

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



Office of Government Ethics

In Re: [REDACTED]
Case No.: 1028-007

NEGOTIATED NON-PUBLIC INFORMAL ADMONITION

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 ("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") hereby enters into this Negotiated Non-Public Informal Admonition with the Respondent, [REDACTED]. Respondent agrees that the resulting disposition is a settlement of the above-titled action, detailed as follows:

I. FINDINGS OF FACT

Respondent is a Contact Representative at the D.C. Department of Consumer and Regulatory Affairs ("DCRA"). On August 11, 2014, Respondent's regularly scheduled tour of duty was 8:00 a.m. to 5:00 p.m. and she was required to be at work during those hours. Her phone log shows that on August 11, 2014, she was out of the office from 12:00 p.m. until 1:00 p.m. (presumably for her 30 minute lunch and two 15 minute breaks) and out again from approximately 3:30 p.m. until approximately 4:00 p.m. She did not use any leave for this latter period of time.

Respondent admits that from approximately 3:30 p.m. until approximately 4:00 p.m., she was assisting her brother with a tax issue at the D.C. Office of Tax and Revenue ("OTR"), which is across the street from her DCRA office building. Respondent does not conduct tax preparation for pay, but she prepares taxes for family members.

On the day in question, Respondent entered the OTR building wearing her DCRA badge and her DCRA headset. Respondent used her District identification to enter the building, and was wearing both the identification and her headset when she spoke to OTR personnel.

Respondent also left her DCRA phone number with an OTR employee so that another OTR employee could get back to her later in the day. Respondent then returned to her DCRA office.

II. NATURE OF VIOLATIONS

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."

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

- ❖ **One:** District Personnel Manual ("DPM") Chapter 18, § 1803 (i) (Misuse of government property), which states: "Employees shall protect and conserve government property and shall not use it for other than authorized activities."

Respondent's conduct, conducting outside business at OTR while during her tour of duty and while wearing her DCRA credentials and headset, was a misuse of government property, in violation of DPM § 1803(i).

III. TERMS OF THE NEGOTIATED NON-PUBLIC INFORMAL ADMONITION

Respondent acknowledges that her conduct was in violation of the District Code of Conduct and she agrees to enter into this Negotiated Non-Public Informal Admonition.

Respondent agrees that this Negotiated Non-Public Informal Admonition is not just an admission, but constitutes various factual admissions by her that may be used in any subsequent Board of Ethics and Government Accountability ("BEGA") enforcement or BEGA-initiated judicial proceeding that may result from her failure to comply with this agreement. Respondent agrees that BEGA will provide a copy of this Negotiated Non-Public Informal Admonition to DCRA (the Office of the Director), which already is aware of this matter.

Respondent further understands that if she 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 Ethics Board may impose sanctions up to the full statutory amount (\$5,000 per violation) as provided in the Ethics Act.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 Ethics 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 the above-titled action. By our signatures, we agree to the terms outlined herein.

[Redacted Signature]

Respondent

10-1-2014
Date

Darrin Sobin

Darrin Sobin
Director of Government Ethics

10/1/14
Date

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

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

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

October 2, 2014

Date