

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY ETHICS TRAINING



Presented by:
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Goals of this Course:

Introduce the Board of Ethics and Government Accountability (“BEGA”)

Describe ethics standards

Identify where to:

- **report** unethical conduct
- **find** ethics standards
- get **advice**

Discuss financial disclosure obligation

Describe the new local Hatch Act

BEGA

▶ BEGA Statute:

- ▶ 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 (2012 Supp.)).

▶ BEGA Structure:

- Three-member Board
- Director of Government Ethics
- Office of Government Ethics
 - Investigators and attorneys

What we do

- ▶ Training
 - ▶ Advice
 - Oral, informal advice
 - Written Advisory Opinions
 - ▶ Investigations
 - Preliminary Investigations
 - Formal Investigations
 - Impose Penalties
 - ▶ Financial Disclosure Filings
 - ▶ Lobbyist Registrations & Activity Reports
- 

Advice

▶ Advice

- Oral, informal advice
 - To agency ethics counselors
 - To individuals
- Written Advisory Opinions
 - Advisory Opinions initiated on BEGA's own initiative
 - Individual submits request with facts in writing
 - Formal written Advisory Opinion issued
 - Safe Harbor
 - Posting

Role of Ethics Counselors

- ▶ The role of the D.C. Ethics Counselor and agency ethics counselors has changed
- ▶ They can provide:
 - Non-binding advice
 - On settled principles of government ethics law
- ▶ Otherwise
 - Refer questions re: possible violations to BEGA if:
 - Question cannot be answered simply by reciting applicable rule/regulation or referral to Ethics Manual
 - Question has not been answered by prior written opinion
 - Question and issues involve interpretation of ethics statute or regulation

Complaints

- ▶ Investigations – – can be initiated through various means, including hotline tip, complaint to BEGA, media
 - Complaints
 - Unsworn
 - BEGA Hotline – – (202) 535-1002
 - Email – – bega@dc.gov
 - Mail
 - By telephone
 - In person
 - Sworn
 - Formal, written, signed, complaint under oath
 - Complainant identified
 - 14 days to present to Board for:
 - extension
 - authorization of issuance of subpoenas
 - dismissal
 - Meritless Complaints

Preliminary Investigations

▶ Investigations

◦ Preliminary Investigations

- Initiated by the Director of Government Ethics
 - Can be dismissed by Director; or
 - If **reason to believe** a violation has occurred, present evidence to Board
 - Board can authorize formal investigation
 - Issue subpoenas
 - Identity of Respondent – – confidential unless:
 - Respondent consents; or
 - Board has found reason to believe violation occurred **and** disclosure would not harm investigation

Formal Investigations

▶ Investigations

◦ Formal Investigations

- Initiated upon:
 - Sworn, written complaint to Board
 - Finding by OIG or D.C. Auditor of waste, fraud, abuse of government resources, or violation of the Code of Conduct
 - Finding by Court that acts or offenses may constitute violations of Code of Conduct or Ethics Act
 - Presentation of preliminary investigation by Director that reason to believe violation occurred

Formal Investigations

▶ Investigations cont'd

- Next steps:
 - Issue Subpoenas
 - Take Depositions
 - Issue Notice of Violation
 - Discovery Process
 - Conduct Open and Adversarial hearing
 - Make findings of fact and conclusion of law; or
 - Dismissal

Hearings

- ▶ Open and Adversarial Hearing
 - If reason to believe a violation has occurred
 - Ethics Board shall conduct an open and adversarial hearing
 - Presentation of evidence by Director
 - Standard of Proof: Substantial Evidence
 - Fifth Amendment Rights
 - At conclusion, Board issues Decision and Order

