

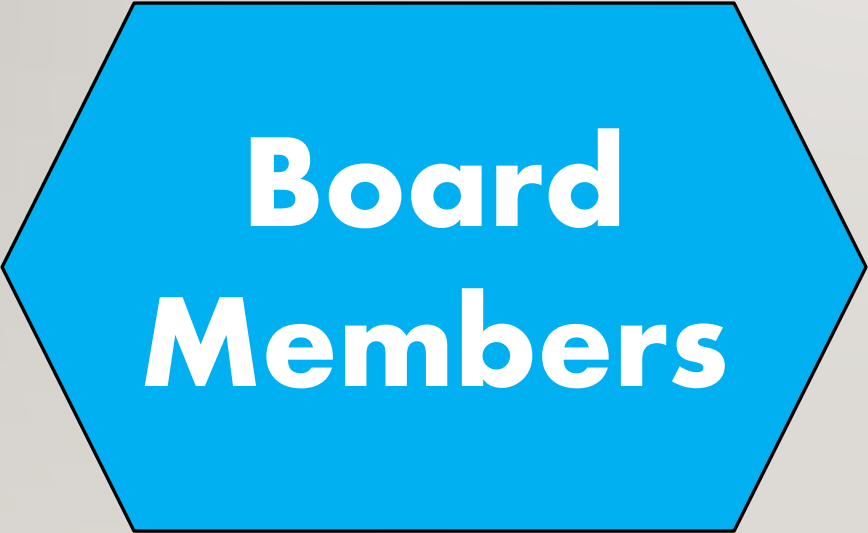
BEGA

BOARDS AND COMMISSIONS ETHICS TRAINING

OFFICE OF GOVERNMENT ETHICS



WHO IS THIS TRAINING FOR?

A blue hexagon with a black outline, containing the text "Board Members" in white.

**Board
Members**

A yellow 3D rectangular box with a black outline, containing the text "Commission Members" in white.

**Commission
Members**

WHAT WE DO



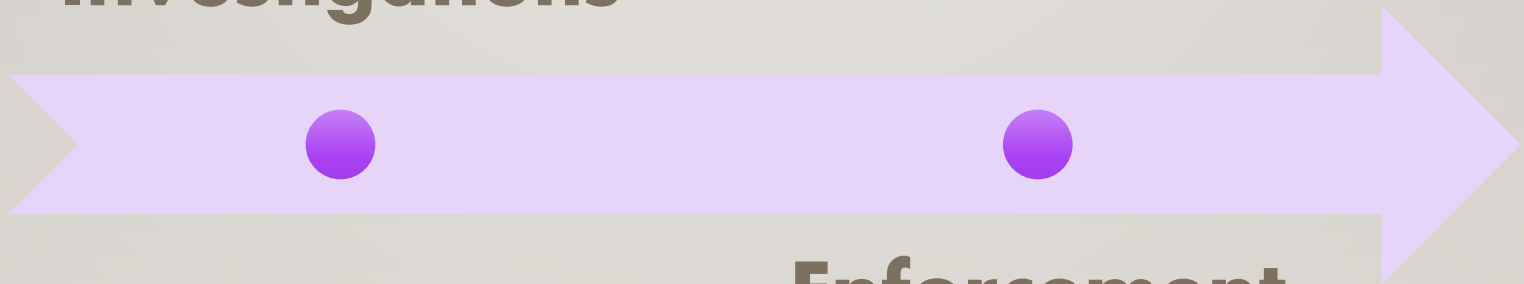
**Ethics
Training**



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

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***



BOARD TYPES

CONFIRMATION ACT - SECTION 2(e) BOARDS AND COMMISSIONS

- **Members of a Board or Commission nominated pursuant to Section 2(e) of the Confirmation Act, are “Employees” for the purposes of the District ethics rules. Members of 2(e) boards are subject to the entire Code of Conduct, including the Local Hatch Act and FDS filing requirements**

Boards & Commissions Confirmed Under 2(e)

