

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY**



Office of Government Ethics

In Re: A. Shakeri
Case No.: 16-0043-P

NEGOTIATED DISPOSITION

Pursuant to section 221(a)(4)(A)(v)¹ of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 ("Ethics Act"), effective April 27, 2012 (D.C. Law 19-124, D.C. Official Code § 1-116.1.01 *et seq.*), the Office of Government Ethics ("the Office" or "OGE") hereby enters into this Public Negotiated Disposition with the Respondent, A. Shakeri. Respondent agrees that the resulting disposition is a settlement of the above-titled action, detailed as follows:

I. FINDINGS OF FACT

Respondent has worked as a District government employee since April 5, 2004. In 2016, Respondent was a Supervisory Civil Engineer for the District Department of Transportation ("DDOT"). Between April 2013 and May 2014, Respondent filed two financial disclosure statements with OGE regarding his financial interests, activities and relationships for Calendar Years 2012 and 2013. During the years in question, Respondent indicated on his financial disclosure statements that he had no outside business interests and that he did not receive outside income in excess of \$200. Specifically, on April 17, 2013, Respondent submitted a 2012 Public Financial Disclosure Statement ("PFDS") in which he failed to disclose his outside business dealings and income. Further, on May 28, 2014 Respondent submitted a 2013 PFDS in which he failed to disclose his outside business dealings and income. In fact, Respondent engaged in outside business in both of the reporting years and earned approximately \$170,000 from those outside activities.

Due to the inaccurate responses he provided on these two Public Financial Disclosure Statements, Respondent was arrested on May 17, 2016 by agents of the District of Columbia Office of the Inspector General ("OIG") while at his DDOT office and charged with making false statements.

Ultimately, Respondent entered an agreement to complete community service hours under a diversion program. Respondent successfully completed the diversion program and the D.C. Superior Court dismissed the case *nolle diversion* per the agreement.²

¹ Section 221(a)(4)(A) of the Ethics Act provides, in pertinent part, that "[i]n addition to any civil penalty imposed under this title a violation of the Code of Conduct may result in the following. . . Any negotiated disposition of a matter offered by the Director of Government Ethics, and accepted by the respondent, subject to approval by the Ethics Board."

² D.C. Superior Court Docket #2016-CMD-007451-Unites States vs. A. Shakeri

II. NATURE OF VIOLATIONS

Respondent's conduct is in violation of the District Code of Conduct, as set forth below:

- ❖ Count One: Failing to submit a full and complete financial disclosure statement in violation of D.C. Official Code § 1-1162.24(a)(1)).
 - On April 17, 2013 Respondent submitted a 2012 Public Financial Disclosure Statement on which he failed to disclose his outside business dealings and income.
- ❖ Count Two: Failing to submit a full and complete financial disclosure statement in violation of D.C. Official Code § 1-1162.24(a)(1).
 - On May 28, 2014 Respondent submitted a 2013 Public Financial Disclosure Statement on which he failed to disclose his outside business dealings and income.

None of the above-referenced actions were authorized by the District of Columbia.

Respondent accepted full responsibility for his actions when meeting with OGE employees to resolve this matter.

Moreover, by agreeing to settle this matter via a negotiated disposition, Respondent will allow OGE to avoid expending significant time and resources to litigate this matter through a contested hearing, and to focus its finite resources on other investigations.

III. TERMS OF THE NEGOTIATED DISPOSITION

Respondent acknowledges that his conduct violated the District Code of Conduct. Respondent agrees to pay a total fine in the amount of **\$1,000.00**, to resolve these violations of the District Code of Conduct, in accordance with the following terms and conditions:

1. Respondent agrees to satisfy his fine (\$1,000.00) by tendering one payment of \$1,000 to OGE.
2. Respondent agrees to amend his 2013 and 2014 Public Financial Disclosure Statements (if he has not already done so), on or before July 8, 2019, so that those documents are true, accurate, complete, and correctly reflect all of his outside business interests during Calendar Years 2012 and 2013;
3. Respondent agrees to respond truthfully and completely to each of the questions on all future Financial Disclosure Statements he may be required to submit in the District; and
4. Respondent agrees to attend a full OGE ethics training on or before October 1, 2019 and provide OGE with proof of attendance.