Penalties

▶ Penalties

- Director may impose:
 - Ministerial fines (appealable to the Board)
 - Non-public informal admonition (appealable to the Board)
 - Period of probation (with possibility to expunge)
- Board may impose:
 - Fines of up to \$5,000 per violation
 - Fines of up to 3 times the amount of unlawful contribution, expenditure, gift, honorarium, or receipt of outside income for each violation
 - Remedial action
 - Public Censure
 - Period of Probation (with possibility to expunge)
 - Negotiated Disposition, offered by Director with approval by Board

Penalties Cont'd

- Although this is not yet in place, it is anticipated that at some point in the future, for violations of the Code of Conduct that substantially threaten the public trust, the Board will be authorized to impose:
 - A fine of up to \$25,000, or imprisonment of up to one year (but not both)
 - Public censure for elected officials + recommendations for removal

Miscellaneous

- ▶ Statute of Limitations – – 5 years
 - From January 29, 2012 (enactment of legislation)

- ▶ “Code of Conduct” means those provisions contained in the following:
 - (A) The Code of Official Conduct of the Council of the District of Columbia, as adopted by the Council;
 - (B) Sections 1–618.01 through 1–618.02 (Standards of Conduct & Conflicts of Interest/Pay-to-Play from the Merit Personnel System);
 - (C) Chapter 7 of Title 2 (Official Mail);
 - (D) Section 2–354.16 (Contingent Fees);
 - (E) Chapter 18 of Title 6B of the District of Columbia Municipal Regulations (Responsibilities of Employees);
 - (F) Parts C, D, and E of subchapter II, and part F of subchapter III of this chapter for the purpose of enforcement by the Elections Board of violations of § 1–1163.38 (Constituent Services Funds) that are subject to the penalty provisions of § 1–1162.21.

On-going Matters

▶ Best Practices Report

- First one issued April 2013
- Then, annually in late December
- Annual public symposium

▶ Prosecutions

- Statute provides for BEGA to identify violations for prosecution by OAG

Ethics Standards that apply to you:

1. General Standards
2. Gifts
3. Outside activities and jobs
4. Financial conflicts
5. Post-DC employment
6. Financial Disclosure Statements
7. Political activities (Hatch Act)
8. Mandate to Report Misconduct

1. General Standards

- ▶ Public office = public trust
 - ▶ Maintain ethical conduct
 - ▶ Do Not:
 - Use public office for private gain
 - Give preferential treatment
 - Lose independence and impartiality
- 

Apply Your Knowledge

- ▶ Question: If you want to do something and no specific ethics statute or regulation prohibits it, you may go ahead and do it?

 - ▶ Answer: False
- 

2. Gift Restrictions

Based on giver's

- **status:**
 - between DC employees
 - “prohibited sources”
- **intention to:**
 - influence
 - reward
 - compensate

Gifts between DC employees

- ▶ Do Not:
 - Accept gifts from lower-paid employee
 - Give a gift to a superior
 - Solicit cash donation for a superior

Gifts between employees – Exception

- ▶ \$10 or less for special occasion, e.g.
 - Marriage
 - Illness
 - retirement

No Gifts from Prohibited Source

Who is a “Prohibited Source?”

- Anyone who:
 - Is regulated by the District
 - Has or seeks business with the District
 - Could be affected by employee’s work

Exceptions to Prohibited Source Ban

- ▶ Bona fide personal relationships
- ▶ *Nominal* value on a *nonrecurring* occasion -- not birthdays
- ▶ Food of *nominal* value on infrequent occasions:
 - working lunch / dinner (to avoid interrupting work), or
 - supervisor gives advance permission based on conflict analysis

Options: gifts you can't accept

Return it

Reimburse donor for market value or

If perishable & impractical to return it

- Share it with office staff
- Donate it to charity or
- Destroy it.

