

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



Office of Government Ethics

In Re: J. Nelson
Case No. 21-0076-P

NEGOTIATED DISPOSITION:

Pursuant to section 221 (a)(4)(E)¹ of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012, D.C. Law 19-124, D.C. Code § 1-1161.01 *et seq.*, (“Ethics Act”), the Office of Government Ethics (the “Office” or “OGE”) hereby enters into this public negotiated settlement agreement with the Respondent, J. Nelson. Respondent agrees that the resulting disposition is a settlement of the above-titled action, detailed as follows:

I. FINDINGS OF FACT

In 2016, Respondent was employed as a Social Service Representative at the D.C. Department of Human Services (“DHS”). On April 29, 2016, an internal investigation at DHS revealed that Respondent accessed DHS’s system for Supplemental Nutrition Assistance Program (“SNAP”) benefits, and that she processed SNAP benefit applications of two individuals that were personally known acquaintances. Under pressure from Respondent’s boyfriend, she processed her boyfriend’s application and he received \$16 a month in benefits. Respondent processed the other application for her boyfriend’s adult son, who was homeless at that time, in the amount of \$190 in monthly benefits.

Although the two individuals were entitled to the SNAP benefits, it was against DHS policy for Social Service Representatives to process applications of people they knew. Respondent’s assistance to the two individuals allowed their applications to be processed faster, and the individuals received their benefits sooner than others who applied. Respondent was ultimately terminated from her position as a Social Service Representative for this violation of policy, but there was no prohibition for her rehire.

In 2018, Respondent was rehired as a Trainer for the Department of Health Care Finance (“DHCF”). It was alleged that she was hired by upper management at DHCF as a favor; however, the OGE investigation reveals that Respondent regained D.C. Government employment after attending a job fair where she was screened as a potential candidate and invited to apply and formally interview for a position. OGE found that her re-hire was impartial, and that she competed for her position through the standard recruitment process. Having over a decade of technical

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

systems experience on the system used by DHCF and DHS to process benefits and input data, Respondent was hired to train employees on that system's operations. OGE did not find any ethical issues with Respondent's rehire. However, Respondent violated the following provisions of the Code of Conduct when she approved benefits for the two individuals that she knew in 2016.

Ultimately, Respondent entered an agreement with the Office of Government Ethics to pay a penalty of \$500.00.

II. NATURE OF VIOLATIONS

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

- ❖ Count One: Failure to act impartially and not give preferential treatment to any private organization or individual in violation of DPM § 1800.3 (h).
 - Employees shall act impartially and not give preferential treatment to any private organization or individual. An internal investigation conducted by DHS revealed that Respondent had processed SNAP benefit applications for two individuals that she personally knew. Although the individuals were entitled to the benefits received, it was against DHS policy for Social Service Representatives to process applications of individuals that they personally knew. Respondent's direct assistance to the two individuals, and preferential treatment, allowed their applications to be processed faster, and the two individuals received their benefits sooner than others who applied.

- ❖ Count Two: Use of Government Property for Unauthorized Purposes in violation of DPM § 1808.1.
 - 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. Respondent accessed and processed SNAP benefit applications in a system owned by DHS.² It is agency policy that DHS Social Service Representatives shall not process an application of an individual that a DHS Social Service Representative personally knows. In accessing that system to process the applications of individuals that Respondent personally knew, she used DHS property for a purpose that was not authorized.³

None of the above-referenced actions were authorized by the District of Columbia.

Respondent accepted full responsibility for her actions when meeting with OGE employees to resolve this matter.

Moreover, by agreeing to settle this matter via a negotiated disposition, Respondent will allow OGE to avoid expending significant time and resources to litigate this matter through a contested hearing, and to focus its finite resources on other investigations.

² D.C. Code Mun. Regs. tit. 6-B § 1808.2 (a) defines automated processing systems as government property.

³ See, D.C. Code Mun. Regs. tit. 6-B § 1808.2 (b).

