

D.C. Board of Ethics and Government Accountability Complaint Report - April 1, 2013 - June 30, 2013*

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2	Investigation	Date Received	Nature of Allegation(s)	Referral to Ethics Board (Y/N)	Disposition	Fines/Penalties Imposed by the Ethics Board	Status
3	AI-001-12 (#1024-001)	11/7/2012	Misuse of DC government computer. Potential criminal conduct indicated on documents found on computer.	No	Closed. Use of government computer was de minimis. Re: potential criminal conduct, may be outside statute of limitations, but if not, any sanction imposed would violate <i>ex post facto</i> provisions of U.S. Constitution.	N/A	Closed - 4/2/13
4	AI-002-12 (#1009-005) Graham, J.	10/11/2012	Giving preferential treatment; losing complete independence or impartiality; affecting adversely the confidence of the public in the integrity of government		Dismissed on Constitutional (<i>ex post facto</i>) grounds	N/A	Closed - 2/7/13
5	AI-003-12 (#1022-001)	12/5/2012	Misuse and release of confidential information		Closed. Insufficient evidence to support a reasonable belief that there was a violation of the Code of Conduct.	N/A	Closed - 4/5/13
6	AI-004-12 (#1019-001)	10/25/2012	Seeking information outside the scope of job duties	No	Complainant realized complaint based on inaccurate information and withdrew complaint	N/A	Closed - 1/23/13

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7	AI-005-12 (#1031-12)	12/6/2012	Accepting something of value from a vendor	No	Dismissed. Insufficient evidence to support a reasonable belief that a violation of the Code of Conduct occurred. Although subject failed to follow the required donation process, he did not do so to benefit personally or financially, and was not directed or advised to do so by his agency, which also had failed to do so in a previous, similar situation. Failure to follow the donation process, which is not under the jurisdiction of BEGA, is not, <i>per se</i> , a Code of Conduct violation.	N/A	Closed - 5/14/13
8	AI-006-12 (#1024-002)	11/6/2012	Non-partisan campaigning	No	Dismissed. Not in BEGA's jurisdiction at the time of occurrence, but OCF	N/A	Closed - 3/8/13
9	AI-007-12 (#1039-001) Allen, S.	11/30/2012	Misuse of government parking placards. Report of Investigation, containing finding of a violation of the Code of Conduct, received from OIG 3/14/13.	Yes - 3/28/13			Pending - Notice of Violation issued June 6, 2013.
10	AI-008-12 (#1025-001)	12/11/2012	Helping a family member obtain a government benefit	No	Dismissed. After conducting preliminary investigation, insufficient evidence to support a reasonable believe that there was a code of conduct violation.	N/A	Closed - 3/11/13
11	AI-009-12 (#1008-002)	1/2/2013	Residency violation	No	Residency enforcement is outside the purview of this office	N/A	Closed - 1/25/13

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12	AI-010-12	12/18/2012	Inappropriate relationship with a subordinate; ordering a subordinate to perform non-agency duties during work hours; requiring staff to engage in activities outside the scope of their jobs; hiring friends; disproportionately high salaries for some employees; unreported conflict of interest with a vendor				Pending - OAG guidance sought on 3.12.13 re: jurisdictional question. BEGA awaiting legal opinion from OAG.
13	AI-011-12 (#1021-001)	10/2/2012	Non-uniform treatment of employees; improperly recording time and attendance	Yes	Informal Non-Public Admonition finalized 4/4/13		Closed - 4/4/13
14	AI-012-12 (#1024-003)	11/2/2012	Misuse of DC government cell phone	No	No applicable Code of Conduct violation	N/A	Closed - 3/15/13
15	AI-013-12 (#1009-002)	11/21/2012	Improperly attempting to influence the actions of a DC government agency to benefit another	No	Alleged misconduct outside the BEGA statute of limitations	N/A	Closed - 2/4/13
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17	AI-014-13 (#1021-002)	2/5/2013	Failure to follow proper hiring procedures	No	Alleged misconduct outside BEGA's purview. Dismissal letter to complainant refers complainant to the Office of Human Rights.	N/A	Closed - 2/26/13
18	AI-015-13 (#1008-005)	1/4/2013	Vague concerns about lack of oversight and ethics issues	No	No additional information received from complainant. Insufficient allegations to support a reasonable belief that a violation occurred. Declined to investigate.	N/A	Closed - 4/22/13