The Alcoholic Beverage Control Board,
The District of Columbia Board of Library Trustees
The Board of Trustees of the University of the District of Columbia,
The Board of Zoning Adjustment,
The Police Complaints Board
The Contract Appeals Board,
The District of Columbia Board of Elections,
The Commission on Human Rights,
The District of Columbia Housing Finance Agency Board of Directors,
The Historic Preservation Review Board
The Metropolitan Washington Airports Authority Board of Directors
The Office of Employee Appeals
The Public Employee Relations Board
The Public Service Commission
The Rental Housing Commission

The Washington Convention and Sports Authority Board of Directors
The Water and Sewer Authority Board of Directors
The Zoning Commission for the District of Columbia
The Board of Commissioners of the District of Columbia Housing Authority
Homeland Security Commission
The Board of Ethics and Government Accountability
Commission on the Arts and Humanities
The Board of Directors of the Washington Metrorail Safety Commission
The Green Finance Authority
The Housing Production Trust Fund Board
The Clemency Board
The Campaign Finance Board
The Corrections Information Council
The District of Columbia Sentencing Commission
Use of Force Review Board

CONFIRMATION ACT - SECTION 2(f) BOARDS AND COMMISSIONS

- **Members of a Board or Commission nominated pursuant to Section 2(f) of the Confirmation Act, are “Employees” for purposes of the District ethics rules and are subject to the Local Hatch Act when engaging in political activity that relates to the Board or Commission member’s own board or agency.**

Boards & Commissions Confirmed Under 2(f)

The Apprenticeship Council,
(2) The Armory Board
(4) The Board of Dentistry,;
(5) The Board of Medicine,
(6) The Board of Nursing,
(7) The Board of Nursing Home Administration,;
(8) The Board of Psychology,;
(9) Repealed.
(10) The Child Support Guideline Commission,
The District of Columbia Boxing and Wrestling Commission,
(13) The Multistate Tax Commission,
(14) The Public Access Corporation Board of Directors
(15) The Board of Real Estate,
(17) The Board of Dietetics and Nutrition,
(18) The Board of Occupational Therapy,
(19) The Board of Optometry,
(20) The Board of Pharmacy,
(21) The Board of Physical Therapy,
(22) The Board of Podiatry,
(23) The Board of Social Work,
(24) The Board of Professional Counseling,
(25) The Board of Respiratory Care,
The Board of Massage Therapy
(27) The Board of Chiropractic,
(28) The Statewide Health Coordinating Council,
(29) The Board of Barber and Cosmetology,
(30) The Board of Real Estate Appraisers,
(32) The Board of Funeral Directors,
(35) The Board of Veterinary Examiners for the District of Columbia,

(37) The Board of Architecture, Interior Design, and Landscape Architecture,
(38) The Board of Accountancy
(39) The Board of Industrial Trades,
(40) The Board of Professional Engineering
(41) The Housing and Community Development Reform Commission,
(42) The Commission on Asian and Pacific Islander Community Development,
(43) The Board of Marriage and Family Therapy,
(46) The Motor Vehicle Theft Prevention Commission,
(47) The Commission on African Affairs,
(48) The Science Advisory Board to the Department of Forensic Sciences,
(49) The Commission on African-American Affairs,
(51) Other Post-Employment Benefits Fund Advisory Committee,;
(52) The Commission on Fathers, Men, and Boys
(53) The Commission on Health Equity,
(54) Youth Apprenticeship Advisory Committee,;
(55) The District of Columbia State Athletics Commission,
(56) The Commission on Out of School Time Grants and Youth Outcomes,
(57) The Adult Career Pathways Task Force,
(60) The Maternal [Mortality] Review Committee,
(61) The Child Fatality Review Committee,
(62) The Violence Fatality Review Committee,
(63) The Domestic Violence Fatality Review Board,
((65) The Commission on Nightlife and Culture
(67) The Students in the Care of D.C. Coordinating Committee
(68) The Commission on Fashion Arts and Events,
(69) The Perinatal and Infant Health Advisory Committee, 5; and
(70) The Commission on Poverty

OTHER BOARDS AND COMMISSIONS

- **There are other boards, which exist under authority other than sections 2(e) or 2(f) of the Confirmation Act**

HATCH ACT



HATCH ACT

**The Local Hatch Act defines
“political activity” as:**

- **Any activity that is *regulated by the District* and directed toward the success or failure of a political party, candidate for partisan political office, partisan political group, ballot initiative, or referendum.**

WHEN DOES THE HATCH ACT APPLY?

