

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



IN RE: Marcellus Eugene Willis,

Respondent

Case No. 24-0010-F

FINAL DECISION

I. Introduction

The Office of Government Ethics (“OGE”) charged Marcellus Eugene Willis (“Respondent”) with thirty-seven violations of the Code of Conduct.¹ Count 1 of the Amended Notice of Violation (“Amended NOV”) alleges that Respondent violated 6B DCMR § 1800.3(g) by using his official position as an Executive Assistant and purchase card holder for the University of the District of Columbia (“UDC”) to make unauthorized personal transactions.² Counts 2-37 allege that Respondent violated 6B DCMR § 1808.1 by using the UDC purchase card to make unauthorized, fraudulent transactions from specific vendors.

Respondent did not submit a response to the Amended NOV. The Board treats his failure to provide a response as a general denial.³

Pursuant to notice, an evidentiary hearing was held on March 6, 2025. Respondent did not appear at the hearing and did not designate a representative to appear on his behalf. The Board elected to proceed with the hearing⁴ and OGE presented testimony, introduced exhibits, and offered

¹ The Board has the power to, among other things, “[a]dminister and enforce the Code of Conduct. Section 202(a)(1) of the Governmental 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 § 1-1162.02(a)(1)). The Code of Conduct is defined by section 101(7)(E) and (F) of the Ethics Act (D.C. Official Code § 1-1161.01(7)(E) and (F)) to include “Parts C, D, and E of subchapter II” and “Chapter 18 of Title 6B of the District of Columbia Municipal Regulations,” which includes the statutes and regulations that form the bases of the charges against Respondent.

² The original NOV was amended to include additional violations. Count 1 of the original NOV alleged that Respondent make unauthorized, personal transactions totaling \$16,926.62. Respondent did not respond to either the original NOV or the amended NOV.

³ See 3 DCMR § 5509.6.

⁴ The hearing was noticed for 1:00 p.m. and the Board did not commence the hearing until 1:12 p.m. See 3 DCMR § 5403.4 (“if any person or party...fails to appear at a hearing, the Board may proceed ex parte, unless the Board extends the time of the hearing or unless the person’s appearance is required by statute.”); see also *id.* at § 5514.1(a) (providing that if a noticed party has not appeared after a reasonable time, the Board Chair “may proceed with the

arguments. With the approval of the Board, OGE also submitted a post-hearing briefing on sanctions.

The Board has had an opportunity to review the record in its entirety and, after careful consideration, finds substantial evidence that Respondent committed 15 separate violations of the Code of Conduct as alleged in the NOV. Accordingly, the Board assesses a civil penalty of \$26,000.

As required by 3 DCMR § 5512.2, the Board's findings of fact, conclusions of law, and analysis are set forth below.

II. Findings of Fact

The facts in this case can be summarized as follows:

Respondent was employed by the University of the District of Columbia ("UDC") as the Executive Assistant to Mary Ann Harris, the Director of Contracting and Procurement and Chief Contracting Officer for UDC. As part of his duties for UDC, Respondent was authorized by Ms. Harris to make purchases on behalf of UDC and was issued a UDC purchase-card ("p-card") to make those purchases. (OGE Exhibit 3; Testimony of Mary Ann Harris; Testimony of Nathan Hunt)

Before he was issued a p-card for UDC, Respondent attended a four-hour training for p-card holders regarding permissible and impermissible uses of the UDC p-card conducted by Nathan Hunt, a Contract Specialist with the Office of Contracting and Procurement responsible for managing the purchase card program at UDC. The training covered standards of usage for the card and identified prohibited or unallowable items, including purchases that could be converted to cash such as gift cards or convenience checks. (Testimony of Nathan Hunt)

Respondent was required to reconcile transactions made using his p-card including attaching receipts or other supporting documentation for each transaction and adding notes explaining the transaction before submitting the transactions to the contracting officer to review. As the contracting officer, Ms. Harris was responsible for determining whether purchases were permissible. (Testimony of Nathan Hunt)

On April 11, 2022, Mr. Hunt provided Ms. Harris with the results of an audit of charges on Respondent's p-card from October 1, 2020 to March 25, 2022, upon request of Ms. Harris after she was alerted to potential impermissible uses of the card by Respondent. The audit concluded that 66.7% of the transactions on Respondent's p-card during that period "have the potential of being unallowable items." After concluding it was "impossible to verify the legitimacy" of the transactions as 99.7% of the transaction lacked a receipt, the audit estimated the potential unallowable purchases by excluding "clear allowable purchases (122/366)" to reach the conclusion that 244 out of 266 transactions totaling \$79,606.11 or 62.5% of spending on Respondent's p-card were potentially impermissible. (OGE Exhibit 1; Testimony of Mary Ann Harris; Testimony of Nathan Hunt)

hearing, obtain the testimony of those persons present, and, on the basis of the testimony and the record, the Board may issue a decision in the case.")

