

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



Office of Government Ethics

**IN RE: Jahdal McKenzie,**

**Respondent**

**CASE No.: 1028-006**

Jahdal McKenzie



**NOTICE OF VIOLATION**

Pursuant to 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 (2014 Supp.)), the Director of Government Ethics completed a preliminary investigation and presented evidence to the Board of Ethics and Government Accountability (the "Ethics Board") that there is reason to believe the Respondent named above violated the District Code of Conduct.

The Ethics Board has reason to believe you violated seven sections of the District Code of Conduct based on the following facts and evidence uncovered during the preliminary investigation and presented to the Ethics Board:

1. Respondent is a Combo Construction Inspector in the Illegal Construction Division of the Department of Consumer and Regulatory Affairs ("DCRA"). As

a Combo Construction Inspector Respondent responds to complaints by performing field inspections of properties and buildings under construction in the District of Columbia to ensure compliance with the approved plans for the property and the applicable construction codes. In addition, Respondent responds to complaints regarding District properties that are under construction without the required permits.

2. Respondent also owns and manages a private architectural consulting business, as the Owner of The JNM Group, Inc. ("JNM Group"), incorporated in Washington D.C. in 2012. JNM Group is "an architectural consulting firm providing a new approach to design for residential and commercial spaces located at 1816 Bryant Street N.E., Washington. D.C. 20018. As the Owner of JNM Group, Respondent draws plans for residential houses and commercial buildings in the District for private clients. Their plans are then submitted to DCRA for approval. On each building plan, Respondent's initials, "JM," appear in the "Drawing" portion of the plan at the bottom of each page and identify "JM" as the drawer of the plan. Each plan also bears the logo of JNM Group on each page and lists the Architect of the plan as "The JNM Group, Inc."
3. On December 19, 2011, a building plan for [REDACTED] Massachusetts Avenue S.E., was submitted to DCRA for approval. The plan was drawn by Respondent, as he admitted in his letter of January 29, 2015, in response to questions from the Director of the Office of Government Ethics, and evidenced by the appearance of Respondent's initials, "JM", in the "Designed By" and "Drawn By" portions of the plan on each page, and the appearance of the JNM Group logo on each page. Respondent created schematic designs for this property, and completed the drawings once the client chose a final design. Respondent stated that he was paid

eight hundred dollars (\$800.00) by his client, [REDACTED], for the drawings.

These drawings were approved by DCRA on January 3, 2012.

4. On December 20, 2012, a building plan for [REDACTED] U Street N.W., was submitted to DCRA for approval. Respondent stated, in written responses to questions from the Ethics Board's Office of Government Ethics ("OGE"), that he created several schematic design layouts for his client, [REDACTED] to choose from for the property. Respondent also stated, in the same responses, that once a final design was selected, a five hundred dollar (\$500.00) payment was made to JNM Group for the final design.

- a. Respondent also indicated in his written responses that a contracted draftsman, [REDACTED], completed the final set of drawings for the property for JNM Group. The drawings were then submitted by the owner, [REDACTED] ("[REDACTED]"), to DCRA for review and approval.
- b. Respondent's initials, "JM", appear in the "Designed By" and "Drawn By" portions of the plan on each page, and the JNM Group logo appears on each page.
- c. As indicated on the plans themselves and in DCRA's Property Information Verification System ("PIVS") these drawings were approved by DCRA on April 18, 2013.

5. On September 11, 2012, drawings for a home renovation on the property located at [REDACTED] Maple View Place S.E., were submitted to DCRA. Respondent stated, in written responses to questions from OGE<sup>1</sup>, that he created several schematic design layouts for his client, Mr. [REDACTED] to choose from for the property.

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<sup>1</sup> Pursuant to D.C. Official Code § 1-1162.11(1) the Director of Government Ethics is empowered to require any person to submit answers to questions relating to the administration of the Ethics Act, which includes the Code of Conduct applicable to District employees. On January 13, 2015, such a letter was sent to Respondent. Respondent responded to these questions in writing via an email to the Director of Government Ethics on January 29, 2015.

Respondent also stated, in the same responses, that once a final design was selected, a five hundred dollar (\$500.00) payment was made to JNM Group for the final design.

