



ETHICALLY SPEAKING

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A Message from the Director

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Greetings D.C. government!
The Financial Disclosure Statement filing season is finally wrapping up. I'd like to thank the agency Ethics Counselors for their collaboration and hard work in making this season successful. You all are a pleasure to work with and truly make the filing process seamless. This year, we received statements from 4,282 public filers and 4,539 confidential filers! We are in the process of reminder late filers and our enforcement process will soon be underway. And we look forward to receiving your financial disclosure review reports.

As we finalize Financial Disclosure Statement season, political activity season is rising. The general election will occur in November and several political events will take place in the meantime.



Ashley D. Cooks
Director of Government Ethics

As such, it's imperative to remind employees of the political activity restrictions. The Hatch Act defines political activity as any activity that is regulated by the District

directed toward the success or failure of a political party, candidate for partisan political office, partisan political group, ballot initiative, or referendum. The purpose of the Local Hatch Act is to ensure that government programs are administered in a non-partisan manner. It seeks to protect employees from political coercion in the workplace, and to ensure that employees are advanced based on merit and not their political association. Employees must be mindful of the political activity restrictions while engaging in such activities or attending political events.

Upcoming Events

General Ethics Training

7/10/24 - 1:00 pm
[Register here](#)

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

Boards and Commission Training

7/31/24 - 11:00 am
[Register here](#)

Local Hatch Act Training

7/2/24 - 1:00 pm
[Register here](#)

8/6/24 - 1:00 pm
[Register here](#)

Lobbyist Registration & Reporting Training

6/26/24 - 10:30 am
[Register here](#)

Ethics Counselor Brown Bag

6/24/24 - 1:00 pm
Hatch Act Game Show

7/29/24 - 1:00 pm
Advisory Opinion Roundup

New and Notable

Advisory Opinions

OGE has issued three draft advisory opinions for public comment. The opinions are linked below and are available for public comment until July 21, 2024.

- [Social Media Use](#)
Guidance on how District employees and elected officials should properly use official social media accounts.

- [ANC Commissioners and Sign-on Letters](#)

When can Advisory Neighborhood Commissioners issue and endorse sign-on letters?

- [Post-employment - Attorney Appearance](#)
Guidance to former Office of the Attorney General employee on entering an appearance in a matter where the District is a party.

On-Demand Training

BEGA's learning management system is always available for your ethics training needs. Browse our library of courses any time day or night. You can access the the Learning Management System [here](#).



Enforcement Updates

Quarterly Complaint Summary

OGE issued a complaint summary and updated heat map for complaints closed in the second quarter of FY 2024. The documents are available on the [updated Heat Map](#) page along with data from prior quarters.

24-0051-P In re Y. Fields

The Board approved a negotiated disposition with a \$5,000 civil penalty for violations of the Local Hatch Act and the DPM. Respondent violated D.C. Official Code §§ 1-1171.02(a) (3) and 1171.03(a) by filing as a candidate for Ward 7 Councilmember (a partisan political office) and sending emails about her candidacy during duty hours. Respondent also violated DPM § 1808.1 by

using her District email for her campaign. Read the agreement [here](#).

24-0009-F In re Aretha Chapman

The Board issued a Scheduling Order and Notice of Hearing in this matter. The hearing will be held starting Sept. 12 at 2 pm and continuing into Sept. 13 as necessary. Read the [notice](#) and [order](#).

24-0006-F In re Vincent Slater

The Board dismissed a matter involving a former Office of Tax and Revenue Official who was part of a with a scheme to accept bribes to lower tax assessments for businesses in the District. Respondent was sentenced to 27 months in

prison and three years supervised release and ordered to pay restitution. Read the order [here](#).

24-0050-P In re U. Ogbue

The Board approved a negotiated disposition with a \$10,000 civil penalty for violations of DPM §§ 1807.1(b) and 1808.1. Respondent violated the rules regarding use of government resources and government property when he stored sexually explicit images and videos on his District cell phone. Read the negotiated disposition [here](#).

