

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



June 26, 2026

Ryan L. Jones
Ryan L. Jones Law, LLC
1776 Eye Street, NW, Suite 325
Washington, D.C. 20006
ryan@rljoneslaw.com

Dear Mr. Jones:

This responds to your request for a formal advisory opinion regarding the application of the District's conflict of interest rules to your position as a member of the Alcoholic Beverage and Cannabis Administration (ABCA) Board. Specifically, you request guidance confirming the recusal requirements when a client you represent in private practice, Fatherhood Wines, LLC, has matters before ABCA. Based on the information you provided, I conclude that the Code of Conduct would not prohibit your continued representation of Fatherhood Wines provided you comply with the requirements outlined below.

Background

Based on your communications with this office and publicly available information, the background in this matter is as follows. You currently serve as a Member of the Board of ABCA. Your term on the ABCA Board began on November 1, 2024, and extends through May 7, 2027. In addition to your position on the ABCA Board, you maintain a legal practice where you represent clients, including clients who may have business before ABCA. You ask whether you may represent Fatherhood Wines in a breach of contract claim while you serve on the ABCA Board.

You advise that Fatherhood Wines is the plaintiff in a breach of contract claim against its landlord currently pending in the Superior Court for the District of Columbia.¹ You also represent that you have known the owner of Fatherhood Wines since 2019 and that Fatherhood Wines became a client in August 2025. The docket shows that you entered an appearance in the breach of contract claim in Superior Court on September 10, 2025.

Fatherhood Wines, operating as Pere Wine Bar, filed an application with ABCA for an alcohol license in 2025. On March 19, 2025, the ABCA Board approved a Stipulated License for Fatherhood Wines, t/a Pere Wine Bar for a Retailer Class CT License at 7010 Georgia Avenue, NW, Washington, DC 20012.² The Board subsequently approved the Settlement Agreement

¹ See *Fatherhood Wines, LLC v. WR Building O Owner LLC, et al.*, Case No. 25-CAB-004874.

² License No. ABRA-131351, Order No. 2025-143, available at <https://abca.dc.gov/sites/default/files/dc/sites/abra/publication/attachments/PereWineBar-3192025.pdf>.

between Fatherhood Wines and Advisory Neighborhood Commission (ANC) 4A relating to the operation of the establishment of Pere Wine Bar.³ You voted to approve both the Stipulated License and the Settlement Agreement prior to your representation of Fatherhood Wines in its breach of contract claim.

You advise that Fatherhood Wines did not pick up the placard approved by ABCA in 2025 and accordingly, ABCA plans to readvertise the application for license filed by Fatherhood Wines. It appears that on May 29, 2026, ABCA published a Notice of Public Hearing for the license application by Fatherhood Wines t/a Pere Wine Bar under the same license number, ABRA-131351. The May 29, 2026 notice as corrected lists a date of July 13, 2026 for the public to file protest petitions or objections and a protest hearing date of September 23, 2026.⁴ You state that, to date, the application for a tavern license filed by Fatherhood Wines in 2026 “has not been approved, issued, or formally reviewed by the Board.”

You represent that although your understanding is that the outside activity prohibitions on 6B DCMR § 1807 would prohibit you from actively representing a licensee or applicant before the ABCA Board, you seek confirmation that your representation of Fatherhood Wines in the breach of contract claim in D.C. Superior Court would not conflict with your duties as Member of the ABCA Board even though Fatherhood Wines has interests before ABCA. Specifically, you state that your understanding is that “the appropriate action is to recuse [yourself] from all enforcement and licensing matters that come before the Board going forward to avoid any conflict of interest issues.”

Applicable Standards and Discussion

As a Member of the ABCA Board, the conflicts of interest provisions in the Code of Conduct as well as the regulations applicable to outside employment outlined in Title 6B, Section 1807 of the District of Columbia Municipal Regulations⁵ would govern your representation of Fatherhood Wines.

The conflicts of interest provision of the Code of Conduct provides that “no employee shall use his or her official title or position, or personally or substantially participate, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter, or attempt the influence the outcome of a particular matter, in a manner the employee knows is likely to have a direct and predictable effect on the employee’s financial interests of the financial interests of a person closely affiliated with the employee.”⁶ A “person closely affiliated with the employee” includes an organization or entity “[t]hat is a client of the employee”.⁷ Accordingly, because Fatherhood

³ Order No. 2025-202, *available at* <https://abca.dc.gov/sites/default/files/dc/sites/abra/publication/attachments/PereWineBar-492025.pdf>.

⁴ Alcohol Protest Notices 6-5-2026, *available at* <https://abca.dc.gov/sites/default/files/dc/sites/abra/publication/attachments/Alcohol%20Protest%20Notices%206-5-2026.pdf>.

⁵ See 6B DCMR § 1807, *et seq.* (hereinafter Section 1807 of the District Personnel Manual (DPM)).

⁶ D.C. Official Code § 1-1162.23(a)

⁷ D.C. Official Code § 1-1161.01(3)(A)(iii).

Wines is a client, you would be prohibited from taking any official action in your position as a Member of the ABCA Board that would have a direct and predictable effect on the financial interests of Fatherhood Wines. This would include taking any votes and participating in discussions related to Fatherhood Wine's pending application for a license.

