

## **General Counsel ES-905-09**

### **Introduction**

This position is located in the Board of Ethics and Government Accountability (BEGA). The mission of the Board of Ethics and Government Accountability (BEGA or Ethics Board) is to foster high ethical standards for District government employees and strengthen the public's confidence that the Government's business is conducted with impartiality and integrity. BEGA is responsible for administering the Code of Conduct applicable to all District government employees; receiving, investigating and adjudicating violations of the Code of Conduct; training District employees on ethics standards; issuing rules and regulations governing District employees and public officials; administering the financial disclosure and lobbyist registration systems; and providing formal and informal ethics advice.

This position is established to serve as the General Counsel to the Ethics Board, reporting to the Director of Government Ethics (the "Director") and functioning as the Ethics Board's chief legal officer. The General Counsel provides legal advice to the Ethics Board and the Director, represents the Board and Director in various legal proceedings, and acts as the principal attorney in the development of new and amended legislation and regulations. The General Counsel serves at the pleasure of the Ethics Board.

### **Position Controls**

Work is performed under the administrative direction of the Director and the Ethics Board. The Board has delegated a wide latitude and authority to the Director in designing and executing the overall objectives and specified goals related to the management and operation of Board. Advice and recommendations by the incumbent are generally accepted as sound and authoritative. Review and evaluation are in terms of successful results achieved and adherence to policy guidelines. Performance is evaluated based on overall effectiveness in achieving desired objectives and goals. Incumbent keeps the Director and Board informed of sensitive or controversial issues.

Guidelines include District and Federal laws and regulations; Executive Orders; District government policies; procedures and administrative orders issued by the Mayor; judicial decisions; guidance by the Office of Policy and Legislative Affairs; and Attorney General Opinions. Incumbent uses judgment, ingenuity and experience in interpreting the intent of the guides, regulations and laws and adapting them to the present situations. As an authority, incumbent's recommendations are usually accepted without change.

### **Duties and Responsibilities**

Serves as legal advisor to the Ethics Board and the Director in promulgating and maintaining enforceable standards of ethical conduct to District government employees. Responsible for drafting on a continuing basis comprehensive and clear standards of conduct for District

employees that shall be objective, reasonable and enforceable. These standards of conduct cover issues such as gifts, financial conflicts of interests, impartiality, outside employment, misuse of position, and outside activities – designed to address not only actual conflicts of interest but also activities that give rise to the appearance of such conflicts.

Ensures that ethics programs are in compliance with laws and regulations. Reviews agency ethics programs to ensure that each agency has an effective ethics program tailored to its mission and covering such areas as, written advice and counseling, education and training, financial disclosure, gifts, and agency-specific requirements.

With the Director, oversees training and coordinates with agency ethics officials. Provides education and training to both new and experienced agency ethics officials through workshops and seminars. Ensures that ethics agency officials have the knowledge required to effectively carry out their duties. The required training focuses on understanding and applying the standards of ethical conduct, the applicable conflict of interest statutes, and the financial disclosure regulations, as well as the tools required to run an effective ethics program. Develops and makes available ethics training courses and materials for agency ethics officials to use in conducting ethics training to their agency employees.

Drafts formal and informal advisory opinions as to whether a specific transaction or activity inquired of would constitute a violation of a provision of the Code of Conduct. Defends those decisions when they are appealed to the full Ethics Board.

Evaluates current District laws and regulations relating to government ethics, examines best practices, and recommends legislative changes to the Director and Ethics Board.

Prosecutes violations of the Code of Conduct before the Ethics Board. Where there is a refusal to comply with a subpoena, Board order, or a failure to pay penalties, files the Board's petition for enforcement in the Superior Court of the District of Columbia.

Renders legal advice and services with respect to questions, regulations, practices, or other matters falling within the purview of the Ethics Board, including the conduct of investigations to obtain evidence, recommending courses of action, and where applicable, preparing interpretive and administrative statutes, resolutions or other legal documents for the Board's approval. Ensures that administrative issuances are properly posted and maintained.

