election to a D.C. ***partisan*** political office.
 - ✦ ANC is NOT a partisan office.

Prohibited Political Activity (THINGS YOU CAN NEVER DO)



- **ALL** D.C. government employees are prohibited from engaging in **ALL Political Activity**, while:
 - On duty
 - In any room or building occupied in the discharge of official duties in the D.C. government
 - Wearing a uniform or official insignia identifying the office or position of the employee
 - Using any vehicle owned or leased by the District, including an agency or instrumentality thereof

Prohibited Political Activity (THINGS YOU CAN NEVER DO)



- ***ALL*** D.C. government employees are prohibited from engaging in ***ALL Political Activity*** :
- Employees may not coerce, explicitly or implicitly, any subordinate employee to engage in political activity.
- Use their official authority or influence for the purpose of interfering with or affecting the result of an election.

“Meet and Greet” Events



Linda
SZYRKOWICZ 2016

Candidate for State Representative
in the 33rd District Middletown, CT

Meet and Greet with Chubby Checker, a Szyrkowicz Supporter

*Friday, April 22, 2016
6-10 PM*

*Suggested Campaign
Donation: \$25*

*Elk's Lodge #771
44 Maynard Street
Middletown, CT
Patio Room*



SZYRKOWICZ 2016 140 KNOX BLVD. MIDDLETOWN, CT 06457
Info at www.szyrkowicz2016.com or contact (860) 575-7125

— *“Fresh Ideas & Common Sense”* —

Paid for by Szyrkowicz 2016 - Hollee Goldman, Treasurer.
Approved by Linda Szyrkowicz, Candidate State Rep 33rd.



Test Your Knowledge



- Question: I am a District government employee paid entirely with District funds. I reside in the District, but my childhood friend is running for office in Maryland, on a partisan ticket. Am I permitted to campaign for my friend?
- Answer: Yes
- Question: I am permitted to fundraise for my friend?
- Answer: Yes.

Test Your Knowledge



- Question: I received an email from a partisan political candidate in my District government email inbox. Have I violated the Local Hatch Act?
- Answer: No
- Question: I forwarded the email to my coworkers. Have I now violated the Local Hatch Act?
- Answer: Yes.

Where to go for ethics advice



- **BEGA**

- Director of Government Ethics
- (202) 481-3411
- BEGA Hotline - - (202) 535-1002
- Email - - bega@dc.gov
- www.bega-dc.gov

- **Your Agency Ethics Counselor**

Dear Government Employee,
Some things are more precious than
others; the public's trust is one
example. Government service with
integrity requires your special attention.



Thanks, Ethics

**SERVE WITH
INTEGRITY**

When in doubt, give Ethics a shout!