- a. Respondent also indicated in his written responses that a contracted draftsman, [REDACTED] completed the final set of drawings for JNM Group. The drawings were then submitted by the owner to DCRA for review and approval.
- b. The submitted drawings included Respondent's initials, "JM", in the "Designed By" and "Drawn By" portions of the drawings on each page, and the JNM Group logo appeared on each page.
- c. As indicated on the plans themselves and in DCRA's Property Information Verification System ("PIVS"), on September 24, 2012, the DCRA Permit Processing division issued Permit [REDACTED] for [REDACTED] Maple View Place S.E.
- d. On October 9, 2012, after receiving a complaint about [REDACTED] Maple View Place S.E., regarding construction on the property, [REDACTED] ("[REDACTED]"), Respondent's supervisor in the Illegal Construction Division of DCRA at the time, asked Respondent via email to "stop by the property tomorrow and provide me an update on the condition of the property."
- e. On October 12, 2012, Respondent replied in an email to Mr. [REDACTED] that he had met with the owner of [REDACTED] Maple View Place S.E., in his capacity as a Combo Code Inspector for DCRA, on site. Respondent told Mr. [REDACTED] that he would remain in contact with the property owner to ensure the property remained in compliance and to ensure the public's safety from the site.



- f. On February 26, 2013, while he was at his DCRA work location, Respondent used a District government printer to print several pages of JNM's building plans for [REDACTED] Maple View Place S.E. These building plans were not printed for authorized purposes as part of his position with DCRA as a Combo Code Inspector, but rather for his private company JNM Group.
- g. At no point before, during, or after inspecting the property at [REDACTED] Maple View Place S.E., did Respondent disclose to either Mr. [REDACTED] or [REDACTED] [REDACTED] ("[REDACTED]"), his other supervisor in the Illegal Construction Division of DCRA, that he had drawn the design layout for the home renovation on the property, or that his company, JNM Group, was paid by their client, Mr. [REDACTED], to draw the plans for the renovation. Respondent also did not recuse himself from inspecting the property when [REDACTED] assigned it to him for inspection.
6. JNM Group also drew the plans for another property, located at [REDACTED] Oates Street N.E.
- a. On December 17, 2012, and April 24, 2013, drawings for a building plan were submitted to DCRA for the property located at [REDACTED] Oates Street N.E.
- b. Respondent stated in his written responses to OGE questions that he created several schematic design layouts for his client, [REDACTED], to choose from for the property. He stated in the same written responses that once a final design was selected, a five hundred dollar (\$500.00) payment was made to JNM Group for the final design.

- c. Respondent also stated, in the written responses, that a contracted draftsman, [REDACTED] completed the final set of drawings for JNM Group. The drawings were then submitted by the owner to DCRA for review and approval.
- d. The submitted drawings included Respondent's initials, "JM", in the "Designed By" and "Drawn By" portions of the drawings on each page, and the JNM Group logo appeared on each page.
- e. As indicated on the plans themselves and in DCRA's Property Information Verification System ("PIVS"), Permit [REDACTED] for construction on the property at [REDACTED] Oates Street N.E., was issued by DCRA on May 6, 2013.
- f. On June 5, 2013, after DCRA received a complaint about the construction at [REDACTED] Oates Street N.E., Mr. [REDACTED] asked a DCRA administrator to assign the case to an inspector in the Illegal Construction Unit, where Respondent works. Respondent, in his capacity as a Combo Code Inspector for DCRA, was assigned to inspect the property at [REDACTED] Oates Street N.E.
- g. Respondent did not tell Mr. [REDACTED] or Mr. [REDACTED] that he had drawn the plans for [REDACTED] Oates Street N.E., or that his company, JNM Group, had drawn the complete plans for the renovation, either before or after he had inspected the property.
- h. On October 7, 2013, DCRA received a second complaint about an unsecured pit at [REDACTED] Oates Street N.E., Respondent again was assigned to inspect the property.
- i. Respondent again failed to disclose to Mr. [REDACTED] or Mr. [REDACTED] that he himself had drawn the design layout for [REDACTED] Oates Street N.E.,

nor did he tell Mr. [REDACTED] or Mr. [REDACTED] that a contractor for his company, JNM Group, had finalized the drawings.

