

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

Office of Government Ethics



In Re: C. Witt
Case No. 21-0046-P

NEGOTIATED DISPOSITION:

Pursuant to section 221 (a)(4)(E)¹ of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012, D.C. Law 19-124, D.C. Code § 1-1161.01 *et seq.*, (“Ethics Act”), the Office of Government Ethics (the “Office” or “OGE”) hereby enters into this public negotiated settlement agreement with the Respondent, C. Witt. Respondent agrees that the resulting disposition is a settlement of the above-titled action, detailed as follows:

FINDINGS OF FACT:

Respondent was formerly employed by the Department of Employment Services (DOES) as a Workforce Development Specialist from November 4, 2013, until April 23, 2021. While employed, the Respondent’s tour of duty was Monday through Friday from 8:30AM to 5PM. After being placed on administrative leave by DOES on March 1, 2021, the Respondent resigned from his DC government employment.

DOES’s Human Resources office verified that the Respondent unauthorizedly took District owned or leased vehicles to his home address located in the District, seventy (70) times in 2020 and 2021, on March 10, March 25, July 16, July 17, July 22, July 23, July 24, July 29, August 6, August 7, August 13, August 14, August 20, August 21, August 25, September 2, September 3, September 8, September 11, September 15, September 16, September 22, September 23, September 24, September 28, September 30, October 1, October 14, October 20, October 21, October 22, October 28, November 10, November 27, November 30, December 1, December 2, December 14, December 18, & January 27.

DOES also verified that the Respondent was in possession of District owned or leased vehicles outside of his tour of duty sixty-five (65) times on March 5, March 10, March 12, March 13, July 16, July 17, July 20, July 21, July 22, July 28, July 29, July 30, August 3, August 5, August 6, August 17, September 9, September 10, September 16, September 17, October 2, October 14, October 20, October 27, November 24, December 1, December 2, December 14, January 19, January 22, January 25, January 27.

Further, on four (4) separate occasions the Respondent entered DOES’s garage using his District of Columbia employee credentials to gain unauthorized access to District owned or leased vehicles for personal use on the weekend (August 22, August 23, September 12, and September 13,).

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

Finally, on October 14, 2020, while on FMLA, the Respondent unauthorizedly accessed a District owned or leased vehicle.

During interviews with DOES's human resources department and OGE, the Respondent admitted to taking District owned vehicles to his home multiple times and using District owned vehicles after his tour of duty and while on scheduled leave. During his interview with OGE, the Respondent stated that he did not know he could not take the vehicles home or that he needed to report usage outside of his tour-of-duty.

NATURE OF MISCONDUCT

Respondent violated the following provision of the District Personnel Manual ("DPM")

Count One: Using government property for other than authorized purposes in violation of District Personnel Manual ("DPM") § 1808.1

- Respondent violated this rule when he utilized District government owned or leased vehicles for personal use and when he used the vehicles outside of his tour-of-duty.

None of the incidents described above were authorized by the District of Columbia. In mitigation, Respondent fully cooperated with this Office's investigation. 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.

TERMS OF THE NEGOTIATED SETTLEMENT

Respondent acknowledges that his conduct was a violation of the Code of Conduct. Respondent agrees to pay a fine in the amount of **\$4,500.00** to resolve this violation of the District Code of Conduct, in accordance with the following terms and conditions.

1. Respondent agrees to submit monthly, by certified check or money order, payments in the amount of **\$250.00**, commencing on May 1, 2022, and continuing on the 1st day of every month for the following 6 months. Respondent further agrees to submit monthly, by certified check or money order, payments in the amount of **\$500.00** commencing on November 1, 2022, and continuing on the 1st day of every month for the following 6 months until the entire fine amount is fully satisfied;
2. Respondent agrees that he is solely responsible for satisfying the fine amount. Payment will be accepted by certified check or money order, made out to the D.C. Treasurer, delivered to and received by OGE at 441 4th Street NW, Suite 830 South, Washington, DC 20001; and
3. The total fine amount shall be due in full on or before **May 1, 2023** (the "Maturity Date").

Respondent acknowledges that if Respondent fails to pay the \$4,500.00 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, OGE may instead, at its sole option, send any unpaid fine amount to collections or 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.² Because OGE 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. Respondent also understands that if he fails to pay the 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 settlement and the accompanying Board Order assessing the fine.

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.

Respondent

4-5-2022
Date

² Section 221(a)(1) (D.C. Official Code § 1-1162.21(a)(1)).

/s/ Ashley D. Cooks
Ashley D. Cooks
Director of Government Ethics

4/11/2022
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 Chairperson below.

APPROVED:

/s/ Norma Hutcheson
Norma Hutcheson
Chairperson, BEGA
#21-0046-P
MJ/AC

4/11/2022
Date

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

Office of Government Ethics

IN RE: ~~CONFIDENTIAL~~ Witt

Respondent

CASE No.: 21-0046-P

ORDER

Based upon the mutual representations and promises contained in the Negotiated Disposition approved by the Board herein on April 7, 2022, and upon the entire record in this case; it is, therefore

ORDERED that Respondent pay a civil penalty in the amount of **FOUR THOUSAND FIVE HUNDRED DOLLARS (\$4,500.00)**.

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

/s/ Norma Hutcheson

NORMA HUTCHESON
Chair, Board of Ethics and Government Accountability

4/11/2022

Date