Ethics in the News



The Office of Special Counsel (OSC) recently issued updated guidance on enforcement of the federal Hatch Act. OSC will end its previous practice of referring potential Hatch Act violations by White House employees to the President and will now bring enforcement actions involving White House employees before the Merit Systems Protection Board as in the case of other federal employees. OSC will also consider whether to bring enforcement actions against former federal employees.

OSC will also no longer distinguish between whether items supporting a political candidate are worn before or after election day. Instead, the OSC guidance applies the year-round prohibition on wearing or displaying items such as t-shirts, hats, or mugs that reference political parties or partisan political groups to items that reference current political candidates. Read more about the updated guidance [here](#) and [here](#).

The federal Office of Government Ethics (USOGE) adopted a final rule updating the Standards for Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. part 2635. The updated standards address gifts between employees, impartiality in performing official duties, and

rules governing outside activities such as speaking, teaching, or writing or fundraising in a personal capacity. BEGA references the federal standards of conduct when interpreting provisions of the Code of Conduct applicable to District public officials and employees. Read USOGE's [legal advisory](#) and [final rule](#).

USOGE also issued a legal advisory explaining recusal obligations for federal employees who are also employed by state or local government entities. The advisory discusses the application of the financial conflicts of interest law, 18 U.S.C. § 208 and the impartiality rule at 5 C.F.R. § 2635.502. Read the legal advisory [here](#).

State and Local Ethics

The Appellate Division of the New York Supreme Court upheld a lower court ruling finding that the New York State Commission on Ethics and Lobbying in Government violated the state's constitution. Former New York Governor Andrew Cuomo brought the lawsuit challenging the constitutionality of the state's ethics commission. The commission has indicated that it will appeal the decision and states that all ethics laws remain in effect pending the appeal. Read the decision [here](#). More information about the litigation is available [here](#).

The Missouri Ethics Commission has been unable to meet since it lost a quorum back in March. Although the governor has appointed a fourth member to restore a quorum to the six-member body, the commission's executive director indicates that the four members are not able to attend meetings, leaving the commission unable to act to enforce the state's campaign finance and ethics laws. The executive director's term expires at the end of July, just days before the state's August 6 primary election. The four members of the commission will need to meet to name a replacement. Read more [here](#).

Concerns about potential conflicts of interest may impede the city of San Francisco's efforts to bring giant pandas to the city's zoo. The San Francisco Board of Supervisors voted to postpone consideration of a request from the city's mayor that would allow city departments to fundraise for the estimated \$25 million in costs for a new enclosure and infrastructure upgrades to the San Francisco zoo. Supervisors raised concerns about fundraising while the city was cutting millions from its budget, as well as concerns about fundraising from companies with city contracts. Read more [here](#).



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



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Ask BEGA

What violations of the Code of Conduct does BEGA see the most?

BEGA is seeing a significant increase in outside activity violations. Violations of DPM § 1807, et seq. constitute about 25% of our active investigations.

There are a host of outside employment prohibitions to which District employees are subject. The prohibitions are codified in [DPM § 1807](#) and include a prohibition against engaging in outside activity that interferes with job performance, a prohibition against using government time or resources for outside business, a prohibition against ordering, directing or requesting that a District employee use government time or resources for outside business

a prohibition against maintaining a financial interest in an outside entity if there is a likelihood that entity will have business with the



District, a prohibition against engaging in outside activity which permits you to capitalize on your District government title or position, a prohibition against divulging any official government information to unauthorized parties, a prohibition against engaging in outside activity that might impair the employee mental or physical capacity, and finally a prohibition against outside activity that is in violation of District or federal law.

The most common outside activity violations we see are 1) people doing outside work during their District government tour of duty; and 2) people representing their outside companies or employers before District government agencies, this includes signing and submitting documents (such as contracts) to the District.

If you have an outside business or have a question about your outside activity, contact us at bega@dc.gov for ethics advice.