- j. On February 24, 2014, a third complaint came in via email to DCRA regarding [REDACTED] Oates Street N.E.
  - k. Respondent was again assigned by Mr. [REDACTED] to return to [REDACTED] Oates Street N.E., to inspect the property and construction, and again did not disclose any of his connections to the property to Mr. [REDACTED] or [REDACTED]
7. On April 24, 2013, a building plan was submitted to DCRA for the property located at [REDACTED] Chester Street, S.E. Respondent admitted, in his written responses to OGE questions, to drawing the design layout and the complete set of drawings for this project. Respondent also stated in his written responses to OGE questions that he was compensated eight hundred dollars (\$800.00) by his client, Mr. [REDACTED] for the drawings. As indicated on the plans themselves and in DCRA's Property Information Verification System ("PIVS"), on May 8, 2013, DCRA issued a permit for renovation of a single family dwelling on the property.
8. On August 14, 2013, and in January of 2014, parts of a home renovation plan for the property located at [REDACTED] Park Road N.W., were submitted to DCRA.
- a. Respondent stated in his written responses to OGE questions, that he created several schematic design layouts for his client, [REDACTED] to choose from for the property.
  - b. Respondent also stated in his written responses to OGE questions that a contracted draftsman, [REDACTED] completed the final set of drawings for JNM Group. The drawings were then submitted by the property owner to DCRA for review and approval.

- c. The submitted drawings included Respondent's initials, "JM", in the "Designed By" and "Drawn By" portions of the drawings on each page, and the JNM Group logo appeared on each page.
  - d. Respondent also made statements in an email dated March 31, 2014, to [REDACTED] a District government employee and plan reviewer for DCRA, about his role in designing the drawings for the property in an email to a DCRA plan reviewer, where he stated "I am responsible for the drawings you have reviewed" and "I did not want to crowd the sheet and it not be legible".
9. Respondent further admitted, in his written responses to OGE questions, to drawing the complete set of drawings submitted for a project located at [REDACTED] Lang Place N.E. Respondent also admitted in the written responses that he was compensated one thousand and five hundred dollars (\$1,500) for these drawings by his client on the project, [REDACTED]
10. Respondent also admitted in the written responses to creating schematic design layouts where the final design was chosen by the owner and a contract employee of JNM Group finalized the set of drawings for a project located at [REDACTED] Rhode Island Avenue N.E. In his written responses, Respondent stated that JNM Group was compensated five hundred dollars (\$500) for the drawings for [REDACTED] Rhode Island Avenue, N.E., as well.
11. Respondent also admitted, in his written responses to OGE questions, to creating schematic design layouts where the final design was chosen by the owner and a contract employee of JNM Group finalized the set of drawings for a project located at [REDACTED] Kenyon Street N.W.



- a. While working on the project at [REDACTED] Kenyon Street N.W., Respondent's expeditor copied him on an email to [REDACTED] a District employee and Deputy Zoning Administrator, regarding a zoning issue.
  - b. The owner of the property at [REDACTED] Kenyon Street N.W., later withdrew the drawings from DCRA, and Respondent was not compensated for his work on that project.
12. Respondent also admitted, in his written responses to OGE questions, to creating schematic design layouts where the final design was chosen by the owner and a contract employee of JNM Group finalized the set of drawings for a project located at [REDACTED] Evarts N.E.
13. Respondent was assigned to inspect, and did inspect construction on the property located at [REDACTED] S Street, N.E., in March 2013 and May 2013.
  - a. The owner of [REDACTED] S Street, N.E., is [REDACTED].
  - b. At the time of these inspections, Respondent, in his capacity as the Owner of JNM Group, was doing business with Mr. [REDACTED], on the [REDACTED] Park Road N.W., property.
  - c. Respondent did not notify his supervisors in the Illegal Construction Division, [REDACTED] or [REDACTED] that he was in business with Mr. [REDACTED] his client in his private capacity as Owner of JNM Group, before or after conducting the inspection of [REDACTED] S Street N.E.
14. Respondent also failed to notify his supervisors in the Illegal Construction Division, Mr. [REDACTED] and Mr. [REDACTED] that he owns and operates a private architectural business at all, let alone that he drew and submitted plans with his company name, JNM Group, and his initials, "JM", on them, to his clients, who then submitted the plans to DCRA, for buildings in the District of Columbia.

