



# ETHICALLY SPEAKING

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## A Message from the Director

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Greetings D.C. government! The weather has finally changed and summer is around the corner! Financial Disclosure Season is wrapping up and the nation's political climate is increasing. As such, it's never too early for a reminder on the political activity restrictions set forth by the Local Hatch Act.

At all times, employees are prohibited from engaging in political activity that relates to a local or federal election while on duty. This restriction extends to social media posts and while teleworking.

The purpose of the 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



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

workplace, and to ensure that employees are advanced based on merit and not their political association.

Except for elected officials and employees of the courts, all employees are covered by the Local Hatch Act. The Hatch Act is not a complete bar for employees engaging in political activity, but it sets boundaries on certain activities and the manner in which employees can engage in those activities. These boundaries guarantee the separation between government operations and politics.

Check out our website for more Hatch Act [information](#).

## Upcoming Events

### General Ethics Training

7/12/23 - 1:00 pm  
[Register here](#)

8/9/23 - 1:00 pm  
[Register here](#)

### Ethics Counselor Brown Bag

6/26/23 - 1:00 pm  
Hatch Act

7/24/23 - 1:00 pm  
Lobbying

### Lobbyist Registration & Reporting Training

6/28/23 - 10:00 am  
[Register here](#)

### Boards and Commissions Quarterly Training

7/26/23 - 11:00 am  
[Register here](#)

# New and Notable



## Financial Disclosure

Ethics Counselors were due to submit Financial Disclosure Review Reports (“FDRR”) to BEGA on June 1st. So far, we have approximately 70% compliance. In the coming weeks we will begin our Financial Disclosure enforcement and audit processes. Those who are required to file a Financial Disclosure Statement (“FDS”) but failed to timely do so will incur a \$300 fine and may face additional enforcement action until they [complete their FDS filing](#).

## BEGA website relaunch

The new BEGA website is up and running. Visit [www.bega.dc.gov](http://www.bega.dc.gov) to see all the updated resources.



## Final Advisory Opinions

BEGA has issued two new final advisory opinions. Click below to read the opinions:

- [Guidance on Recusal](#)
- [Guidance on the Financial Disclosure Filing Process](#)

## Welcome new BEGA team members!

Kevin Brown, BEGA's new IT Specialist, is a proud graduate of Bowie State University. Kevin comes to BEGA with experience working in both the private sector and government.

Hunter Galpin joins BEGA as a legal intern. Hunter is a graduate of Siena College and a rising 2L at the University of the District of Columbia's David A. Clarke School of Law.

Welcome Kevin and Hunter to BEGA!

# Enforcement Updates

## 23-0029-P In re L. Samuels

Respondent, a former employee of the Dept. of Employment Services violated DPM §§ 1800.3(j) and 1807.1(b) when he applied for employment with a vendor that did business with his agency and worked for the vendor while still employed by DOES. The Board approved a \$1,500 civil penalty for the violations. Read more [here](#).

## 23-0046-P In re B. Smith

Respondent, a DCPS employee responsible for special education compliance, violated DPM § 1800.3 by attending an

Individualized Education Plan meeting on behalf of a parent of a student with special needs and engaging in a manner that DCPS officials founds to be intimidating given her position. The Board approved a public reprimand in this matter. The agreement is available [here](#).

## 23-0005-F In re Larry Garrett

The Board approved a formal public investigation of a Metropolitan Police Department officer charged with voyeurism for taking unauthorized pictures of a witness while serving a warrant.

## 22-0072-P In re A. Bell

The Director imposed a \$2,500 ministerial fine for violations of DPM §§ 1800.3(g) and 1808.1. Read the amended order [here](#).

## 23-0007-P In re K. Barnes

The Board approved a \$2,500 civil penalty for Respondent, a former Program Manager at the Office of Neighborhood Safety and Engagement. While employed by ONSE, Respondent approved payments to a non-profit organization where she served as an independent contractor in violation of the financial conflicts of interest provision of D.C. Official Code § 1-1162.23(a). Read the agreement [here](#).

# Ethics in the News



While the 2024 general election may be almost a year and a half away, federal candidates are already engaged in campaign activity, especially on the presidential level. The federal Office of Special Counsel (OSC) has been busy advising on the rules that apply to campaign activity.

