

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



Office of Government Ethics

In Re: L. Palmer
Case No. 24-0004-P

NEGOTIATED DISPOSITION

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

FINDINGS OF FACT

The Respondent has been employed with the Office of the Chief Procurement Officer (“OCP”) since March of 2014. Respondent is currently a Chief Contracting Officer for the Human Services cluster at OCP. Respondent’s son, [REDACTED] [REDACTED] participated in the “Virtual DC Government Winter Hiring Event” on December 8 and December 9, 2022. He interviewed with OCP and was selected for and provided an offer for a Grade 9 Contract Specialist position on December 9, 2022. Respondent was employed as an OCP contractor at the time of his hiring. Respondent’s son accepted the offer and began working with OCP on January 29, 2023, with an annual salary of \$62,276.00.

The following events took place before the Respondent’s son was hired. On November 22, 2022, at 3:17pm, OCP Director of Human Resources (“HR Director”) sent an email to hiring managers, which included Respondent, informing them of the winter hiring event and requesting that the managers confirm their participation on the hiring panels. On November 22, 2022, at 3:41pm, the Respondent sent the email and its attachment to her son’s OCP email account. The email was sent to section Chiefs and was not intended to be distributed outside of management.

During an OGE interview, the Respondent asserted that OCP staff were encouraged to recommend suitable candidates for the Virtual Job Fair. On November 23, 2023, Respondent sent the following email to the HR Director:

Good morning . . . I hope you had a great holiday. Can you remove me from the hiring panel? I will not be able to participate. Camille Christian is willing to replace me if needed.

Respondent stated that HR knew that a candidate was her son and that he was not recommended for her cluster. Respondent asserts that she also verbally recused herself to the HR Manager. With regard to her

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

verbal statements to the HR Manager, Respondent stated that “as far as I was concerned, I did what I was supposed to do.”

In late November of 2022, the Respondent informed the Deputy HR Director, that her son would be participating in the hiring fair. This information was shared with the HR Director, but neither the HR Director nor the Deputy HR Director knew the name of the Respondent’s son. Respondent contends that the HR Manager asked her for her son’s name and she provide it. Respondent stated that she believed no further action was required on her part because she had communicated her statements to human resources.

On December 8, 2022, at 11:55 am, Respondent sent a text message to the OCP Chief Operating Officer (“COO”). The text stated:

Hope all is well. [REDACTED] registered for the job fair but didn’t get an interview. Any way you can help please?? [...] he said he got a confirmation email saying he was registered. Just never got an interview. His last name is [REDACTED]

The COO responded: “I got it.” On December 8, 2022, at 10:03 pm the HR Director received an email message from her manager, the COO. The email stated:

“I am just asking about this young man, Mr. [REDACTED] Is he scheduled for an interview tomorrow? This is [Respondent’s] son who apparently has some small procurement experience. I know that he is looking to get his foot in the door after graduating a few years ago from an HBCU. I am just inquiring as she sent me a text.”

BEGA conducted an interview with the COO, during which he admitted knowledge that the Respondent's son was a candidate and of discussions with the Respondent about his potential hiring. According to witness statements, the Respondent’s son was qualified for an interview and may have been interviewed even without her advocacy. Respondent contends that she was not aware of the District’s nepotism rules until she was contacted by BEGA as a part of its ethics investigation.

NATURE OF MISCONDUCT

Respondent violated the following provisions of the District Personnel Manual (“DPM”):

- ❖ **Count One:** DPM § 1806.3 - A public official may not directly or indirectly make a hiring decision regarding a position within his or her own agency with respect to a relative. Specifically, a public official may not appoint, employ, promote, evaluate, interview, or advance (or advocate for such actions) any individual who is a relative in an agency in which the public official serves or exercises jurisdiction or control. Per DPM § 1806.2, a hiring decision means selecting, appointing, employing, promoting, reassigning, advancing, or advocating a personnel action.
 - Respondent indirectly made a hiring decision regarding her son for a position at OCP by promoting and advocating for her son. The Respondent violated this rule by sending a text message to the COO requesting that her son receive an interview. In the text message, Respondent requested that the COO help her son to get an interview, which resulted in the COO sending a message to the HR Director, that eventually lead to Respondent’s son receiving an interview and employment.
- ❖ **Count Two:** DPM § 1806.6 - When the agency contemplates making a hiring decision concerning a relative of a public official within the same agency, the public official must file a written recusal, which shall be included in the relative’s official personnel file along with the subject personnel action.

