



ETHICALLY SPEAKING

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A Message from the Director

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The month of February is one of the most exciting months of the year. There's Mardi Gras, Valentine's Day, and the celebration of African American history. It's a perfect time to celebrate African American leaders within the ethics community.

Kedric Payne serves as General Counsel and Senior Director of Ethics at Campaign Legal Center. Mr. Payne has specialized in political law for nearly twenty years in government and private practice.

Danielle Gardner Wright serves as the Director of Training and Outreach for the Philadelphia Board of Ethics. Her work includes

providing guidance and advice to City employees, officers, and external stakeholders, such as lobbyists and candidates for City elective office.



Ashley D. Cooks
Director of Government Ethics

Shana M. Broussard serves as a Commissioner for the Federal Election Commission. She previously served as an attorney in the Enforcement Division of the Office of General

Counsel and Counsel for the previous Commission Chair.

Mia Watson-Good serves as Chief Compliance Officer for the Office of Ethics and Compliance, County of San Diego.

Heather Foster serves as the Head of Public Policy for Lyft. She previously served on the transition team for the Biden-Harris administration focusing on key Cabinet nominations and in the Obama administration as White House Public Engagement Advisor.

I'd like to use this issue to congratulate these African American trailblazers.

Upcoming Events

General Ethics Training

3/13/24 - 1:00 pm
[Register here](#)

4/10/24 - 1:00 pm
[Register here](#)

Local Hatch Act Training

3/5/24 - 1:00 pm
[Register here](#)

4/2/24 - 1:00 pm
[Register here](#)

Ethics Counselor FDS Training

2/21/24 - 1:00 pm
[Register here](#)

Ethics Counselor Brown Bag

2/26/24 - 1:00 pm
Widely Attended Gatherings (WAGs)

3/25/24 - 1:00 pm
Best Practices Report

Quarterly Boards & Commissions Training

4/24/24 - 11:00 am
[Register here](#)

Lobbyist Registration & Reporting Training

3/20/24 - 10:30 am
[Register here](#)

New and Notable

UDC Law at BEGA



Pictured from left to right: Anthony Scerbo - Attorney Advisor, OOG; Marissa Jones - Attorney Advisor OGE; Ashley Cooks - Director, OGE; Darrin P. Sobin - BEGA Board member; Asia-Stewart Mitchell, Supervisory Attorney, OGE; and Louis Neal - Chief Counsel, OOG

BEGA's first in-person meeting of the year was a chance to gather the six UDC Law alums working in all aspects of BEGA - the Board, the Office of Open Government (OOG), and the Office of Government Ethics (OGE).

Financial Disclosure Season

We are at the start of a new Financial Disclosure Season. Some dates to keep in mind:

3/1/24 - Filer Lists due to BEGA

4/15/24 - Filing notices sent

5/15/24 - FDS filings due

Advisory Opinions

OGE issued a draft advisory opinion on the obligation of District employees to cooperate with ethics investigations and the prohibition against retaliating against employees who report unethical conduct or cooperate with investigations. The comment period is open until March 25, 2024. Read the draft [here](#).

In-person Ask BEGA

Ask BEGA at your agency? Contact us to schedule a BEGA attorney for an in-person ethics advice session at your office.

Enforcement Updates

24-0006-F In re David Deboer

The Board held a public adversarial hearing in this matter on January 11, 2024 and issued a Final Decision and Order on February 1, 2024.

The Board found that Respondent Deboer violated the Code of Conduct by engaging in outside employment or other activity incompatible with the full and proper discharge of his official duties and responsibilities in violation of DPM § 1807.1(b) when he held overlapping full time positions as an employee of the Department of Employment Services

(DOES) and as an employee of Enlightened, LLC working under a contract with the Criminal Justice Coordinating Council (CJCC).

The Board assessed a civil penalty of \$5,000 for each of the thirty-three months that Respondent worked for both DOES and CJCC, for a total of \$165,000. The Board also referred the matter to the Office of the US Attorney for the District of Columbia.

19-0010-F In re Dawne Dorsey

Respondent pleaded guilty to bribery in June 2019 for accepting bribes in return for giving out the

confidential, non-public Department of Housing and Community Development information and cooperating with the government's investigation. The Board dismissed the matter after Respondent's sentencing in November 2023 to 36 months probation.

