



ETHICALLY SPEAKING

VOLUME 8, ISSUE 4

AUGUST 2023

A Message from the Director

Inside this issue:

Director's Message 1

Upcoming Events 1

New and Notable 2

Enforcement Updates 2

Ethics in the News 3

State and Local Ethics 3

Ask BEGA 4

Greetings Ethics Counselors and BEGA Friends! The key to building an ethical culture is establishing an ethical decision-making framework. Even everyday small decisions matter as they become the foundation for future decisions.

When faced with a tough decision the following steps can help employees make the right decision in a timely manner.

First, you must pause, taking time to identify the ethical issue. During this time consider what needs to be accomplished, whether there are any

underlying issues, and whether the issue is actually an ethics problem.

Second, investigate by considering all relevant facts and possible



Ashley D. Cooks
Director of Government Ethics

solutions to the issue. Employees should also seek consultation and guidance—get the right people involved in the conversation.

Third, evaluate the situation by determining each potential course of action and each alternative. Consider ethics laws, regulations, and agency policies and values. Consider the effect on the agency and others.

Lastly, take action by making an informed decision. If these steps are properly followed, the outcome of any decision will result in ethical compliance.

The better each individual decision is, the stronger we are collectively.

Upcoming Events

General Ethics Training

9/13/23 - 1:00 pm
[Register here](#)

10/11/23 - 1:00 pm
[Register here](#)

Ethics Counselor Brown Bag

8/28/23 - 1:00 pm
Official vs Personal Social Media Accounts

9/25/23 - 1:00 pm
D.C. One Fund

Lobbyist Registration & Reporting Training

9/20/23 - 11:00 a.m.
[Register here](#)

New and Notable



Financial Disclosure

We have begun the enforcement phase of the 2023 Financial Disclosure Season ("FDS") season. Those who failed to timely file their FDS this year may have already received a fine notice. Employees should contact bega-fds@dc.gov for FDS enforcement questions.

Advisory Opinions

The comment period for OGE's advisory opinion, "Guidance on the Local Hatch Act and the Use of Campaign Slogans" is now closed. OGE is reviewing comments and will issue that opinion shortly.

Ethics Week 2023

BEGA is preparing for Ethics Week 2023, which will be held Oct. 23-27. This year's theme is "Everyday Ethics" #cantgoadaywithoutit. Look out for more details on the Ethics Week program coming soon.

BEGA is hiring an Auditor

BEGA is looking for a new Auditor. The position closes on August 16, 2023. View the job description and apply [here](#).

Welcome new BEGA team members!

Please join us in welcoming our new BEGA

team members.

Marissa Jones joins BEGA as an Attorney-Advisor after serving as a part of the legal staff at the D.C. Public Library for several years.

Tahja Reid joins BEGA as an Investigator after serving as a Human Services Specialist at the Department of Human Services Arlington County.

Rhoda Glasgow joins BEGA as an Investigator. She previously served as an Investigator at the Alcoholic Beverage and Cannabis Administration (ABCA).

Enforcement Updates

23-0003-F In re Medgar Webster

The Board dismissed the formal investigation against Respondent, a former Metropolitan Police Officer (MPD) who worked at Whole Foods during his MPD tour of duty, after his sentencing on a charge of felony fraud.

22-0102-P In re H Muhammad

The Board approved a negotiated disposition with Respondent for violations of the nepotism rule. Respondent, a former Operations Program Manager in the Department of Disability Services (DDS), participated in hiring her

half-sister and brother-in-law, and supervised her half-sister. The negotiated disposition included two counts of violating DPM § 1806.3, directly or indirectly making a hiring decision regarding a position within her agency with respect to a relative, and two counts of violating DPM § 1806.6 for failing to file a written recusal. The agreement includes a \$1,500 fine and restitution for wages paid to her family-members in the amount of \$64,913.15. Read the agreement [here](#).

22-0058-P In re R Owens

The Director issued a \$5,000 ministerial fine to Respondent, a former Chief Contractor Officer in the Office of Contracting

and Procurement (OCP). The Director found that Respondent used his government cell phone to send inappropriate text message to a vendor and gave this vendor special treatment in contacting matters in violation of DPM §§ 1800.3(h) and 1808.1. Read more [here](#).

22-0087-P In re Huffman

The Director issued a \$5,000 ministerial fine to Respondent, a former Psychologist for D.C. Public Schools (DCPS). The Director found that Respondent provided services to Prince Georges County Public Schools during his DCPS tour of duty in violation of DPM §§ 1800.3(j), 1807.1(a), and 1807.1(b). Read more [here](#).

Ethics in the News



The U.S. Office of Government Ethics (USOGE) just issued its 2022 Conflict of Interest Prosecution Survey. The survey summarizes prosecutions involving the criminal conflict of interest statutes (18 U.S.C. §§ 202-209) and related statutes during calendar year 2022. The survey highlights ten new prosecutions by the U.S. Attorneys' offices and the Civil Division and Public Integrity Section of the Department of Justice. You can read the 2022 Conflict of Interest Prosecution Survey [here](#).