As both President Biden and former President Trump are candidates in the 2024 presidential election, OSC recently issued an advisory opinion regarding the use of

presidential campaign slogans for official purposes. The OSC opinion distinguishes between purely campaign slogans (for example, "Finish the Job," "MAGA," or "Make America Great Again"), which are prohibited on duty or in official facilities, and phrases such as "Build Back Better" which originated as a campaign slogan, but is now used to brand official initiatives or programs.

News reports indicate that OSC concluded that White House Press Secretary Karine Jean-Pierre violated the Hatch Act by repeatedly using the term "mega MAGA Republicans" in official briefings before the 2022 midterms. Read more [here](#).

OSC has also continued to investigate potential violations of the Hatch Act, recently issuing a

report detailing knowing and willful violations of the Hatch Act by Rachel Rollins, then the U.S. Attorney for the District of Massachusetts. OSC concluded that Rollins intentionally ignored advice and attended a political party fundraiser in her official capacity and leaked non-public information about a Department of Justice investigation in an attempt to sabotage the campaign of a political candidate. Read OSC's report [here](#).

OSC also reached settlement agreements with two federal employees for violations of the Hatch Act. Both employees, a Department of Labor political appointee and a Department of Veterans' Affairs employee accepted suspensions without pay for the Hatch Act violations. Read more [here](#).

## State and Local Ethics

Texas Attorney General Ken Paxton has been impeached by the Texas House of Representatives after multiple investigations into whether Paxton misused his office and retaliated against whistleblowers who alleged that Paxton used his office to help a campaign donor. Paxton's impeachment resulted in his removal from office while he awaits trial by the Texas Senate. Paxton is currently also under indictment for state securities fraud and is the subject of a federal investigation in connection with the whistleblower allegations. Read more [here](#).

Strict pay-to-play laws in Philadelphia appear to be limiting contributions from major law firms to candidates in the city's mayoral race. Philadelphia laws limit the amount that businesses and their employees can donate to candidates before they are no longer eligible for city contracts. The limits in Philadelphia apply to a broader group of individuals than comparable limits in New York City and Chicago, resulting in companies needing to police contributions from a greater number of individuals to avoid triggering the restrictions on city contracts. Read more about the Philadelphia law [here](#).

City officials in Anaheim oversee venues where local pro sports teams play and other events are held. As a result, officials have access to thousands of tickets each year for events at these venues. Given the role of city officials in overseeing the negotiation of leases with the pro franchises, the availability of tickets for use by city officials and staff has raised some concerns about potential conflicts of interest. Meanwhile, the City Council is wrapping up an investigation into the role of the city's former mayor in a proposed sale of the stadium where the Anaheim Angels play, which is also the subject of an ongoing federal corruption and bribery investigation. Read more [here](#) and [here](#).



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## Ask BEGA

**Question:** What are the rules regarding fundraising in the workplace?

District government employees should avoid fundraising during their District government tour of duty and avoid using any District government resources. Donation boxes, sign-up sheets, and other fundraising materials, however, are permissible in the office. The items must be placed in a common area in the office to avoid the appearance of employees giving the items or funds as gifts to a specific employee. The initiator of the fundraising cannot be in a management position. It is important to avoid the appearance that items or funds being collected are expected from employees. Any giving must be done voluntarily. The names of outside entities, whether

whether sponsoring or benefitting from the fundraising, cannot be placed on the donation boxes. It is important to avoid the



appearance of using public office for the private gain of a specific outside entity.

An employee cannot solicit donations to a fundraiser or purchases from a fundraising catalog of items from each individual employee. As mentioned before, placing sign-up sheets in the office is permissible, and a common area may be the best space for this. It is important to avoid the possibility of a superior soliciting a

subordinate for donations or purchases.

An employee fundraising in a personal capacity via social media may engage in a fundraising event not sponsored by the government but may not allow his or her title, position, or any authority connected with the District government to further the fundraiser. The employee may not solicit funds or other support from subordinates or prohibited sources and the fundraising must be done outside their tour of duty. District government employees cannot associate the District with any fundraiser or cause unless this kind of action is specified in the agency's enabling statute or mission.