

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to subject certain conduct to the Code of Conduct enforceable by the Board of Ethics and Government Accountability; to clarify that the Code of Conduct applies to the entire District government and its instrumentalities, while excluding the courts; to require the Board to develop a comprehensive Code of Conduct for review and approval by the Council; to allow the Director 30 business days from the initiation of a formal investigation to present evidence to the Board; to allow the Director to pursue a civil fine and refer matters for criminal prosecution; and to clarify that any failure to obey the order of the court enforcing a penalty imposed by the Board may be treated by the court as contempt.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Comprehensive Code of Conduct and BEGA Emergency Amendment Act of 2014”.

Sec. 2. The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.*) is amended as follows:

(a) Section 101(7) (D.C. Official Code § 1-1161.01(7)) is amended as follows:

(1) Subparagraph (A) is amended by striking the word “The” and inserting the phrase “For members and employees of the Council, the” in its place.

1 (2) Subparagraph (E) is amended by striking the word “Chapter” and inserting the
2 phrase “For employees and public officials who are not members or employees of the Council,
3 chapter” in its place.

4 (3) A new subparagraph (G) is added to read as follows:

5 “(G) The Acceptance and use of gifts by District Entities Act of 2000, effective
6 October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 1-329.01), concerning gifts to the
7 District of Columbia.”.

8 (b) A new Section 201a is added to read as follows:

9 “Sec. 201a. Comprehensive applicability to employees and public officials.

10 “This act and the Code of Conduct shall apply to all employees and public officials
11 serving the District of Columbia, its instrumentalities, subordinate and independent agencies, the
12 Council of the District of Columbia, boards and commissions, and Advisory Neighborhood
13 Commissions, but excluding the Courts.”.

14 (c) Section 209 (D.C. Official Code § 1-1162.09) is amended to read as follows:

15 “Sec. 209. Rules.

16 “(a) The Ethics Board, pursuant to Title I of the Administrative Procedure Act, shall issue
17 rules to implement the provisions of this title, including rules for the administration of
18 preliminary investigations, formal investigations, and hearings related to violations of the Code
19 of Conduct or other provisions of this title.

20 “(b)(1) The Ethics Board shall submit to the Council for its consideration proposed
21 legislation codifying a comprehensive Code of Conduct applicable to all employees and public
22 officials serving the District of Columbia, its instrumentalities, subordinate and independent
23 agencies, the Council of the District of Columbia, boards and commissions, and Advisory

1 Neighborhood Commissions, but excluding the Courts. Upon passage of such legislation, the
2 comprehensive Code of Conduct shall supplant the existing Code of Conduct as defined by
3 section 101(7) of the Board of Ethics and Government Accountability Establishment and
4 Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-
5 124; D.C. Official Code § 1-1161.01(7)).

6 “(2) Upon enactment, the Ethics Board shall issue rules to implement the
7 provisions of the comprehensive Code of Conduct. The proposed rules shall be submitted to the
8 Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of
9 Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in
10 part, by resolution within this 45-day review period, the proposed rules shall be deemed
11 disapproved.”.

12 (d) Section 212(a) (D.C. Official Code § 1-1162.12(a)) is amended by striking the word
13 “violation” and inserting the phrase “violation of” in its place.

14 (e) Section 213(e) (D.C. Official Code § 1-1162.13(e)) is amended to read as follows:

15 “(e) Within 30 business days of the initiation of a formal investigation, the Director of
16 Government Ethics shall cause evidence concerning the complaint to be presented to the Ethics
17 Board, with the potential for a 15-business-day extension to be granted by the Ethics Board. If
18 the Ethics Board decides that there is reasonable belief that a violation has occurred, the Ethics
19 Board may authorize the issuance of subpoenas.”

20 (f) Section 215(a) (D.C. Official Code § 1-1162.15(a)) is amended to read as follows:

21 “(a) Following the presentation of evidence to the Ethics Board by the Director of
22 Government Ethics in an adversary proceeding and an open hearing, the Ethics Board may take
23 one or more of the following actions:

1 “(1) Levy a penalty in accordance with section 221;

2 “(2) Refer the matter to the United States Attorney for the District of
3 Columbia for enforcement or prosecution;

4 “(3) Refer the matter to the Attorney General for the District of Columbia
5 for enforcement or prosecution; or

6 “(4) Dismiss the action.

7 (g) Section 221(a)(5) (D.C. Official Code § 1-1162.21(a)(5)) is amended by adding a new
8 subparagraph (C) to read as follows:

9 “(C) Any failure to obey the order of the court may be treated by the court as
10 contempt.”.

11 Sec. 3. Section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law
12 2-142; D.C. Official Code § 1-523.01(e)) is amended as follows:

13 (a) Paragraph (29) is amended by striking the word “and”.

14 (b) Paragraph (30) is amended by striking the period and inserting the phrase “; and” in
15 its place.

16 (c) A new paragraph (31) is added to read as follows:

17 “(31) The Board of Ethics and Government Accountability, established by section
18 202 of the Board of Ethics and Government Accountability Establishment and Comprehensive
19 Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C.
20 Official Code § 1-1162.02).”.

21 Sec. 4. Fiscal impact statement.

1 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
2 statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved
3 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

4 Sec. 5. Effective date.

5 This act shall take effect following approval by the Mayor (or in the event of veto by the
6 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
7 90 days, as provided for emergency acts of the Council of the District of Columbia in section
8 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
9 D.C. Official Code § 1-204.12(a)).

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