



# ETHICALLY SPEAKING

VOLUME 9, ISSUE 4

AUGUST 2024

## A Message from the Director

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Dearest Reader,  
The importance of an ethics and compliance program goes far beyond detecting misconduct, it actually helps us to recognize and avoid unwanted risks to the government and its reputation.

The ethics program is responsible for increasing awareness of the ethics rules, advising employees who have questions, investigating and responding to suspected misconduct, and holding employees accountable for their actions. It also promotes collaboration which fosters an ethical culture throughout each agency.

At BEGA we are on a mission to provide awareness about the ethics rules and regulations. Specifically, the rules surrounding outside activities and



**Ashley D. Cooks**  
**Director of Government Ethics**

representations, the violation of which has frequently resulted in enforcement actions against employees. We plan to increase training efforts in this area, starting

with our upcoming, annual Ethics Week conference, and later with the launch of a new training series. We will also collaborate with agencies to conduct an on-site Ask BEGA event at their office location. I believe that with the right amount of effort we can create an ethical culture that surpasses our expectations.

We will only succeed as a government when our values and commitment to ethics help us determine and shape our strategies and guide the way we go about achieving our goals.

## Upcoming Events

### General Ethics Training

8/14/24 - 1:00 pm  
[Register here](#)

9/11/24 - 1:00 pm  
[Register here](#)

10/9/24 - 1:00 pm  
[Register here](#)

### Local Hatch Act Training

9/3/24 - 1:00 pm  
[Register here](#)

10/1/24 - 1:00 pm  
[Register here](#)

### Lobbyist Registration & Reporting and E-Filing Training

9/25/24 - 10:30 am  
[Register here](#)

### Ethics Counselor Brown Bag

8/26/24 - 1:00 pm  
BEGA/OIG partnership

9/30/24 - 1:00 pm  
DC One Fund

# New and Notable

## Save the date - Ethics Week 2024

BEGA will host our annual Ethics Week October 15-18, 2024, with the theme "Empowered by Ethics." BEGA's Office of Government Ethics and Office of Open Government will lead the programming along with guest speakers on a variety of ethics and open government issues.



## Financial Disclosure Enforcement in Progress

Public and confidential financial disclosure filers who filed their statements late or who have not filed to date are subject to a \$300 fine. Notices to filers were sent on August 9th and they will have until August 26th to pay the fine before their wages are garnished. Late filers can pay the fine using [BEGA's online payment link](#).

## Ask BEGA Site Visits

Have some questions for BEGA? We can help. Talk to us about scheduling an Ask BEGA site visit for your agency. We are available for in-person visits to answer employee questions about the code of conduct.

# Enforcement Updates

## 24-0010-F In re Marcellus Willis

The Board approved a notice of violation in this matter. Respondent, a former employee of the University of the District of Columbia is charged with one count of using public office for private gain in violation of DPM § 1800.3(g) and sixteen counts of using government property for unauthorized purposes in violation of DPM § 1808.1 in connection with over \$16,000 in charges he made using a UDC purchase card. Read the notice of violation [here](#).

## 24-0056-P In re C. Lian

The Board approved a negotiated disposition with Respondent, Deputy Director of the Dept. of Buildings, for violations of DPM §§ 1807.1(a) and (b) and DC Official Code § 1-

1162.24(a)(1). Respondent held a second full-job job with during her District tour of duty, served as a member of the Falls Church City Council, failed to report her outside employment and misreported her income from the city council position. The agreement includes a \$25,000 civil penalty. Read the agreement [here](#).

## 24-0057-P In re N. Tourinho

The Board approved a negotiated disposition, a Supervisory Social Worker at the Dept. of Human Services for violations DPM §§ 1707.1(b) and (h). Respondent owned and operated an LLC and signed and submitted grant applications for the company to the Dept. of Behavior Health and communicated with DBH about the grant to

provided behavioral health services to DCPS in 2023 and 2024, including sending emails on the grant during her District tour of duty. The agreement included a \$3,000 civil penalty. Read the agreement [here](#).

