

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



Office of Government Ethics

In Re: M[REDACTED] Yeager
Case No.: 1446-001

NEGOTIATED DISPOSITION

Pursuant to section 221(a)(4)(A)(v)¹ of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (“Ethics Act”), effective April 27, 2012, D.C. Law 19-124, D.C. Official Code § 1-1161.01 et seq., the Office of Government Ethics (“the Office” or “OGE”) hereby enters into this Public Negotiated Disposition with the Respondent, M. Yeager. Respondent agrees that the resulting disposition is a settlement of the above-titled action, detailed as follows:

I. FINDINGS OF FACT

Respondent has been the Chief of Staff for the District’s Deputy Mayor for Education (“DME”) since January 2015. As Chief of Staff she manages approximately fifteen (15) DME staff and supports the Deputy Mayor for Education. Respondent also sits on the Board of Directors of Broadcaster’s Child Development Center (“BCDC”), a non-profit child care facility in the District that one of her children attends. BCDC is licensed and regulated by the Office of the State Superintendent of Education (“OSSE”), an agency within the District government overseen by the DME. In February 2015, Respondent contacted OGE seeking informal advice regarding her membership on BCDC’s board. OGE advised Respondent could serve on the board, but that she could not use government time or resources for other than government approved activities, could not capitalize on her official title or position, and could not represent an outside entity in any matter before the District.

On at least four occasions Respondent contacted OSSE’s head of licensing regarding matters involving BCDC. First, on October 16, 2015, Respondent used her official District government email address to send an email to the head of licensing at OSSE, seeking information about the relevant requirements to obtain a licensing change that would allow BCDC to enroll more infants. This email also indicated that BCDC had been working with other OSSE employees, but those employees had not made the requirements clear. Respondent contacted the head of licensing for additional assistance. This email also contained Respondent’s signature block, featuring her official title and position, along with her government phone number and address.

¹ Section 221(a)(4)(A) of the Ethics Act provides, in pertinent part, that “[i]n addition to any civil penalty imposed under this title, a violation of the Code of Conduct may result in the following: . . . Any negotiated disposition of a matter offered by the Director of Government Ethics, and accepted by the respondent, subject to approval by the Ethics Board.”

OSSE's head of licensing answered Respondent's request and indicated that OSSE needed to consult with two other District agencies to address issues with BCDC's site before the licensing request could be granted. On October 20, 2015, Respondent used her government email address to respond to the head of licensing, stating that the DME was happy to "provide support with the other government agencies."

Respondent stated that this offer of support was no different than the support she would offer if any other child care center had issues getting their licensing request processed. Additionally, Respondent indicated that in her official capacity, she provides similar assistance to other entities seeking support in navigating various District government processes.

On December 1, 2015, BCDC submitted a letter to OSSE's head of licensing, requesting an amendment to their license to allow them to enroll more students under age two. The letter was signed by BCDC's business manager and by Respondent. Under Respondent's signature she was identified as the Treasurer of the BCDC Board of Directors. The letter also states that without the licensing change requested by BCDC, the center could face significant budget shortfalls and enrollment declines.

On January 8, 2016, Respondent again used her District email to request a status update on BCDC's licensing change to the head of licensing at OSSE. This email also included Respondent's District signature block, listing her title, position and address.

Respondent admitted she sent these emails and signed BCDC's licensing change request.

Respondent resigned from her position on the BCDC Board on March 31, 2016.

II. NATURE OF VIOLATIONS

Respondent's conduct is in violation of at least three (3) sections of the District's Code of Conduct, as set forth below:

- ❖ **One:** District Personnel Manual ("DPM") Chapter 18, § 1804.1(b), which states:

An employee may not engage in any outside employment or other activity which is not compatible with the full and proper discharge of his or her duties and responsibilities as a government employee. Activities or actions which are not compatible with government employment include, but are not limited to, the following: ... (b) Using government time or resources for other than official business, or government approved or sponsored activities...

- ❖ **Two:** DPM Chapter 18 § 1804.1(h), which states:

An employee may not engage in any outside employment or other activity which is not compatible with the full and proper discharge of his or her duties and responsibilities as a government employee. Activities or actions which are not compatible with government employment include, but are not limited to, the

following: ... (h) Serving in a representative capacity or as an agent or attorney for any outside entity involving any matter before the District of Columbia.

❖ **Three:** District Personnel Manual ("DPM") Chapter 18, § 1800.3(g), which states:

Employees shall not use public office for private gain.

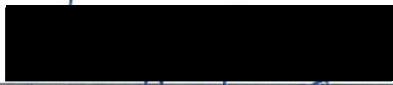

Respondent's conduct, in using her government email address to send and receive emails on behalf of an outside entity (BCDC), which is licensed by an agency the DME oversees and in representing BCDC before the District in its request for a licensing change, was a violation of the Code of Conduct. Respondent did not have authorization to use her government email for any matters involving BCDC. Further, when Respondent emailed OSSE's head of licensing and when Respondent signed her name to BCDC's official request for a licensing change that was sent to OSSE's head of licensing, she served in a representative capacity for an outside entity in a matter before the District. Respondent's conduct in using her government email signature, denoting her position with the DME, and offering DME's assistance with other agencies to help move BCDC's licensing request through the process, was also a violation of the Code of Conduct. This conduct created the appearance that Respondent used her public office as Chief of Staff for the Deputy Mayor for Education, to assist BCDC, an organization on whose board she served, in its licensing request in a way that was not immediately available to other District citizens and that could have benefited BCDC financially.

III. TERMS OF THE NEGOTIATED DISPOSITION

Respondent acknowledges that her conduct was in violation of the District Code of Conduct. Respondent agrees to pay a fine in the amount of **\$1500.00** and promises not to engage in such conduct in the future. In return for Respondent's acknowledgement of misconduct and promise, the Office will not seek any further remedy or take any further action relating to the above misconduct. Respondent understands that the \$1500.00 fine is due upon the full execution of this public Negotiated Disposition. Payment will be accepted by money order, made out to the D.C. Treasurer, and provided to the Office of Government Ethics.

Respondent also understands that if Respondent fails to pay the \$1500.00 fine in the manner and within the time limit provided above, pursuant to section 221(a)(5)(A) of the Ethics Act (D.C. Official Code § 1-1162.21(a)(5)(A)), the Ethics Board may file a petition in the Superior Court of the District of Columbia for enforcement of this Negotiated Disposition and the accompanying Board Order assessing the fine. Respondent agrees that this Negotiated Disposition is not just an admission of wrongdoing, but constitutes various factual admissions by her that may be used in any subsequent enforcement or judicial proceeding that may result from her failure to comply with this agreement.

The mutual promises outlined herein constitute the entire agreement in the above-titled action. By our signatures, we agree to the terms outlined herein.


M  Yeager
Respondent

5/3/16

Date



Darrin P. Sobin
Director of Government Ethics

5/4/16

Date

This agreement shall not be deemed effective unless and until it is approved by the Board of Ethics and Government Accountability, as demonstrated by the signature of the Chairman below.

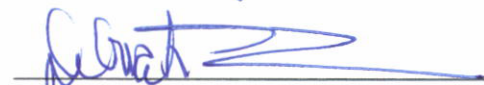
APPROVED:



Robert J. Spagnoletti
Chairman, Board of Ethics and Government Accountability

5/5/16

Date



Deborah A. Lathen
Board Member, Board of Ethics and Government Accountability

5/5/16

Date



Carol Schwartz
Board Member, Board of Ethics and Government Accountability

5/5/16

Date

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