

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

Office of Government Ethics



In Re: J. Sumner
Case No.: 19-0011-F

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 -12 4, D.C. Official Code § 1 -116 1.01 *et seq.*), the Office of Government Ethics ("the Office" or "OGE") hereby enters into this Public Negotiated Disposition with the Respondent, J. Sumner. Respondent agrees that the resulting disposition is a settlement of the above-titled action, detailed as follows:

I. FINDINGS OF FACT

At the time in question, Respondent served as the SAS Programmer at District of Columbia Department of Health Care Finance ("DHCF") and had, at that time, been with the agency for approximately six (6) years. While employed with the District, Respondent was designated by his agency as a public official pursuant to D.C. Official Code § 1 -1161.01(47)(I) and was required to complete a public Financial Disclosure Statement ("FDS")² disclosing certain financial interests. Respondent completed a 2017 Financial Disclosure Statement and indicated on that form that he participated in some consulting work on the "Health Babies Project" in the previous calendar year.

In 2019, pursuant to an OIG investigation, Respondent admitted to doing consulting work, off and on, for a company called Zane Networks up until approximately 2016. Respondent further admitted to receiving a check, dated December 12, 2016, from Zane Networks; the check was made out in the amount of \$2,000. In his statement, Respondent stated that he "made a mistake" and should have disclosed the payment on his FDS. Respondent later stated that he believes he cashed the check and did not deposit it into his bank account.

II. NATURE OF VIOLATIONS

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

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."

² A Financial Disclosure Statement is a fifteen-page financial disclosure document that certain District employees must submit to the DC Board of Ethics of Government Accountability on or about May 15th each year.

- ❖ Failing to submit a full and complete financial disclosure statement in violation of D.C. Official Code § 1-1162.24(a)(1)).
 - On May 9, 2017, Respondent submitted a 2017 Public Financial Disclosure Statement on which he failed to disclose his outside business dealings and income.

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

Respondent accepts full responsibility for his actions. 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 acknowledges that his conduct violated the District's Code of Conduct. Respondent agrees to pay a total fine in the amount of **\$750.00** to resolve these violations of the District Code of Conduct, in accordance with the following terms and conditions:

1. Respondent agrees to satisfy his fine (\$750.00) by September 1, 2022, through certified check or money order, made out to the D.C. Treasurer, delivered to and received by OGE at 441 4th Street NW, Suite 830 South, Washington, DC 20001;
2. Respondent agrees to amend his 2017 Public Financial Disclosure Statement on or before September 1, 2022, so that the document is true, accurate, complete, and correctly reflects all his outside business interests and income during Calendar Year 2016; and
3. Respondent agrees to respond truthfully and completely to each of the questions on all future Financial Disclosure Statements he may be required to submit for the District government.


Additionally, 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.

Respondent understands that if he fails to pay the full \$750.00 fine in accordance with the terms set forth hereinabove, 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 agrees that this Negotiated Disposition is not just an admission of wrongdoing but constitutes various factual admissions by him that may be used in any subsequent enforcement or judicial proceeding that may result from his failure to comply with this agreement. Respondent also understands that pursuant to section 217 of the Ethics Act (D.C. Official Code § 1-1162.17), he has the right to appeal any order or fine made by the Ethics Board. Nonetheless, Respondent knowingly and willingly waives his right to appeal the accompanying Board Order assessing the

\$750.00 fine in this matter in exchange for the concessions made by this Office in this Negotiated Disposition.

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.³ 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 herein 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.


J. SUMNER
Respondent

07/11/2022
Date


ASHLEY COOKS
Director of Government Ethics

7/13/2022
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:


NORMA HUTCHESON
Chairperson, Board of Ethics and Government Accountability

7-14-22
Date

#19-0011-F
AC/ASM/IC

³ Section 221(a)(1) (D.C. Official Code § 1-1162.21(a)(1)).

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Office of Government Ethics



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Respondent

CASE No.: 19-0011-F

ORDER

Based upon the mutual representations and promises contained in the Negotiated Disposition approved by the Board herein on July 14, 2022, and upon the entire record in this case; it is, therefore

ORDERED that Respondent pay a civil penalty in the amount of Seven Hundred and Fifty Dollars.

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

A handwritten signature in black ink that reads "Norma B. Hutcheson".

NORMA HUTCHESON
Chair, Board of Ethics and Government Accountability

7-14-22

Date