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19	AI-016-13 (#1009-006) Orange, V.	1/15/2013	Improperly attempting to influence actions of DC government employees	Yes - Board authorized formal investigation on 3/7/13	Negotiated Disposition - public admonition, with Ethics training requirement (within six months).	Public Admonition with Ethics training required within six months	Closed - 5/2/13
20	AI-017-13 Hicks, L	1/16/2013	DC government employee negotiated for a job with a vendor and, after leaving government service, appeared before his agency on behalf of the vendor, his current employer	Yes - 5/2/13			Pending - Notice of Violation issued June 12, 2013.
21	AI-018-13 (#1023-001)	1/24/2013	DC government employee failed to enforce settlement agreement, possibly because received something of value	Yes - 2/6/13	Extension to continue preliminary investigation. Re-present just prior to March Board meeting. Necessary additional information not received from complainant. Dismissed by Board 4.4.13.	N/A	Closed - 4/2/13
22	AI-019-13 (#1008-003)	2/6/2013	Failure to follow proper processes when providing funds to an entity; refusal to comply with FOIA; and failure of unidentified District employees to report potential misconduct.	No	Dismissed - - not within BEGA's jurisdiction.	N/A	Closed - 4/2/13
23	AI-020-13	2/11/2013	Staffer was directed to create a databank of approximately 3,000 names from campaign petitions. Alleged that staff was directed to perform campaign work and was terminated in retaliation for seeking ethics advice on that issue.	No	Preliminary Investigation revealed insufficient evidence to support a reason to believe that the staffer was directed to perform campaign work or that the staffer was terminated in retaliation for seeking ethics advice on that issue. Dismissed.	N/A	Closed - 5/24/13

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24	AI-021-13 (#1017-001)	2/14/2013	Whether staffer violated ethics rules when he provided informal pro bono business advice to and recommended his wife for paid work for an agency subcontractor.	Yes	Informal Non-Public Admonition finalized 4/4/13		Closed - 4/4/13
25	AI-022-13	3/11/2013	Allegations of nepotism within a District government agency.				Pending.
26	AI-023-13 (#1028-001)	3/14/2013	Misuse of government parking placards. Report of Investigation, containing finding of a violation of the Code of Conduct, received from OIG 3/14/13.	Yes - 3/28/13	Negotiated Disposition - public - finalized 4/11/13. \$500 fine paid in full 4/18/13.	\$500 fine. Paid in full.	Closed - 4/18/13
27	AI-024-13	3/14/2013	Misuse of government parking placards. Report of Investigation, containing finding of a violation of the Code of Conduct, received from OIG 3/14/13.	Yes - 3/28/13			Pending - OAG guidance sought on 3.12.13 re: jurisdictional question. BEGA awaiting legal opinion from OAG.
28	AI-025-13	3/14/2013	Misuse of government parking placards. Report of Investigation, containing finding of a violation of the Code of Conduct, received from OIG 3/14/13.	Yes - 3/28/13			Pending - OAG guidance sought on 3.12.13 re: jurisdictional question. BEGA awaiting legal opinion from OAG.
29	1031-003	4/2/2013	School principal attempted to hire spouse to work in the same school.				Closed - 6.20.13

