

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



**Office of Government Ethics**

In Re: Xxxx Xxxxx  
Case No.: XX-XX-XX

NONPUBLIC INFORMAL ADMONITION

Pursuant to section 221(a)(4)(C)(ii)<sup>1</sup> 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”) hereby enters into this negotiated settlement agreement with the Respondent, Xxx Xxxxx. Xx Xxxx agrees that the resulting disposition is a nonpublic informal admonition, detailed as follows:

I. FINDINGS OF FACT

Xxxx Xxxx is the xxx of the Xxxx Xxxx Xxx (“xxxx”) for the D.C. Xxx Xxx Xxx (“xxxx”). Xxxx uses sign-in/sign-out sheets for accounting documentation for xxxx’s grant funding from the Xxxx xxx Xxxx (“xxxx”). The sign-in/sign-out sheets are used to keep time and are required by the performance measures described in xxxx’s regulations. They are required by xxxx as well.

On September 20, 2012, Xx Xxxx invited xx employees to leave the office at 4 p.m. to attend a “happy hour,” regardless of the actual end of each person’s tour of duty. Xx Xxxx informed xx employees not to sign out when they left for the happy hour. Instead, xx signed them out that night or the next day. When xx signed out each employee, xx wrote in 5 p.m. in the “depart” column as the time that they left the office. Xx did this for all of the employees who attended the happy hour, regardless of the actual end of their tour of duty.

II. NATURE OF MISCONDUCT

Xx Xxxx’s conduct, signing out xx employees at 5 p.m., regardless of the actual end of their tours of duty, is in violation of Chapter 18, Title 6B of the D.C. Municipal Regulations.<sup>2</sup> Specifically, DPM § 1804.1(b), prohibits using government time or resources for other than official business. In this instance, Xx Xxxx allowed employees, some of whose actual tours of duty had not ended, to leave work without using annual leave, and remain on work time while they were off-site and not working. In addition, Xx Xxxx used a work resource, the time sheet, to reflect that employees, some of whose actual tours of duty had not ended, were at work and/or working when, in fact, they were no longer working.

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<sup>1</sup> Section 221(a)(4)(C)(ii) 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: . . . A nonpublic informal admonition imposed by the Director of Government Ethics and appealable to the Board for low-level violations of the Code of Conduct including or similar to. . . [a] time and leave issue, where it is not habitual and did not have a specific harmful effect.”

<sup>2</sup> Hereinafter, Title 6b of the D.C. Municipal Regulations will be referred to as the District Personnel Manual or DPM.

III. NONPUBLIC INFORMAL ADMONITION

Xx Xxxx acknowledges that xx conduct was in violation of the DPM. Xx Xxxx promises not to engage in such conduct in the future. In return for Xx Xxxx’s acknowledgement and promises, the Office will not seek any further remedy or take any further action relating to the above misconduct.

As a term of this agreement, Xx Xxxx agrees that within one week of signing this agreement, xx will inform xx Agency head that xx has received this nonpublic informal admonition and will notify this Office, in writing, when xx has done so.

Xx Xxxx understands that if xx fails to adhere to this agreement, the Office will present this matter to the Board of Ethics and Government Accountability (the “Board”) and recommend that it authorize a formal investigation, the process for which includes an open and adversarial hearing on the matter.<sup>3</sup> Because the Office is, at this time, foregoing requesting that the Board authorize a formal investigation as a result of the agreement with Xx Xxxx, Xx Xxxx agrees to waive any statute of limitation defenses should the Board decide to proceed with a formal investigation as a result of Xx Xxxx’s breach of this agreement.

One year from the date of this negotiated settlement, this Office will issue a letter notifying Xx Xxxx that this informal admonition has been expunged, provided that all of the following have occurred:

- 1) Xx Xxxx has satisfactorily fulfilled the terms herein;
- 2) There are no new or pending allegations of misconduct against Xx Xxxx and xx has not received any type of employee discipline during this period; and
- 3) Xx Xxxx has provided a written certification, under oath, attesting that these conditions have been met.

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 herein.

\_\_\_\_\_/s/\_\_\_\_\_  
Xxx Xxxx

\_\_\_\_\_  
Date

\_\_\_\_\_/s/\_\_\_\_\_  
Darrin P. Sobin  
Director of Government Ethics

\_\_\_\_\_  
Date

<sup>3</sup> D.C. Official Code § 1-1162.14(a)(1)

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:

\_\_\_\_\_/s/\_\_\_\_\_  
Robert J. Spagnoletti  
Chair, Board of Ethics and Government Accountability

\_\_\_\_\_  
Date