

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



Office of Government Ethics



IN THE MATTER OF:

R [REDACTED] Owens

Respondent

Date: July 25, 2023

CASE No.: 22-0058-P

ORDER

Pursuant to the authority conferred by D.C. Official Code § 1–1162.12, the Director of Government Ethics has conducted a preliminary investigation into allegations that the Respondent, R [REDACTED] Owens, former Chief Contracting Officer, for the Public Safety and Justice Cluster of the Office of Contracting and Procurement (“OCP”), violated the District’s Code of Conduct¹ by acting with partiality and giving preferential treatment to a private organization or individual in violation of District Personnel Manual (“DPM”) § 1800.3(h), misusing government property in violation of DPM § 1808.1, and sharing confidential District information in violation of DPM § 1807.1(f). The allegations contend that the Respondent shared procurement information with a vendor, MKC Enterprises, regarding the District’s award of personal protection equipment (“PPE”) needs. Additionally, Respondent had inappropriate communications with MKC Enterprises’s representatives using a District government cell phone.

Based upon the preliminary investigation and the show cause hearing, the Director of Government Ethics has determined that two of the three allegations are substantiated, and that the Respondent’s actions violated the District’s Code of Conduct. Pursuant to 3 DCMR § 5535.1, Respondent is ordered to pay a fine in the amount of \$5,000.00 no later than August 16, 2023.

Findings of Fact

1. Respondent was employed by OCP as a Chief Contracting Officer and has separated from the agency in 2022. At the time in question, Respondent’s duties included managing Contracting Officers and Contracting Specialists and overseeing Requests for Proposals (RFP), Request for Quote (RFQ), and Invitation for Bids (IFB) for items needed by the District government.

¹ See D.C. Official Code § 1-1161.01 (7) (Defining statutes and rules that comprise the Code of Conduct).

2. During the COVID-19 public health emergency, the Respondent was responsible for overseeing requests for items related to PPE pursuant to the Public Emergency Act of 1980 which provided flexibility for the District to acquire necessary goods and services during the COVID-19 emergency without regard to typical, established operating procedures.
3. In the beginning of 2020, the Respondent met Ms. Choe, the owner of MKC Enterprises, LLC, via email. In early April, Respondent was introduced to Drug Ocean by Ms. Choe as potential supplier of PPE and Respondent agreed to register Drug Ocean as a vendor of record.
4. In April 2020, due to the increased need for PPE, OCP sent an Invitation for Bids to its vendors of record. MKC Enterprises, as well as other vendors of record, received an Invitation for Bid for gowns, 3-ply masks, cloth masks, face shields and nitrile gloves. MKC Enterprises forwarded the request to its client, Drug Ocean, LLC, who submitted a bid.
5. During that time, the Respondent corresponded with Ms. Choe using his government cellular phone regarding the procurement of personal protective equipment on several occasions.
6. A text message exchange between the Respondent and Ms. Choe was sent as follows: Ms. Choe: “Rick (smiling face with hearts emoji) Any #s you can share of target pricing so we can win the bid lol (smiling face emoji)”. Respondent: “Are you going to send me a picture?” Ms. Choe sends a picture of her wearing a swimsuit with her back to the camera. Ms. Choe: “That’s on my Instagram lol; 39 young or old was the caption lol; You such a guy (followed by various emojis)”.
7. Ms. Choe sent a picture to the Respondent. Respondent replied: “Wonderful.” Ms. Choe: “Ok when we talking about kn95s n95s fpp2; Lol; Also how much are face Shields”. Respondent: “We paid \$2.11 for face shields. Let me know the price on N95 3M 8210.” Ms. Choe replied: “Quantities”. Respondent: “500,000, Looking out for my girl (kiss face with heart emoji)”.
8. A text message exchange between the Respondent and Ms. Choe was sent as follows: Ms. Choe: “Did I win the kn95 that’s are most strongest item???” Respondent: “I don’t know yet! I won’t have a decision until this afternoon.” Ms. Choe: “O”. Respondent: “Btw, do I get a front body shot? (side eye emoji)” Ms. Choe responded with a picture of herself laying on a beach recliner, wearing a swimsuit. She included three crying-laughing emojis and the message: “Give me the kn95 I got a really nice pic for you. (followed by various emojis)”.
9. Ms. Choe sent Respondent a picture of herself wearing underwear and a mid-riff top, with her back to the camera.
10. In a text message between the Respondent and Ms. Choe wherein the Respondent informed Ms. Choe that OCP did not have the budget previously discussed with the vendors but

would received it on Tuesday or Wednesday. Ms. Choe stated: “Hi, What (frustrated emoji); So that number on the contract was incorrect?” The Respondent replied, “Correct”. Respondent states that he was “given the go ahead” then found out that OCP did not have the budget. Respondent assured Ms. Choe that the issue affected all vendors and that he would send the revised contract with the new price of \$8,682,000. Ms. Choe: “Thank you baby; Yeah less amount is ok thankful to you to work with me. Just needed quantities (smile emoji); But as a woman I’d like to know if your other hoes budgets dropped too? Lol.” Respondent: “You are treated better than anyone.”