Penalties violating gift regulations

- ▶ Employment sanctions
- ▶ Criminal prosecution
- ▶ BEGA sanctions

Apply Your Knowledge

- ▶ Question: You may accept inexpensive gifts –
– valued up to \$10 – – from anyone,
including a contractor.
- ▶ Answer: False

Apply Your Knowledge

- ▶ Question: As part of your District work, you collaborated with a non-profit organization on a new initiative for safety in public schools. The District has adopted those new standards, and the leaders of the non-profit want to treat you to a nice (and expensive) lunch to express their gratitude for your hard work. Your collaboration with them has ended. You may accept the lunch.
 - ▶ Answer: False
- 

Apply Your Knowledge

- ▶ Question: One of your coworkers has offered to give you two tickets to a Nationals baseball game because she can't go to the game. You do not supervise her. You may accept the gift of these tickets.
 - ▶ Answer: It depends
- 

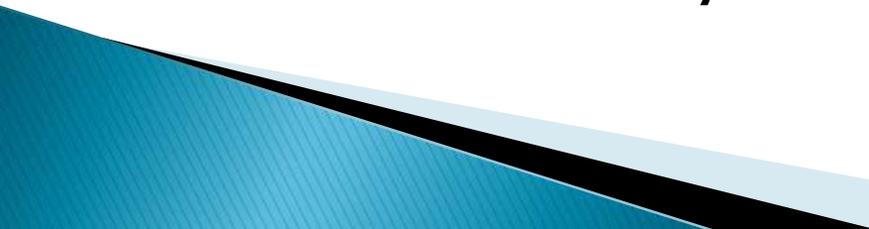
3. Outside activities and jobs

Prohibitions

Criteria

Rules to follow

Additional rules for

- outside jobs
 - outside teaching, speaking & writing
 - OAG lawyers
- 

Prohibited Outside Activities

Don't:

- ▶ Represent outside entity in matter involving District
- ▶ Represent anyone before the District

Criteria for Outside Activities

Don't do it if it:

- Conflicts with fair, impartial and objective performance
- Capitalizes on official title/position
- Interferes with your job/working hours

Rules for Outside Activities

▶ Don't:

- Use government time/resources
- Order subordinates to help
- Disclose or use confidential non-public information
- Participate as a DC employee in any matter that affects the outside organization's financial interest

Additional rules on outside jobs

- ▶ Don't accept \$:
 - from 2 or more federal & District governments for more than 40 hours/week
 - from outside source for your District work
 - for representing anyone in a particular matter involving the District
 - for help in prosecuting a claim against District

Additional rules for teaching, writing & speaking

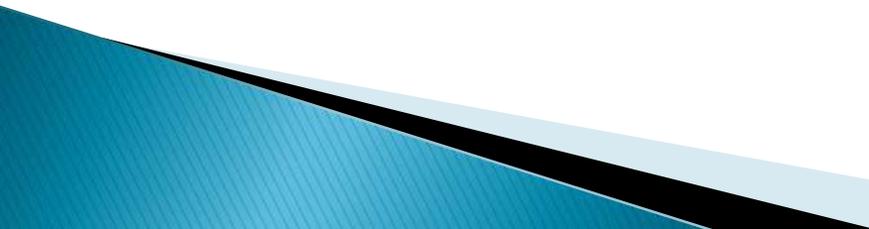
- ▶ Only outside regular working hours / while on leave
- ▶ Waivable ban on using nonpublic information
- ▶ If paid, then can't be about:
 - your job
 - your agency
 - nonpublic information

Agency Head Must Give Prior Approval

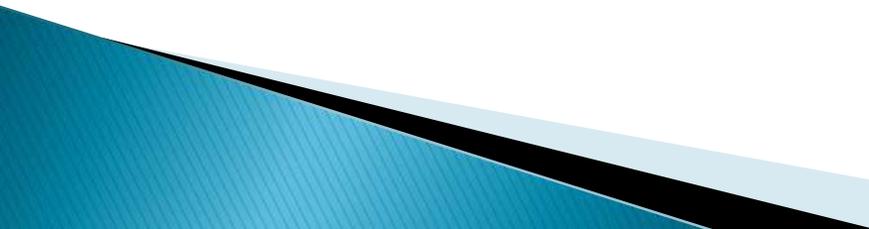
Any employee required to file confidential financial disclosure

