

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



Office of Government Ethics



IN THE MATTER

OF: KXXXXX Keane

Respondent

Date: February 13, 2023

CASE No.: 22-0074-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 (“the Board” or “BEGA”), the Director of Government Ethics has conducted a preliminary investigation into allegations that the Respondent, Kxxxxxx Keane, violated the District’s Code of Conduct¹ by accepting a gift of free attendance to the District of Columbia Building Industry Association Awards Reception from the Neighborhood Development Company, a prohibited source, and accepting a gift of attendance that was given because of his official position or duties.

Specifically, it was alleged that Respondent violated D.C. Municipal Regulation (herein referred to as District Personnel Manual (DPM)) Title 6B, Chapter 18 § 1803.2, which provides that an employee shall not, directly or indirectly, solicit or accept a gift from a prohibited source or given because of the employee’s official position or duties. Based upon the preliminary investigation and the show cause hearing held on December 19, 2022, the Director of Government Ethics has determined that the allegations are substantiated, and that the Respondent’s actions violated the District’s Code of Conduct. Pursuant to 3 DCMR § 5530, Respondent is ordered to pay a fine in the amount of \$1,000.00 no later than April 10, 2023.

Findings of Fact

1. Respondent has been a Project Manager at the Department of Housing and Community Development (“DHCD”) since October 2015. Respondent is responsible for managing projects in the Property Acquisition and Disposition Division. He is also responsible for purchasing, developing, constructing, underwriting, and selling property in the affordable housing context within the District of Columbia.

¹ See D.C. Official Code § 1-1161.01 (7) (Defining statutes and rules that comprise the Code of Conduct).

2. On May 11, 2022, Mxxxxx Vxxxx, Vice President of Neighborhood Development Company (NDC), sent an email to Respondent asking him if he wanted to attend the District of Columbia Building Industry Association (DCBIA) Annual Achievement Dinner as NDC's guest.
3. NDC was sponsor of the DCBIA awards dinner and received a table which seated ten guests.
4. At the time that the invitation was offered to Respondent, NDC was actively doing business with the DHCD and had multiple correspondences with Respondent related to the High Street project.
5. NDC is a prohibited source as defined in DPM 1803.4(b) because it does business with DHCD and conducts business that is regulated by DHCD.
6. On May 12, 2022, in response to a follow up email from Mr. Vxxx, Respondent replied by saying that he would attend the reception and requested an invitation.
7. On May 16, 2022, Respondent received another email from Mr. Vxxx reminding him of the DCBIA event and informing Respondent that they shared his email address with DCBIA, that he should expect an email directly from DCBIA, and thanking Respondent for joining them. In response, Respondent emailed "Received and noted, with thanks."
8. On May 17, 2022, DCBIA sent an email directly to Respondent with the details of this event. The event took place on May 18, 2022, and the Respondent attended as a guest of NDC.
9. Respondent admitted to attending the awards dinner as a guest of NDC.
10. Respondent states that he attended the event because Dantes Partner and Menkiti Group were being honored for projects that he worked on as a DHCD employee.
11. Mr. Vxxx confirmed that Respondent was the guest of NDC at the Awards Reception and that he invited Respondent because of their working relationship on NDC and DHCD matters. Essentially, the invitation was offered to Respondent because of this official position at DHCD.
12. DHCD is a member of DCBIA and purchased several tickets for a few agency employees. Respondent did not receive one of the tickets that the agency purchased.
13. As an exception to the prohibition on accepting gifts, DPM 1803.5(e) provides that an employee may accept an unsolicited gift of free attendance at all or appropriate parts of a widely attended gathering if the employee's attendance is in the interest of the agency, as determined by the agency head in writing.

14. Respondent did not receive permission from his agency to accept the invitation from NDC or attend the event.
15. Ticket prices for the awards dinner were \$500.00 for DCBIA members and \$550.00 for non-members.
16. After initiation of this investigation, as evidenced by a cancelled, personal check dated October 3, 2022, Respondent paid \$500.00 to NDC for the cost of attendance to the DCBIA awards dinner.

Conclusions of Law

Based on the evidence of record, I therefore conclude:

1. Respondent violated DPM § 1803.2(a) when he accepted the invitation to the DCBIA Annual Achievement Dinner from NDC, which is prohibited source that directly conducts business with the Respondent and his agency.
2. Respondent violated DPM § 1803.2(b) when he accepted NDC's invitation to the DCBIA Annual Achievement Dinner, which was offered because of the work that he performs as a DHCD employee.
3. Pursuant to 3 DCMR § 5530, a ministerial fine in the amount of one thousand dollars (\$1000.00) 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 ministerial fine in the amount of one thousand dollars (\$1,000) is assessed against the Respondent. Respondent shall make payment via certified check or money order made out to the D.C. Treasurer on behalf of BEGA or by using the following payment link: <https://dcwebforms.dc.gov/pay/bega1/> and referencing 22-0074-P. In the event that Respondent fails to pay the fine, wage garnishments will be deducted from Respondent's payroll by the Office of Pay and Retirement Services.



Ashley D. Cooks
Director of Government Ethics
Board of Ethics and Government Accountability

02/13/2023

DATE

SERVICE OF ORDER

This is to certify I have served a true copy of the foregoing Order on Kxxxxxx Kxxxx via email at Kxxxxx.Kxxxx@dc.gov on this 13th day of February 2023.



Ashley D. Cooks
Director of Government Ethics

NOTICE

Any party adversely affected by any order of the Director may obtain review of the order by filing, with the Ethics Board, a request for a hearing in accordance with D.C. Official Code § 1-1162.21(a)(3). The request for a hearing shall be filed within fifteen (15) days from the Director's issuance of an order. The request must be sent to Lynn Tran, Senior Attorney Advisor, at lynn.tran@dc.gov.