Furthermore, Respondent did not notify BEGA or the Director of Government Ethics of his outside business, nor has he obtained a waiver of any conflicts of interest resulting from this outside business, which he is required to do pursuant to the provisions set forth below.

15. Respondent admitted, in an interview<sup>2</sup> with BEGA investigators on July 24, 2014, that he had drawn the building plans for seven to twelve projects in the District of Columbia and submitted those plans to DCRA. He later admitted in his written responses to OGE questions, received by BEGA on January 29, 2015, to creating schematic design layouts for ten properties where the final plans were submitted to DCRA, his own agency, for approval for permits. In his written responses, he also admitted that all the plans he referenced, whether he provided the complete set of drawings or a contracted employee did, were done by his company, JNM Group. He further acknowledged in the written responses that he was involved in discussions via email with representatives from the Plan Review Division and Zoning Division of DCRA regarding the drawings for two of these projects in the District of Columbia.

16. Respondent emailed himself from his private email account ( [REDACTED] ) to his dc.gov email account with instructions in the subject or body of the email to print out plans and/or projects he was working on for his private architectural business, JNM Group. He attached plans, projects, and contracts for JNM Group to these emails. He used the printer at his DCRA office to print off these attachments.

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<sup>2</sup> Pursuant to D.C. Official Code § 1-1162.11(6) the Director of Government Ethics is empowered to institute or conduct, on the Director of Government Ethics' own motion, a preliminary investigation into alleged violations of the Code of Conduct or other violations of the Ethics Act. On July 24, 2014 OGE investigators conducted an interview of Respondent as part of a preliminary investigation into his conduct designing building plans.

- a. In the July 2014 interview with OGE investigators, Respondent admitted that on February 26, 2013, he printed the [REDACTED] Maple View Place S.E., building plan, consisting of several pages of designs that needed to be printed on "11 by 17" paper for submission to DCRA's Plan Review Division, from a DCRA printer.
- b. In the same interview, Respondent also admitted that on June 4, 2013, and June 13, 2013, he printed the [REDACTED] Oates Street N.E., building plan, consisting of several pages of the same type as referenced above in 16(a), from a DCRA printer.

17. The District of Columbia Building Code includes a regulation that deals specifically with outside employment.

"No official or employee of the District shall directly or indirectly engage in any private business transaction or activity, which tends in any way to interfere with the performance of his or her duties, including:

**1) Furnishing of Services.** Being engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building under the jurisdiction of the Construction Codes, or the preparation of plans or specifications of a building under the jurisdiction of the Construction Codes, unless the official or employee is the principal owner of the building.

**2) Conflict with Official Duties.** Engaging in any work which conflicts with official duties or with the interests of the Department.

**3) Private Work.** Directly or indirectly engaging with or accepting remuneration from any private person, firm, or corporation for the performance of any work as a designer, architect, engineer, consultant, or inspector, which work is to be submitted to, passed upon, reviewed, or inspected by any officer of the District of Columbia charged with the administration of any portion of the Construction Codes."

12-A DCMR § 103.4.

18. Respondent engaged in the preparation of plans or specifications of buildings in the District that fall under the jurisdiction of the Construction



Codes<sup>3</sup>, engaged in work that conflicted with his official duties and the interests of the Department, and engaged with private persons and firms for the performance of work as a designer, architect, and/or consultant, by drawing all or part of the building plans for projects located in the District of Columbia and being compensated for his work on these projects.

19. With respect to his conduct in representing a client and/or party before DCRA while still an employee of DCRA, inspecting properties where he designed the building plans, failing to disclose his relationship to these properties and property owners to his supervisors in the Illegal Construction Division or BEGA, failing to properly and fully disclose the existence of his outside architecture business and his financial interest in said business to his supervisors or the Ethics Board, and printing a significant number of documents related to his outside employment on D.C. government printers while at his D.C. Government duty station, Respondent violated the following provisions of Chapter 18 of Title 6B of the District of Columbia Municipal Regulations, hereinafter referred to as the District Personnel Manual ("DPM"):

- a. Count 1: Serving in a representative capacity or as an agent for an outside entity involving any matter before the District of Columbia government - [REDACTED] Massachusetts Avenue S.E.

