

Board of Ethics and Government Accountability

Boards and Commissions Training



(Updated: 10/2017)

What We Do

Ethics Training

Advice



What We Do

Investigations



Enforcement

Sanctions & Penalties

- Violations of the Code of Conduct may result in a variety of sanctions and penalties, including:
 - Censure
 - Admonition
 - Remediation
 - A probationary period
 - Fines of up to \$5,000 per violation

\$ Fines \$



Ethics Standards

Boards

Commissions

- ▶ Conflicts of Interest Provisions
- ▶ District Personnel Manual Ch. 18; 6B DCMR Ch. 18
- ▶ Financial Disclosure Statement Filings §1-523.01(e)
- ▶ Local Hatch Act § § 2(e) and (f) Confirmation Act of 1978
- ▶ Federal Criminal Statutes 18 U.S.C. § §201-209
- ▶ **Exception – Special Government Employees**

Confirmation Act - Section 2(e)

Boards and Commissions

1. Alcoholic Beverage Control Board
2. Board of Library Trustees
3. Board of Trustees of the University of the District of Columbia
4. Board of Zoning Adjustment
5. Police Complaints Board
6. Contract Appeals Board
7. Board of Elections
8. Commission on Human Rights
9. Housing Finance Agency Board of Directors
10. Lottery and Charitable Games Control Board
11. Historic Preservation Review Board
12. Metropolitan Washington Airports Authority Board of Directors
13. Office of Employee Appeals
14. Public Employee Relations Board
15. Public Service Commission
16. Rental Housing Commission
17. Washington Convention and Sports Authority Board of Directors
18. Water and Sewer Authority Board of Directors
19. Zoning Commission
20. Taxicab Commission
21. Housing Authority Board of Commissioners
22. Homeland Security Commission
23. Commission on Fashion Arts and Events
24. Board of Ethics and Government Accountability
25. Commission on Arts and Humanities



Confirmation Act - Section 2(e)

Boards and Commissions

- If you are a member of a Board or Commission nominated pursuant to Section 2(e) of the Confirmation Act, then you are an “Employee” for the purposes of the Local Hatch Act and are subject to its prohibitions.
- Hatch Act (Political Activities):
 - Do NOT engage in fundraising activities for a candidate, a political party, a partisan political group (i.e., Democratic State Committee or Statehood Green Party), ballot initiative or referendum
 - Do NOT run for Mayor, AG or Council (ANC is okay).



Hatch Act

The Local Hatch Act defines “political activity” as:

- Any activity that is *regulated by the District* and directed toward the success or failure of a political party, candidate for partisan political office, partisan political group, ballot initiative, or referendum.

Hatch Act

- When engaging in “political activity” that is **regulated by the District, D.C.** government employees cannot:
 - Knowingly solicit, accept, or receive a political contribution from any person (*except* if the employee has filed as a candidate for political office);
 - File as a candidate for election to a *partisan* political office.
 - Knowingly direct, or authorize anyone else to direct, that any subordinate employee participate in an election campaign or request a subordinate to make a political contribution.
- When engaging in **ANY** “political activity,” D.C. government employees cannot:
 - Use their official authority or influence for the purpose of interfering with or affecting the result of an election;

Test Your Knowledge (Hatch Act)

Bob serves as the Chair of the Contract Appeals Board. His wife is running for a partisan office in the District. A neighbor gives Bob a check for his wife's campaign. Can Bob pass the check along to his wife?

- *Bob cannot accept, nor give the check to his wife. Bob's passing the check to his wife constitutes fundraising for the District regulated campaign of another, thus violating the Local Hatch Act.*

Financial Disclosure Filing Requirements for 2(e) Board and Commission Members

Who files?

- Anyone considered a “**Public Official**” under the Ethics Act must file a PUBLIC Financial Disclosure Statement by May 15th of each year.
- Members of 2(e) Boards and Commissions are considered **Public Officials**.
- **Reminder:** A person is considered a “public official” only if they held the position that made them a “public official” for **more than thirty (30) days** within the prior calendar year.

When?

- **MAY 15TH OF EACH YEAR**
- In late April, every Public filer will receive a letter or email from BEGA. The letter will:
 - Explain the process for filing
 - Include the log-in information for those who wish to file electronically
 - However, you are still required to file if you are a Public Official even if you do *not* receive a letter from BEGA.

