

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



Office of Government Ethics

In Re: K ■ Henderson
Case No.: 1209-001

PUBLIC 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 § 1-1161.01 et seq., the Office of Government Ethics (“OGE”) hereby enters into this Public Negotiated Disposition with the Respondent, K. Henderson. Respondent agrees that the resulting disposition is a settlement of the above-titled action, detailed as follows:

I. FINDINGS OF FACT

Respondent was the Chancellor of the District of Columbia Public Schools (“DCPS”). As the Chancellor of DCPS, Respondent was responsible for setting the strategic priorities for DCPS and ensuring the success of those strategic priorities. In order to ensure the success of the strategic priorities, the Chancellor coordinated efforts with the DC Public Education Fund (“DCPEF”).

DCPEF was formed in 2007 as a not-for-profit charitable organization. DCPEF’s primary mission is to improve student achievement in DCPS by serving as a strategic partner to businesses, foundations, community leaders, and individual donors who wish to support and invest in high-impact programs with DCPS. According to DCPEF’s President and Executive Director, DCPEF received grants and donations through those partnerships and would transfer ninety-two percent (92%) of the donations received to DCPS according to DCPS’s strategic priorities. She advised further that major donors required assurance from the Respondent that their donations to DCPEF would, in fact, support the DCPS’s strategic priorities. As a result, Respondent met with DCPEF’s major donors. Additionally, the Respondent assisted DCPEF in raising funds for two programs hosted by DCPEF: Standing Ovation and Art Night.

Standing Ovation is an annual event hosted by DCPEF at the Kennedy Center. The purpose of the event is to celebrate and reward DCPS teachers. It also highlights the progress made by DCPS. The event is funded through donations of varying amounts. In 2013, one of the Standing Ovation designations was “A Round of Applause,” which signified that the donor gave One Hundred Thousand Dollars (\$100,000.00).

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.”

The Respondent attended an event hosted by an organization in September 2013. The President and CEO of the organization discussed the 2014 Standing Ovation at the podium during the September 2013 event. He further directed people interested in donating to the 2014 Standing Ovation to the Respondent. During the event, a vendor with an active contract subject to renewal conditions with DCPS approached the Respondent and indicated an interest in donating to Standing Ovation. He emailed her the following business day, stating that: "I look forward to receiving the sponsorship information for the event at the Kennedy Center." In response, the Respondent sent the vendor general background information regarding Standing Ovation and DCPEF by email. She also stated in a subsequent email that "[W]e're hoping you come in at A Round of Applause, as we'd love to have a dozen of your team members able to share in celebrating the teachers they support every day." Respondent had no other communication with the vendor regarding a donation to Standing Ovation.

During her interview with OGE staff, the Respondent indicated she believed that the vendor could afford to donate at the \$100,000 level based on the amount the District paid the vendor. Ultimately, the vendor donated \$25,000 to the 2014 Standing Ovation. Neither Respondent nor DCPS received any financial benefit from the 2014 Standing Ovation.

II. NATURE OF VIOLATIONS

OGE has determined that Respondent's conduct is a violation of two sections of the District Code of Conduct, as set forth below:

- ❖ **One:** District Personnel Manual ("DPM") § 1800.3(d), which states: "[a]n employee shall not, except as permitted by Section 1803 of this chapter, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties."
- ❖ **Two:** DPM § 1803.2, which states: ". . . [A]n employee shall not, directly or indirectly, solicit or accept a gift . . . [f]rom a prohibited source . . ."

DPM § 1803.4(d)(2) defines an indirectly solicited gift as a gift "[g]iven to any other person or entity, including any charitable organization, on the basis of designation, recommendation, or other specification by the employee." DPM § 1803.4(b)(2) defines a prohibited source, among other things, as "any person or entity who . . . does business or seeks to do business with the employee's agency."

III. TERMS OF THE NEGOTIATED DISPOSITION

Respondent notes that her predecessor engaged in similar conduct and believed that such conduct did not violate the Code of Conduct. Respondent notes further that she did not intend to engage in any act that violated the District Code of Conduct and that if she did so, she did so unknowingly at the time. Nonetheless, Respondent now acknowledges that her conduct violated the District Code of Conduct. Accordingly, Respondent is hereby "**Censured**" for her conduct.

[Redacted]

K. Henderson

11/7/16
Date

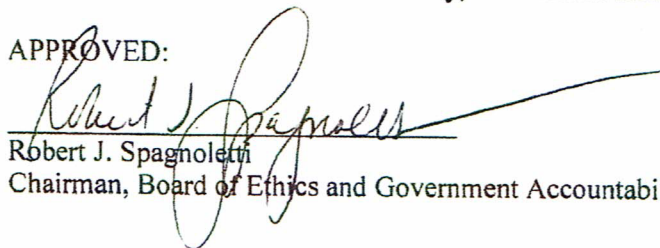


Darrin P. Sobin
Director of Government Ethics

11/9/16
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 Chairman below.

APPROVED:



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

11/3/16
Date

#1209-001

DS/BF/RC