

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



Office of Government Ethics

In Re: M. Brown
Case No.: 1032-002

PUBLIC 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 § 1-1161.01 et seq.), the Office of Government Ethics ("OGE") hereby enters into this Public Negotiated Disposition with the Respondent, M. Brown. Respondent agrees that the resulting disposition is a settlement of the above-titled action, detailed as follows:

I. FINDINGS OF FACT

Respondent has been a member of a District Board since [REDACTED]. The Board for which the Respondent is a member is identified in Section 2(e) of the Confirmation Act of 1978 ("Confirmation Act"), effective March 3, 1979 (D.C. Law 2-142, D.C. Official Code § 1-523.01(e)). The Prohibition on Government Employee Engagement in Political Activity Act of 2010 ("Local Hatch Act"), effective March 31, 2011 (D.C. Law 18-335, D.C. Official Code 1-117.01 et seq.), which limits the political activity of District employees, defines an employee as including members of boards and commissions nominated pursuant to section 2(e) of the Confirmation Act. Accordingly, the Respondent is considered an employee for purposes of the Local Hatch Act.

Respondent is also the President and CEO of a private entity. On September 13, 2016, Respondent emailed clients of the private company, none of whom were contractors with his Board, in particular, and the District of Columbia, in general. The email advertised a fundraising event the Respondent and others would be hosting for a candidate for a partisan political office. During his interview with OGE staff, Respondent indicated that he did not play a role in accepting or receiving political contributions. He indicated further that the candidate's staff collected political contributions at the event.

II. NATURE OF VIOLATIONS

Respondent's conduct violates D.C. Official Code § 1-1171.02(a)(2), which states: an employee shall not "[k]nowingly solicit, accept, or receive a political contribution from any person, except if the employee has filed as a candidate for political office." Respondent violated D.C. Official

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."

Code § 1-1171.02(a)(2) when he hosted a fundraiser on behalf of the candidate for a partisan political office, which resulted in the solicitation of political contributions.

III. TERMS OF THE NEGOTIATED DISPOSITION

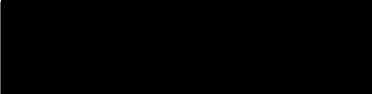
Respondent acknowledges that his conduct violated the District Code of Conduct when he hosted a fundraiser on behalf of the candidate for a partisan political office. Respondent agrees to pay a fine in the amount of **\$500.00** and promises not to engage in such conduct in the future. In return for Respondent's acknowledgement and promise, the Office will not seek any further remedy or take any further action relating to the above misconduct. Respondent understands that the **\$500.00** fine is due upon the full execution of this Public Negotiated Disposition. Payment will be accepted by money order, made out to the D.C. Treasurer, and provided to the Office of Government Ethics.

Respondent also understands that if he fails to pay the \$500.00 fine in the manner and within the time limit provided above, 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 further understands that if he fails to adhere to this agreement, the Office 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 per violation) as provided in the Ethics Act for each violation. 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 manner as a result of Respondent's breach of this agreement.

The mutual promises outlined herein constitute the entire agreement in the above-titled action. By our signatures, we agree to the terms outlined herein.

[Signatures on Following Page]



M ■ Brown

11/02/2016
Date


Darrin P. Sobin
Director of Government Ethics

11/3/16
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:

Robert J. Spagnoletti
Chairman, Board of Ethics and Government Accountability

11/3/16
Date

#1032-002

DS/BF/RC