

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

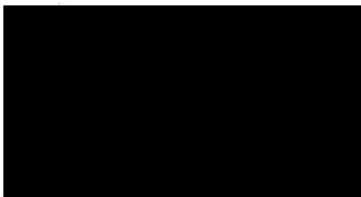


Office of Government Ethics

IN RE: Edward Moody,

Respondent

CASE No.: 1019-009



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 (2014 Supp.)), 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 you 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 an Account Executive for the Office of Project Empowerment at the Department of Employment Services ("DOES") where he has been employed for the past 14 years. Respondent's direct supervisor is [REDACTED] Operations Supervisor for the Office of Project Empowerment at DOES. Respondent's second-line supervisor is [REDACTED] the Associate Director for the Office of Project Empowerment at DOES.
2. Respondent's role at the Office of Project Empowerment is to promote the Project Empowerment Program, the Transitional Employment Program (TEP) "way-to-work initiatives" and recruit partners for the program. In addition, Respondent coordinates and arranges partnership agreements between the Office of Project Empowerment and interested employers, and then matches selected TEP applicants' skill- set levels according to the available job descriptions provided by the respective employers.
3. The results of the investigation reveal that the Respondent is also employed as a consultant for [REDACTED] located at [REDACTED] [REDACTED] is a company incorporated in the District of Columbia. In its biennial report filed with the Department of Consumer & Regulatory Affairs, Corporations Division for the 2013 filing year, [REDACTED] listed education and training in its statement of business affairs conducted in the District of Columbia. The subject filing further lists [REDACTED] as the registered agent. Other documents identified during the course of this investigation confirm that [REDACTED] is the owner of [REDACTED] [REDACTED] is also [REDACTED] wife and [REDACTED] is the Respondent's second-line supervisor.

4. Respondent conducts one-on-one job readiness coaching/employment training for [REDACTED]
5. Respondent documented the services provided to [REDACTED] in at least six memoranda written on [REDACTED] letterhead between November 7, 2012 and November 20, 2012. These memoranda were transmitted using the District government email system.
6. Respondent was paid for his services in the form of 38 checks totaling \$15,407.00. Thirty-seven of the 38 checks were written on the business account associated with [REDACTED]. The one remaining check was written on the joint personal account held in the name of [REDACTED] and [REDACTED]
7. On March 19, 2015, Respondent was scheduled for an interview for March 20, 2015 at 11:00 a.m., to provide information in Formal Investigation 1019-005. As set forth in Paragraphs 1-6, Respondent's testimony is relevant to that investigation. Respondent was interviewed by BEGA, Attorney Advisor, Yancey Burns and BEGA Investigator Clara Olawumni, as scheduled on March 20, 2015 between 11:00 a.m. and 11:39 a.m.
8. On April 14, 2015, a mutually agreed upon date and time was scheduled with the Respondent for a follow-up interview on April 22, 2015 at 11:00 a.m. The interview was scheduled for 1 hour. See, Exhibit No. 1.
9. Respondent appeared for the interview with BEGA, Attorney Advisor, Yancey Burns and BEGA Investigator Clara Olawumni, as scheduled. Shortly after the interview began, Respondent failed to fully cooperate with the Board of Ethics and Government Accountability ("BEGA") investigation when he refused to provide answers to questions from the BEGA investigator concerning the following three specific areas: First, the Respondent's familiarity with [REDACTED]

Second, an explanation concerning why [REDACTED] would have paid the Respondent as evidenced by at least two [REDACTED] checks; and third, a request for the Respondent to explain how his relationship with [REDACTED] came into existence. At approximately 11:22 a.m., on April 22, 2015, Respondent abruptly left the BEGA interview room stating that he had another appointment.

10. The following is a transcription of the recording of the interaction with Respondent as he was leaving the BEGA office.

Yancey Burns: Mr. Moody, just to inform you, I'm here with Clara Olawunmi, it is 11:23 on the 22nd of April. Mr. Moody is leaving. I want to inform you that you have to cooperate per the DPM, it is an ethics violation to fail to cooperate with an investigation. Your leaving would constitute failure to cooperate with an investigation. This is my Director, Darrin Sobin. This is Mr. Moody. Mr. Moody, Darrin Sobin. I was just informing Mr. Moody that failure to cooperate is a DPM violation in itself, an ethics violation, so if you'd like to step back in the room, we'd just like to have a conversation with you.

Edward Moody: Actually this is my second time here, so I don't know where he gets the failure to cooperate from. This is my second visit here and I explained to Clara that I do have another appointment. If you'd like to see me again, we can reschedule, and I'll come back.

Darrin Sobin: As I understand it, you were being asked some questions and you weren't giving answers, so that's where the failure to cooperate came in.

Edward Moody: I did give answers. It wasn't the answer he wanted to hear, I guess, but I did respond.

Darrin Sobin: OK, well why don't we go back in the room and just...

Edward Moody: I don't have time, I have another appointment.

Darrin Sobin: How long have you been here?

Edward Moody: I've been here since 11.

Clara Olawunmi: And we scheduled this meeting for one hour.