After Mr. Hunt identified transactions that he thought were potentially not permissible, Ms. Harris reviewed the transactions and made the determination as to whether the transactions on Respondent's p-card were allowable. Ms. Harris did not review Respondent's transactions monthly during the period covered by the audit. (Testimony of Mary Ann Harris; Testimony of Nathan Hunt)

The review ultimately produced a list of transactions totaling \$38,682.02 charged on Respondent's UDC p-card he stated were not authorized or approved by Ms. Harris. The review identified charges to the following vendors:

Vendor	Total Amount
7-Eleven	\$500.53
Advance Auto Parts	\$95.21
Amazon.com	\$640.98
Amazon Marketplace	\$9,681.97
Auto Nation Depot	\$2,000.00
Beltway Motel	\$985.62
BP	\$149.58
Compass RD CMF	\$67.90
Corner Market & Pharmacy	\$545.35
CVS Pharmacy	\$724.80
ExxonMobil	\$34.05
Flower Avenue Wireless	\$635.99
Flower Delicatessen	\$22.87
Garden Inn	\$374.99
Giant	\$297.42
Google, YouTube TV	\$206.67
Kmart	\$95.03
Citgo	\$47.75
Motel 6	\$75.05
Office Depot	\$1,361.50
Panera	\$1,675.42
Rite Aid	\$414.90
Royal Farms	\$421.93
Royal Tobacco Vibes	\$139.19
Safeway	\$18.25
Shell Oil	\$40.00
Staples	\$9,867.14
Starbucks	\$41.06
Sunoco	\$40.00
Target	\$1,148.00
Home Depot	\$700.30
Thrift Stores	\$21.20
Uber Eats	\$2,078.01
Walmart	\$942.65
Wawa	\$101.11
Walmart Supercenter	\$2,434.72
Xfinity	\$54.95

Ms. Harris did not receive notice of these charges and therefore did not approve of the charges prior to payment of the p-card. Ms. Harris specifically confirmed that she did not authorize some of the transactions made by Respondent at 7-Eleven, CVS, and Amazon Marketplace. (OGE Exhibit 2; Testimony of Mary Ann Harris; Testimony of Nathan Hunt)

Respondent claimed that some of the charges identified in the audit were erroneous charges and were being disputed with the card holder, J.P. Morgan, but did not notify UDC's Office of Contracting and Procurement that his p-card was stolen or otherwise compromised to explain the reason for the disputed charges. Of the \$1,170.85 that Respondent disputed, J.P. Morgan found that 96% or \$1,127.42 should be re-billed to UDC. (OGE Exhibit 2; Testimony of Mary Ann Harris; Testimony of Nathan Hunt)

Mr. Hunt testified that UDC conducted a review of statements from J.P. Morgan Chase provided UDC with addendum information about the charges on Respondent's p-card to determine whether charges made by Respondent were allowable or unallowable. He noted that addendum information revealed charges for Visa or Mastercard gift cards that were unallowable because they were easily converted to cash along with items such as eyeglasses, car parts, clearly unallowable items such as cigarettes, or items such as Apple iPhone or computers that were purchases from Amazon Marketplace instead of vendors where UDC had existing agreements. Items without addendum information from the vendors or JP Morgan Chase were marked unknown. (OGE Exhibit 4; Testimony of Nathan Hunt)

A review of addendum information for charges made on the UDC p-card indicates that Respondent's charges included transactions for items that were clearly not allowable to Amazon Marketplace (gift cards, Gucci glasses, cologne); ExxonMobil (tobacco), Safeway (Starbucks coffee), Staples (gift cards). Respondent identified charges to 7-Eleven, British Petroleum, Garden Inn, YouTube TV, Citgo, Royal Farms, Starbucks, Sunoco, Thrift Store, and Uber Eats and Uber Trip as charges that were disputed with J.P Morgan Chase and claimed that he used mistakenly used the p-card to make personal charges at Royal Farms. (OGE Exhibit 4)

