

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



Office of Government Ethics

IN THE MATTER OF:

Date: July 3, 2019

Sonji Johnson

CASE NO: **17-0034-P**

ORDER

Pursuant to the authority conferred by D.C. Official Code § 1–1162.13 and pursuant to authorization by the Board of Ethics and Government Accountability (“the Board” or “BEGA”), the Director of Government Ethics has conducted a preliminary investigation into allegations that the Respondent, Sonji Johnson, violated the District Code of Conduct by falsely reporting a work injury and causing the District of Columbia to incur the cost of her medical treatment allegedly resulting from said falsely reported injury and the cost of a monetary settlement agreement with her alleged assailant. The Respondent had a duty to protect and conserve government property pursuant to District Personnel Manual (DPM) § 1808.1.¹ Moreover, the Respondent was prohibited from interfering with or obstructing any investigation conducted by a District or federal agency pursuant to DPM §1801.2.² **Based on the results of the investigation, the Director of Government Ethics has determined that the allegations are substantiated, and that the Respondent’s actions violated the District Code of Conduct.**

¹ DPM § 1808.1 states that:

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.

DPM § 1808.2 states that:

For purposes of [section 1808] the following definitions apply:

(a) “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 as well as any right or other intangible interest that is purchased with government funds, including the services of contractor personnel. The term includes office supplies, telephone and other telecommunications equipment and services, the government mails, automated data processing capabilities, printing and reproduction facilities, government records, and government vehicles.

(b) “Authorized purposes” are those purposes for which government property is made available to members of the public or those purposes authorized by an agency head in accordance with law or regulation.

² DPM §1801.1 states that:

An employee shall not interfere with or obstruct any investigation conducted by a District or federal agency.

Statement of the Case

This matter is a preliminary investigation into allegations that Respondent falsely reported a work injury, thereby causing the District to incur medical expenses for treatment that was unnecessary. Specifically, the Respondent, who is a Vehicle Inspection Officer for the District of Columbia Department of For-Hire Vehicles (“DFHV”)³, allegedly reported that she had been physically assaulted by a taxi cab driver during a routine inspection stop. The Respondent sought medical assistance for the injuries she alleged resulted from the assault. A surveillance video was provided to the District which shows the entire incident and contradicts Respondent’s account of the incident.

Summary of Evidence

During its preliminary investigation, the Office of Government Ethics (“OGE”) discovered worker’s compensation claims documents, court filings and other evidence demonstrating that on September 7, 2016, Respondent affected a traffic stop in the District, pulling over a DC Executive cab driven by Mohamed Hilowle, for alleged violations.

After reviewing the video footage made available to OGE in this matter, it is apparent that after some conversation between Respondent and Mr. Hilowle, Respondent called a tow truck and began removing a license plate from Mr. Hilowle’s cab. Mr. Hilowle then placed himself between Respondent and the cab before a tow truck arrived on the scene and Mr. Hilowle made a phone call. Metropolitan Police Department (MPD) officers eventually arrived and ultimately arrested Hilowle for allegedly assaulting the Respondent.

DFHV documents show that Respondent claimed she had been physically assaulted by Mr. Hilowle during this encounter and that she was transported to an area hospital and treated for injuries allegedly resulting from the alleged assault.

At no point does the video footage of this incident reflect Mr. Hilowle kneeling or kicking Respondent as she claimed. At no point does the video footage reflect Respondent falling to the ground or nearly falling to the ground as she claimed.

Findings of Fact

1. On Wednesday, September 7, 2016, Respondent was employed by DFHV as an Inspection Officer.
2. On Wednesday, September 7, 2016, Respondent affected a traffic stop on the 1400 block of 14th Street NW while on duty at DFHV, pulling over a DC Executive cab driven by Mohamed Hilowle for alleged violations of the District’s laws and/or rules.
3. Mr. Hilowle was subsequently arrested by MPD officers at the scene of the incident for allegedly assaulting Respondent during the traffic stop.
4. DFHV documents show that Respondent claimed she was physically assaulted by Mr. Hilowle during the traffic stop.

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https://dchr.dc.gov/sites/default/files/dc/sites/dchr/publication/attachments/public_body_employee_information_063018.pdf