23-0091-P In re C. Garris

Respondent violated the financial conflict of interest statute and the outside employment restrictions by applying for a solicitation with his agency and approving payments to his company. Respondent agreed to pay a \$15,000 fine, which was approved by the Board.

Ethics in the News



The Court of Appeals for the DC Circuit recently ruled that former President Trump is not immune from criminal prosecution for actions taken while he was in office. Trump is currently under criminal indictment in connection with actions allegedly taken to subvert the results of the 2020 election. The court concluded that presidential immunity from federal indictment would undermine our system of separation of powers.

On February 12, 2024, Trump sought a stay of the Court of Appeals decision pending his appeal of the decision to the Supreme Court. Read about the opinion [here](#) and the pending appeal [here](#).

While the Court of Appeals decision dealt with the ongoing criminal prosecution of Trump for his alleged efforts to stay in office after the 2020 election, the Supreme Court last week also heard arguments on whether the State of Colorado could disqualify Trump from the primary ballot based on his post-election actions. Relying on section 3 of the 14th Amendment, the Colorado Supreme Court concluded that Trump could not appear on the primary ballot because he engaged in

insurrection by seeking to overturn the results of the 2020 election.

Some Democratic lawmakers have called on Justice Clarence Thomas to recuse himself from the Colorado cases and other cases related to Trump's actions after the 2020 election. Those lawmakers argue that Justice Thomas should recuse given his wife's role in actions taken by Trump to overturn the results of the 2020 election. Read more about the Supreme Court argument in the Colorado ballot access case [here](#) and the recusal issue [here](#).

State and Local Ethics

Federal prosecutors in New York City charged 70 current and former employees of the New York City Housing Authority with bribery and extortion - the largest number of federal bribery charges in one day. The employees are charged with accepting \$2 million in bribes from contractors seeking to work on apartment buildings owned by the Housing Authority throughout the city. Prosecutors allege that the employees received kickbacks of 10-20% of the contract price for awarding contracts for small dollar repairs (under \$10,000) that did not go through the competitive bidding process. Read about the charges [here](#).

Former Los Angeles City Councilmember Jose Huizar was sentenced to 13 years in prison and ordered to pay \$443,905 in restitution to the City of Los Angeles and \$38,792 in restitution to the IRS in connection with accepting bribes and gifts from real estate developers. As the head of the council's Planning and Land Use Management Committee, Huizar was instrumental in approving large-scale development projects across the city. According to the plea agreement, Huizar accepted bribes and campaign contributions from developers who sought city approval for the projects. Read more [here](#).

Prohibitions against contracting with the government can play out in odd ways. Tom Kincaid, a Kannapolis, NC city council member resigned from his position on the council to allow the council to approve a grant to a nonprofit organization to purchase a nursing home owned by Kincaid. The \$3 million grant was used by the nonprofit to fund the purchase of the Kincaid property, which would be used to provide transitional housing under an agreement with the city. Kincaid resigned in December 2023 and was voted back onto the council in January 2024. Read more about this story [here](#).



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



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

Ask BEGA

Question: In my off-duty time in the evenings and on weekends, I work and serve as one of the Directors for a 501(c)(3) non-profit organization. We provide a host of activities dedicated to enriching D.C. area communities and provide activities for the youth, but need funding. Does being a District employee bar me from applying for grants administered by D.C. government agencies?

While there is not a complete bar to the organization applying for District grants, you must be careful to not violate the Code of Conduct. You are prohibited from serving as an agent or attorney for any outside entity involving any matter before the District of Columbia; see, DPM §1807.1 h. This means that District government employees cannot represent a third party, which includes private sector

organizations that you are affiliated with. Representation includes negotiation, both verbal and written, and also includes



signing off on documents or applications submitted to agencies for grants, bids, or other projects. Therefore, your organization must have some other representative or authorized agent, who is not a District government employee, to represent the organization before the District government, unless the license/permit must be applied for by the owner according to D.C. code.

Note, that it is acceptable for you to be listed in the private

company's biographical information or bid/application that states your experience or employment history, but your District government experience or affiliation should not be highlighted or stand out from your other experiences.

If your private organization ever seeks funding from your own District agency, please contact BEGA to seek guidance. You would not be able to privately work on any matters that involve the current duties or programs of your current agency. You would also need to recuse yourself in writing to your supervisor, and not participate in any decision making process regarding the application. To the extent that that would impact your ability to perform your duties for the agency, recusal alone may not be sufficient. BEGA can help you navigate these issues.