After months of reporting on gifts and potential conflicts of interest involving several Supreme Court justices, the Senate Judiciary Committee advanced the "Supreme Court Ethics, Recusal, and Transparency Act of 2023" last month. The proposed legislation, which passed the committee on a 11-10 party-line vote, would require the Court adopt a binding Code of Conduct, establish additional rules for reporting gifts, income, and reimbursements in line with the ethics rules in place in the U.S. House and Senate, and explain recusals to the public. Read more about the proposed legislation [here](#).

The American Bar Association Task Force on Law, Society, and the Judiciary, a task force created to recommend steps to increase

the public's trust and understanding of the judiciary, is also recommending that the Supreme Court adopt and publish a Code of Conduct. The ABA Task Force also recommended that the justices provide greater transparency regarding their reasons for recusals, and that the Court establish "more robust rules" for disclosure of income, investments and transactions by immediate family members. The report also recommends that Congress enact additional rules on the acceptance of gifts and reimbursements by justices and their immediate family. The Task Force recommendations still need to be reviewed and approved by the ABA House of Delegates. Read the report from the ABA Task Force [here](#).

State and Local Ethics

The Nevada Commission on Ethics voted to censure former Clark County Sheriff and current Nevada Governor Joe Lombardo and fine him \$20,000 for using his badge and wearing his sheriff uniform during his 2022 campaign for Nevada governor. The commission conducted a review of complaints associated with Lombardo's campaign activities and identified over 34 instances where he had used his official government title, uniform, and badge when meeting with voters and campaign donors, and attending campaign events. Commission staff had recommended a fine of \$1.6 million for willful violations of the law, significantly larger than the second highest fine of \$15,000 and the approved fine

of \$20,000. Governor Lombardo could petition for judicial review of the commission's decision. Read more about the decision [here](#).

The use of official resources in connection with a campaign for public office was also the subject of an unprecedented fine in New York City where the Conflicts of Interest Board fined former Mayor Bill de Blasio for bringing his security detail on trips during his presidential campaign. The board ordered that Mayor de Blasio reimburse the city for almost \$320,000 in travel-related costs for members of the de Blasio security detail to accompany the Mayor and his wife on 31 out-of-state trips related to his presidential campaign. Prior to

the launch of the campaign, the board advised de Blasio that the city could pay for salary and overtime for his security detail but that payment of travel expenses would amount to a "misuse of city resources." The board ordered that the mayor repay the city for the travel expenses and fined him \$5,000 for each out of state trip, resulting in a \$155,000 fine. This is the highest penalty and the largest amount ever assessed by the Conflicts of Interest Board. Read more [here](#).



Ashley D. Cooks, Director of Government Ethics
Rashee Raj, General Counsel
Asia Stewart-Mitchell, Supervisory Attorney for Advice and Education
Maurice Echols, Attorney Advisor
Franshun Vann, Attorney Advisor
Lynn Y. Tran, Senior Attorney Advisor to BEGA's Board

Board of Ethics and Government Accountability

Office of Government Ethics
441 4th Street, NW
Suite 830 South
Washington, DC 20001
Phone: 202-481-3411
Email: bega@dc.gov
Website: bega.dc.gov

For more information about BEGA, you can find us at:



To subscribe to this newsletter, email us at bega@dc.gov.

Ask BEGA

Question: I retired from DDOT in July 2022. A contractor for DDOT on a bike lane project - the ABC project - asked if I was interested in working with them on this contract. I worked with this contractor on the ABC project, including overseeing the team responsible for implementation of the contract, before I left DDOT. Can I work for the contractor on the ABC project over a year later?

Probably not. Generally, former employees are subject to several post-employment restrictions under both the Code of Conduct and the federal criminal prohibitions at 18 U.S.C. § 207. The post-employment restrictions apply to former employees communicating with and appearing before the District on behalf of a third party or providing behind the scenes assistance.

The following restrictions would apply here:

Two-year prohibition: In this particular instance, the DDOT



employee would be prohibited for two-years from acting as a representative in any matter for which they had *official responsibility* for at DDOT. The employee would also be prohibited, for two years, from engaging in *behind-the-scenes assistance* on these kinds of matters.

Permanent Prohibition:

A former government employee who *participated personally and substantially in a particular government matter involving a specific party* is prohibited from

knowingly acting as an attorney, agent, or representative in any formal or informal appearance before an agency, and shall be permanently prohibited from making any oral or written communication to an agency with the intent to influence that agency on behalf of another person.

In this scenario since the former DDOT employee was assigned to the ABC project, the employee would likely be permanently prohibited from working on this matter for the contractor. If the former DDOT employee worked on new, separate matters for the contractor, then they would most likely not implicate the District's post-employment rules.

The post-employment restrictions can be very complex and are fact-specific. Contact OGE at bega@dc.gov for lifetime post employment advice.