

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



Office of Government Ethics



In Re: C [REDACTED] Gooding
Case No.: 1031-012

NEGOTIATED DISPOSITION

Pursuant to section 221(a)(4)(A)(v)¹ of 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 -12 4, D.C. Official Code § 1 -116 1.01 *et seq.*), the Office of Government Ethics ("the Office") hereby enters into this Public Negotiated Disposition with the Respondent, C. Gooding. Respondent agrees that the resulting disposition is a settlement of the above-titled action, detailed as follows:

I. FINDINGS OF FACT

Respondent is an [REDACTED] at District of Columbia Public Schools ("DCPS"). Respondent has been an employee of DCPS since July 2016. Beginning on April 6, 2017 Respondent began using D.C. Fleet Share vehicles for his personal use. Respondent used D.C. Fleet Share vehicles to travel, for personal purposes, from his office at [REDACTED] to various destinations (including the Philadelphia Zoo and overnight stays at his home), on at least 41 instances for a total of 2,611 miles driven, and 1,409 hours billed to his agency. Respondent's misuse of a government vehicle cost the District government \$1357.72, if calculated by mileage.

II. NATURE OF VIOLATIONS

Respondent's conduct is in violation of at least one section of the District Code of Conduct, as set forth below:

- ❖ One: District Personnel Manual § 1800.3(i), which states: "Employees shall protect and conserve government property and shall not use it for other than authorized activities."

Respondent's conduct, using D.C. Fleet Share vehicles for his personal use, was a violation of the District Personnel Manual, specifically, §1800.3(i).

III. TERMS OF THE NEGOTIATED DISPOSITION

¹ Section 221(a)(4)(A) of the Ethics Act provides, in pertinent part, that "[i]n addition to any civil penalty imposed under this title a violation of the Code of Conduct may result in the following:....Any negotiated disposition of a matter offered by the Director of Government Ethics, and accepted by the respondent, subject to approval by the Ethics Board."

Respondent acknowledged that his conduct was in violation of the District Code of Conduct and expressed remorse for his actions. Respondent stated that his zealous execution of his work duties caused him to neglect the perimeters of Fleet Share use. Respondent agrees to pay a fine in the amount of **\$5,000.00** and promises not to engage such conduct in the future. In return for Respondent's acknowledgement and promise, the Office will not seek any further remedy or take any further action relating to the above misconduct.

Respondent agrees to pay the **\$5000.00** by having **\$125.00 per pay period** automatically deducted from his bi-weekly paycheck from the District government commencing immediately and continuing until such time as the fine amount is fully satisfied. By this agreement, Respondent expressly authorizes the Office of Pay and Retirement Services ("OPRS") to make these deductions and to transfer such funds to the Board of Ethics and Government Accountability. In the event that Respondent's employment with the District government ceases prior to complete satisfaction of the fine amount, Respondent agrees that any outstanding fine amount will be satisfied by deduction in full from Respondent's final District government paycheck and/or any payment to the Respondent from the District government for unused annual leave. In the event that Respondent makes a payment towards the total amount of the fine outside of the automatic deduction from his paycheck, the Office will notify OPRS that the total amount due has been reduced, reducing the number of payments deducted from Respondent's paychecks, but not reducing the amount deducted. Respondent acknowledges that whether or not OPRS completes these deductions as described herein, Respondent is nonetheless solely responsible for satisfying the fine amount.

Respondent also understands that if Respondent fails to pay the \$5000.00 fine in the manner and within the time limit provided above, pursuant to section 221(a)(5)(A) of the Ethics Act (D.C. Official Code § 1-1162.21(a)(5)(A)), the Ethics Board may file a petition in the Superior Court of the District of Columbia for enforcement of this Negotiated Disposition and the accompanying Board Order assessing the fine. Respondent agrees that this Negotiated Disposition is not just an admission of wrongdoing, but constitutes various factual admissions by him that may be used in any subsequent enforcement or judicial proceeding that may result from his failure to comply with this agreement.

Respondent further understands that if he fails to adhere to this agreement, the Office may instead, at its sole option, recommend that the Ethics Board nullify this settlement and hold an open and adversarial hearing on this matter, after which the Ethics Board may impose sanctions up to the full statutory amount (\$5,000 *per violation*) as provided in the Ethics Act for each violation. Because the Office is, at this time, foregoing requesting that the Ethics Board hold an open and adversarial hearing on this matter, Respondent waives any statute of limitation defenses should the Ethics Board decide to proceed in that manner as a result of Respondent's breach of this agreement

The mutual promises outlined herein constitute the entire agreement in the above-titled action. By our signatures below, we agree to the terms outlined herein.

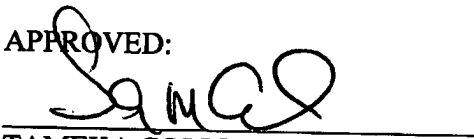

C  GOODING
Respondent/

11/2/17
Date


BRIAN K. FLOWERS
Interim Director of Government Ethics

11/2/17
Date

This agreement shall not be deemed effective unless and until it is approved by the Board of Ethics and Government Accountability, as demonstrated by the signature of the Chairman below.

APPROVED:

TAMEKA COLLIER
Chairperson, Board of Ethics and Government Accountability

11/9/17
Date

#1031-012
BF/ASM/RC

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



IN RE: C [REDACTED] Gooding,

Respondent

Case No. 1031-012

ORDER

Based upon the mutual representations and promises contained in the Negotiated Disposition approved by the Board herein on November 9, 2017, and upon the entire record in this case; it is, therefore

ORDERED that Respondent pay a civil penalty in the amount of FIVE THOUSAND DOLLARS (\$5,000.00).

This Order is effective upon approval by the Board of Ethics and Government Accountability, as demonstrated by the signature of the Chairperson below.

A handwritten signature in black ink, appearing to read "Tameka Collier".

Tameka Collier

Chairperson, Board of Ethics and Government Accountability

11/9/17

Date