Where?

- You can file electronically through BEGA’s e-filing website

Confirmation Act - Section 2(f)

Boards and Commissions

1. Apprenticeship Council
2. Armory Board
3. Board of Dentistry
4. Board of Medicine
5. Board of Nursing
6. Board of Nursing Home Administration
7. Board of Psychology
8. Child Support Guideline Commission
9. Boxing and Wrestling Commission
10. Multistate Tax Commission
11. Public Access Corporation Board of Directors
12. Board of Real Estate
13. Board of Dietetics and Nutrition
14. Board of Occupational Therapy
15. Board of Optometry
16. Board of Pharmacy
17. Board of Physical Therapy
18. Board of Podiatry
19. Board of Social Work
20. Board of Professional Counseling
21. Board of Respiratory Care
22. Board of Massage Therapy
23. Board of Chiropractic
24. Statewide Health Coordinating Council
25. Board of Barber and Cosmetology
26. Board of Real Estate Appraisers
27. Board of Funeral Directors
28. Board of Veterinary Examiners
29. Board of Architecture and Interior Designers
30. Board of Accountancy
31. Board of Industrial Trades
32. Board of Professional Engineering
33. Housing and Community Development Reform Commission
34. Commission on Asian and Pacific Islander Community Development
35. Board of Marriage and Family Therapy
36. Motor Vehicle Theft Prevention Commission
37. Commission on African Affairs
38. Science Advisory Board to the Department of Forensic Sciences
39. Commission on African-American Affairs
40. Other Post-Employment Benefits Fund Advisory Committee
41. Commission on Fathers, Men, and Boys
42. Commission on Health Disparities
43. Youth Apprenticeship Advisory Committee

Confirmation Act - Section 2(f)

Boards and Commissions

Hatch Act Applicability:

- If you are a member of a Board or Commission nominated pursuant to Section 2(f) of the Confirmation Act, then you are an “Employee” for the purposes of the Local Hatch Act when you are engaged in political activity *that relates to the subject matter that your Board or Commission regulates.*

Test Your Knowledge (Hatch Act)

Board member Bob serves on the Board of Medicine. Bob wants to sponsor a Medical Marijuana Initiative for the upcoming election. Bob contacts BEGA for advice.

- *As a Board Member on the Board of Medicine, Bob cannot not sponsor or fundraise for the Medical Marijuana Initiative because his Board regulates the conduct of doctors who would be tasked with making medical marijuana decisions for patients.*

All other Boards and Commissions

- Although Members of all other Boards and Commissions are not covered by the Local Hatch Act (unless the Member is otherwise employed by the District), they are subject to:
 - D.C. Code Section 1-1163.36, which prohibits the use of District government resources for campaign-related activities, such as engaging in any campaign-related activities:
 - Employees, office supplies, materials, telephones, and any utilities.
 - during work time or at Board/Commission Meetings;
 - in District Government facilities or on government property;
 - Do NOT endorse anyone in your official capacity

Ten Principles of Ethical Conduct

1. **Public office is a public trust**
2. **Avoid financial conflicts of interest**
3. **Avoid representational conflicts of interest**
4. **Avoid gifts and payments from interested parties**
5. **Avoid outside payment for government work**



Ten Principles of Ethical Conduct

6. Act impartially
7. Safeguard government resources
8. Safeguard confidential non-public information
9. Disclose waste or illegal conduct by government officials to the appropriate authorities
10. Abide by revolving door restrictions



1. Public office is a public trust

- Don't use title or position for personal gain of self or others.
 - i.e., When calling Comcast to complain about a cable bill, **do not say**:
“Do you know who I am and what I can do to you?”
 - Other considerations:
 - Do not send an email with your auto signature and government title to anyone if it involves a personal matter (i.e., mortgage company)
 - Fundraising for private non profit entities using your official title –
NOT ALLOWED