Ms. Harris met with Respondent after receiving the audit from Mr. Hunt and advised that Respondent had to explain the transactions in writing to her and that he would be liable for the charges. Subsequent to that meeting, Respondent began taking leave and did not report to the office. Ms. Harris then provided the results of the audit to UDC's General Counsel, Avis Russell, and began paperwork to terminate Respondent's employment with UDC. (Testimony of Mary Ann Harris)

Respondent has not reimbursed UDC for impermissible charges that he made on the UDC p-card. (Testimony of Mary Ann Harris; Testimony of Nathan Hunt)

III. Conclusions of Law and Analysis

The question before the Board is whether OGE has met its burden of proving that Respondent violated the provisions of the Code of Conduct underlying the thirty-seven counts of the NOV by substantial evidence.⁵

The Board finds that the burden has been satisfied with respect to Count 1, 2, 4, 5, 8, 11, 12, 17, 19, 24, 25, 28, 33, and 34 but not with respect to all the remaining charges in the Amended NOV.

A. Count 1 (Using public office for private gain)

Count 1 of the Amended NOV alleges that Respondent used his position as an Executive Assistant and District purchase-card holder to make unauthorized transactions totaling \$38,682.09 for his personal benefit in violation of 6B DCMR § 1800.3(g). Section 1800.3(g) provides that District “[e]mployees shall not use public office or position for private gain.”⁶

The record in this matter is clear that Respondent was authorized to make purchases on behalf of UDC as part of his official duties as a District employee and that he violated section 1800.3(g) by using the UDC p-card to make personal purchases that were not authorized by UDC.

Respondent’s supervisor and UDC contracting officer Mary Ann Harris testified that, from October 2020 through March 2022, Respondent made purchases using the UDC purchase card that she did not authorize or approve. A review of credit card statements, along with testimony from UDC, establishes that Respondent used the p-card to purchase items that were impermissible by their nature, such as gift cards, cigarettes, and cologne. In comments Respondent provided while reconciling his purchases, he explicitly acknowledged on at least two occasions that he used the UDC p-card for personal purchases, although he claimed the use was inadvertent. Additionally, although Respondent disputed multiple charges made using his p-card, Respondent did not notify UDC that his card was lost or stolen, and of the charges he disputed with the credit card company, 96% of disputed charges were upheld, indicating that the disputed charges were indeed made by Respondent.

Accordingly, we find substantial evidence that Respondent violated 6B DCMR § 1800.3(g) as alleged in Count 1 of the Amended NOV.

B. Counts 2-37 (Using government property for other than authorized purposes)

Counts 2-37 of the Amended NOV alleges that Respondent used the UDC purchase card to make unauthorized, fraudulent transactions in violation of 6B DCMR § 1808.1. Section 1808.1 provides

⁵ See 3 DCMR § 5518.1 (“In all cases involving a notice of violation, the Director [of Government Ethics] has the burden of persuading the Board that a violation has occurred by substantial evidence.”); *see also id* at § 5521.4 (“A decision shall be support by substantial evidence on the record. Pursuant to the substantial evidence rule, courts shall uphold an administrative determination of fact if on the entire record the determination is rationally supportable and could have been arrived at reasonably.”).

⁶ 6B DCMR § 1800.3(g).

that a District 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.”⁷

The charges in Counts 2-37 present a more detailed breakdown of the unauthorized charges at issue in Count 1. In assessing whether there is substantial evidence that Respondent violated section 1808.1 as to each count, we rely on testimony from UDC’s contracting officer, Ms. Harris, and contract specialist, Mr. Hunt, along with information included in the credit card statements and records of the issuing bank, J.P. Morgan Chase.

While the testimony from the UDC officials indicates that they concluded there was long-term, systemic abuse of the p-card by Respondent, the testimony addressed the general use of the card as opposed to specifically identifying why the particular transactions charged by OGE were not authorized. We also note that there is limited information in the record on charges made by Respondent from September 2020 through March 2022 as addendum information is only available for charges starting April 2022. This period accounts for \$18,822.81 or 49% of the amount OGE charged in this matter. That UDC allowed Respondent to incur over \$18,000 in charges over a 19-month period that it now claims were fraudulent, unauthorized transactions suggest a failure of institutional controls. This institutional failure continued for several more months after Mr. Hunt’s April 2022 audit, as Respondent continued to have access to the UDC p-card through October 2022 and made almost \$20,000 in charges after UDC was alerted to Respondent’s potential impermissible use of the card.