OAG lawyers – approval must be written

Apply Your Knowledge

- ▶ Question: You volunteer in a nonprofit organization that provides services to children with disabilities. The organization has offered you \$500 to draft and sign a grant application for submission to the District government. You do not deal with grants or social services in your job. You may do this work for the nonprofit.
 - ▶ Answer: False
 - ▶ Question: Same as above, but the nonprofit will not pay you. You may do this volunteer work for the nonprofit.
 - ▶ Answer: False
- 

4. Financial conflicts of interest

- ▶ District regulations
 - ▶ Federal laws
 - ▶ Disclosure and enforcement
 - ▶ Penalties include both civil and criminal penalties
- 

18 USC § 208

An employee of the District of Columbia may not participate personally and substantially through decision or recommendation in a particular matter in which an organization in which he is serving as officer or director has a financial interest.



18 U.S.C. § 208

Don't:

participate personally & substantially
in a particular matter in which
you -- or someone with whom you are
affiliated --
have a financial interest

Affiliated Parties for Conflicts

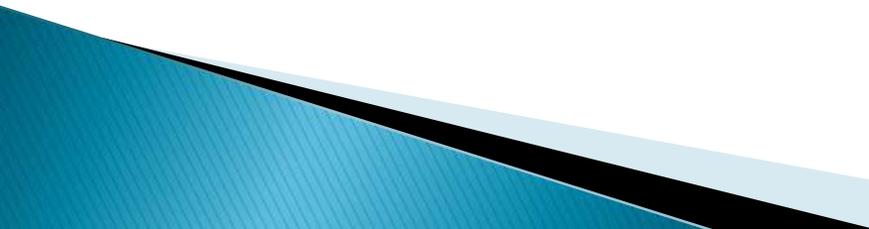
- ▶ Your spouse
 - ▶ Your minor children
 - ▶ Organization in which you are
 - Employee
 - Officer
 - Director
 - Trustee
 - Partner
 - ▶ Organization with which you are negotiating or have arrangement for future job
- 

5. Post-DC Employment

Life-time ban – communications/appearances for:

- Particular matter involving specific parties
- In which employee participated personally & substantially while in government

2-year ban – communications/appearances for:

- Particular matter involving specific parties
 - Which was under employee's responsibility
 - In last year in government
- 

“Particular matter” includes:

- investigation
 - application
 - request for a ruling or determination
 - rulemaking
 - contract
 - controversy
 - claim
 - charge
 - accusation
 - arrest or
 - judicial or other proceeding
- 

“Particular matter” excludes:

- General legislation
- General policy-making

Requires case-by-case analysis



“Participate personally & substantially”

action taken as an officer or employee through

- decision
- approval
- disapproval
- **recommendation**
- **the rendering of advice**
- **Investigation** or
- other such action

Post-DC Employment

- ▶ What is prohibited?
 - Communications
 - Appearances
- ▶ What is not prohibited?
 - Behind-the-scenes advice giving

Penalties – Post-Employment violation

- ▶ Civil & criminal penalties
 - ▶ Prison
 - ▶ Debarment
- 

Apply Your Knowledge

- ▶ Question: You are planning to leave the District government for a private sector job. In the last year, you worked on several matters involving one particular contractor. When you leave the District government, you may accept a job with that contractor.
 - ▶ Answer: It depends
- 

6. Financial Disclosure

Who does it apply to?

What needs to be disclosed?

What are the important deadlines to remember?



Public Financial Disclosure Statement

▶ Statutory Authority:

- ▶ D.C. Official Code § 1-1162.24(a)(1) “Public officials, except Advisory Neighborhood Commissioners, shall file annually with the Ethics Board a public report...”