DPM § 1804.1(h)<sup>45</sup> in that Respondent represented JNM Group's clients as Owner of JNM Group and drawer of the building plans,

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<sup>3</sup> "The provisions of the *Building Code* shall apply to the construction, *alteration*, addition, repair, removal, *demolition*, use, location, movement, enlargement, occupancy and maintenance of all *premises*, including any *buildings* or other *structures*, and appurtenances attached to *buildings* or other *structures* in the District of Columbia..." 12-A DCMR § 101.2.3.

<sup>4</sup> On February 5, 1988 the District of Columbia Office of Personnel published a Final Rulemaking in the D.C. Register (35 DCR 764) amending "Section 1804: Outside Employment and Other Outside Activity". It became effective on that date.

<sup>5</sup> DPM § 1804.1(h) states that an employee may not engage in any outside employment or other activity which is not compatible with the full and proper discharge of his or her duties and responsibilities as a



before his own agency, DCRA, while still an employee at DCRA, by creating a complete set of drawings for building plans for [REDACTED] Massachusetts Avenue S.E., with his initials and his company's name affixed to them, and providing these completed sets of drawings to the property owner, who submitted them to DCRA for approval.

- b. Count 2: Serving in a representative capacity or as an agent for an outside entity involving any matter before the District of Columbia government - [REDACTED] U Street N.W.

DPM § 1804.1(h) in that Respondent represented JNM Group's clients as Owner of JNM Group and drawer of the building plans, before his own agency, DCRA, while still an employee at DCRA, by drawing several schematic design layouts and drawing the final design for the building plan, employing the draftsman who completed the drawings for the building plan, and providing completed sets of drawings for [REDACTED] U Street N.W., with Respondent's initials and his company's name, JNM Group, affixed to them, to his client, the property owner, who submitted them to DCRA for approval.

- c. Count 3: Serving in a representative capacity or as an agent for an outside entity involving any matter before the District of Columbia government - [REDACTED] Maple View Place S.E.

DPM § 1804.1(h) in that Respondent represented JNM Group's clients as Owner of JNM Group and drawer of the building plans, before his own agency, DCRA, while still an employee at DCRA, by drawing several schematic design layouts and drawing the final design

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government employee. Activities or actions which are not compatible with government employment include, but are not limited to, the following... (h) serving in a representative capacity or as an agent or attorney for any outside entity involving any matter before the District of Columbia.

for the building plan, employing the draftsman who completed the drawings for the building plan, and providing completed sets of drawings for [REDACTED] Maple View Place S.E., with his initials and his company's name affixed to them, to his client, the property owner, who submitted the drawings to DCRA for approval.

- d. Count 4: Serving in a representative capacity or as an agent for an outside entity involving any matter before the District of Columbia government - [REDACTED] Oates St N.E.

DPM § 1804.1(h) in that Respondent represented JNM Group's clients as Owner of JNM Group and drawer of the building plans, before his own agency, DCRA, while still an employee at DCRA, by drawing several schematic design layouts and drawing the final design for the building plan, employing the draftsman who completed the drawings for the building plan, and providing completed sets of drawings for [REDACTED] Oates St N.E., with his initials and his company's name affixed to them, to his client, the property owner, who submitted them to DCRA for approval.

- e. Count 5: Serving in a representative capacity or as an agent for an outside entity involving any matter before the District of Columbia government - [REDACTED] Park Road N.W.

DPM § 1804.1(h) in that Respondent represented JNM Group's clients as Owner of JNM Group and drawer of the building plans, before his own agency, DCRA, while still an employee at DCRA, by drawing several schematic design layouts and drawing the final design for the building plan, employing the draftsman who completed the drawings

for the building plan, and providing completed sets of drawings for [REDACTED] Park Road N.W., with his initials and his company's name affixed to them, to his client, the property owner, who submitted them to DCRA for approval.

- f. Count 6: Serving in a representative capacity or as an agent for an outside entity involving any matter before the District of Columbia government - [REDACTED] Rhode Island Avenue N.E.

DPM § 1804.1(h) in that Respondent represented JNM Group's clients as Owner of JNM Group and drawer of the building plans, before his own agency, DCRA, while still an employee at DCRA, by drawing several schematic design layouts and drawing the final design for the building plan, employing the draftsman who completed the drawings for the building plan, and providing completed sets of drawings for [REDACTED] Rhode Island Avenue N.E., with his initials and his company's name affixed to them, to his client, the property owner, who submitted them to DCRA for approval.