III. TERMS OF THE NEGOTIATED DISPOSITION

Respondent acknowledges that her conduct violated the District Code of Conduct. Respondent agrees to pay a total fine in the amount of **\$500.00**, to resolve these violations of the District Code of Conduct, in accordance with the following terms and conditions:

1. Respondent agrees to satisfy her fine (\$500.00) by tendering four (4) bi-weekly payments of **\$125.00** to OGE, through automatic garnishment, beginning with her first pay period in April 2022, and continuing thereafter until the fine is satisfied;
2. Respondent agrees to authorize the District of Columbia Office of Pay and Retirement Services (“OPRS”) and/or the D.C. Treasurer to deduct payments of **\$125.00** from her bi-weekly paycheck and transfer such funds to the Board of Ethics and Government Accountability, commencing immediately and continuing until the entire fine amount is fully satisfied;
3. All outstanding amounts not paid against the fine will be due in full on or before August 1, 2022 (the “Maturity Date”);
4. Respondent agrees that, in the event that her employment with the District government ceases prior to complete satisfaction of the fine amount, any outstanding fine amount will be satisfied by deduction in full from Respondent’s final paycheck and/or any payment to the Respondent for unused annual leave;
5. Respondent agrees to attend a full OGE ethics training on or before April 1, 2022 and provide OGE with proof of attendance.

Additionally, Respondent promises not to engage in such conduct in the future. In consideration of Respondent’s acknowledgement and agreement, OGE will seek no further remedy and will take no further action related to the above misconduct.

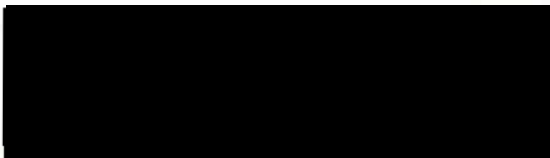
Respondent understands that if she fails to pay the full \$500.00 fine in accordance with the terms set forth hereinabove, pursuant to section 221(a)(5)(A) of the Ethics Act (D.C. Official Code § 1-1162.21(a)(5)(A)), the Ethics Board may file a petition in the Superior Court of the District of Columbia 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 her that may be used in any subsequent enforcement or judicial proceeding that may result from her failure to comply with this agreement. Respondent also understands that, pursuant to section 217 of the Ethics Act (D.C. Official Code § 1-1162.17), she has the right to appeal any order or fine made by the Ethics Board. Nonetheless, Respondent knowingly and willingly waives her right to appeal the accompanying Board Order assessing the \$500.00 fine in this matter in exchange for the concessions made by this Office in this Negotiated Disposition.

Respondent further understands that if she fails to adhere to this agreement, OGE 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 (\$5,000.00 per violation) as provided in the Ethics Act for each violation.⁴ Because the Office is, at this time, foregoing requesting that the Ethics Board hold an open and

⁴ Section 221(a)(1) (D.C. Official Code § 1-1162.21(a)(1)).

adversarial hearing on this matter, Respondent waives any statute of limitation defenses should the Ethics Board decide to proceed in that matter 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 therein.



Respondent

02/01/2022
Date

AC

Ashley D. Cooks
Director of Government Ethics

3/2/2022
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 Chairperson below.

APPROVED:

Norma B. Hutcheson

NORMA HUTCHESON
Chairperson, Board of Ethics and Government Accountability

03/3/2022
Date

#21-00761P
MAE/AC

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

Office of Government Ethics



IN RE: J. [REDACTED] Nelson

Respondent

CASE No.: 21-0076-P

ORDER

Based upon the mutual representations and promises contained in the Negotiated Disposition approved by the Board herein on February 3, 2022, and upon the entire record in this case; it is, therefore

ORDERED that Respondent pay a civil penalty in the amount of FIVE HUNDRED DOLLARS.

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 that reads "Norma B. Hutcheson".

03/3/2022

NORMA HUTCHESON
Chair, Board of Ethics and Government Accountability

Date