

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



Office of Government Ethics

In Re: U [REDACTED] Ogbue
Case No.: 24-0050-P

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 -124, D.C. Official Code § 1 -116 1.01 *et seq.*), the Office of Government Ethics (“the Office” or “OGE”) hereby enters this Negotiated Disposition with the Respondent, U. Ogbue. Respondent agrees that the resulting disposition is a settlement of the above-titled action, detailed as follows:

I. FINDINGS OF FACT

Respondent is the [REDACTED] for the DC Public Service Commission (“PSC”). Respondent has worked for PSC for 17 years and has worked in his current role at the agency since 2011. Respondent was issued a work cell phone by PSC. At some point this year, PSC became aware that Respondent’s work phone contained sexually explicit images of Respondent and several women. The work cell phone also contained images and videos of the Respondent performing sexual acts with one of his PSC colleagues. Our office obtained 40 sexually explicit images from Respondent’s work cell phone and his work storage cloud.

In an interview with BEGA, Respondent admitted that the cell phone in question was his previous work cell. He also noted that it had been taken from him by PSC IT some weeks ago and that he’d been issued a new work cell phone. Respondent could not explain how the images got onto his work cell phone but ultimately acknowledged that the work cell phone, images and videos belonged to him. The videos and several of the images are date stamped on weekdays at different times of the day.

II. NATURE OF VIOLATIONS

Respondent’s conduct is in violation of Chapter 18 of the District Personnel Manual (“DPM”), as set forth below:

- ❖ Using government time or resources for other than official business, or government approved or sponsored activities in violation of DPM § 1807.1(b).
 - Respondent violated this rule when, on multiple occasions, he engaged in sexual activity during his District government tour of duty.

- ❖ Using government property for other than authorized purposes in violation of DPM § 1808.1.

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 violated this rule when he used his District government work cell phone to record and photograph sexually explicit images and videos of himself and others. Respondent also used his cell phone to store those images and videos.

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

Respondent admits that his actions described herein, violated the District's Code of Conduct, and enters into this Negotiated Disposition to facilitate a resolution of these violations. Respondent waives his right to proceed to an adversarial hearing in this matter and voluntarily, knowingly, and understandingly consents to the Board's imposition of a fine against him in 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.

III. TERMS OF THE NEGOTIATED DISPOSITION

Respondent admits that his conduct violated the District's Code of Conduct. Respondent agrees to pay a total fine in the amount of **\$10,000** to resolve this matter, in accordance with the following terms and conditions:

1. Respondent agrees to pay a lump sum amount of \$4,000 on or before June 3, 2024;
2. Respondent agrees to pay the remaining balance of \$6,000 by having **\$300.00** per pay period automatically deducted from his bi-weekly paycheck from the District government commencing with the pay period that occurs immediately after the June 3rd payment and continuing until such time as the fine amount is fully satisfied;
3. 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;
4. 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;
5. Respondent agrees to satisfy the entire fine amount by May 1, 2025 (the "Maturity Date");
6. Respondent acknowledges that, whether OPRS completes these deductions as described herein, Respondent is nonetheless solely responsible for satisfying the fine and restitution. Payment will be accepted by certified check or money order, made out to the D.C. Treasurer, delivered to and received by OGE at 1030 15th Street NW, Suite 700 West, Washington, DC 20005 or by electronic payment at <https://dcwebforms.dc.gov/pay/bega1/> using transaction ID 24-0050-P;
7. Respondent agrees to attend ethics training no later than August 30, 2024.

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.

forth here, 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 failure to pay the fine amount will result in collection action. Respondent further understands that if he 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.² 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 matter as a result of Respondent's breach of this agreement.

The mutual promises outlined within 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.

[Redacted Signature]

U [Redacted] OGBUE
Respondent


ASHLEY COOKS
Director of Government Ethics

APRIL 29, 2024
Date

5-2-24
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 HUTCHESON
Chairperson, Board of Ethics and Government

5/2/24
Date

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AC/ASM

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

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BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Office of Government Ethics



IN RE: U. Ogbue

Respondent

CASE No.: 24-0050-P

ORDER

Based upon the mutual representations and promises contained in the Negotiated Disposition approved by the Board on May 2, 2024, and upon the entire record in this case; it is, therefore:

ORDERED that Respondent pay a civil penalty in the amount of Ten Thousand Dollars (\$10,000.00);

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

Norma Hutcheson

NORMA HUTCHESON
Chairperson, Board of Ethics and Government Accountability

5-2-24

Date