



# ETHICALLY SPEAKING

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## A Message from the Director

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THE HOLIDAY SEASON  
The holiday season -- a time for good cheer!  
For egg nog, for parties, for friends to be near.  
But I must be careful  
Lest I accept free  
A gift not permitted, no matter how wee.  
Title 6B of the DCMR Explains in detail the relevant bar.  
It defines the term gift to mean all things worth money. That's NBA tickets or jars full of honey.  
Some gifts may be taken but some are verboten.  
The source is the key -- it's the rule that I'm quotin'.  
When from me or others  
The source seeks some act,  
I must find an exception or I could be sacked.

Even others who give can cause problems for me.  
If my job prompts the giving -- my position, you see.  
But lucky for me,



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

Some exceptions exist.  
They're in DPM 1803.5 and they should not be missed.  
I can pay market value if the gift I do like,  
Or I can at my option say "go take a hike."

I can always say no,  
But I need not decline.  
If worth tenor less then the gift can be mine.  
For gifts that a friend or my sister might send,  
The rules recognize I don't want to offend.  
Regardless of value,  
It only must be  
That their motive to give wasn't business, but me.  
So go forth with good cheer and know there's no reason.  
To think that the gifts rules will ruin your season!

## Upcoming Events

### General Ethics Training

1/10/24 - 1:00 pm  
2/14/24 - 1:00 pm  
[Register here](#)

### Hatch Act Training

1/2/24 - 1:00 pm  
2/5/24 - 1:00 pm  
[Register here](#)

### Quarterly Boards and Commissions Training

1/31/29 - 11:00 am  
[Register here](#)

### Ethics Counselor Brown Bag

1/29/24 - 1:00 pm  
Ethics Scary Stories

### Lobbyist Registration & Reporting Training

12/20/23 - 10:30 am  
[Register here](#)

# New and Notable

## Updated 2024 Trainings

Look out for BEGA's new calendar of trainings for 2024. In addition to the Monthly Ethics Trainings Quarterly Boards and Commissions Training, and Lobbyist Training, BEGA is offering monthly Hatch Act Trainings.

Dates, times, and how to join the trainings will be posted on the BEGA website and on the specific training pages.

Click the links below for more information and to register for training:

[Code of Conduct](#)

[Hatch Act](#)

[Board and Commission](#)

[Lobbyist](#)

## BEGA Office Move

BEGA has moved from One Judiciary Square to our new offices at 1030 15th Street, NW, Suite 700.



# Enforcement Updates

## 23-0092-P In re C McLaughlin

The Board approved a negotiated disposition with Respondent, an employee with the Department of Human Services, for violations of DPM §§ 1800.3(j), 1807.1 (a), b, and (h) for engaging in outside employment during her tour of duty, representing an outside entity before the District and seeking negotiating for employment what conflicts with her District service.

The agreement includes a \$7,000 civil penalty and requirement to attend ethics training. Read the agreement [here](#).

## 23-0006-F In re David Deboer

The Board is scheduled to hold an open and adversarial hearing in this matter on January 11, 2024 at 2:00 pm at 1030 15th Street NW, Suite 700.

# Ethics in the News



The U.S. Office of Special Counsel (OSC) issued an opinion on whether the Hatch Act restricts discussions about the conflict between Israel and Hamas. The OSC advisory opinion notes that the Hatch Act restricts federal employees engaging in “political activity” while on duty or in the federal workplace. The opinion distinguishes between “political activity,” which is activity directed toward the success or failure of a domestic political party, partisan political group, or

candidate for partisan political office and discussion of issues that are not specifically identified with a political party or partisan political group.

The opinion also notes that the Hatch Act prohibitions do not apply to discussion of foreign political parties, groups, candidates, or elections. Federal employees should continue to be mindful that discussion should be limited to the underlying issues and not extend to promoting or opposing political parties or candidates based on their position on these issues while on duty and in the workplace. Read the advisory opinion [here](#).

OSC also announced an initial decision in the matter of an employee with the Department of Veterans Affairs (VA) who ran for partisan election for Governor of Illinois and was charged with knowingly soliciting, accepting, and receiving political contributions. OSC charged the employee with two Hatch Act violations and an Administrative Law Judge (ALJ) with the Merit Systems Protection Board found that OSC proved both violations. The ALJ ordered the employee removed from her position with the VA and issued a two-year debarment from federal employment. Pending employee appeal, the ALJ decision will become final on January 9, 2024.

The Supreme Court adopted a new Code of Conduct for justices. Read the new Code of Conduct [here](#).

## State and Local Ethics

BEGA, led by Office of Open Government Director Niquelle Allen and Office of Government Ethics Director Ashley Cooks, attended the Council on Governmental Ethics Laws (COGEL) 45th Annual Conference in Kansas City, Missouri, earlier this month. We were able to meet up with ethics and open government officials from across the United States and Canada and learn more about the issues facing officials in other jurisdictions.





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## Ask BEGA

**Question: I am a supervisor at a District agency and recently staff have been discussing wanting to lose weight for their new years resolution. They believe that incorporating healthy habits into their lives will increase their productivity and energy while in the office. I agree!**

**I spoke with the agency Director about creating a New Year's weight loss contest that would begin December 27th and end January 30, 2024. The contest would be optional and open to all employees. The top three winners would win a cash prize. To participate employees would need to donate \$35. When I discussed this with the Director, she told me to double check the ethics rules.**

### Is this competition ok to do?

Yes – But you must make some changes.



A competition where a prize is awarded at the end is not permissible if non-participating employees are excluded. The contest you describe constitutes gambling on government property, because consideration has been paid (a monetary donation), in a game of chance (you may or may not win), for a prize with some value (cash).

Section 1800.3 (n) of the Code of Conduct states that employees shall not take actions creating the appearance that they are violating the law or the ethical standards set forth in this chapter.

Any contest that you hold at your agency would only be permissible if it is open to all employees regardless of whether they donate.