In reaching our determinations as to each specific count, we also considered the fact that Respondent disputed multiple transactions, without claiming fraud or indicating that he did not have access to the p-card. The fact that almost all the disputed charges were upheld supports the conclusion that the disputes were a pretext for Respondent to explain otherwise impermissible charges.

We review the charges as to each specific vendor in turn.

Count 2 – 7-Eleven

Count 2 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$500.33 for personal items from 7-Eleven, Inc. Respondent notes that at least one transaction at 7-Eleven was disputed with Chase and Ms. Harris testified that she did not authorize Respondent to make some of the transactions at 7-Eleven. As Ms. Harris would need to explicitly authorize purchases on behalf of UDC, we find that there is substantial evidence that Respondent violated 6B DCMR § 1808.1, as alleged in Count 2 of the Amended NOV.

Count 3 – Advance Auto Parts

Count 3 of the Amended NOV alleges that Respondent used the UDC p-card to make an unauthorized, fraudulent transaction totaling \$95.21 for personal purchases from Advance Auto Parts. Although Mr. Hunt identified “car parts” as unauthorized items purchased by Respondent, neither Mr. Hunt nor Ms. Harris identified the vendor where Respondent purchased car parts not

⁷ 6B DCMR § 1808.1.

authorized by UDC. The credit card statements and addendum information also do not clarify how Respondent used the p-card at this vendor. Accordingly, we find that OGE has failed to produce substantial evidence that Respondent violated 6B DCMR § 1808.1, as alleged in Count 3 of the Amended NOV.

Count 4 and 5 – Amazon.com and Amazon Marketplace

Counts 4 and 5 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$640.98 for gift cards from Amazon.com, Inc. and totaling \$9,681.97 for personal items from Amazon Marketplace. Ms. Harris testified while she authorized Respondent to make some purchases from Amazon, she noted that some of the transactions at issue involve instances where she did not authorize Respondent to use the UDC p-card for purchases from Amazon. A review of addendum information confirms that Respondent's UDC purchase card was used to purchase prohibited items such as gift cards, cologne, and glasses. We conclude that there is substantial evidence that Respondent violated 6B DCMR § 1808.1, as alleged in Counts 4 and 5 of the Amended NOV.

Count 6 – Auto Nation Depot

Count 6 of the Amended NOV alleges that Respondent used the UDC p-card to make an unauthorized, fraudulent transaction totaling \$2,000 for personal items from Auto Nation Depot. As with Count 3, there is no testimony or information in the record to clarify what Respondent purchased at Auto Nation Depot. Lacking that information, we conclude that OGE has failed to produce substantial evidence that Respondent violated 6B DCMR § 1808.1, as alleged in Count 6 of the Amended NOV.

Count 7 – Beltway Motel

Count 7 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$985.62 for personal items from Beltway Motel. The only information in the record as to the charges made at Beltway Motel is addendum information stating that two of the charges were made for the office of the president and a note on the third charge that there is no additional information regarding the vendor or items purchased by Respondent. Accordingly, we find that OGE has failed to produce substantial evidence that Respondent violated 6B DCMR § 1808.1, as alleged in Count 7 of the Amended NOV.

Count 8 – British Petroleum

Count 8 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$149.58 for personal items from The British Petroleum Company p.l.c. The addendum information for these charges notes that Respondent made the charges for unleaded regular gas and that at least one of the charges for general merchandise and unregular gas was disputed. Considering Respondent's record as to disputed charges, we find that there is substantial evidence that Respondent violated 6B DCMR § 1808.1, as alleged in Count 8 of the Amended NOV.

Count 9 – Compass RD CMF

Count 9 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$67.90 for personal items from Compass RD CMF. The only information on this count is the addendum information noting that the charge is for supplies ordered. Absent additional information, we find that OGE has failed to produce substantial evidence that Respondent violated 6B DCMR § 1808.1, as alleged in Count 9 of the Amended NOV.

