

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



Office of Government Ethics



IN THE MATTER OF:

Date: October 7, 2020

A. Muhammad
2015 Alabama Ave SE
Washington, DC 20020

Case No: 20-0023-P

ORDER

Pursuant to the authority conferred by D.C. Official Code § 1-1162.13 and pursuant to authorization by the Board of Ethics and Government Accountability (“BEGA”), the Director of Government Ethics has conducted a preliminary investigation into allegations that A. Muhammad (hereinafter “Respondent”), violated the District Code of Conduct by failing to return District property, a cell phone and laptop, while a public official serving the District of Columbia. Specifically, Respondent violated three separate provisions of the District Personnel Manual (“DPM”), namely,

§1808.1 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;

§1800.3 (m) Employees shall adhere to all federal, state, and local laws and regulations;

§1801.3 An employee shall fully cooperate with any investigation, enforcement action, or other official function of the Office of Government Ethics.

Pursuant to DCMR § 5530, and based upon the preliminary investigation and review of the evidence submitted in this matter, the Director of Government Ethics has determined that the allegations are substantiated, and that the Respondent’s actions violated the District Code of Conduct.

Findings of Fact

1. Respondent was elected to serve multiple terms as an Advisory Neighborhood Commissioner (“Commissioner”) for the city district known as 8E02.
2. 8E02 is a subdivision of Ward 8.

3. Respondent served alongside 6 other elected Commissioners in the neighborhood body known as 8E.
4. Respondent was last elected in November 2016.
5. Commissioners serve two-year terms without compensation.
6. Respondent did not win re-election in November 2018.
7. Respondent's term ended with the swearing-in of Commissioner Cheryl Moore in January of 2019.
8. As a Commissioner during the calendar years 2017 and 2018, Respondent received a cell phone and laptop for the performance of ANC duties.
9. Both the cell phone and laptop were paid for by checks written from the ANC 8E checkbook.
10. ANC Check 1683 issued on May 7, 2018 in the amount of \$7,864 has a memo line that reads "for ANC SMD laptops".
11. The by-laws of Advisory Neighborhood Commission 8E require that cell phones be returned at the end of a Commissioner's term.
12. The by-laws also hold Commissioners responsible for repair and replacement of cell phones.
13. Respondent lost the November 2018 election to Cheryl Moore.
14. Cheryl Moore should have received the Respondent's laptop and cell phone.
15. Respondent was asked to return the ANC issued laptop and cell phone.
16. ANC 8E holds public meetings on the first Monday evening of each month.
17. The ANC 8E Commissioners held a public meeting on January 7, 2019.
18. Commissioner Cheryl Moore did not receive a laptop or cell phone in January 2019.
19. ANC8E held a public meeting on either February 3 or 4th of 2019.
20. Respondent attended the meeting, but again did not return the laptop or the cell phone.
21. On February 7, 2019 ANC8E Commissioner. Adeoye Owolewa, sent a demand letter to the Respondent requiring the return of the laptop and cell phone.
22. The letter threatened "other measures" if the laptop and cell phone were not returned by February 15, 2019.
23. On February 8, 2019, Respondent sent two emails to Commissioner Adeoye Owolewa. In one email, Respondent asserted that the laptop was stolen from his car on Savannah Pl SE. In the second email, Respondent claimed to have returned the phone directly to Sprint.

24. Respondent claimed that he reported the theft to the Metropolitan Police Department.
25. Respondent did not provide a police department case number to investigators or to other ANC Commissioners when asked to do so.
26. Respondent refused to provide the Office of Government Ethics (“OGE”) with a police report or case number for a theft from his automobile.
27. Commissioner Moore did not receive a laptop or cell phone in February or March 2019.
28. Respondent continued to attend ANC meetings during those months.
29. Commissioner Cheryl Moore received a cell phone from another ANC 8E Commissioner, Monica Watts, on or about April 2019.
30. Commissioner Monica Watts stated to Commissioner Moore that she personally paid for the cell phone that she provided to Commissioner Moore.
31. As of the date of a January 14, 2020 Show Cause hearing, Commissioner Moore did not receive a laptop from the Respondent nor any other Commissioner.
32. OGE investigators made multiple attempts to interview the Respondent regarding this investigation and an investigation into another ANC 8E Commissioner.
33. Respondent could not provide OGE with any date and time that would be convenient for a meeting.
34. Respondent failed to show up for two scheduled meetings.
35. The Order to Show Cause why the Respondent was not in violation of the Code of Conduct was signed December 13, 2019, with the hearing set for January 14, 2020.
36. The Respondent was personally served with notice of the hearing on December 30, 2019.
37. The Respondent failed to appear at the January 14, 2020 hearing or submit any evidence in his defense.

Conclusions of Law

Based on the evidence of record, I therefore conclude:

1. Pursuant to D.C. Official Code §1-1161.01 (7) (E), employees and public officials who are not members or employees of the Council are subject to the DPM as part of the Code of the Conduct.
2. As an elected Advisory Neighborhood Commissioner, the Respondent is a public official.
3. The two electronic devices paid for by public ANC funds were property of the District government.
4. The Respondent violated §1808.1 of the DPM by refusing to return the property at any time since his loss in the November 2018 election.

5. Pursuant to DCMR § 5535, a ministerial fine in the amount of \$2,000 is assessed against the Respondent.
6. The Respondent violated §1800.3 (m) requiring adherence to local laws and regulations.
7. Specifically, the Respondent did not comply with the provision of the ANC's by-laws, Section 2 (A), requiring the return of Commissioner cell phones upon the end of their term.
8. Accordingly, a ministerial fine in the amount of \$2,000 is assessed against the Respondent.
9. The Respondent violated §1801.3 by refusing to make himself available at any time during a span of three months to OGE investigators.
10. Accordingly, a ministerial fine in the amount of \$1,000 is assessed against the respondent.

WHEREFORE, pursuant to the authority conferred upon me by D.C. Official Code §1-1162.21 (a)(3), it is hereby ORDERED that a total ministerial fine in the amount of five thousand dollars (\$5,000) is assessed against the Respondent.



ROCHELLE FORD
Director of Government Ethics

10.7.2020
DATE