

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



Office of Government Ethics

In Re: B. Irving
Case No.: 24-0141-P

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, B. Irving. Respondent agrees that the resulting disposition is a settlement of the above-titled action, detailed as follows:

I. FINDINGS OF FACT

Respondent has served as a DC Housing Finance Agency ("DCHFA") Board of Directors member since 2017. Respondent founded Blue Sky Development and Construction Company ("Blue Sky") in 2006 and currently works as Principal of the company. Respondent also owns the property located at 4427 Hayes Street, NE that is referred to as "Hayes Street Apartments". Because Respondent is a District government board member, he is required to file a Public Financial Disclosure Statement ("PFDS") with BEGA annually and has been so required since the commencement of his board service in 2017. In an interview with OGE staff, Respondent acknowledged that he has worked at Blue Sky and owned Hayes Street Apartments throughout all relevant PFDS filing periods.

On his 2020 PFDS, reporting on calendar year 2019, Respondent failed to report his work at Blue Sky. On his 2021 PFDS, reporting on calendar year 2020, Respondent failed to report his ownership of Hayes Street Apartments. On his 2022 PFDS, reporting on calendar year 2021, Respondent failed to report his work at Blue Sky and his ownership of Hayes Street Apartments. On his 2024 PFDS, reporting on calendar year 2023, Respondent failed to report his ownership of Hayes Street Apartments. In an interview with OGE staff, Respondent stated that these disclosure failures were oversight errors. Respondent subsequently amended the erroneous PFDS filings.

II. NATURE OF VIOLATIONS

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."

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

- ❖ Count One: Failing to submit a full and complete financial disclosure statement in violation of D.C. Official Code § 1-1162.24(a)(1).
 - On April 28, 2020, Respondent submitted a 2019 Public Financial Disclosure Statement in which he failed to disclose his work at Blue Sky.
- ❖ Count Two: Failing to submit a full and complete financial disclosure statement in violation of D.C. Official Code § 1-1162.24(a)(1).
 - On May 11, 2021, Respondent submitted a 2020 Public Financial Disclosure Statement in which he failed to disclose his ownership of Hayes Street Apartments.
- ❖ Count Three: Failing to submit a full and complete financial disclosure statement in violation of D.C. Official Code § 1-1162.24(a)(1).
 - On May 12, 2022, Respondent submitted a 2021 Public Financial Disclosure Statement in which he failed to disclose his work at Blue Sky and his ownership of Hayes Street Apartments.
- ❖ Count Four: Failing to submit a full and complete financial disclosure statement in violation of D.C. Official Code § 1-1162.24(a)(1).
 - On April 26, 2024, Respondent submitted a 2023 Public Financial Disclosure Statement in which he failed to disclose his ownership of Hayes Street Apartments.

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

Respondent accepted full responsibility for his actions when meeting with OGE employees. Respondent has a history of timely filing his PFDS. 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 **\$2,000.00**, to resolve these violations of the District's Code of Conduct, in accordance with the following terms and conditions:

1. Respondent agrees to make a lump sum payment of **\$2,000** on or before August 9, 2025, via certified check or money order, made out to the D.C. Treasurer, delivered to and received by BEGA at 1030 15th Street NW, Suite 700, Washington, DC 20005 or by electronic payment at <https://dcwebforms.dc.gov/pay/bega1/> using transaction ID: #24-0141-P.
2. Respondent agrees to take ethics training conducted by or approved by BEGA on or before August 9, 2025.
3. Respondent agrees to respond truthfully and completely to each of the questions on all future Financial Disclosure Statements he submits in the District.

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. 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. Respondent waives his right to proceed to an adversarial hearing on this matter and voluntarily, knowingly, and understandingly consents to the Board's imposition of a fine against him in this matter.

Respondent also understands that if he fails to pay the \$2,000.00 fine in the manner and within the time limit provided above, 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 this Negotiated Disposition is not just an admission of wrongdoing but constitutes various factual admissions that may be used in any subsequent enforcement or judicial proceeding that may result from failure to comply with this agreement. Respondent knowingly and willingly waives the right to appeal the accompanying Board Order imposing a fine in this matter in exchange for the concessions made by this Office in this Negotiated Disposition.

Respondent further understands that upon his failure to adhere to this agreement, OGE may instead, at its sole option, send any unpaid fine amount to collections or 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.² Because OGE 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 voidable, at the discretion of the Board. By our signatures, we agree to the terms outlined above.

[Redacted Signature]

B [Redacted] IRVING

Respondent

Ashley Cooks

ASHLEY COOKS

Director of Government Ethics

Jan 26 2025

Date

7/10/2025

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.

² Section 221(a)(1) (D.C. Official Code § 1-1162.21(a)(1)).

APPROVED:



NORMA HUTCHESON

Chairperson, Board of Ethics and Government Accountability

7/10/2025

Date

#24-0141-P

AC/SM

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



Office of Government Ethics

IN RE: B. IRVING

Respondent

CASE No.: 24-0141-P

ORDER

Based upon the mutual representations and promises contained in the Negotiated Disposition approved by the Board herein on July 10, 2025, and upon the entire record in this case; it is, therefore

ORDERED that Respondent pay a civil penalty in the amount of TWO THOUSAND DOLLARS (\$2,000.00).

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

Norma B. Hutcheson

NORMA HUTCHESON
Chairperson, Board of Ethics and Government Accountability

7/10/2025

Date