

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



Office of Government Ethics



In Re: [REDACTED]
Case No.: 18-0018-P

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 -12 4, D.C. Official Code § 1 -116 1.01 *et seq.*), the Office of Government Ethics ("OGE") hereby enters into this Public Negotiated Disposition with the Respondent, [REDACTED]. Respondent agrees that the resulting disposition is a settlement of the above-titled action, detailed as follows:

I. FINDINGS OF FACT

Respondent was employed as a Supervisory Workforce Development Specialist by the Department of Employment Services ("DOES"). For the last 3 years, he was designated as a Confidential Financial Disclosure Statement Filer. Respondent also owns, operates, or has a financial interest in a marketing and event planning company known as [REDACTED]. [REDACTED] is privately held, and incorporated in the District of Columbia since at least 2011. A public records check reveals it has annual revenue between \$50,000 to \$60,000. The Respondent is the sole employee. The Respondent failed to disclose this outside business on his Confidential Financial Disclosure Statement for 2017 (a year in which he designated as a filer by his agency). [REDACTED] operated in 2017 and produced income greater than \$200. Respondent was directly asked, and admitted to this in an interview with OGE on September 17, 2019.

II. NATURE OF VIOLATIONS

Respondent's conduct is in violation of the District Code of Conduct, as set forth below:

- ❖ Count One: Failing to submit a full and complete financial disclosure statement in violation of D.C. Official Code § 1-1162.24(a)(1).
 - On April 17, 2018, Respondent submitted a 2017 Financial Disclosure Statement on which he failed to disclose [REDACTED] as his outside business.

None of the above referenced actions were authorized by the District of Columbia.

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."

Respondent accepted full responsibility for his actions when meeting with OGE employees in a related investigation. Respondent included [REDACTED] for all other years he was required to file a Confidential Financial Disclosure Statement.

Moreover, 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.

III. TERMS OF THE NEGOTIATED DISPOSITION

Respondent acknowledges that his conduct violated the District Code of Conduct. Respondent agrees to pay a total fine in the amount of \$500.00, to resolve these violations of the District Code of Conduct, in accordance with the following terms and conditions:

1. Respondent agrees to pay the \$500.00 by submitting successive monthly payments of \$100 to OGE, beginning on December 1, 2019 and continuing until such time as the fine amount is fully satisfied. The full fine amount is due no later than November 7, 2020.
2. Respondent agrees to amend his 2017 Public Financial Disclosure Statements, on or before November 29, 2019, so that the documents are true, accurate, complete.
3. Respondent agrees to respond truthfully and completely to each of the questions on all future Financial Disclosure Statements that he may be required to submit in the District.

Respondent agrees to pay a fine in the amount of \$500.00 and promises not to engage in such conduct in the future. In return for Respondent's acknowledgement and promise, the Office will not seek any further remedy or take any further action relating to the above misconduct.

Respondent acknowledges and understands that this Negotiated Disposition is only binding upon himself and OGE in resolution of his alleged violations of the Code of Conduct that applies to District government employees and public officials. Respondent acknowledges and understands that OGE does not have the authority to bind any other District or federal government agency to this agreement, including but not limited to the Metropolitan Police Department, the District of Columbia Office of the Attorney General ("OAG"), the United States Attorney for the District of Columbia ("USAO") or the United States Department of Justice ("DOJ"). Respondent further acknowledges and understands that notwithstanding the terms of this Negotiated Settlement, his conduct described hereinabove may also subject him to the imposition of civil and/or criminal penalties by other government agencies who are not bound by the terms of this agreement whatsoever.

[REDACTED]
Respondent

10/28/19
Date

Respondent understands that if he fails to pay the full \$500.00 fine in accordance with the terms set forth hereinabove, 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 him that may be used in any subsequent enforcement or judicial proceeding that may result from her failure to comply with this agreement. Respondent also understands that, pursuant to section 217 of the Ethics Act (D.C. Official Code § 1-1162.17), he has the right to appeal any order or fine made by the Ethics Board. Nonetheless, the Respondent knowingly and willingly waives his right to appeal the accompanying Board Order assessing the \$500.00 fine in this matter in exchange for the concessions made by this Office in this Negotiated Disposition.

Respondent further understands that if he fails to adhere to this agreement, OGE may instead, at its sole option, 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 the Office 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 therein.



Respondent

10/28/19
Date

Brent Wolfingbarger
BRENT WOLFINGBARGER
Director of Government Ethics

11-7-2019
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:

Norma Hutcheson
Norma Hutcheson
Chairperson, Board of Ethics and Government Accountability

Nov 7, 2019
Date

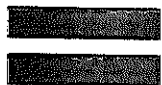
² Section 221(a)(1) (D.C. Official Code § 1-1162.21(a)(1)).

GOVERNMENT OF THE DISTRICT OF COLUMBIA

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY



Office of Government Ethics



IN RE: [REDACTED]

Respondent

CASE No.: 18-0018-P

ORDER

Based upon the mutual representations and promises contained in the Negotiated Disposition approved by the Board herein on NOV 7, 2019, and upon the entire record in this case; it is, therefore

ORDERED, that Respondent pay a civil penalty in the amount of FIVE HUNDRED DOLLARS,

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

Norma Hutcheson
Norma Hutcheson
Chair, Board of Ethics and Government Accountability

NOV 7, 2019
Date