2. Avoid gifts and payments from interested parties (also called bribery)

- This means don't accept gifts from prohibited sources:
 - i.e., prohibited sources include:
 - Lobbyists
 - Vendors
 - Contractors
 - Developers
 - Those who are regulated by the District like Pepco, Comcast, etc.
 - Anyone who wants to do business with the District.
 - Unsolicited Gifts should be returned, donated to the District or destroyed.
 - Exceptions exist for symbolic or *de minimis* items so please contact BEGA for advice.
 - Exceptions exist for gifts you receive in the course of your regular non-government job.
 - Bona fide personal relationships

3. Avoid outside payment for government work

- Also called the Salary supplementation rule:
 - No one should pay you for your District work except for the District.
 - i.e., Contractor says, “I know you have been working extra hard on this contract and that your agency is having budget issues and can’t pay overtime. Let me help out a bit.” or
 - “You did such a great job for us, now that the project is done and we are no longer city contractors let us take you out to dinner to say thank you for all your hard work.”
 - Also a Federal Criminal law with criminal penalties.



4. Avoid financial conflicts of interest

- Do not take any action that could benefit you or someone close to you financially
 - i.e, business partner or family member.
 - Federal criminal penalties apply as well.
 - Recusal is the proper recourse when something lands on your desk.

Financial Conflicts of Interest

- “Affiliated organization” includes an organization or entity:
 - (i) the employee serves as officer, director, trustee, general partner, or employee;
 - (ii) the employee or member of the employee’s household is a director, officer, owner, employee, or holder of stock worth \$1,000 or more at fair market value;
 - (iii) a client of the employee or a member of the employee’s household;
 - (iv) a person with whom the employee is negotiating for or has an arrangement concerning prospective employment.

5. Act impartially

- Don't give preferential treatment to:
 - friends
 - neighbors or acquaintances
 - or political donors/allies
 - family members (of course family and business associates would also fall under the financial conflict of interest provision).

6. Safeguard government resources

- Don't misuse government property.
 - Anything that costs the government money is a violation:
 - i.e., using printer toner for personal matters; improper appropriations expenditures (food and beverage); using the Government Credit Card for personal matters with intent to pay it back.
- Email policy: Mayor's Order in place that says you must use official email account for all government business, not private email.

7. Avoid representational conflicts of interest

- Do not represent anyone against the District.
 - i.e., as a lawyer or in any other capacity like signing a grant application on behalf of a non-profit with which you might be involved.
 - Exception: Special Government Employees (130 days or less) may engage in representation against the District – BUT NOT IN FRONT OF THE SAME BOARD OR COMMISSION ON WHICH THE INDIVIDUAL SERVES.

Test Your Knowledge

Bar-owner Bob is fined for violating the District's alcohol laws and, thus, is at risk for having his liquor licensed revoked. He is also a defendant in criminal case stemming from the same incident. Bob retains Attorney Williams, who also serves on the Alcohol Beverage Control Board, to represent him in both matters. Can Attorney Williams act as Bob's lawyer?

- *It is not a violation for Attorney Williams to represent Bob in the criminal case; however, he cannot represent Bob in the case involving the alcohol law violations. The Alcohol Beverage Control Board adjudicates liquor license revocation hearings at its weekly meetings. As a Board member/Special Government Employee, Attorney Williams is prohibited from representing Bob in the liquor license matter before the Board he serves on.*



8. Safeguard confidential non-public information

- Don't leak non-public information.
- This includes talking about your job on Social media like twitter.

9. Abide by revolving door restrictions

- Once you leave government, you must abide by certain restrictions for differing periods of time, i.e., 1 year, 2 years and in some cases permanently.
- Complicated – Call BEGA before and after you leave.
- Be mindful of former government employees calling you.
- Free safe-harbor Post-Employment advice for life.



10. Disclose waste or illegal conduct by government officials to the appropriate authorities

- Affirmative obligation to report to BEGA and/or the IG “credible” violations of the Code of Conduct.
 - Failure to do so is itself a violation.
 - Cooperation is mandatory.
 - Retaliation is a separate ethics violation.



Contact Us

For advice or to make a complaint

- **Board of Ethics and Government Accountability (“BEGA”)**
 - **BEGA Hotline: (202) 535-1002**
 - **BEGA Email: BEGA@dc.gov**
 - **Main Number: (202) 481-3411**
 - **Address: 441 4th Street, NW, Suite 830 South
Washington, D.C. 20001**