2(e) Boards and Commissions

Hatch Act applies

2(f) Boards and Commissions

Hatch Act applies **only when** the board or commission member is engaging in political activity that relates to the subject matter their own board, commission or agency regulates

Other Boards and Commissions

It depends...contact BEGA!

HATCH ACT

- When engaging in “political activity” that is regulated by the District, D.C. government employees cannot:
 - Knowingly solicit, accept, or receive a political contribution from any person (*except* if the employee has filed as a candidate for political office);
 - File as a candidate for election to a *partisan* political office;
 - Knowingly direct, or authorize anyone else to direct, that any subordinate employee participate in an election campaign or request a subordinate to make a political contribution.
- When engaging in ANY “political activity,” D.C. government employees cannot:
 - Use their official authority or influence for the purpose of interfering with or affecting the result of an election

PROHIBITED “POLITICAL ACTIVITY”

- ***ALL* D.C. government employees are prohibited from engaging in *ALL* political activity, regardless of whether it is regulated by the District, while:**
 - **On duty;**
 - **Including when telecommuting or on official time for union duties**
 - **In any room or building occupied in the discharge of official duties in the D.C. government, including any agency or instrumentality thereof;**
 - **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.**

TEST YOUR KNOWLEDGE



TEST YOUR KNOWLEDGE (HATCH ACT)

Bob serves as the Chair of the Contract Appeals Board. During an official virtual meeting, Bob endorses his favorite Democratic candidate on the record. Has he violated the Hatch Act?

ANSWER

Yes, Bob has violated the Hatch Act because he engaged in political activity while on duty.

FINANCIAL DISCLOSURE



FINANCIAL DISCLOSURE FILING REQUIREMENTS FOR 2(E) BOARD AND COMMISSION MEMBERS

Who files?

- Anyone considered a “Public Official” under the Ethics Act must file a **PUBLIC Financial Disclosure Statement by May 15th** of each year.
- Certain Board and Commission members 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 15TH OF EACH YEAR**
- In late April, every Public filer will receive a hard copy notice and email from BEGA. The notice will:
 - Explain the process for filing
 - Include the e-filing log-in information
 - **NOTE:** You are still required to file even if you do *not* receive a letter from BEGA.

Where?

- You can file electronically through BEGA’s e-filing system



TEN PRINCIPLES OF ETHICAL CONDUCT

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?"**
 - **Other considerations:**
 - **Do not send an email with your auto signature and government title to anyone if it involves a personal matter (i.e., mortgage company).**
 - **Fundraising for private non profit entities using your official title – NOT ALLOWED**

2. 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.**

TEST YOUR KNOWLEDGE



TEST YOUR KNOWLEDGE

Felicia is a member of the CAH. She has been invited to an opening night event by a CAH grantee. May Felicia accept a free ticket to the event?

ANSWER

Maybe. Generally, board members may not accept gifts given by prohibited sources or because of their position and title. However, when a board member is invited to speak at an event, the board member's attendance is in the best interest of the agency, or the board member is authorized by the agency's enabling statute to attend such events the board member may accept free attendance to the event.

3. 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.**

4. 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.**

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, "You did such a great job for us ."I know you have been working extra hard. Let me help out a bit by taking 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).**

TEST YOUR KNOWLEDGE



TEST YOUR KNOWLEDGE

John is a member of the ABC board which issues alcohol licenses to the District's bars and restaurants. The ABC Board only issues and renews licenses during a special licensing period. The owner of a restaurant approaches John and asks that her license be considered immediately (outside the licensing period). John forwards the request to the Director of ABRA and asks if there is anything that can be done to get the restaurant owner her license. Has John acted impartially?

ANSWER

No, by asking the Director to deviate from the agency's standard procedures for a particular restaurant John has given the impression that he is partial to this restaurant or that this restaurant should have preferential treatment.

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.**

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 service, you must abide by certain restrictions for differing periods of time, i.e., 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

- **Board of Ethics and Government Accountability (“BEGA”)**
 - **BEGA Email: BEGA@dc.gov**
 - **Main Number: (202) 481-3411**
 - **Address: 441 4th Street, NW, Suite 830 South**

Washington, D.C. 20001