5. Respondent was treated for physical injuries she claimed to have sustained from Mr. Hilowle's alleged assault.
6. Respondent submitted a worker's compensation claim with the District of Columbia Office of Risk Management (ORM) related to this incident, alleging that she sustained physical injuries from Mr. Hilowle's alleged assault while on duty at DFHV
7. Based upon the statements the Respondent provided in documents submitted to ORM in support of her worker's compensation claim, ORM initially approved her claim for worker's compensation benefits, thereby resulting in the District of Columbia incurring financial responsibility for her medical expenses in the amount of \$1,435.68.
8. At no point does the video footage of the traffic stop reflect Mr. Hilowle kneeling or kicking Respondent as she claimed.
9. At no point does the video footage of the traffic stop reflect Respondent falling to the ground or nearly falling to the ground as she claimed.
10. Respondent's testimony that Mr. Hilowle physically assaulted her during the traffic stop is not deemed to be credible or reliable.
11. Respondent's testimony that she sustained physical injuries from Mr. Hilowle's alleged physical assault during the traffic stop is not deemed to be credible or reliable.
12. Based on the credible and reliable evidence of record, including the aforesaid video footage, Mr. Hilowle did not physically assault Respondent during the traffic stop.
13. Based on the credible and reliable evidence of record, including the aforesaid video footage, the Respondent did not sustain any physical injuries during the aforesaid traffic stop due to allegedly being assaulted by Mr. Hilowle.
14. On August 25, 2017, Mr. Hilowle, through counsel, sued the District of Columbia in the Superior Court of the District of Columbia – Civil Division for the damages he suffered due to the false and defamatory allegations made against him by the Respondent in this incident.
15. On February 21, 2018 Mr. Hilowle and the District signed a Stipulated Dismissal of that matter, so that the parties could enter into a settlement agreement.
16. As a direct result of Respondent's fraudulent and defamatory allegations that Mr. Hilowle physically assaulted her, the District incurred the costs of the settlement agreement with Mr. Hilowle, in the amount of \$50,000.00.

Conclusions of Law

Based on the evidence of record, I therefore conclude:

1. DPM §1808.1 requires District employees to protect and conserve government property and prohibits District employees from using such property, or allowing its use, for other than authorized purposes.
2. Violations of DPM §1808.1 constitute violations of the District Code of Conduct pursuant to D.C. Official Code §1-1161.01(7)(E), which are enforceable by the Office of Government Ethics.
3. DPM §1801.2 prohibits District employees from interfering with or obstructing any investigation conducted by a District or federal agency.
4. Violations of DPM §1801.2 constitute violations of the District Code of Conduct pursuant to D.C. Official Code §1-1161.01(7)(E), which are enforceable by the Office of Government Ethics.

5. Based on the credible and reliable evidence of record, including the aforesaid video footage, Respondent's claims that Mr. Hilowle physically assaulted her during the traffic stop constitute deliberate and intentional falsehoods that defamed Mr. Hilowle.
6. Based on the credible and reliable evidence of record, including the aforesaid video footage, the worker's compensation claim filed by Respondent alleging that she sustained physical injuries while on duty at DFHV due to Mr. Hilowle's alleged physical assault was unwarranted and fraudulent.
7. D.C. Official Code § 1-1162.21(a)(3) authorizes the Board to issue a schedule of fines for violations of the Code of Conduct that may be imposed ministerially by the Director of Government Ethics.
8. The Board has so issued that Schedule of Fines.
9. Pursuant to the aforesaid Schedule of Fines, the Director of Government Ethics is empowered to fine a District employee who commits a violation of this nature not less than \$100.00 nor more than \$2,000.00 per violation.
10. The Respondent violated DPM §1808.1 by failing to protect and conserve government property and for using such property, or allowing its use, for other than authorized purposes when she fraudulently accused Mr. Hilowle of physically assaulting her while she was on duty at DFHV.
11. Because DPM §1808.1 is part of the District Code of Conduct, the Respondent's actions described in the preceding paragraph violated the District Code of Conduct.
12. The Respondent violated DPM §1801.2 by fraudulently filing a worker's compensation claim and submitting false statements to ORM in support of her claim during that agency's assessment and investigation of her claim.
13. Because DPM §1801.2 is part of the District Code of Conduct, the Respondent's actions described in the preceding paragraph violated the District Code of Conduct.
14. As direct and proximate results of the Respondent's violations of DPM §1808.1, DPM §1801.2, and the District Code of Conduct, the District incurred financial responsibility for the Respondent's claimed medical expenses (\$1,435.68) and paid an additional \$50,000.00 to settle Mr. Hilowle's legal claims against the District that arose from the Respondent's misconduct.

WHEREFORE, pursuant to the authority conferred upon me by D.C. Official Code §1-1162.21 (a)(3), it is hereby **ORDERED** that a ministerial fine in the amount of Four Thousand Dollars (\$4,000.00) is assessed against the Respondent, Sonji Johnson, for her violations of DPM §1808.1, DPM §1801.2, and the District Code of Conduct.



BRENT WOLFINGBARGER
Director of Government Ethics

July 3, 2019

DATE

SERVICE OF ORDER

This is to certify I have served a true copy of the foregoing Order on Sonji Johnson at [REDACTED] via certified and regular mail on **July 3, 2019**.



NOTICE

Any party adversely affected by this Order may file an appeal with the Board of Ethics and Government Accountability at 441 4th Street NW, Suite 830 South, Washington, DC 20001. All such appeals must be received by the Board no later than ten (10) days from the date of this Order, excluding weekends and District government holidays.