Count 10 – Corner Market & Pharmacy

Count 10 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$545.35 for gift cards and personal items at Corner Market and Pharmacy. The addendum information notes Respondent used the p-card to purchase items from this vendor for OCP professional day and for another department. There is no testimony in the record that provides additional information on the charges. Accordingly, we find that OGE has failed to produce substantial evidence that Respondent violated 6B DCMR § 1808.1, as alleged in Count 10 of the Amended NOV.

Count 11 – CVS Pharmacy

Count 11 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$724.80 for gift cards from CVS Pharmacy. Ms. Harris testified that she did not authorize Respondent to make some of the transactions charged to the p-card at CVS. As Ms. Harris would need to explicitly authorize purchases on behalf of UDC, we find that there is substantial evidence that Respondent violated 6B DCMR § 1808.1, as alleged in Count 11 of the Amended NOV.

Count 12 – ExxonMobil

Count 12 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$700.30 for cigarettes from ExxonMobil. Addendum notes general tobacco for one of the charges made at ExxonMobil. As tobacco is a prohibited item, we find that there is substantial evidence that Respondent violated 6B DCMR § 1808.1, as alleged in Count 12 of the Amended NOV.

Count 13 – Flower Avenue Wireless, LLC

Count 13 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$635.99 for telecommunications equipment and services from Flower Avenue Wireless, LLC. There is no addendum information or testimony in the record that provides additional information on the charges. Accordingly, we find that OGE has failed to produce substantial evidence that Respondent violated 6B DCMR § 1808.1, as alleged in Count 13 of the Amended NOV.

Count 14 – Flower Delicatessen

Count 14 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$22.87 for food from Flower Delicatessen. There is no addendum information or testimony in the record that provides additional information on the charges. Accordingly, we find that OGE has failed to produce substantial evidence that Respondent violated 6B DCMR § 1808.1, as alleged in Count 10 of the Amended NOV.

Count 15 – Garden Inn

Count 15 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$374.99 for lodging from Garden Inn. The only information in the record as to this vendor is the fact that the charge was disputed. Considering the information as to Respondent's disputed charges, we find that there is substantial evidence that Respondent violated 6B DCMR § 1808.1, as alleged in Count 15 of the Amended NOV.

Count 16 – Giant

Count 16 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$297.42 for retail purchases from Giant Food Supermarket. There is no addendum information or testimony in the record that provides additional information on the charges. Accordingly, we find that OGE has failed to produce substantial evidence that Respondent violated 6B DCMR § 1808.1 as alleged in Count 16 of the Amended NOV.

Count 17 – Google, YouTube TV

Count 7 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$206.67 for personal subscriptions from Google, YouTube TV. Although no testimony addresses these specific charges, the addendum information notes that the charges were disputed. Given Respondent's record as to disputed charges, we find that there is substantial evidence that Respondent violated 6B DCMR § 1808.1, as alleged in Count 19 of the Amended NOV.

Count 18 – Kmart

Count 18 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$95.03 for personal items at Kmart Corporation. There is no addendum information or testimony in the record that provides additional information on the charges. Accordingly, we find that OGE has failed to produce substantial evidence that that Respondent violated 6B DCMR § 1808.1 as alleged in Count 18 of the Amended NOV.

Count 19 – Citgo Petroleum Corporation

Count 7 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$47.75 got personal items at Citgo Petroleum Corporation.

Although no testimony addresses these specific charges, the addendum information notes that the charges were disputed. Given Respondent's record as to disputed charges, we find that there is substantial evidence that Respondent violated 6B DCMR § 1808.1, as alleged in Count 19 of the Amended NOV.

Count 20 – Motel 6

Count 20 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$75.05 for lodging at Motel 6. There is no addendum information or testimony in the record that provides additional information on the charges. Accordingly, we find that OGE has failed to produce substantial evidence that that Respondent violated 6B DCMR § 1808.1 as alleged in Count 20 of the Amended NOV.

Count 21 – Office Depot

Count 21 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$1,361.50 for gift cards at Office Depot, Inc. There is no addendum information or testimony in the record that provides additional information on the charges. Accordingly, we find that OGE has failed to produce substantial evidence that Respondent violated 6B DCMR § 1808.1 as alleged in Count 21 of the Amended NOV.

Count 22 – Panera

Count 7 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$1,675.42 for personal food items at Panera Bread Company. The addendum information indicates that the charges were made for another department and there is no relevant testimony as to these specific charges. Accordingly, we find that OGE has failed to produce substantial evidence that Respondent violated 6B DCMR § 1808.1 as alleged in Count 21 of the Amended NOV.