- g. Count 7: Serving in a representative capacity or as an agent for an outside entity involving any matter before the District of Columbia government - [REDACTED] Kenyon Street N.W.

DPM § 1804.1(h) in that Respondent represented JNM Group's clients as Owner of JNM Group and drawer of the building plans, before his own agency, DCRA, while still an employee at DCRA, by drawing several schematic design layouts and drawing the final design for the building plan, employing the draftsman who completed the drawings for the building plan, and providing completed sets of drawings for

█████ Kenyon Street N.W., with his initials and his company's name affixed to them, to his client, the property owner, who submitted them to DCRA for approval.

- h. Count 8: Serving in a representative capacity or as an agent for an outside entity involving any matter before the District of Columbia government - ██████ Evarts N.E.

DPM § 1804.1(h) in that Respondent represented JNM Group's clients as Owner of JNM Group and drawer of the building plans, before his own agency, DCRA, while still an employee at DCRA, by drawing several schematic design layouts and drawing the final design for the building plan, employing the draftsman who completed the drawings for the building plan, and providing completed sets of drawings for ██████ Evarts N.E., with his initials and his company's name affixed to them, to his client, the property owner, who submitted them to DCRA for approval.

- i. Count 9: Serving in a representative capacity or as an agent for an outside entity involving any matter before the District of Columbia government - ██████ Chester Place S.E.

DPM § 1804.1(h) in that Respondent represented JNM Group's clients as Owner of JNM Group and drawer of the building plans, before his own agency, DCRA, while still an employee at DCRA, by creating a complete set of drawings for building plans for ██████ Chester Place S.E., with his initials and his company's name affixed to them, and providing these drawings to the property owner, who submitted them to DCRA for approval.



- j. Count 10: Serving in a representative capacity or as an agent for an outside entity involving any matter before the District of Columbia government - [REDACTED] Lang Place N.E.

DPM § 1804.1(h) in that Respondent represented JNM Group's clients as Owner of JNM Group and drawer of the building plans, before his own agency, DCRA, while still an employee at DCRA, by creating a complete set of drawings for building plans for [REDACTED] Lang Place N.E., with his initials and his company's name affixed to them, and providing these drawings to the property owner, who submitted them to DCRA for approval.

- k. Count 11: Maintaining a financial interest in an outside entity.

DPM 1804.1(d)<sup>6</sup> in that Respondent maintained a financial and economic interest in his outside business, JNM Group, as Owner of the company, while there was a likelihood that this business would be involved in an official government action or decision taken by Respondent, such as an inspection of property after a complaint, and in fact Respondent's company JNM Group was involved in an official government action or decision taken by Respondent when he inspected projects at [REDACTED] Oates Street N.E., and [REDACTED] Maple View S.E., where he and his company had been involved in the drawing and submission of the building plans.

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<sup>6</sup> DPM § 1804.1(d) states that an employee may not engage in any outside employment or other activity which is not compatible with the full and proper discharge of his or her duties and responsibilities as a government employee. Activities or actions which are not compatible with government employment include, but are not limited to, the following...(d) maintaining financial or economic interest in or serving (with or without compensation) as an officer or director of an outside entity if there is any likelihood that such entity might be involved in an official government action or decision taken or recommended by the employee.

1. Count 12: Using government time or resources for other than official business.

DPM § 1804.1 (b)<sup>7</sup> in that Respondent engaged in activity, printing private business documents and/or building plans while at his DCRA office, using the District government's resources consisting of a printer, paper, and toner, and for other than official business.

20. With respect to Respondent's conduct in failing to notify his supervisors in the Illegal Construction Division, Mr. [REDACTED] or Mr. [REDACTED] that he owns a private architectural business that submitted building plans to DCRA; failing to notify individuals he worked with in the Zoning Administration that he owns a private architectural business that submitted building plans to DCRA; failing to notify BEGA that he had a private architectural business that submitted building plans to DCRA; and, failing to obtain a waiver for the conflicts that were created as a result of this business and Respondent's position as a Combo Code Inspector for DCRA; Respondent violated the following provisions of the DPM and the Ethics Act:

- a. Count 13: (Conflict of Interest) Participated in matters that have a direct and predictable effect on the employee's financial interests or the financial interests of a person closely affiliated with the employee.