To avoid taking any action that would have a direct and predictable effect on Fatherhood Wines, the Code of Conduct requires that you make a full disclosure of the conflict and submit a written recusal to the ABCA Board and to BEGA.⁸ Recusal includes (1) making a full disclosure of the financial interest; (2) preparing a written statement describing the conflict between your official duties and the potential conflict; and (3) delivering the statement to your supervisor and to the BEGA. While your request for an advisory opinion serves as a written statement to BEGA disclosing the financial interest and the conflict between your duties as an ABCA Board member and your private representation of Fatherhood Wines, you would still need to disclose the conflict of interest in a written statement to the ABCA Board. A written recusal is an affirmative obligation; refraining from taking any official action without a written recusal does not satisfy the rule and could subject you to penalties.

In addition to the recusal requirements outlined above, your outside employment and representation of Fatherhood Wines is also subject to the restrictions outlined in section 1807 of the DPM, which requires that employees ensure that their outside employment and other activity is not incompatible with the full and proper discharge of their official duties and responsibilities.

Relevant to your representation of Fatherhood Wines and your private legal practice, is the restriction on District employees "serving in a representative capacity or as an agent or attorney for any outside entity involving any matter before the District of Columbia."⁹ Activities such as attending meetings and signing and submitting documents amount to representation for the purpose of this rule. With certain exceptions, section 1807.1(h) prohibits representing a party in a claim against the District or in connection with any matter where the District is a party or has a direct and substantial interest.¹⁰ The parallel restriction at 18 U.S.C. § 205(b), which applies to District government employees, imposes criminal penalties for engaging in prohibited representational activities.¹¹

Although the prohibition on representation applies District-wide for full-time government employees, for Board and Commission Members the prohibition applies only to matters before

⁸ See D.C. Official Code § 1-1162.23(c)(2); *see also* BEGA Advisory Opinion, Guidance on Recusal (May 3, 2023); BEGA Advisory Opinion, Guidance on Serving as President/CEO of An Organization That Does Business with the District (Jul. 24, 2024).

⁹ See DPM § 1807.1(h).

¹⁰ See D.C. Official Code § 1-1162.23(a) allows employees to provide pro bono legal representation before District of Columbia courts and agencies and federal courts and agencies provided certain requirements are met. *See also* DPM § 1807.1(h) which permits an representation authorized under subsection 1807.5 (non-compensation representation of another employee in a personnel matter, if not inconsistent with the employee's duties) and 1807.7 (representation of an employee's parent, spouse, child, or estate, with permission of the employee's official supervisor, except in matters in which an employee participated personally and substantially).

¹¹ See BEGA Advisory Opinion, Outside Employment and Private Representation (Sept. 7, 2020), n. 10, for discussion of U.S. Office of Government Ethics guidance on whether certain communications are excluded from the restrictions of 18 U.S.C. § 205(a).

their own Board or Commission and agency.¹² As a Board Member of ABCA, the prohibition on your representation of Fatherhood Wines or any other clients before the District, would extend only to matters pending before ABCA and the ABCA Board. This representation would already be prohibited by the recusal requirement discussed above.

Conclusion

Accordingly, you should be mindful that your continued representation of Fatherhood Wines complies with the restriction outlined above, in particular the requirement to submit a written recusal to the ABCA Board outlining the conflict of interest and your recusal from taking official action on matters relating to Fatherhood Wines that may be under consideration by the ABCA Board or the agency. These same restrictions will also apply to any of your other private practice clients that may have matters before ABCA.

This advice is provided to you pursuant to section 219 of the Ethics Act (D.C. Official Code § 1-1162.19), which empowers me to provide such guidance. As a result, no enforcement action for a violation of the District's Code of Conduct may be taken against you in this context, provided you have made a full and accurate disclosure of all relevant circumstances and information in seeking this advisory opinion.

The Ethics Act requires this opinion to be published in the District of Columbia register within 30 days of its issuance, but that identifying information will not be disclosed unless you consent to such disclosure in writing. In connection with your submission of this advisory opinion request, you advised that you consent to this disclosure. Pursuant to Chapter 3 of the D.C. Municipal Regulation Regulations § 5405.7, this proposed advisory opinion shall be published in the District of Columbia Register for a 30-day public comment period during which time a person may submit information or comment to bega@dc.gov.

Please let me know if you have any questions or wish to discuss this guidance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ashley Cooks', written over a horizontal line.

ASHLEY COOKS
Director of Government Ethics
Board of Ethics and Government Accountability

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¹² DPM § 1807.5 provides that “[a]n employee who is employed for not more than one hundred thirty (130) days during any period of three hundred sixty-five (365) consecutive days, to perform temporary duties, either on a full-time or intermittent basis, shall be subject to Subsection 1807.1(h) of this section only in relation to a particular matter involving specific parties in which he or she has at any time participated personally and substantially as a District government employee, or which is pending before his or her employing agency.” *See also* DPM § 1899.1 (defining special government employee) and 18 U.S.C. § 205(c) (limiting representational prohibition to special government employees).