Count 23 – Rite Aid

Count 23 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$414.90 for gift cards from Rite Aid Corporation. There is no addendum information or testimony in the record that provides additional information on the charges. Accordingly, we find that OGE has failed to produce substantial evidence that that Respondent violated 6B DCMR § 1808.1 as alleged in Count 23 of the Amended NOV.

Count 24 – Royal Farms

Count 7 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$421.93 for personal items at Royal Farms. Addendum information for these transactions indicates that Respondent confirmed that he used the p-card for personal charges on at least two occasions and several other transactions were disputed. Although Respondent claimed the personal charges were a mistake, the overall record on his use of the university p-card for prohibited purchases and the record of disputed purchases is sufficient for us

to find that there is substantial evidence that Respondent violated 6B DCMR § 1808.1, as alleged in Count 2 of the Amended NOV.

Count 25 – Royal Tobacco Vibes LL

Count 7 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$139.19 for cigarettes at Royal Tobacco Vibes LL. The record indicates that Respondent disputed one transaction, and another transaction was for unleaded regular gas. Given Respondent's record as to disputed charges, we find that there is substantial evidence that Respondent violated 6B DCMR § 1808.1, as alleged in Count 33 of the Amended NOV.

Count 26 – Safeway

Count 7 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$18.25 for personal items and cigarettes at Safeway Grocery Store. The addendum information notes the purchase of coffee and fuel, which UDC did not identify as always prohibited items. Accordingly, we find that OGE has failed to produce substantial evidence that Respondent violated 6B DCMR § 1808.1 as alleged in Count 26 of the Amended NOV.

Count 27 – Shell Oil

Count 27 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$40 for personal items at Shell Oil. There is no addendum information or testimony in the record that provides additional information on the charges. Accordingly, we find that OGE has failed to produce substantial evidence that Respondent violated 6B DCMR § 1808.1 as alleged in Count 27 of the Amended NOV.

Count 28 – Staples

Count 7 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$9.867.14 for gift cards at Staples, Inc. The record for this vendor confirms the purchase of multiple gift cards in the addendum information for the transactions. As gift cards are prohibited purchases, we find that there is substantial evidence that Respondent violated 6B DCMR § 1808.1, as alleged in Count 28 of the Amended NOV.

Count 29 – Starbucks

Count 29 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$41.06 for personal food items at Starbucks Coffee Company. There is no addendum information or testimony in the record that provides additional information on the charges. Accordingly, we find that OGE has failed to produce substantial evidence that Respondent violated 6B DCMR § 1808.1 as alleged in Count 29 of the Amended NOV.

Count 30 – Sunoco LP

Count 7 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$40.00 for a personal purchase at Sunoco LP. The Amended NOV alleges a single charge to this vendor on May 11, 2022, while the record identifies does not include a transaction with this vendor on that date. Accordingly, we find that OGE has failed to produce substantial evidence that Respondent violated 6B DCMR § 1808.1, as alleged in Count 29 of the Amended NOV.

Count 31 – Target Corporation

Count 31 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$1,148 for gift cards at Target Corporation. There is no addendum information or testimony in the record that provides additional information on the charges. Accordingly, we find that OGE has failed to produce substantial evidence that Respondent violated 6B DCMR § 1808.1 as alleged in Count 31 of the Amended NOV.

Count 32 – Home Depot

Count 32 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$700.30 for personal items and gift cards at The Home Depot, Inc. There is no addendum information or testimony in the record that provides additional information on the charges. Accordingly, we find that OGE has failed to produce substantial evidence that Respondent violated 6B DCMR § 1808.1 as alleged in Count 32 of the Amended NOV.

Count 33 – Thrift Stores

Count 7 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$20.21 for personal items from a thrift store. The record indicates that this charge was disputed by Respondent. Considering Respondent's record as to disputed charges, we find that there is substantial evidence that Respondent violated 6B DCMR § 1808.1, as alleged in Count 33 of the Amended NOV.