▶ Who is a “public official?”:

- A candidate for public office
- The Mayor, Chairman, & each Member of the District Council
- The Attorney General
- A Representative or Senator elected pursuant to § 1-123
- A Member of the State Board of Education
- A Member of the Boards & Commissions found in § 1-523.01(e)
- A subordinate Agency Head in an Executive Service Position
- Certain Excepted Service 9 or above employees

Confidential Financial Disclosure Statement– Designated Employees

▶ Statutory Authority:

- ▶ D.C. Official Code § 1-1162.25(a) “Any employee, other than a public official, who advises, makes decisions or participates substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, policy-making, regulating, or auditing, or acts in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest, as determined by the appropriate agency head, shall file... with that agency head a report containing a full and complete statement of the information required by § 1-1162.24.”
- ▶ In previous years, designated employees filed a Form 35
 - This is no longer required.

What Must Be Reported

- ▶ For both Public and Confidential Financial Disclosure Statements, the following must be disclosed:
 - Any business entity in which the filer, filer's spouse, or dependent children has:
 - A beneficial interest exceeding \$1000 (aggregate) or producing an income of \$200 or more
 - Received honoraria or income in excess of \$200 from an entity that contracts with the District of Columbia
 - Served in a formal capacity (i.e. owner, director, partner, consultant, contractor, etc.)
 - An outstanding individual liability in excess of \$1000
 - Any real property in the District of Columbia– excluding personal residence– valued at \$1000 or more or producing \$200 of income
 - Any professional or occupational licenses issued by the District
 - All gifts received from a “prohibited source” valued at \$100 or more (aggregate)

What Must Be Reported– Cont.

- ▶ Each filer must certify that he/she has:
 - Filed and paid his/her income and property taxes.
 - Diligently safeguarded the assets of the taxpayers and the District.
 - Reported known illegal activity, including attempted bribes, to the appropriate authorities.
 - Not been offered or accepted any bribes.
 - Not directly or indirectly received government funds through illegal or improper means.
 - Not raised or received funds in violation of federal or District law.
 - Not received or been given anything of value based on any understanding that the public official's official actions/judgment/vote would be influenced. (if applicable)

Timeline

- ▶ **April 15**
Agency directors notify designated agency employees who must file a Confidential Financial Disclosure Statement
 - *Designated Employees can appeal their designation*
- ▶ **May 1**
Agency directors provide a list to BEGA and the D.C. Ethics Counselor of those who have been designated and notified

Timeline Cont.

- ▶ **May 15**
 - Public Financial Disclosure Statements must be filed with BEGA
 - Confidential Financial Disclosure Statements for ANC Commissioners must be filed with BEGA
 - Confidential Financial Disclosure Statements for designated employees must be filed with agency heads or their designees
 - Deadline for Agency Head review of Confidential Financial Disclosure Statements and certification to BEGA and the D.C. Ethics Counselor
 - *Agency Head must **immediately** report to BEGA any violations of the Code of Conduct*
 - *Agency Head must **immediately** report to BEGA any designated employee who failed to file*

- ▶ **June 15**
 - Deadline for BEGA to publicly disclose in the D.C. Register the names of all public officials who have filed a Public Financial Disclosure statement in the D.C. Register

Apply Your Knowledge

- ▶ Question: I did not receive a letter from BEGA with my log-in information for electronic filing, so I did not file a public financial disclosure statement, even though I believe I am required to file one. No enforcement action can be taken against me because I was not notified.
 - ▶ Answer: False
- 

Apply Your Knowledge

- ▶ Question: I am an Excepted Service employee, paid at a rate of Excepted Service 9 or above, AND I make decisions regarding the awarding of contracts and am substantially responsible for administering contracts. I am required to file both Public and Confidential Financial Disclosure Statements?
 - ▶ Answer: False
- 

Questions about Financial Disclosure?

