

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

Office of Government Ethics



In Re: B. Smith
Case No. 23-0046-P

NEGOTIATED DISPOSITION:

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, effective April 27, 2012, D.C. Law 19-124, D.C. Code § 1-1161.01 *et seq.*, (“Ethics Act”), the Office of Government Ethics (the “Office” or “OGE”) hereby enters into this public negotiated settlement agreement with the Respondent, B. Smith. Respondent agrees that the resulting disposition is a settlement of the above-titled action, detailed as follows:

FINDINGS OF FACT:

Respondent has worked as the Special Education Director of Compliance and Monitoring for the District of Columbia Public Schools (“DCPS”) since December 2022. Prior to that time, Respondent served as the Manager of Compliance Monitoring. Respondent serves as the interface between local schools and the Office of the State Superintendent of Education. Her primary responsibilities include alerting schools that individualized education programs (IEPs) are missing or overdue, and audits special education records.

On November 18, 2022, Respondent attended a student’s IEP eligibility meeting at the request of the parent, who is Respondent’s long-time friend. Respondent indicated to the school representative that she wished to attend the meeting to communicate the parent’s concerns and to assist in providing a plan of action regarding the student’s educational progress. In her role as Manager of Compliance, Respondent has oversight of this particular schools which includes auditing the special education records and directing the school to make changes and corrections when data is missing. During the IEP meeting, Respondent identified herself as the friend of the parent and proceeded to question the IEP team on behalf of the parent. Respondent suggested a specific assessment plan for the student and directed the IEP team to make determinations on areas of impact for the student. Respondent advocated against the District government, causing a hostile and intimidating environment for other DCPS employees present at the meeting.

On or about January 17, 2023, Respondent attempted to gain access to a subsequent meeting regarding this student, again at the request of her long-time friend; however, Respondent was denied access. Respondent was told that she could participate only if the parent chose to call her and permit her to listen via speakerphone. Respondent did not attend the meeting.

¹ Section 221(a)(4)(E) of the Ethics Act provides, “[i]n addition to any civil penalty imposed under this title, a violation of the Code of Conduct may result in the following: ... [a] negotiated disposition of a matter offered by the Director of Government Ethics, and accepted by the respondent, subject to approval by the Ethics Board.”

NATURE OF MISCONDUCT

Respondent violated the following provision of the Ethics Act and District Personnel Manual ("DPM"):

- ❖ Count One: A District government employee shall not engage in any outside employment or other activity incompatible with the full and proper discharge of his or her duties and responsibilities, including serving in a representative capacity or as an agent or attorney for any outside entity involving any matter before the District of Columbia. DPM § 1807.1 (h).
 - Respondent violated DPM § 1807.1(h) when she attended an IEP eligibility meeting and acted as a representative on behalf of the parent and student. During the meeting, Respondent began to advocate against the District government and created a hostile environment for employees present at the meeting. Respondent

Respondent accepted full responsibility for her actions. Respondent identified the following factors as mitigating circumstances to be considered by OGE in deciding upon an appropriate remedy in this matter. Respondent's intention was to act as a friend to the District and assist in addressing the parent's concerns. Respondent has agreed to recuse herself from future matters involving this student and/or parent with whom she is affiliated with outside of work. Respondent has agreed not to engage in conduct that violates the ethics rules.

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.

TERMS OF THE NEGOTIATED SETTLEMENT

Respondent acknowledges that her conduct violated the District's Code of Conduct. Respondent agrees to be publicly REPRIMANDED. Additionally, Respondent agrees not to engage in such conduct in the future, and to attend a full ethics training within three months of date of this disposition. 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. Accordingly, Respondent is hereby "REPRIMANDED."

Respondent acknowledges and understands that this Negotiated Disposition is only binding upon herself and OGE in resolution of her alleged violations of the Code of Conduct that applies to District government employees and public officials.

Nonetheless, the Respondent knowingly and willingly waives her right to appeal the accompanying Board Order imposing a public reprimand in this matter in exchange for the concessions made by this Office in this Negotiated Disposition.

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.

[Redacted]

B. Smith
Respondent

6/06/2023
Date

Anc
Ashley D. Cooks
Director of Government Ethics

6/6/2023
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 Chairperson below.

APPROVED:

Norma B. Hutcheson

Norma Hutcheson
Chairperson, Board of Ethics and Government Accountability
#23-0046-P
AC/FAV/IC

6/8/2023
Date

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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Office of Government Ethics

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Respondent

CASE No.: 23-0046-P

ORDER

Based upon the mutual representations and promises contained in the Negotiated Disposition approved by the Board on June 8, 2023, and upon the entire record in this case; it is, therefore:

ORDERED that Respondent is **PUBLICLY REPRIMANDED**.

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

6/8/2023

NORMA HUTCHESON

Date

Chair, Board of Ethics and Government Accountability