

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



Office of Government Ethics

In Re: Y. Alexander
Case No.: 1311-002

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, Y. Alexander. Respondent agrees that the resulting disposition is a settlement of the above-titled action, detailed as follows:

I. FINDINGS OF FACT

Respondent is a member of the Council of the District of Columbia. She has represented Ward 7 on the Council since 2007. Her assignments on the Council have included chairing the Committee on Aging and Community Affairs from 2009 through 2010, the Committee on Public Services and Consumer Affairs from 2011 through 2012, and she currently serves as Chair of the Committee on Health with responsibility for oversight of the Department of Health, Department of Health Care Finance, Department of Behavioral Health, Health Professions, Boards and Licensing.

Section 224 (a) of the Ethics Act (D.C. Official Code § 1-1162.24 (a)(1)), provides, in pertinent part, that each public official (including elected officials), shall "file annually with the Ethics Board a public report containing a *full and complete* statement" of:

(A) The *name of each business entity*, including sole proprietorships, partnerships, trusts, *nonprofit organizations*, and corporations, whether or not transacting any business with the District of Columbia government, in or from which the public official or his or her spouse, domestic partner, or dependent children:

(iii) Serves as an officer, director, partner, employee, consultant, contractor, volunteer, or in any other formal capacity or affiliation

It was brought to the OGE's attention through media sources that Respondent may have taken an action to benefit a nonprofit without disclosing her membership on the board of the nonprofit.² That allegation was not substantiated. However, during the course of the investigation it was confirmed that during at least two of the reporting periods, she was a member of the Board of

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 See, Washington City Paper: *Alexander Fundraised with Council Letterhead without Disclosing Board Membership* <http://bit.ly/1Z5JU4Z>.

Directors of two nonprofits that she had not listed on her public financial disclosure statement (PFDS). Respondent has acknowledged that during calendar year 2012 and 2013, she was a member of the boards of the Washington Tennis and Education Foundation, and the Take Charge Program. This admission is corroborated by her own website that listed her board membership, the website of both entities, IRS 990 tax filings, and other statements attributed to the Respondent.

Respondent has filed public financial disclosure statements for calendar year 2012 through 2015. None of these statements disclosed membership on any entity for which she served as an officer, director, employee ... or in any other formal capacity or affiliation. Thus, the filings did not contain a full and complete statement of her outside activity.

II. NATURE OF VIOLATIONS

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

- ❖ **One:** D.C. Official Code § 1-1162.24(c), which states: "Reports [containing a full and complete statement] required by this section shall be filed before May 15th of each year."

Respondent violated D.C. Official Code § 1-1162.24(c) when she filed a report that did not include a full and complete statement of her membership on outside entities.

III. TERMS OF THE NEGOTIATED DISPOSITION

Respondent maintains that she did not intentionally fail to include her membership on the two boards on her PFDS, that she listed her membership on those boards on her public website, and that she did not understand her reporting obligations to include membership on nonprofit boards. Nonetheless, Respondent now acknowledges that she did not include her membership on the nonprofit boards on her PFDS as required by the Ethics Act. Respondent acknowledges that she should have listed those board memberships, and agrees to pay a late fee in the amount of **\$300.00**, for each of the two years she failed to disclose her membership on those, and to amend her PFDS for those years. In return for Respondent's acknowledgement, the Office will not seek any further remedy or take any further action relating to the above omissions. Respondent understands that the **\$600.00** 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. The terms of this Negotiated Disposition are also warranted by the fact that Respondent fully cooperated in the Board's investigation.

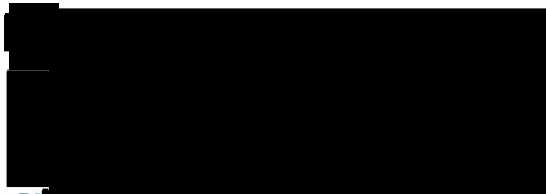
Respondent also understands that if she fails to pay the \$600.00 in the manner and within the time limit provided above, pursuant to section 221(a)(5)(A) of the Ethics Act (D.C. Official Code § 1-1162.21(a)(5)(A)), the Ethics Board may file a petition in the Superior Court of the District of Columbia 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 her that may be used in

any subsequent enforcement or judicial proceeding that may result from her failure to comply with this agreement.

Respondent further understands that if she 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]



Y. Alexander

Nov. 3, 2016
Date

Darrin P. Sobin

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

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

11/3/16
Date

#1311-002

DS/BF