- Contact:
 - Yancey Burns
 - Attorney Advisor, BEGA
 - (202) 481-3411
 - Email – – yancey.burns@dc.gov

7. Hatch Act

- ▶ Effective January 28, 2013, the federal law (“federal Hatch Act”) was amended substantially, reducing the application and impact of the federal Hatch Act on District government employees.
 - Public Law No. 112–230, “Hatch Act Modernization Act of 2012.”
- ▶ On February 19, 2013, the D.C. Council enacted an amendment to the 2010 “Local Hatch Act,” which became effective on March 7, 2013. The Local Hatch Act now governs the political activities of D.C. government employees.
 - “Prohibition on Government Employee Engagement in Political Activity Act of 2010”, effective March 31, 2011 (D.C. Law 18–335; 58 DCR 599), as amended by the “Prohibition on Government Employee Engagement in Political Activity Emergency Amendment Act of 2013” (D.C. Act 20–25, effective March 7, 2013) (the “Local Hatch Act”).

Local Hatch Act

- ▶ The Local Hatch Act became effective on March 7, 2013.
 - ▶ The Local Hatch Act establishes restrictions on the *political activity* of D.C. government *employees* similar to those previously provided by the federal Hatch Act.
- 

Definition of “Employee”

- ▶ The Local Hatch Act defines a D.C. government “employee” as:
 - any individual paid by the D.C. government from grant or appropriated funds for his or her services or holding office in D.C.;
 - a member of a board or commission who is nominated for a position pursuant to § 2(e) of the Confirmation Act of 1978; (D.C. Official Code § 1-523.01(2)(e))
 - a member of a board or commission who is nominated pursuant to § 2(f) of the Confirmation Act of 1978 when the member is engaged in political activity that relates to the subject matter that the member’s board or commission regulates. (D.C. Official Code § 1-523.01(2)(f))
 - D.C. Law 18-355, Sec. 2. (3).

Not an “Employee”

- ▶ If not otherwise employed by the District, the Local Hatch Act does not include the following as D.C. government employees:
 - Employees of the courts of the District of Columbia;
 - The Mayor;
 - The members of the Council;
 - Advisory Neighborhood Commissioners;
 - Members of the State Board of Education;
 - Members of the District of Columbia Statehood Delegation; and
 - The Attorney General (after January 1, 2014);
- D.C. Law 18-355, Sec. 2. (3)(A)(i-vii).

Definition of “Political Activity”

- ▶ The Local Hatch Act defines “political activity” as:
 - Any activity that is *regulated by the District* and directed toward the success or failure of a political party, candidate for partisan political office, partisan political group, ballot initiative, or referendum.
 - D.C. Law 18–355, Sec. 2. (8)(A).

“Political Activity” that is regulated by the District

- ▶ When engaging in “political activity” that is regulated by the District, D.C. government employees cannot:
 - Use their official authority or influence for the purpose of interfering with or affecting the result of an election;
 - Knowingly solicit, accept, or receive a political contribution from any person (*except* if the employee has filed as a candidate for political office);
 - File as a candidate for election to a *partisan* political office.
 - Knowingly direct, or authorize anyone else to direct, that any subordinate employee participate in an election campaign or request a subordinate to make a political contribution.

- D.C. Law 18-355, Sec. 3. (a)(1-4).

Definition of “Partisan Political Office”

- ▶ The Local Hatch Act defines “partisan political office” as:
 - *Any office in the District government for which any candidate is nominated or elected as representing a party, any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected, but shall exclude an office or position within a political party or affiliated organization.*

Apply Your Knowledge

- ▶ Question: I am a District employee and I want to file for candidacy for a partisan District-regulated election. Under the local Hatch Act, I am permitted to do so.
- ▶ Answer: False

“Political Activity” that is *not* regulated by the District

- ▶ When engaging in “political activity” that is *not* regulated by the District:
 - D.C. government employees who *are not* District residents may file as a candidate to a partisan political office in their local, non-District elections without restriction by the Local Hatch Act.
 - D.C. government employees engaged in political activity that is *not* regulated by the District are permitted to solicit, accept, or receive political contributions from any person.
 - D.C. Law 18-355, Sec. 3. (a)(2-3).

