



ETHICALLY SPEAKING

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A Message from the Director

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Two employees walk into an agency. Employee A tells employee B that he's voting for Mayor Bowser in the upcoming election and plans to make a contribution to her campaign. Employee A pulls out his cell phone and shows employee B the Mayor's campaign website and the instructions for donating to the campaign. Employee A urges employees B to make a donation then explains why it's a great idea to vote for the Mayor. Despite the immense pressure employee B informs employee A that he's the agency's ethics counselor and employee A has just violated the Local Hatch Act.

This scenario starts out like a bad, off-hand joke but the conclusion is no laughing matter. Actions that occur during the

course of a simple conversation can result in punitive consequences. At BEGA, we stress the importance of knowing and practicing the ethics and political



Ashley D. Cooks
Director of Government Ethics

activity rules.

As we take the final lap into this election season, employees must be mindful of complying with the Local Hatch Act restrictions. The purpose of the Hatch Act is to ensure that government pro-

grams are administered in a non-partisan manner, to protect employees from political coercion in the workplace, and to ensure that employees are advanced based on merit and not their political association. Therefore, and unlike employee A, employees shall not engage in political activity while on duty (teleworking), in a government building, while wearing a uniform or insignia, or using a government vehicle. See [BEGA's Hatch Act guidance](#).

* Special thanks to everyone who attended Ethics Week 2022! I especially thank the staff and presenter who provided important information on "Ethics in Practice."

Upcoming Events

General Ethics Training

11/9/22 - 1:00 pm

12/14/22 - 1:00 pm

Register for [Ethics Training](#)

Hatch Act Training

11/1/22 - 1:00 pm

Register for [Hatch Act Training](#)

Ethics Counselor

Brown Bag

10/31/22 - 1:00 pm

Scary Ethics Stories

11/26/22 - 1:00 pm

Gifts

New and Notable

Ethics Week

BEGA wrapped up another successful week of ethics and open government programming during **Ethics Week 2022**. The teams at the Office of Government Ethics (OGE) and Office of Open Government (OOG), along with ethics professionals and industry experts reviewed the current rules, looked forward to future developments, and thought about what being ethical means. If you missed the programs, you can find the Ethics Weeks presentations and sessions on [BEGA's YouTube](#).



New Advisory Opinions

Two new Advisory Opinions are now available: [Outside Employment and Private Representations](#) and [Local Hatch Act and Fundraising](#). The opinions were issued by the Director of Government Ethics to clarify common questions that arise regarding outside employment and the Local Hatch Act. The opinions have been published on our website as drafts while we await the end of their 30-day comment periods in the DC Register. If you have any comments on the draft opinion, contact us at bega@dc.gov.

Under Construction

The BEGA website is undergoing renovations. If you attended the Ethics Week presentation on Campaign Legal Center Transparency Upgrades for Ethics Commissions, you received a preview of the new BEGA website redesign now in progress. We are working to make the site a more accessible one-stop resource for ethics and open government information for District employees, residents, and anyone interested in these issues. Stay tuned for more information as we look toward the launch of the new home for BEGA!

*Outside activities
should not conflict
with official duties
for the District*

Enforcement Updates

22-0013-P In re. K. Dobson

Respondent violated DPM § 1800.3(j) (seeking employment that conflicts with official duties) by submitting a job application to a company that had a bid proposal pending with his agency where his official duties involved evaluating the company's bid. Respondent agreed to pay a \$1,200 fine to resolve the matter. The negotiated disposition approved by BEGA's board is available [here](#).

21-0077-P In re C. Thornton

Respondent violated DPM § 1808.1 (unauthorized use of government property) by using his District government office to conduct business for his outside consulting company and violated DPM § 1807.1(h) (serving in a representative capacity for an outside entity involving a matter before the District). He agreed to pay a \$3,000 fine to resolve the violations. The negotiated disposition is available [here](#).