Additionally, Respondent promises not to engage in such conduct in the future. In consideration of Respondent's acknowledgement and agreement, OGE will seek no further remedy and will take no further action related to the above misconduct.

Respondent acknowledges and understands that this Negotiated Disposition is only binding upon himself and OGE in resolution of his violations of the Code of Conduct that applies to District government employees and public officials. Respondent acknowledges and understands that OGE does not have the authority to bind any other District or federal government agency to this agreement. Respondent further acknowledges and understands that notwithstanding the terms of this Negotiated Settlement, his conduct described hereinabove may also subject him to the imposition of penalties by other government agencies who are not bound by the terms of this agreement whatsoever.



A. Shakeri
Respondent

6/4/19

Date

Respondent agrees to pay the \$1,000.00 by submitting a one time payment of \$1,000 to OGE within 30 days of the signing of this document. Respondent acknowledges that he is solely responsible for satisfying the fine amount.

Respondent understands that if he fails to pay the full \$1,000.00 fine in accordance with the terms set forth hereinabove, pursuant to section 221(a)(5)(A) of the Ethics Act (D.C. Official Code § 1-1162.21(a)(5)(A)), the Ethics Board may file a petition in the Superior Court of the District of Columbia for enforcement of this Negotiated Disposition and the accompanying Board Order assessing the fine. Respondent agrees that this Negotiated Disposition is not just an admission of wrongdoing, but constitutes various factual admissions by him that may be used in any subsequent enforcement or judicial proceeding that may result from his failure to comply with this agreement. Respondent also understands that, pursuant to section 217 of the Ethics Act (D.C. Official Code § 1-1162.17), he has the right to appeal any order or fine made by the Ethics Board. Nonetheless, Respondent knowingly and willingly waives his right to appeal the accompanying Board Order assessing the \$1,000.00 fine in this matter in exchange for the concessions made by this Office in this Negotiated Disposition.

Respondent further understands that if he fails to adhere to this agreement, OGE may instead, at its sole option, recommend that the Ethics Board nullify this settlement and hold an open and adversarial hearing on this matter, after which the Ethics Board may impose sanctions up to the full statutory amount (\$5,000.00 per violation) as provided in the Ethics Act for each violation.³ Because the Office is, at this time, foregoing requesting that the Ethics Board hold an open and adversarial hearing on this matter, Respondent waives any statute of limitation defenses should the Ethics Board decide to proceed in that matter as a result of Respondent's breach of this agreement.

The mutual promises outlined herein constitute the entire agreement in this case. Failure to adhere to any provision of this agreement is a breach rendering the entire agreement void. By our signatures, we agree to the terms outlined therein.

³ Section 221(a)(1) (D.C. Official Code § 1-1162.21(a)(1)).

The mutual promises outlined herein constitute the entire agreement in this case. Failure to adhere to any provision of this agreement is a breach rendering the entire agreement void. By our signatures, we agree to the terms outlined therein.

[REDACTED]

SHAKERI
Respondent

6/4/19
Date

B. Wolfingbarger
BRENT WOLFINGBARGER
Director of Government Ethics

6-6-2019
Date

This agreement shall not be deemed effective unless and until it is approved by the Board of Ethics and Government Accountability, as demonstrated by the signature of the Chairman below.

APPROVED:

Norma B. Hutcheson
NORMA HUTCHESON
Chairperson, Board of Ethics and Government Accountability

6-6-2019
Date

#1634-001
BW/ASM/IC

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Office of Government Ethics



IN RE: A. Shakeri

Respondent

CASE No.: 16-0043-P

ORDER

Based upon the mutual representations and promises contained in the Negotiated Disposition approved by the Board herein on June 6, 2019, and upon the entire record in this case; it is, therefore

ORDERED that Respondent pay a civil penalty in the amount of ONE THOUSAND DOLLARS.

This Order is effective upon approval by the Board of Ethics and Government Accountability, as demonstrated by the signature of the Chairperson below.

NORMA HUTCHESON
Chair, Board of Ethics and Government Accountability

Date