Yancey Burns: It's 11:24, for the record.

Edward Moody: I didn't have an hour. But, as I said before, if you'd like to reschedule I'll come back but I have to go right now.

Darrin Sobin: Alright, well listen, I can't by force keep you here, but I will say, as Yancey explained to you, failure to cooperate, if I deem it to be failure to cooperate, is itself an ethics violation that I wouldn't hesitate to charge and bring to the Board, so you sort of assume that risk if you walk out the door now.

Edward Moody: Ok, well, I'll tell you what, I'll come back, when we reschedule, with you and representation and we'll go from there, how's that?

Darrin Sobin: Can you come back later this afternoon?

Edward Moody: I doubt it.

(Moody's phone rings)

Edward Moody: That is my appointment. So, you want to send me an email or something to reschedule?

Darrin Sobin: Alright, you're assuming the risk. I'm not saying that it's OK to leave. In fact, these guys should probably go start drafting the charging document, so the sooner you're back, the better.

(Moody leaves the BEGA Office)

Yancey Burns: Thank you Mr. Moody. It is 11:26 a.m., Mr. Moody has left.

11. At 1:32 p.m. on the same day, April 22, 2015, BEGA Investigator Clara Olawunmi through an email requested that the Respondent contact her to either reschedule the remaining portion of the interview for a later time on April 22, 2015 or to arrange a mutually convenient date and time to conclude the follow-up interview.
12. Respondent responded to Investigator Olawunmi's April 22, 2015 email (which was sent at 1:32 p.m.) at 5:14 p.m. He stated that he would get back to the investigator with his availability once he conferred with his union representative.
13. On April 28, 2015 at 2:30 p.m., a letter signed by Darrin Sobin, the Director of Government Ethics, was emailed to the Respondent through Investigator Olawunmi's email account requesting that the Respondent appear at the BEGA office on Friday, May 8, 2015 at 2:30 p.m. for an interview regarding the subject investigation. As noted in Mr. Sobin's letter of April 28, 2015, the Respondent was required to either appear at the BEGA offices for the above-referenced May 8, 2015 interview or was required to contact Investigator Olawunmi by COB on Wednesday, May 6, 2015 to schedule a meeting in the near future.
14. On May 5, 2015, at 10:18 a.m. and 10:22 a.m., two attempts were made by Investigator Olawunmi to speak with the Respondent. The first call was made to

the Respondent's District government telephone number, followed by a second call to the Respondent's mobile telephone number. Both attempts to reach the Respondent were unsuccessful. In addition, Investigator Olawunmi left voice messages for the Respondent on both of the above-referenced telephones. Respondent failed to contact Investigator Olawunmi or/and BEGA or suggest another date and time for the follow-up interview.

15. On May 8, 2015 at 1:40 p.m., Investigator Olawunmi sent an email to remind the Respondent about the 2:30 p.m., scheduled interview. Respondent failed to appear at the BEGA offices at the scheduled time for the interview. In addition, Respondent failed to contact Investigator Olawunmi and/or BEGA or suggest another date and time for the interview.

16. With respect to his conduct in failing to cooperate with a BEGA investigation, 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 Fully Cooperate with a Board of Ethics and Government Accountability investigation.

The Respondent violated DPM § 1801.3¹ in that the Respondent failed to fully cooperate with a BEGA investigation after he refused to provide answers to questions from the BEGA investigators. In addition, Respondent abruptly walked out from the BEGA interview room during an ongoing interview and failed to appear at the BEGA offices on May 8, 2015 at 2:30 p.m. for the scheduled interview.

¹ DPM § 1801.3 states that an employee shall fully cooperate with any investigation, enforcement action, or other official function of the Office of Government Ethics.

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 Thursday, June 25, 2015. 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 Thursday, June 25, 2015. Responses submitted via U.S. mail or in person shall be addressed to Robert J. Spagnoletti, Chairman, Ethics Board, and Darrin P. Sobin, Director of Government. If submitted electronically, Respondent may email his response to Robert.Spagnoletti@dc.gov and Darrin.Sobin@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) (2011 Repl.).

A copy of the Ethics Board 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 Chairman below, as of the date indicated below.

APPROVED:


Robert J. Spagnoletti
Chair, Board of Ethics and Government Accountability

6/1/15
Date

Enclosure: 3 DCMR 5500 *et. seq.*

#1019-009

DS/BKF/RR/co

Olawunmi, Clara (BEGA)

Subject: Meeting Forward Notification: Meeting: Board of Ethics and Government Accountability
Location: BEGA Conference Room - OJS - 441 4th Street, NW, Suite 830 South

Start: Wed 4/22/2015 11:00 AM
End: Wed 4/22/2015 12:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Moody, Ed (DOES)

Your meeting was forwarded

[Moody, Ed \(DOES\)](#) has forwarded your meeting request to additional recipients.

Meeting

Meeting: Board of Ethics and Government Accountability

Meeting Time

Wednesday, April 22, 2015 11:00 AM-12:00 PM.

Recipients

[REDACTED]

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server 2013