Count 34 – Uber Technologies (Uber Eats and Uber Trip)

Count 7 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$2,078.01 for personal food items and rideshare at Uber Technologies, Inc. The record indicates that addendum notes on several transactions that they were disputed or not authorized by Respondent with one addendum stating "disputed OCP didn't use Uber eats" and at least two charges include addendum information that the charge was made for the office of the president. This information, taken in light of Respondent's record of disputed purchases, is sufficient for us to find that there is substantial evidence that Respondent violated 6B DCMR § 1808.1, as alleged in Count 34 of the Amended NOV.

Count 35 – Walmart Inc. (Walmart and WM Supercenter)

Count 7 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$3,377.37 for personal items at Walmart Inc. The addendum information for several charges notes that Respondent ordered supplies and the testimony does not address these specific charges. Accordingly, we find that OGE has failed to produce substantial evidence that Respondent violated 6B DCMR § 1808.1, as alleged in Count 35 of the Amended NOV.

Count 36 – Wawa

Count 7 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$101.11 for personal items at Wawa, Inc. Respondent acknowledges making these charges in the addendum but there is no additional information on these transactions, and the testimony does not address these specific charges. Accordingly, we find that OGE has failed to produce substantial evidence that Respondent violated 6B DCMR § 1808.1, as alleged in Count 36 of the Amended NOV.

Count 37 – Comcast

Count 37 of the Amended NOV alleges that Respondent used the UDC p-card to make unauthorized, fraudulent transactions totaling \$54.95 for personal Wi-Fi service at Comcast Cable Communications, LLC. There is no addendum information or testimony in the record that provides additional information on the charges. Accordingly, we find that OGE has failed to produce substantial evidence that Respondent violated 6B DCMR § 1808.1, as alleged in Count 37 of the Amended NOV.

IV. Disposition

For the foregoing reasons, the Board finds that Respondent violated the Code of Conduct as alleged in Count 1, 2, 4, 5, 8, 11, 12, 15, 17, 19, 24, 25, 28, 33, and 34 of the Amended NOV. Accordingly, the Board assesses a civil penalty of \$5,000 for Count 1 and \$1,500 each for Counts Count 2, 4, 5, 8, 11, 12, 15, 17, 19, 24, 25, 28, 33, and 34 for a total civil penalty of \$26,000.

In assessing the civil penalty for each of the Code of Conduct violations, the Board considered the seriousness of the violations and well as the fact that the violations continued for more than a two-year period. We also considered that Respondent's actions showed he was aware that he was using the District purchase card for his personal transactions, acknowledging the personal use in a few instances and initiating disputes for transactions with multiple vendors, showing awareness that the charges were not made on behalf of UDC.

While we agree with OGE that Respondent's actions were egregious, we disagree that there were no mitigating factors.⁸ That UDC did not follow their own required procedures to review Respondent's use of the purchase card, thus allowing the Code of Conduct violations to continue, supports imposing less than the maximum civil penalty for the 13 counts stemming from charges

⁸ See OGE Sanctions Memo at 3.

to specific vendors.⁹ Even after UDC identified potential problems with Respondent's use of the purchase card, they allowed Respondent to continue using the card for more than six months, allowing him to incur almost \$20,000 in charges that OGE has alleged were not authorized.

Given the egregious nature of Respondent's violations and the amount of District funds involved, the Board is also referring this matter to the Attorney General for the District of Columbia to determine whether additional enforcement is warranted.¹⁰

An appropriate Final Order accompanies this Final Decision. Pursuant to 3 DCMR § 5494, Respondent may appeal the Final Order to the Superior Court of the District of Columbia within twenty (20) days of the date the Final Order is served upon him.

The foregoing is the Final Decision of the Board, as demonstrated by the signature of the Chairperson below.



Norma B. Hutcheson
Chairperson, Board of Ethics and Government Accountability

June 5, 2025

Date

⁹ See Section 221(a)(1) of the Ethics Act (D.C. Official Code § 1-1162.21(a)(1) (authorizing the Board to “assess a civil penalty for a violation of the Code of Conduct of not more than \$5,000 per violation”). The Board also considered the penalties in prior matters. See OGE Sanctions Memo at 3.

¹⁰ See D.C. Official Code § 1-1162.15(a) (“the Board may take one or more of the following actions: (1) Levy a penalty in accordance with § 1-1162.21; (2) Refer the matter to the prosecutorial authority with jurisdiction for enforcement or prosecution...”); see also D.C. Official Code § 1-1162.21(b)(2) (“[p]rosecutions of violations of this subsection shall be brought by the Attorney General for the District of Columbia”).