Section 1-1162.23 (a)<sup>8</sup> of the Ethics Act in that Respondent substantially participated through decision and investigation, via an inspection, in a

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<sup>7</sup> DPM § 1804.1(b) states that an employee may not engage in any outside employment or other activity which is not compatible with the full and proper discharge of his or her duties and responsibilities as a government employee. Activities or actions which are not compatible with government employment include, but are not limited to, the following...(b) using government time or resources for other than official business, or government approved or sponsored activities...

<sup>8</sup> Section 1-1162.23 (a) of the Ethics Act states that no employee shall use his or her official position or title, or personally and substantially participate, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other

particular matter, of properties owned by his clients where he or a contracted employee of his company, JNM Group, had drawn the building plans, in a manner that he knew was likely to have a direct and predictable effect on his financial interests and the financial interests of a person closely affiliated with him; notably that his outside ongoing business relationship with these property owners as his JNM Group's clients would suffer if he were to issue any Stop Work Orders on property they owned, and that the property owners, individuals with whom Respondent was closely affiliated via their business with JNM Group, would be financially affected by the issuance of a Stop Work Order or evidence of a violation found on property they owned.

- b. Count 14: Failed to properly disclose his conflict of interest with a private business to his supervisor or the Ethics Board and failed to obtain a proper waiver for his conflict of interest.

Section 1-1162.23 (b)<sup>9</sup> of the Ethics Act in that Respondent did not advise his supervisor, [REDACTED] or the Ethics Board of the nature or circumstances of the outside business dealings he was involved in via JNM Group, or that he had an outside business relationship with Mr. [REDACTED] and Mr. [REDACTED] or that he designed plans for a building he was assigned to inspect, did not make a full disclosure of the financial interest

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particular matter, or attempt to influence the outcome of a particular matter, in a manner that the employee knows is likely to have a direct and predictable effect on the employee's financial interests or the financial interests of a person closely affiliated with the employee.

<sup>9</sup> Section 1-1162.23 (b) of the Ethics Act states an employee other than an elected official may seek a waiver, and the prohibition in subsection (a) of this section shall not apply, if the employee (1) Advises the employee's supervisor and the Ethics Board of the nature and circumstances of the particular matter; (2) Makes full disclosure of the financial interest; and (3) Receives in advance a written determination made by both the supervisor and the Ethics Board that: (A) The interest is not so substantial as to be deemed likely to affect the integrity of the services that the government may expect from the employee; or (B) Another legally cognizable basis for waiver exists.



he had in these business dealings, and did not receive a written waiver of his conflicts of interest from either his supervisor or the Ethics Board.

- c. Count 15: Failed to make his financial interest in a non-governmental entity known to his immediate supervisor

DPM § 1805.3<sup>1011</sup> in that Respondent failed to make his financial interest in JNM Group known to either of his immediate supervisors in the Illegal Construction Division, [REDACTED] or [REDACTED] in writing or otherwise, when he was assigned to inspect the properties where JNM Group and Respondent himself had drawn and the building plans for the structure on the property and either he, his company, JNM Group, or a contracted employee of JNM Group had been compensated for the drawings.

- 21. With respect to his conduct in engaging in private business activity through his company, JNM Group, creating schematic layouts and complete sets of drawings for building plans for buildings in the District, and providing those plans to his clients for submission to his own agency DCRA:

- a. Count 16: Engaging in outside employment and private business activity which is in violation of District regulations

DPM § 1800.3(m)<sup>12 13</sup> in that Respondent, by engaging in a private outside business and performing work as an architect, designing building

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<sup>10</sup> On June 2, 1989 the District of Columbia Office of Personnel published a Final Rulemaking in the D.C. Register 36 DCR 3860) amending "Section 1805: Financial Interest". It became effective on that date.

<sup>11</sup> DPM § 1805.3(d) states that a District employee who is called upon to act for or on behalf of the District government in a matter relating to or involving a non-governmental entity in which the employee or a member of the employee's immediate family has a financial interest, shall make this fact known to his or her immediate supervisor, in writing, at the earliest possible moment.

