

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



Office of Government Ethics

IN THE MATTER OF:

Date: October 27, 2020

J. Johnson

Case No: 20-0011-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 J. Johnson (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 the following provisions of the District Personnel Manual (“DPM”),

§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;

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 as an Advisory Neighborhood Commissioner (“Commissioner”) for the city district known as 8E01.
2. 8E01 is a subdivision of Ward 8.
3. Respondent served alongside 6 other elected Commissioners in the neighborhood body known as 8E.
4. Respondent was 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 Adeoye Owolewa 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 Adeoye Owolewa.
14. Adeoye Owolewa 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 Owolewa 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. Commissioner Owolewa did not receive a laptop nor cell phone at the February 2019 ANC meeting.
21. On February 7, 2019 ANC8E Commissioner 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. Respondent asserted that his laptop was stolen from his automobile.
24. Respondent could not provide a police department case number related to a theft from auto to OGE investigators nor to other ANC Commissioners when asked to do so.
25. Commissioner Owolewa did not receive a laptop or cell phone for the remainder of 2019.
26. The Respondent voluntarily met with OGE investigators on February 21, 2020.

27. The Respondent maintained that the laptop was stolen from his automobile and offered to return the ANC issued cell phone to the ANC Office Executive Director.
28. The Respondent provided case police reports related to incidents not involving the ANC issued laptop.
29. As of the date of this Order, the cell phone has not been returned.

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.

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 four thousand dollars (\$4,000) is assessed against the Respondent.



ROCHELLE FORD
Director of Government Ethics

10/27/2020
DATE

NOTICE

You may file an appeal of the Order with the Board of Ethics and Government Accountability at 441 4th Street NW, Suite 830 South, Washington, DC 20001. All such appeals must be received by the Board no later than ten (10) days from the date of this Order, excluding weekends and District government holidays.

SERVICE OF ORDER

This is to certify I have served a true copy of the foregoing Order on Joseph Johnson via certified and electronic mail at josephbjohnson1@outlook.com on October 27, 2020.

/S/ Sonya King