GOVERNMENT OF THE DISTRICT OF COLUMBIA BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY * * * * Office of Government Ethics IN THE MATTER OF: Respondent Respondent

<u>ORDER</u>

Pursuant to the authority conferred by D.C. Official Code § 1–1162.12, the Director of Government Ethics has conducted a preliminary investigation into allegations that the Respondent, **Reference** Woodland, former Customer Service Representative for the Office of Unified Communications ("OUC"), violated the District's Code of Conduct¹ by using government property for other than authorized purposes in violation of District Personnel Manual, Chapter 18 ("DPM") § 1808.1 and used government time for other than official business in violation of DPM § 1807.1(b). The allegations contend that the Respondent used OUC's data system, Destiny, to access Department of Motor Vehicles ("DMV") records of two individuals for purposes not authorized by OUC.

Based upon the preliminary investigation and the show cause hearing, 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 § 5535.1, Respondent is ordered to pay a fine in the amount of \$2,000.00 no later than May 22, 2023.

Findings of Fact

1. Respondent was employed by OUC as a Customer Service Representative, under the 911/311 Program, from September 06, 2016, to October 21, 2022.

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

- 2. Respondent was responsible for receiving telephone queries to the District regarding DMV related questions and service requests from District residents and nonresidents.
- 3. OUC uses a data system called Destiny to retrieve various District government, and District resident, and nonresident records, including the records of the D.C. Department of Motor Vehicles ("DMV"). The Destiny system records the computer screen picture and replays the screen movements of the user accessing information along with the audio of any service call that occurred during the user's review of information.
- 4. According to a Destiny screen recording, on December 9, 2021, while responding to a 311-service call, Respondent accessed DMV records for T.W., but the caller was not T.W. and the call did not concern T.W.
- 5. On December 10, 2021, Respondent again accessed DMV records for T.W. but those records were not related to a service call.
- 6. According to Destiny screen recordings, on December 10, 2021, Respondent accessed DMV records for C.H. while responding to two separate 311-service calls and neither caller was C. H. nor did the calls concern C.H.
- 7. On December 14, 2021, Respondent again accessed DMV records for C.H. but those records were not related to a service call.
- 8. Respondent was previously involved in a romantic relationship with C.H., and at the time that Respondent accessed the above-mentioned DMV records, C.H. and T.W. were involved in a romantic relationship.
- 9. On April 2, 2022, Respondent filed a complaint with the Metropolitan Police Department reporting that her vehicle had been broken into.
- 10. On April 27, 2022, T.W. and C.H. filed a complaint with the Metropolitan Police Department reporting that their vehicles had been vandalized.
- 11. Respondent was terminated by OUC on October 21, 2022.

Conclusions of Law

Based on the evidence of record, I therefore conclude:

1. DPM § 1808.1 provides that 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. Respondent violated DPM § 1808.1 when she used OUC's Destiny system to access DMV records of T.W. on December 9th and 10th, and the DMV records of C.H. on December 10th and 14th for an other than authorized purpose.

- 2. DPM § 1807.1(b) provides that a District government employee shall not engage in any outside employment or other activity incompatible with the full and proper discharge of his or her duties and responsibilities, including using government time or resources for other than official business, or government approved or sponsored activities. Respondent violated DPM § 1807.1(b) when she accessed DMV records that were not a part of her official duties, during her tour of duty. Respondent's conduct amounted to engaging in an outside activity using government time.
- 3. Pursuant to 3 DCMR § 5535.1, 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) and 3 DCMR § 5535.1, it is hereby ORDERED that a ministerial fine in the amount of two thousand dollars (\$2,000.00) is assessed against the Respondent. Pursuant to 3 DCMR § 5535.4, this fine shall be effective on May 22, 2023. 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: <u>https://dcwebforms.dc.gov/pay/bega1/</u> and referencing 22-0076-P.

2

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

____4/28/2023____ DATE