- Respondent neglected to write a recusal letter for inclusion in her son's personnel file. This breach occurred when she failed to submit a recusal after learning on December 9, 2022, that the Agency was considering hiring her son. Although she did send an email stating that she could not participate in the hiring panel, the email did not specify that it was a recusal or that her inability to participate was due to her son's involvement. Moreover, it did not indicate her desire for it to be placed in her son's personnel file.

In mitigation, Respondent fully cooperated with OGE and accepted responsibility for her actions. Respondent submitted a recusal letter on November 13, 2023. None of the above-referenced conduct was authorized by the District of Columbia.

TERMS OF THE NEGOTIATED SETTLEMENT

Respondent acknowledges that her conduct was a violation of the Code of Conduct. Respondent agrees to pay a fine in the amount of **\$1500.00**. Pursuant to DPM § 1806.5 the Respondent agrees to pay restitution in the amount of **\$63,415.56**. The fine and restitution shall be paid in accordance to the following terms and conditions:

1. Respondent agrees to pay the \$1,500.00 fine upon execution of this agreement. Respondent agrees to have **\$500.00** per pay period automatically deducted from her bi-weekly paycheck from the District government commencing immediately;
2. Respondent agrees to pay any remaining balance that is not deducted from her paycheck by March 1, 2025 (the "Maturity Date");
3. By this agreement, Respondent expressly authorizes the Office of Pay and Retirement Services (OPRS) to make these deductions and to transfer such funds to the Board of Ethics and Government Accountability;
4. In the event that Respondent's employment with the District government ceases prior to complete satisfaction of the fine amount, Respondent agrees that any outstanding fine amount will be satisfied by deduction in full from Respondent's final District government paycheck and/or any payment to the Respondent from the District government for unused annual leave;
5. Respondent acknowledges that, whether OPRS completes these deductions as described herein, Respondent is nonetheless solely responsible for satisfying the fine and restitution. Payment will be accepted by certified check or money order, made out to the D.C. Treasurer, delivered to and received by OGE at 441 4th Street NW, Suite 830 South, Washington, DC 20001 or by electronic payment at <https://dcwebforms.dc.gov/pay/bega1/> using transaction ID 24-0004-P;
6. Respondent agrees to attend ethics training no later than April 1, 2024.

In consideration of Respondent's acknowledgement and agreement, OGE will seek no further remedy and will take no further action related to the above misconduct. By agreeing to settle this matter via a negotiated disposition, Respondent will allow OGE to avoid expending significant time and resources to litigate this matter through a contested hearing, and to focus its finite resources on other investigations. Respondent agrees not to engage in such conduct in the future.

Respondent also understands that if she fails to pay the **\$64,915.56** 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 knowingly and willingly waives her right to appeal the accompanying Board Order imposing a fine in this matter in exchange for the concessions made by this Office in this Negotiated Disposition.

Respondent further understands that if she fails to adhere to this agreement, OGE may instead, at its sole option, send any unpaid fine amount to collections or recommend that the Ethics Board nullify this settlement and hold an open and adversarial hearing on this matter, after which the Ethics Board may impose sanctions up to the full statutory amount (\$5,000.00 per violation) as provided in the Ethics Act for each violation.² Because OGE is, at this time, foregoing requesting that the Ethics Board hold an open and adversarial hearing on this matter, Respondent waives any statute of limitation defenses should the Ethics Board decide to proceed in that matter as a result of Respondent's breach of this agreement..

The mutual promises outlined herein constitute the entire agreement in this case. Failure to adhere to any provision of this agreement is a breach rendering the entire agreement void. By our signatures, we agree to the terms outlined above.



 **Palmer**
Respondent

3/6/2024

Date



Ashley D. Cooks
Director of Government Ethics

3/6/2024

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 Chairperson below.

APPROVED:



Norma Hutcheson
Chairperson, Board of Ethics and Government
Accountability
#24-0004P
AC/MJ

3.7.24

Date

² Section 221(a)(1) (D.C. Official Code § 1-1162.21(a)(1)).

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

Office of Government Ethics



IN RE: [REDACTED] Palmer
Respondent

CASE No.: 24-0004-P

ORDER

Based upon the mutual representations and promises contained in the Negotiated Disposition approved by the Board herein on March 7, 2024, and upon the entire record in this case; it is, therefore

ORDERED that Respondent pay a civil penalty in the amount of **SIXTY-FOUR THOUSAND NINE HUNDRED FIFTEEN DOLLARS AND FIFTY-SIX CENTS (\$64, 915.56);**

This Order is effective upon approval by the Board of Ethics and Government Accountability, as demonstrated by the signature of the Chairperson below.

A handwritten signature in black ink that reads "Norma B. Hutcheson".

Norma Hutcheson
Chairperson, Board of Ethics and Government
Accountability

3.7.24

Date