Permitted “Political Activity”

- ▶ The Local Hatch Act permits D.C. government employees to take an active part in political management or in political campaigns.
 - This means that, if you are D.C. government employee:
 - you can work on and/or manage the District-regulated partisan or non-partisan political campaign of another;
 - you cannot, however, fund-raise for the District-regulated campaign of another, even if it is a non-partisan campaign
 - You can fund-raise for your own District campaign
 - You can fund-raise for a non-District regulated campaign of another or yourself, regardless of whether it is a partisan or non-partisan campaign

Non-Partisan Political Office

- ▶ D.C. government employees who *are* District residents now may file as candidates for *non-partisan* District office.
 - D.C. Law 18-355, Sec. 3. (a).
- ▶ D.C. government employees who *are not* District residents may participate in their local, non-District elections *without restriction* by the Local Hatch Act.

Permitted “Political Activity” for Designated Employees of the Mayor or Council

- ▶ The Mayor and each member of the Council may designate *one* D.C. government employee *while on leave* to knowingly solicit, accept, or receive political contributions.
 - ▶ The designated D.C. government employee may not perform this function while on duty or in any room or building occupied in the discharge of official duties in the District government, including any agency or instrumentality thereof.
 - ▶ The designation must be made in writing and filed with the Board of Ethics and Government Accountability.
- D.C. Law 18–355, Sec. 3. (b).

Questions about the Local Hatch Act?

- ▶ If you have questions about the Local Hatch Act, you may contact BEGA.
- ▶ Inquiries may be made by telephone or by email to:

Yancey Burns

Attorney Advisor, BEGA

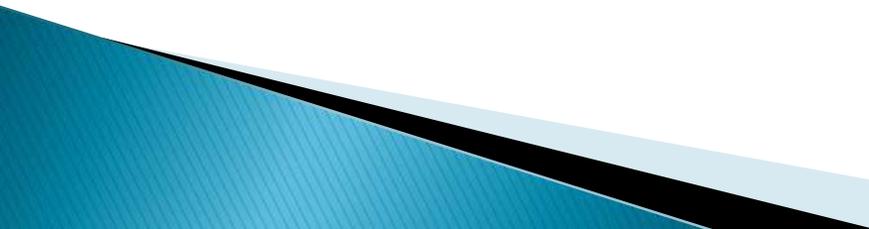
Phone: (202) 481-3405

Email: yancey.burns2@dc.gov

The federal Hatch Act

- ▶ Although all D.C. government employees are now covered by the Local Hatch Act, those employees whose salaries are paid *in whole or in part* with federal funds (“covered District employees”) are also covered by specific provisions in the federal Hatch Act.
- ▶ Your agency head is required to inform you if you are a covered District employee.
- ▶ Covered District employees must comply with the federal Hatch Act, the Local Hatch Act, and the Ethics Act.
 - 5 U.S.C. § 1501(4) (defining who is covered).

Apply Your Knowledge

- ▶ Question: I am a District government employee paid entirely with District funds. I reside in the District, but my childhood friend is running for office in Maryland, on a partisan ticket. I am permitted to campaign for my friend.
 - ▶ Answer: True
 - ▶ Question: I am permitted to solicit campaign funds for my friend's campaign?
 - ▶ Answer: True
- 

Covered District Employees

- ▶ A covered District employee whose salary is paid *in whole* with federal funds may not:
 - ▶ Be a candidate for elective office.
 - ▶ 5 U.S.C. § 1502.