<sup>12</sup> On April 11, 2014, the District of Columbia Department of Human Resources published a Final Rulemaking in the D.C. Register (61 DCR 3799), amending the District Personnel Manual (Chapter 18 of Title 6B of the District of Columbia Municipal Regulations). It became effective on that date. This provision of the DPM is found in the amended version.



plans that were submitted to his agency, DCRA, where he was not the property owner for said buildings, violated the “Conflicts of Interest” regulation of the D.C. Building Code, 12-A DCMR §103.4. Respondent violated these regulations by: 1) being engaged in the preparation of plans or specifications of a building under the jurisdiction of the Construction Codes where he employed and/or contracted with up to five (5) people to work on projects and prepare drawings for building plans for JNM Group, the architectural consulting firm; 2) engaging in work which conflicted with his official duties and interests as a Combo Code Construction Inspector for the Illegal Construction Division of DCRA; and 3) directly engaged with various private persons/firms to perform work as an architect, work that was submitted to, and reviewed by the Plan Review Division of DCRA.

Respondent shall file with the Ethics Board, and serve a copy upon the Director of Government Ethics, a written response that states in short and plain terms his defenses to each violation alleged and shall admit or deny the averments, set forth in each numbered paragraph above, upon which the notice of violation relies. Respondent shall serve his response within (15) days after the service of the Notice of Violation upon him. Accordingly, Respondent shall submit his response, either electronically or in hard copy, no later than the close of business on Friday April 17, 2015. If submitted in hard copy via U.S. mail, Respondent must allow sufficient time for mailing delays in that the written response must be received by the Ethics Board and the Director of Government Ethics no later than close of business on Friday April 17, 2015. Responses submitted via

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<sup>13</sup> DPM § 1800.3(m) states that “[e]mployees shall adhere to all federal, state, and local laws and regulations.”

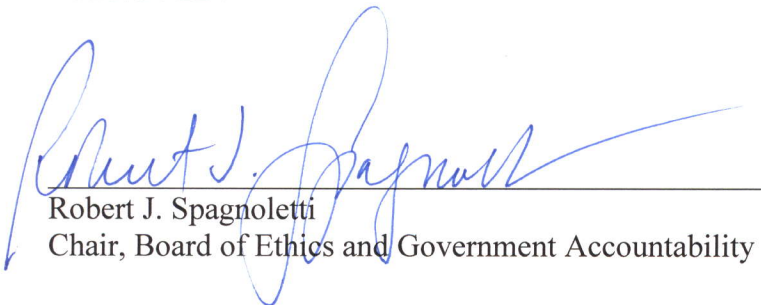
U.S. mail or in person shall be addressed to Robert J. Spagnoletti, Chairman, Ethics Board, and Darrin P. Sobin, Director of Government Ethics, at the address indicated below. If submitted electronically, Respondent may email his response to [Robert.Spagnoletti@dc.gov](mailto:Robert.Spagnoletti@dc.gov) and [Darrin.Sobin@dc.gov](mailto:Darrin.Sobin@dc.gov).

Once Respondent has submitted his response or failed to submit a response by the due date provided, the Board shall send a Notice of Hearing to Respondent. The Notice of Hearing will provide the time, date, and location of the hearing; reference applicable statutes, rules, or regulations; state the purpose of the hearing; advise Respondent that he may be represented by counsel or other representative of his choosing; and advise Respondent that he may bring witnesses. Evidence at the hearing shall be taken in conformity with D.C. Official Code § 2-509(b) (2011 Repl.).

A copy of the Ethics Board rules, 3 DCMR Section 5500 *et. seq.*, which provide a description of Respondent's right to a hearing, all procedural rights available to Respondent at the hearing, and a description of the applicable law and regulations that govern the disposition of the Notice of Violation should Respondent choose not to file a response or fail to appear at a scheduled hearing, is attached to this Notice of Violation and herein incorporated by reference.

This Notice of Violation is effective upon approval of the Board of Ethics and Government Accountability, as demonstrated by the signature of the Chairman below, as of the date indicated below.

APPROVED:

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

4/2/15  
Date

Enclosure: 3 DCMR 5500 *et. seq.*

#1028-006

DS/BKF/SP/CP/co