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30	UD-028-13	4/10/2013	Sworn Complaint - - request to investigate personnel of a quasi-judicial agency for failure to investigate its own personnel after receiving complaints about them.	Yes - 4/24/13	Dismissed by Ethics Board -- not within BEGA's jurisdiction.		Closed - 4/24/13
31	1043-001	4/12/2013	Allegation that an agency head lied during testimony before the D.C. Council.	No	Investigation revealed insufficient evidence to support a reason to believe that the agency head misrepresented information or lied at a Council hearing. A review of the testimony revealed that the Councilmember conducting the hearing had the pertinent information and was asking to work on the matter further. Subsequently, a meeting was held with the Councilmember and further work on the matter was performed. Preliminary Investigation dismissed by Director of Government Ethics.		Closed - 5/24/13
32	1009-004	5/8/2013	Allegations that a public official had an ex parte communication, in the form of a letter on official letterhead, with an Administrative Law Judge in an on-going matter in an attempt to influence	Yes - 5/13/13; formal investigation authorized 5/14/13.			Pending - Formal Investigation active

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33	1041-002	5/10/2013	Allegations that agency personnel had meetings with a vendor seeking a contract, even though agency no longer intended to issue the solicitation for that contract, and accepted gift cards and food from the vendor at those meetings.				Pending
34	1044-001	5/14/2013	Allegations that an agency employee hired a relative.				Pending
35	1046-001	5/17/2013	Review of Confidential Financial Disclosure Statement filed by a designated employee reveals discrepancies with previous filings regarding the employee's position with an outside company and concerns regarding whether the company contracts with the District or subcontracts for companies with District contracts.		Preliminary Investigation revealed insufficient evidence to support a reasonable belief that the employee violated the Code of Conduct. The employee had not been required to disclose the outside company on previous filings and, on the current filings, the employee disclosed the company but erred in the description of his affiliation with the company. The employee was directed to file an amended disclosure form with his agency and did so.		Closed - 6.20.13
36	1028-003 T. Malone	5/28/2013	District employee arrested for theft and stored stolen items at work location.		Public Negotiated Disposition signed 6/20/13. \$500 fine imposed, on payment plan with possibility of waiver of partial payment. First installment of \$100 paid timely.		Closed - 6.20.13
37	1028-004	5/28/2013	Alleged that district employee stole items from a location other than the employee's work location. Employee not arrested.				Pending

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38	1030-002	5/24/2013	Sworn Complaint - - Request that Ethics Board Chairman be recused from all matters relating to complainant. Complaint references April 2009.	Yes - presented to Ethics Board May 31, 2013, within 14-day statutory required.	At Ethics Board meeting of June 6, 2013, Chairman recused himself and other two Ethics Board members voted to dismiss the matter for failure to state a claim upon which action can be taken and because the date referenced pre-dates the establishment of BEGA.		Closed - 6.11.13
39	1054-001	6/3/2013	Alleged that District employee testified at Council hearing of failure to process Freedom of Information Act requests. Investigation into whether such conduct was willful, persistent, and systematic.	Yes - presented to Ethics Board 6/6/13.			Pending
40	1055-001	6/5/2013	Investigation concerning a public official who disclosed receipt of gifts from prohibited sources on 2012 Financial Disclosure Statement filing.	Yes - presented to Ethics Board 6/6/13.			Pending
41	1056-001	6/6/2013	Sworn Complaint - - Request for investigation into circumstances of termination from District agency employment.	Yes - presented to Ethics Board 6/10/13.			Pending
42	1057-001 Brown, M.A.	6/11/2013	Investigation concerning a former Councilmember who contacted District government agencies on behalf of a private entity in exchange for money.				Pending

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43	1060-001	6/11/2013	Investigation concerning an agency head who hired a subordinate with whom the agency head had an existing business relationship.				Pending
44	1069-001	6/27/2013	Sworn Complaint - - Request for investigation regarding a public official who allegedly stole complainant's thermos.				Pending
45	* This report is current as of June 30, 2013, and does not reflect dispositions after that date. Dispositions and other data for the time period July 1, 2013 - September 30, 2013, will be reflected on the quarterly report for that period.						
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