Enforcement of the federal Hatch Act

- ▶ The federal Hatch Act is enforced by a federal agency: the U.S. Office of Special Counsel (OSC).
- ▶ OSC initiates investigations and, if the allegation has merit, can bring an enforcement action with the U. S. Merit Systems Protection Board (MSPB).
 - 5 USC § 1504.
- ▶ This enforcement action may lead to an employee being terminated and/or the imposition of fines.
 - 5 USC § 1505.
- ▶ A violation of the federal Hatch Act also may be a violation of the District's personnel laws and regulations, which include the District's Code of Conduct.

Questions about the federal Hatch Act?

- ▶ If you have questions about the federal Hatch Act specifically, you may contact the Hatch Act Unit of the federal government's Office of Special Counsel (OSC). Inquiries about the federal Hatch Act may be made in writing or by telephone to:

Hatch Act Unit

U.S. Office of Special Counsel

1730 M Street, N.W., Suite 218

Washington, D.C. 20036-4505

Tel: (800) 85-HATCH or (800) 854-2824

(202) 254-3650

Fax: (202) 254-3700

Requests for federal Hatch Act advisory opinions (only) may be made by e-mail to: hatchact@osc.gov

Prohibited “Political Activity” for *ALL* D.C. government employees

- ▶ *ALL* D.C. government employees are prohibited from engaging in *ALL* political activity, regardless of whether it is regulated by the District, while:
 - On duty;
 - In any room or building occupied in the discharge of official duties in the D.C. government, including any agency or instrumentality thereof;
 - Wearing a uniform or official insignia identifying the office or position of the employee;
 - Using any vehicle owned or leased by the District, including an agency or instrumentality thereof.
 - D.C. Law 18–355, Sec. 4. (a)(1–4).

- ▶ In addition, a D.C. government employee may not knowingly request, or authorize anyone else to request, that any subordinate employee engage in political activity or use his/her official authority or influence for the purpose of interfering with or affecting the result of an election.
 - D.C. Law 18–355, Sec. 4. (b).

8. Reporting Misconduct

- ▶ Currently, DPM § 1803.08 requires reporting to an agency head and the OIG.
 - Revisions in process – – will require reporting information re: possible violation of the Code of Conduct or DPM Chapter 18 to the OIG or BEGA.
 - Timeliness important – – “immediately”
- ▶ Currently, DPM § 1803.10 provides that employees shall not interfere with or obstruct an investigation by a District or federal agency of misconduct by another District employee or by a person dealing with the District.
 - Expected to remain substantially the same.

Reporting

- ▶ Report to BEGA &/or the OIG
 - Conflicts of interest
 - Violations of the Code of Conduct
 - Ethical Misconduct

- ▶ Report to Agency Head and OIG
 - Corruption
 - Criminal activity

Apply Your Knowledge

- ▶ Question: You recently transferred to a different agency within the District government, and have learned that one of the contractors for this agency has made a habit of giving expensive gifts to nearly everyone in the office who supervises its work. You have not yet received such a gift. You do not need to report this gift-giving.
 - ▶ Answer: False
- 

Where to find ethics standards

- ▶ 18 U.S.C. §§ 201–216
- ▶ 5 U.S.C. §§ 7321–26
- ▶ 5 C.F.R. Part 734
- ▶ D.C. Code §§ 1–618, 1–1106, 1–1107, 1–1108
- ▶ DPM Chapters 18 & 35
- ▶ Mayor's Orders 1982–136, 2010–167
- ▶ Mayor's Memoranda 2003–06, 2010–2
- ▶ OAG Office Order 2006–27

Where to go for ethics advice

- BEGA
 - Darrin P. Sobin
 - Director of Government Ethics
 - (202) 481-3411
 - BEGA Hotline – – (202) 535-1002
 - Email – – bega@dc.gov
- Agency Ethics Counselor
- D.C. Ethics Counselor
 - Irvin Nathan
 - Attorney General
 - David Hyden
 - (202) 724-5386

Questions?