Reviews complaints and determines whether probable cause exists to believe that there is a violation of the Code of Conduct and whether to recommend to the Ethics Board that the complaint be referred to the United States Attorney's Office or Office the Attorney General for the District of Columbia for criminal prosecution. In making these recommendations, considers such things as the weight of the evidence, importance of the case and cost of litigation, necessity of the uniform application of the law, and other salient factors. Prepares memoranda of facts and law recommending formal proceedings or referral for criminal prosecution.

Reviews records of suits for or against the Ethics Board in which the decision was unfavorable to the Board to determine whether to recommend an appeal to a higher court. If appeal is

recommended and the recommendation is approved, prepares and/or presents the Board's case before the appellate court or directs another attorney in preparing the case.

Supervises the legal services of outside counsel retained on a paid or pro bono basis. Provides the Director and the Ethics Board with regular reports concerning the activities of outside counsel.

Prepares reports of number and disposition of complaints, number and type of formal and informal requests for advice, and other legal matters under the purview of the General Counsel.

Advises the Ethics Board on all questions of law involved in the operations of the Ethics Board, including those involving interpretations of the law by others, and developing material suitable as justification for the conduct of litigation on behalf of the Board.

Advises the Ethics Board and Director on all matters of personnel and procurement relating to the operations of the Ethics Board. Reviews contracts for goods and services and assists the Director in developing and implementing personnel policies in accordance with District of Columbia law.

Makes assignments to other lawyers serving the Ethics Board and reviews their work for quality and consistency; gives direction based on the office mission, goals and priorities and programs to be evaluated, the development of research designs, the conduct of research projects and the preparation of written reports.

Where the Director is recused from participating in a matter, may be required to accept delegated responsibilities from the Director or the Ethics Board.

Performs other related duties as assigned by the Director or the Ethics Board.

### **Ranking Factors**

**All applicants must respond specifically to the ranking factors shown below. Applications and/or resumes submitted without ranking factor responses will not be considered.**

1. Professional knowledge of laws governing the Ethics Board and law administered by it, and the judicial interpretation of such laws; the Code of Conduct; rules and regulations of BEGA to conduct of formal hearings and proceedings, rules of evidence and procedure before the hearing body, and administrative and constitutional law applicable to BEGA.
2. Demonstrated ability for highly developed litigation experience, particularly affirmative litigation involving investigating and prosecuting civil or criminal enforcement action.
3. Ability to perform complex legal and policy analysis and research to make accurate summaries of evidence and prepare reports, opinions and findings; to present written

statements of fact, law, and argument clearly and logically; to conduct fair and impartial hearings; and to analyze situations accurately and effectively.

4. Demonstrated skills in providing leadership in a management capacity and in a team-based environment.
5. Ability to make accurate summaries of evidence and prepare reports, opinions and findings; to present written statements of fact, law, and argument clearly and logically; to conduct fair and impartial hearings; and to analyze situations accurately and effectively.

### **Special Requirements**

Must have a law degree from an ABA-accredited law school and a member in good standing of the District of Columbia Bar.

Must be a District of Columbia resident.

### **Salary Range for the Position: \$98,345 - \$147,519**

Interested individuals should remit a cover letter, a resume, ranking factor responses and salary history to:

Office of the Director- Staffing Division  
DC Department of Human Resources  
441 4th Street, NW, Suite 300 South  
Washington, DC 20001  
Or by email. ([ood.recruit@dc.gov](mailto:ood.recruit@dc.gov))

ONLY INDIVIDUALS WHO MEET MINIMUM QUALIFICATIONS WILL BE CONTACTED.

The District of Columbia is an equal opportunity employer.

In accordance with the DC Human Rights Act of 1977, as amended, DC Official Code § 2-1401.01

### **More Information**

Board of Ethics and Government Accountability (BEGA)