

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



Office of Government Ethics

In Re: D █████ Willis
Case No.: 1436-001

NEGOTIATED DISPOSITION

Pursuant to section 221 (a)(4)(E) 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 19-124, D.C. Official Code § 1-1161.01 et seq., the Office of Government Ethics (the “Office” or “OGE”) hereby enters into this public negotiated settlement agreement with the Respondent, D █████ Willis.¹ Respondent agrees that the resulting disposition is a settlement of the above-titled action, detailed as follows:

I. FINDINGS OF FACT

Respondent worked as an Industrial Hygienist in the Office of Occupational Safety and Health at the Department of Employment Services (“DOES”). As an Industrial Hygienist, Respondent conducted occupational safety and health consultations for high hazardous workplaces, which involved driving to several different business locations within the District. Respondent was authorized to use fleet share vehicles. Respondent’s tour of duty consisted of eight-hour shifts and typically ended at 5:00 or 5:30 p.m. Respondent was not required to work after his tour of duty, weekends, or holidays. Neither was Respondent authorized to travel outside of the District to perform his job duties.

According to the evidence, Respondent’s total usage of fleet share vehicles occurred from November 2014 through October 2015. An investigation revealed that over the course of his employment with DOES, Respondent excessively and inappropriately used fleet share vehicles by using them outside of his regular work hours, weekends, holidays, and while he was out on sick leave. The investigation also revealed that Respondent used fleet share vehicles to travel to several parts of Prince George’s County, Maryland and Virginia. For example:

¹ Section 221 (a)(4)(E) 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.”

On August 24, 2015, Respondent reserved and used a fleet share vehicle for a total of forty-four hours. Respondent picked-up the vehicle at 1:06 p.m. and returned it on the morning of August 26th at 9:31 a.m., having driven 106 miles, which included travel into Maryland. On that same day, Respondent made a reservation for that same vehicle. Respondent picked-up the vehicle at 9:32 a.m. and returned it on August 27th at 4:12 p.m., after having the vehicle for thirty-one hours and driving ninety-one miles, which also included travel into Maryland. On August 27th, Respondent picked-up a different vehicle at 4:13 p.m. and returned the vehicle on August 28th at 4:29 p.m., having used it for twenty-four hours and driving eighty-one miles. Three minutes later, at 4:32 p.m., Respondent picked-up yet another vehicle and did not return it until September 1st, at 2:40 a.m., having used it for eighty-three hours on the weekend and driving a total of 117 miles.

On September 7, 2015, which was a federal holiday, Respondent picked-up a fleet share vehicle at 12:18 p.m. Respondent returned that vehicle on September 8th at 3:31 p.m., after using it for twenty-seven hours and accumulating ninety-one miles. Respondent's usage included travel into Maryland. On September 10th, Respondent reserved and used a vehicle for twenty-five hours. Respondent returned that vehicle on September 11th, having driven 130 miles, which included travel into Maryland. On Saturday, September 12th, Respondent picked-up a vehicle at 12:20 a.m. and returned it at 10:21 p.m. Respondent had driven a total of 104 miles. On Sunday, September 13th at 11:05 a.m., Respondent picked up a fleet share vehicle and returned it at 10:49 p.m.

From May 22, 2015 until May 23rd, Respondent used a fleet share vehicle for twenty-eight hours and accumulated 192.2 miles. On May 27, 2015, at 1:35 p.m., Respondent picked up a fleet share vehicle and returned that vehicle on June 1st at 5:35 a.m., having driven 244 miles, which included weekend usage and travel into Maryland and Virginia. According to DOES, Respondent used eight hours of sick leave on May 27th. Respondent admits that the aforementioned instances were for personal rather than official use.

II. NATURE OF MISCONDUCT

Respondent's conduct is in violation of at least one section of the District Personnel Manual ("DPM"), as set forth below:

- ❖ **One:** Chapter 18, § 1808.1, which states: "[a]n 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."

Respondent's personal usage of fleet share vehicles constituted misusing government property because he used the vehicles for other than authorized purposes. In many instances Respondent's usage of the vehicles extended well beyond his authorized work schedule and outside of his authorized work area. Not only did Respondent retain possession of the fleet share

vehicles for extended periods of time, he also accumulated excessive mileage. Clearly, Respondent's misuse of fleet share vehicles caused an unnecessary expense to the District. In mitigation of his conduct, however, Respondent fully cooperated with OGE's investigation and expressed remorse for his actions.

III. TERMS OF THE NEGOTIATED SETTLEMENT

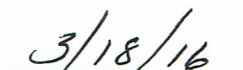
Respondent acknowledges that his conduct was in violation of the District Code of Conduct in that he misused government property. Respondent agrees to pay a **\$5,000.00** fine. Respondent agrees to pay the fine as follows: **\$200 on April 11, 2016; followed by twenty-four monthly payments of \$200, due on the 1st day of each month.** Payment will be accepted by check or money order, made out to the D.C. Treasurer, and provided to OGE.

Respondent also understands that if he fails to pay the \$5,000.00 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 settlement 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 Board may impose sanctions up to the full statutory amount (\$5,000 per violation) as provided in the Ethics Act for each violation.² Because the Office is, at this time, foregoing requesting that the Ethics Board hold an open and adversarial hearing on this matter, Respondent agrees to waive any statute of limitation defenses should the 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 this case. Failure to adhere to any provision of this agreement is a breach rendering the entire agreement void. By our signatures, we agree to the terms outlined herein.


D. Willis


Date

² Section 221 (a)(1) (D.C. Official Code § 1-1162.21 (a)(1)).



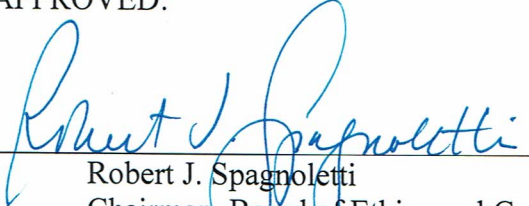
Darrin Sobin
Director of Government Ethics

4/4/16

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:



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

4/7/16

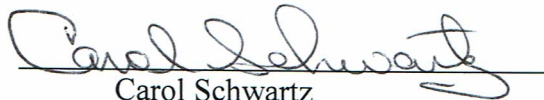
Date



Deborah A. Lathen
Board Member, Board of Ethics and Government Accountability

4/7/16

Date



Carol Schwartz
Board Member, Board of Ethics and Government Accountability

4/7/16

Date