## 24-0051-P In re Y. Fields

The Board approved a negotiated disposition with Respondent, an employee of the Department of Youth and Rehabilitative Services for violations of the Local Hatch Act. Respondent filed to run as a candidate for the Council, a partisan political position, and used her District government email account to send communications for her campaign. The negotiated disposition included a \$5,000 civil penalty for violations of D.C. Official Code §§ 1-1171.02(a)(2) and 1-1171.03(a) and DPM § 1808.1. Read more [here](#).

# Ethics in the News



The Supreme Court in *Snyder v. United States* held that a federal law prohibiting bribes to state and local officials does not make it a federal crime for state and local officials to accept gratuities as a thank you for past official acts. The case involved a former Indiana mayor who was in office when the city awarded contracts to a local garbage truck company and bought five garbage trucks for \$1.1 million. The company subsequently paid the mayor \$13,000 for consulting services. The mayor was convicted of accepting an illegal

gratuity. The Court held that the law distinguished between bribes - payments made or agreed to before official action to influence the action - and gratuities - payments made after official action as a reward or thank you to the public official. Note that a different federal statute than the one at issue in *Snyder* prohibits the acceptance of bribes and illegal gratuities by District officials and employees. Read the *Snyder* opinion [here](#).

President Biden has proposed reforms to the Supreme Court, including the adoption of an enforceable code of conduct. The proposed code would require that the justices disclose gifts, prohibit political activity, and require recusal if they or their have a financial or other conflict of interest. Read more about the proposal [here](#).

New Jersey Senator Robert Menendez was found guilty on multiple counts including including bribery, honest services wire fraud, extortion, obstruction of justice, conspiracy and acting as an foreign agent. Senator Menendez has resigned his seat effective at the end of August. Read more [here](#).

USOGE has issued its summary prosecutions involving the conflict of interest criminal statutes (18 U.S.C. §§ 202-209) and related statutes for calendar year 2023. District employees and public officials are subject to certain provisions of the federal criminal conflicts of interest statutes and should be familiar with their obligations under these provisions. The USOGE 2023 prosecution survey is available [here](#).

## State and Local Ethics

The Eighth Circuit Court of Appeals held that Missouri's revolving door lobbying ban is unconstitutional. The Missouri law imposed a two-year post-employment restriction on legislators and legislative staff serving as lobbyists. The three judge panel overturned a lower court ruling that upheld the ban as a way to prevent corruption. The Eighth Circuit found that the Missouri law violates the First Amendment and that Missouri failed to establish both an anti-corruption interest in passing the law and that the law was narrowly tailored to achieve that interest to justify the restrictions on speech. Read the opinion [here](#) and more about the case [here](#).

The City of Baltimore's new Health Commissioner was fired at the end of July amidst allegations that she violated the city's ethics code and reports that she is under criminal investigation in connection with her work for a city contractor. The allegations concern the commissioner's work for a contractor that held contracts with the city's health department creating a conflict of interest as well as allegations that she performed services for the organization on city time. Read more about the case [here](#) and [here](#).

A recent report indicated that candidates and elected officials currently owe the Texas Ethics Commission more than \$3.6 million in late fines. The Texas Ethics Commission enforces the state's ethics, lobbying, and campaign finance laws. The commission refers fines over \$1,000 to the Texas attorney general's office for collection. Read more [here](#).



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## Ask BEGA

**Question: I am in charge of public relations within my District agency. I field inquiries of public concerns from both citizens at large and news media questions and inquiries that concern operations, policy, or emergency needs to address certain public issues. Recently, I was contacted by an individual, who provided a research brief, along with data, to convince the agency to create bids for private community businesses to address the need. The individual also gave me a business card. Is that individual a lobbyist and should they be registered with BEGA?**

Lobbying is defined as communicating directly with District officials in the legislative or executive branch to influence



legislative action or an administrative decision. Therefore, the individual would be considered a lobbyist by the nature of their contact. The key step that determines if a lobbyist has the duty to register and report rests on whether they were paid and how much. Some other factors that may give insight on

whether the lobbyist may have been paid to contact the agency include 1) if they used an organizational email or gave an organizational business card, 2) if they make regular contact with the agency regarding public concerns and not personal or individual matters or cases, and and 3) if they argue or posit changes to policy or legislation. If any of these situations are true, the individual likely has the duty to be registered with BEGA and submit quarterly reports of their lobbying activity. Check Lobbyist Registration and Reporting [here](#).