11. In a text message exchange Ms. Choe offered to provide Respondent with surgical gowns and nitrile gloves, and the option to obtain KN95 masks from a different supplier. Respondent replied “I will no more Monday afternoon. Please provide delivery dates on order or future order! Thanks boo.”
12. A text message exchange between the Respondent and Ms. Choe was sent as follows: Respondent: “I need help on the 5000 overbed tables!” Ms. Choe: “Ok boss; Have a whole exec team working for you lol; What else you need on the way? Kill a few birds at once; You maybe getting gloves sooner too FYI maybe”. Respondent: “Thanks! You come through you will get a big surprise (kiss emoji).”
13. In another text message exchange Ms. Choe tells Respondent, “Call me I need a favor; Meanwhile team is trying to get you the beds at \$95ish.” Respondent replies, “It could be a little higher I just need delivery ASAP!”
14. On April 15, 2020, Drug Ocean submitted its Bid for Legacy Contract No. FY20-EM-M02-BY0-COVID19-MED and was awarded the contract.
15. By July 13, 2020, Drug Ocean procured and delivered all ordered items to the District government in exchange of a payment of \$8,894,920.00.
16. A dispute arose between Drug Ocean and Ms. Choe. Ms. Choe asked Respondent to send a text message reassuring that the District was pleased with her service. Respondent texted: “Drug Ocean is a trusted supplier along with their sales representative who has delivered as promised.” Ms. Choe: “Thanks babe; But why haven’t you guys asked for more stuff this week?” Respondent: “Where is my cute picture babe! I miss it!” (kiss emoji). Ms. Choe: “Ok ok I’ll give you a nice one later lol promise or remind me tonight lol.” Respondent: “I want know until next week when we get the other items in.”
17. Ms. Choe filed a civil complaint against Drug Ocean in a Miami court. Respondent engaged in several text message exchanges with Ms. Choe regarding the case.
18. Respondent submitted a declaration on Ms. Choe’s behalf. Respondent’s participation in the case was not authorized by OCP.
19. At various times between April and August 2020, Respondent used his government provided cellular phone to communicate with Ms. Choe. Respondent’s text message

exchanges with Ms. Choe amounted to 31 pages. According to their text messages, Respondent also had several phone calls with Ms. Choe.

20. A search of Respondent's emails showed that he did not provide the same information to other vendors of record.

Conclusions of Law

Based on the evidence of record, I therefore conclude:

1. DPM § 1800.3(h) provides that employees must act impartially and refrain from giving preferential treatment to any private organization or individual. Respondent violated this rule when he engaged in a personal relationship with Ms. Choe, a registered vendor of OCP and owner of MKC Enterprises, and provided her with information that he did not provide to other vendors. Respondent informed Ms. Choe of the price the District paid for face shields ("We paid \$2.11 for face shields. Let me know the price on N95 3M 8210."). Respondent informed Ms. Choe that she could charge the District more for beds ("Call me I need a favor, Meanwhile team is trying to get you the beds at \$95ish." Respondent replies, "It could be a little higher I just need delivery ASAP!"). In addition, Respondent's own text messages are evidence that he gave Ms. Choe preferential treatment, "Looking out for my girl (kiss face with heart emoji)"; and "You are treated better than anyone."
2. DPM § 1808.1 provides that an employee has a duty to protect and conserve government property and shall not use such property, or allow its use, for other than authorized purposes. Respondent used his government cell phone for unauthorized purposes when he solicited provocative pictures from Ms. Choe and engaged in several romantic, inappropriate text message conversations with Ms. Choe. Respondent was not authorized to use his cellular phone in such a manner. Nor were his text message conversations beneficial to the District government.
3. Pursuant to 3 DCMR § 5535.1, a ministerial fine in the amount of \$5,000 is assessed against the Respondent.

WHEREFORE, pursuant to the authority conferred upon me by D.C. Official Code § 1-1162.21(a)(3) and 3 DCMR § 5535.1, it is hereby ORDERED that a ministerial fine in the amount of five thousand dollars (\$5,000.00) is assessed against the Respondent. Pursuant to 3 DCMR § 5535.4, this fine shall be effective on August 16, 2023. Respondent shall make payment via certified check or money order made out to the D.C. Treasurer on behalf of BEGA or by using the following payment link: <https://dcwebforms.dc.gov/pay/bega1/> and referencing 22-0058-P.



Ashley D. Cooks
Director of Government Ethics
Board of Ethics and Government Accountability

7/25/2023

DATE

SERVICE OF ORDER

This is to certify I have served a true copy of the foregoing Order on Richard Owens via email at [REDACTED] this 25th day of July 2023.



Ashley Cooks

NOTICE

Any party adversely affected by any order of the Director may obtain review of the order by filing an appeal with the Ethics Board, in accordance with D.C. Official Code § 1-1162.21(a)(3). Pursuant to 3 DCMR § 5530.10, the request for a hearing shall be filed within fifteen (15) days from the Director's issuance of an order. The request must be sent to Lynn Tran, Senior Attorney Advisor, at lynn.tran@dc.gov.