

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



Office of Government Ethics

In Re: M [REDACTED] Brown
Case No.: 1057-001

NEGOTIATED DISPOSITION

Pursuant to D.C. Official Code § 1-1162.21(a)(4)(E)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 Negotiated Disposition Agreement with the Respondent, M.A. Brown. Respondent agrees that the resulting Negotiated Disposition Agreement is a settlement of the above-titled action, detailed as follows:

I. FINDINGS OF FACT

Respondent was an elected at-large District of Columbia Councilmember from January 2009 through January 2, 2013. On June 10, 2013, Respondent entered a guilty plea in the United States District Court for the District of Columbia to a Criminal Information charging Respondent with one count of Bribery of a Public Official, 18 U.S.C. § 201(b)(2)(A). In connection with his plea, Respondent signed a plea agreement dated May 30, 2013, with the United States Attorney’s Office for the District of Columbia, and, on June 10, 2013, Respondent signed the Statement of Offense entitled *United States of America v. Michael A. Brown*.

Respondent acknowledged in his plea agreement and Statement of Offense referenced above that between July 11, 2012, and March 14, 2013, Respondent received a total of \$55,000² in cash from undercover employees of the Federal Bureau of Investigation who represented themselves to be agents of a company referred to in the Statement of Offense as “Company M, in return for assisting the fictitious Company M with obtaining approval as a Certified Business Enterprise (“CBE”) from the D.C. Department of Small and Local Business Development (“DSLBD”). Respondent, by various means, contacted and attempted to contact the DSLBD Director on Company M’s behalf. In addition, Respondent, by various means, also contacted and attempted to contact the Director of the D.C. Department of Consumer and Regulatory Affairs (“DCRA”), to assist Company M by inquiring about the status of Company M’s DCRA permit, which was needed to obtain CBE approval.

¹ D.C. Official Code § 1-1162.21(a)(4)(E) 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 All monies received by Mr. Brown have been fully repaid to the Federal Government.

II. NATURE OF MISCONDUCT

Respondent's conduct in accepting United States currency from what appeared to him to be a private entity, in exchange for using his official title and position to assist the company in its dealings with two District government agencies, is in violation of D.C. Official Code § 1-1162.33 (a) (Conflicts of Interest) which states that "[n]o employee shall use his or her official position or title in a manner that the employee knows is likely to have a direct and predictable effect on the employees's financial interests." Respondent used his official title and position for his personal gain when he contacted representatives from DSLBD and DCRA to assist Company M in obtaining its CBE approval and permit, respectively, in exchange for money.

III. TERMS OF THE NEGOTIATED DISPOSITION

Respondent acknowledges that his conduct was in violation of the District Code of Conduct and is fined in the amount of \$12,000.³

Respondent currently is serving 39 months in federal custody. Respondent agrees to pay the \$12,000 fine, in monthly installments of \$500, beginning six months after his release from federal custody and concluding 30 months after his release from federal custody. Respondent agrees to notify the Director of Government Ethics of his release from federal custody within 30 days of such release so the Director may set 24 specific dates for the monthly installment payments. The payment schedule will be issued within 30 days of Respondent's notification to the Director of Government Ethics of his release from federal prison.

If, prior to the payment of the first installment or at any time before the payment of the last installment, Respondent has insufficient financial resources to make one or more \$500 payment, Respondent can request an adjusted payment schedule. Such request shall be granted upon a showing of good cause by the Respondent.

Fine payments shall be made by bank check or money order made out to the D.C. Treasurer and provided to OGE. Respondent acknowledges that if the \$12,000 fine, including the monthly installments, are not paid timely as set forth above, then 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.

In addition to the fine of \$12,000, Respondent agrees to perform 200 hours of community service in a 24-month period beginning no later than six months after his release from federal custody and concluding no later than 24 months after his release from federal custody. Respondent shall notify the Director of Government Ethics within 30 days of his release from federal custody where he intends to perform his 200 hours of community service. Respondent agrees that his 200 hours of community service will be performed at entities that are on the approved list of either the U.S Bureau of Prisons and/or Court Services & Offender Supervision Agency for the District of Columbia. The 200 hours of community service shall not be the same hours of

³ The Ethics Board may assess a civil penalty for a violation of the Code of Conduct of not more than \$5,000 per violation, or 3 times the amount of an unlawful gift. (D.C. Official Code § 1-1162.21(a)(1)).

community service as those performed to satisfy the community service requirement imposed by the United States District Court. Within 30 days of his completion of the 200 hours of community service, Respondent shall provide the Director of Government Ethics with documentation of the completed community service. Such documentation shall include the time and attendance records detailing the dates and hours of the community service work performed by Respondent, a description of the community service work performed, and the name, title, work address, email address, and telephone number of the supervising representative of the entities for which the 200 hours of community service were performed. Respondent understands that the Office may verify that Respondent performed the required 200 hours of community service. If Respondent cannot satisfy the 200 hours of community service within 24 months, he can apply for additional time. Such request shall be freely given upon a showing of good cause by the Respondent.

Further, Respondent agrees to conduct 12 live, in-person presentations to government employees at the direction of the Director of Government Ethics, to be completed no later than 18 months after his release from custody. In the 12 presentations, Respondent shall speak about the importance of ethics in government, his experiences related to having violated both criminal laws and the District Code of Conduct in connection with the conduct detailed above, and generally convey the message that such conduct must be avoided. Respondent agrees that the overall goal of the 12 presentations is to educate government employees on the risks inherent in engaging in unethical conduct related to their government employment. Respondent will be provided with a schedule with the dates and times of such presentations within 90 days of his release from federal custody, but understands that this schedule will require one presentation approximately every month. Respondent understands that every effort will be made to schedule the presentations for dates, times, and locations that are mutually convenient to Respondent and the Office of Government Ethics.

If upon release from prison, or at any time thereafter within 18 months of his release from custody, Respondent does not reside in the District of Columbia metropolitan area, the Office of Government Ethics will allow the Respondent to conduct up to 6 of the speaking engagements in a jurisdiction other than the District of Columbia. That said, most, if not all, of the presentations will occur during normal workday hours (i.e. Monday through Friday between 9:00 am and 5:00 pm). Respondent agrees that all 12 presentations shall be completed no more than 18 months after his release from federal custody, unless the Board grants a short extension for good cause shown why this deadline could not be met.

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 of \$5,000 per violation or 3 times the amount of the unlawful gifts. Because the Office is, at this time, foregoing requesting that the Ethics Board hold an open and adversarial hearing on this matter, Respondent agrees to waive 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 this case. By our signatures, we agree to the terms outlined herein.



M.A. Brown
Respondent

5.14.15
Date

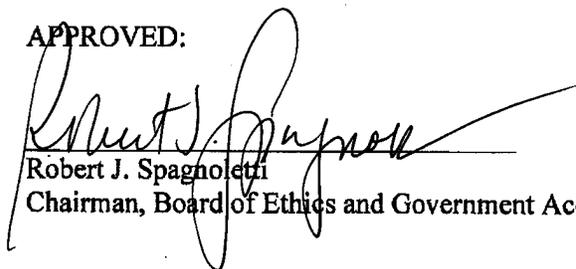


Darrin P. Sobin
Director of Government Ethics

5/11/15
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

5/11/15
Date