

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



Office of Government Ethics

In Re: A █████ Wallace  
Case No.: 1544-001

PUBLIC NEGOTIATED DISPOSITION

Pursuant to section 221(a)(4)(A)(v)<sup>1</sup> 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, A. Wallace. Respondent agrees that the resulting disposition is a settlement of the above-titled action, detailed as follows:

I. FINDINGS OF FACT

Respondent is a Commissioner of one of the District of Columbia’s (“District”) Advisory Neighborhood Commissions (“ANC”). Respondent is also a board member of a non-profit entity that has received a grant from the Department of Small & Local Business Development (“DSLBD”) to operate one of the District’s ten Main Street programs.

D.C. Main Streets is a comprehensive program that promotes the revitalization of traditional business districts in the District. DSLBD has funded ten independent, nonprofit entities to revitalize communities by retaining and recruiting businesses, improving commercial properties and streetscapes, and attracting consumers. DSLBD provides grants authorized through the Budget Support Act, which are renewable annually. According to an employee of DSLBD, the independent, nonprofit entities are considered one hundred percent (100%) private, and are not quasi-governmental. In fact, they raise funds from private sources. With respect to the Main Street on which Respondent serves as a board member, its website lists twenty-six (26) private sources from which it raised funds. Nevertheless, in order to renew the grant, the Main Streets must comply with a national standard, the Main Street America 10 Standards of Performance, as modified by DSLBD. DSLBD is solely responsible for determining compliance with the performance standards. The standards require that the District’s Main Streets must have:

- Broad-based community support for the commercial district revitalization process, with strong support from both the public and private sectors;
- Well defined vision and mission statements relevant to community conditions and to the local Main Street program's organizational stage;
- A comprehensive project implementation plan and an adequate operating budget to support it;

---

<sup>1</sup> 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.”



- An operational board;
- A full-time staff person dedicated to program implementation; and
- Four committees staffed by volunteers that align with the Main Street Four Point Approach.

During Fiscal Year 2016, Respondent participated in discussions regarding two single source grant applications from the Main Street in which Respondent is a board member during two ANC meetings. Also, Respondent voted to approve both grant applications submitted by that Main Street.

## II. NATURE OF VIOLATIONS

OGE has determined that Respondent's conduct violates Section 223(a) of the Ethics Act, which provides:

No employee shall . . . personally and substantially participate, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a[n] . . . application . . . in a manner that the employee knows is likely to have a direct and predictable effect on . . . the financial interests of a person closely affiliated with the employee.

Section 101(43) of the Ethics Act defines a "person closely affiliated with the employee" as including an affiliated organization. Section 101(3)(A)(i) of the Ethics Act defines an affiliated organization as including an organization or entity in which the employee serves as an officer, director, trustee, general partner, or employee.

Respondent's conduct as an ANC Commissioner, which included participating in the discussions concerning two grant applications submitted by the Main Street on which she sits as a board member and voting on the same, violates the Code of Conduct because she personally and substantially participated in approving the grant application for the nonprofit entity on which she serves as a board member.

## III. TERMS OF THE NEGOTIATED DISPOSITION

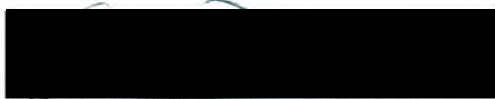
Respondent notes that she did not intend to engage in any act that violated the District Code of Conduct and that if she did so, she did so unknowingly at the time. Nonetheless, Respondent now acknowledges that her conduct violated the District Code of Conduct. Accordingly, Respondent is hereby publicly "**Admonished**" for her conduct.

However, in light of Respondent's previously unblemished ethical record which includes over forty (40) years of service as an attorney in the District, the fact that grant funds went to Main Street – an entity that though itself not a government entity works closely with DSLBD to provide benefits to the residents of the District -- as well as Respondent's mistaken belief at the time that she was not violating the Code of Conduct and her resulting genuine and high degree of remorse at having done so, and in accordance with Section 221(a)(4)(A)(iv) of the Ethics Act, Respondent may submit a request to the Director of Government Ethics to have this Negotiated Disposition expunged twelve (12) months from the date of this fully executed Negotiated Disposition. Respondent acknowledges that the decision to grant or deny her request for expungement rests

solely with the Director of Government Ethics, but that a denial of her request is appealable to the Ethics Board, and will be based on whether all of the following have occurred:

- 1) There have been no additional findings of misconduct against Respondent at the time the request is submitted;
- 2) There are no new or pending allegations of misconduct against Respondent at the time the request is submitted; and
- 3) Respondent has provided a written certification, under oath, attesting that these conditions have been met.

The mutual promises outlined herein constitute the entire agreement in the above-titled action. By our signatures, we agree to the terms outlined herein.



A  Wallace

12/7/16  
Date

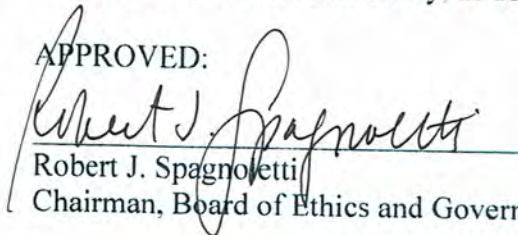


Darrin P. Sobin  
Director of Government Ethics

12/7/16  
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

12/8/16  
Date

#1544-001

DS/BF/RC