



**The District of Columbia Government  
Board of Ethics and Government Accountability**

**Final Periodic Audit Report on Capitol Petroleum Group**

**January 2016**

**Lobbyist Activity Report**

**July 1, 2015 through December 31, 2015**

**December 2016**

**Office of Government Ethics**

## BACKGROUND

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Capitol Petroleum Group (“Capitol”) is registered with the Director of Government Ethics (“Director”) pursuant to D.C. Official Code §§ 1-1162.27(a) and 1-1162.29(a) regarding lobbying activities completed on its behalf in the District. On its 2015 Lobbyist Registration Form (“LRF”), Capitol disclosed that it expected to lobby on subject matters regarding Bill 21-0046 (New Columbia Statehood Initiative and Omnibus Boards and Commissions Reform Congressional Review Emergency Amendment Act of 2015) and Bill 21-158, (Fiscal Year 2016 Budget Support Act of 2015). It retained the services of Manatt, Phelps & Phillips LLP (“Manatt”) in that regard. Further, Tina Ang and John Ray, both employees of Manatt, lobbied on behalf of Capitol during the 2015 calendar year. Capitol agreed to an hourly fee arrangement to be paid at the “completion of project” by Manatt.

On January 11, 2016, Capitol filed a January 2016 Lobbyist Activity Report (“LAR”) reflecting lobbying activities performed during the applicable reporting period. Capitol also disclosed that it met with Councilmember Brandon Todd on December 15, 2016, and listed “business” as the nature and purpose of this meeting.

On February 18, 2016, the Director Government Ethics issued an audit notification letter to Capitol and requested records to substantiate information disclosed on its January 2016 LAR. Capitol provided records, including copies of invoices and cancelled checks, to the Director on March 4, 2016, in response to the audit notification letter. Capitol reported that it paid Manatt \$1,014.00 to lobby on its behalf in its January 2016 LAR. Although this value corresponds with the total amount reported by Manatt for this period, the records provided do not support the compensation figure. For instance, according to Invoice No. 343546, Manatt billed \$1,184.00 to Capitol for lobbying activities with Councilmember Todd, which is more than the \$1,014.00 that was reported. This invoice is listed as unpaid and the remaining invoices do not identify any lobbying activities, although they identify lobbying expenses incurred. With respect to lobbying expenses, Capitol disclosed that it incurred \$291.00 in lobby expenses, which is supported by the documents submitted.

These preliminary findings were communicated to Capitol through the Office of Government Ethics (“OGE”) Statement of Findings (draft audit report), which was provided to Capitol on September 23, 2016. OGE recommended that Capitol amend its January 2016 LAR to reflect the actual compensation it paid Manatt or provide further clarification as to the discrepancy. On October 5, 2016, Capitol provided a response to OGE’s Statement of Findings. Capitol in its response explained that Manatt’s invoice totaled \$1,184.00 for both lobbying and non-lobbying fees. The accounting entry that involved lobbying work done by Manatt totaled \$1,014.00 and the other entry that involved non-lobbying work totaled \$170.00. The combined total equals \$1,184.00, which is the amount reflected in the invoice.

## OBJECTIVE

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The Office of Government Ethics' objective is to determine the extent to which Pepco is able to demonstrate compliance with the Ethics Act by providing documentation to support information disclosed on its January 2016 Lobbyist Activity Report filed with the Director of Government Ethics.

## SCOPE

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The audit procedures performed included examination of source documents and reports filed with the Director of Government Ethics in order to verify the following:

- i. Mathematical accuracy of the lobbyist activity report during the period audited;
- ii. Amount of income reported for lobbying activities;
- iii. Total reported receipts and expenditures and individual transactions;
- iv. Proper categorization of the receipts and expenditures of the filer/registrant- who may be a lobbyist, lobbying entity, or client; and
- v. Other review procedures as deemed necessary under the circumstances.

### Audit Risk Factor Rating Scheme

The Risk Factor (RF) associated with each test is listed in the fourth column of the table and is noted as follows:

RF-H - Risk in this situation is high. It indicates a potential violation of the Ethics Act. It also decreases public confidence in the integrity of government. Please be advised that substantial penalties may be incurred and/or there may be negative media exposure.

RF-M - Risk in this situation is moderate. Under certain conditions, non-compliance may have negative impacts.

RF-L - Risk in this situation is low.

RF-O - There is no risk in this situation.

### SUMMARY OF AUDIT FINDINGS

**Finding No. 1:** OGE review revealed that financial records presented by the Capitol Petroleum Group did not support the aggregate retainer fees paid to Manatt Phelps and Phillips LLP as disclosed in the January 2016 Lobbyist Activity Report filed by the Capitol Petroleum Group.