Ethics in the News



The U.S. Office of Government Ethics (USOGE) issued its **2021 Conflict of Interest Prosecution Survey** earlier this year. The annual survey highlights prosecutions involving the federal conflict

of interest criminal statutes found at 18 U.S.C. §§ 202-209. The survey highlighted prosecutions involving violations of 18 U.S.C. § 205 (unauthorized representation of claims against the government) and 18 U.S.C. § 208 (conflict of interest), as well as the federal financial disclosure requirements of the Ethics in Government Act, and matters involving charges of bribery (18 U.S.C. § 201), false statements (18 U.S.C. § 1001), and conspiracy (18 U.S.C. § 371). You can read the USOGE survey [here](#).

District employees should be mindful that DPM § 1811.1 provides that they are subject to the provisions of 18 U.S.C. § 207 (post-employment) and that DPM § 1811.2 provides that District employees and public officials are subject to certain provisions of the federal criminal conflict of interest provisions set forth at 18 U.S.C. §§ 201-216.

For more information about the application of the federal conflict of interests statutes to District employees, contact BEGA.

State and Local Ethics

The Department of Justice charged a former Maui County public official and a Honolulu businessman with honest services fraud in connection with an alleged bribery scheme. The Maui public official was charged with accepting cash, bank deposits, casino chips, travel, and other gifts valued at up to \$2 million to steer over \$19 million in contracts and purchase orders to the business-

man's company. Read more about the charges [here](#).

A former City of Atlanta Director of Human Services was sentenced to 14 years in federal prison and ordered to pay restitution for accepting approximately \$3 million in bribes to influence government contracts. From 2010-2014, the former Atlanta official accepted more than \$2.9 million in bribe

money to steer at least \$15 million in government contracts. To conceal her financial relationship with the company paying her, the official lied to the City of Atlanta by claiming on her required financial disclosure filing that she did not receive any outside earned income. Information on the bribery scheme and related charges can be found [here](#).

Inside the Mirror

Ethics touches many aspects of business functions. Business functions may trigger stress in our well-being; therefore, managing stress is necessary to conduct business. Managing stress is also important in ethical decision making. There will be moments in our careers where we will have to manage our stress to conduct our business ethically. To delve into this topic, let's define stress. Stress is a state of mental

strain caused by adverse circumstances or physical pressure. High stress will likely cause anxiety which may signal our sense of fight, flight, or a freeze in action. As we will learn in life, a business decision made under high stress is not often a good one.

To counteract stress, one should focus on a rational function. The perceived weight of stress when weighed on a rational scale be-

comes much lighter. That same rational function is applied to ethical decision making. In essence, we must practice taking a moment to reflect on situations that test our stress responses and not give into the emotions of the moment. In this practice, we should find that discovering healthy ways to manage our stress will result in more ethical decision making in business.





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

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

For more information about BEGA you can find us at:



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

Ask BEGA

Question: Are Holiday Gifts at Work, okay?

Yes, holiday gift giving and receiving at work is okay in certain limited circumstances. The exception to the general prohibition against giving gifts to official superiors and/or employees earning a higher salary is usually triggered when the holiday season comes around. This is because gift-giving holidays are occasions which gifts are traditionally given or exchanged. Supervisors are always prohibited from coercing subordinates to make or contribute to a gift. However, if you want to give a holiday gift to an official superior or an employee earning more than you during the holidays, you may do so as long as: (1) it is a non-cash gift that does not have an aggregate value of over \$10; (2) in the case of food and refreshments, it can

be shared in the office among several employees; (3) any personal hospitality provided at a residence is of a type customarily provided by the employee to personal friends; and/or, (4)



items given in connection with personal hospitality are of a type and value customarily given on such

occasions.

It is generally permissible for employees who have a personal relationship outside of work (like a god-parent), or who are not in a subordinate-supervisor relationship, to give and accept gifts.

Gifts should never be given or solicit-

ed to induce a professional advantage. Further, gifts should never be accepted from prohibited sources unless it is from someone with whom the employee has a personal or familial relationship or it is in the form of free attendance to a "widely attended gathering" like a gala or a dinner. Employees may accept free attendance at widely attended gatherings only when their attendance is in the interest of the agency, as determined by the Mayor or designee, in writing, because it will further agency programs and operations.

Solicitation for charitable causes is common during the holidays. However, solicitation of individual employees for gifts or donations is prohibited.

Contact OGE at bega@dc.gov for advice about gifts.