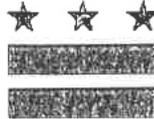


**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY**



Office of Government Ethics

In Re: E. [REDACTED] Moody
Case No.: 1019-009

NEGOTIATED DISPOSITION

Pursuant to section 221(a)(4)(A)(v) 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 § 1-1162.21(a)(4)(A)(v),¹ the Office of Government Ethics (“OGE”) hereby enters into this Public Negotiated Disposition with the Respondent, E. Moody. Respondent agrees that the resulting disposition is a settlement of the above-titled action, detailed as follows:

I. FINDINGS OF FACT

Respondent has been an employee of the Department of Employment Services (“DOES”) for fourteen (14) years. As an Account Executive in the Office of Project Empowerment at DOES, Respondent coordinates and arranges partnership agreements between the Office of Project Empowerment and interested employers, goes out into the field to recruit partners for the Transitional Employment Program (“TEP”), and matches selected TEP applicants’ skill-set levels to the available job descriptions provided by the respective employers.

On March 20, 2015, Respondent was interviewed by OGE as a material witness to an ongoing confidential formal investigation. After this interview, OGE determined that it had other questions for Respondent and asked him to return for a second interview. Respondent and an OGE investigator agreed over the phone to a second interview to occur on April 22, 2015 from 11:00 a.m. to 12:00 p.m. The OGE investigator sent Respondent an electronic meeting request to this effect, which Respondent accepted.

On April 22, 2015, Respondent appeared for the interview at OGE’s offices at 441 4th Street NW, Suite 830 South. At approximately 11:23 a.m., the Respondent stated that he had another appointment, and needed to leave. OGE staff told Respondent that his leaving the office while the interview was still ongoing, was a failure to cooperate. Respondent, again stating that he had another appointment and would reschedule the interview for another time, nonetheless departed.

¹ Section 221(a)(4)(A)(v) 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.”

Later, still on April 22, 2015, the OGE investigator called and emailed Respondent seeking to reschedule the interview. Respondent responded via email that he would get back to her with his availability once he conferred with his union representative.

On April 28, 2015, the OGE investigator sent an email to the Respondent again seeking to begin a conversation about a time to reschedule the interview and informing Respondent that he was required to reach out to OGE to reschedule the interview by May 6, 2015, or to appear in person for the rescheduled interview on May 8, 2015. The OGE investigator received a bounce back message after sending this email from the Respondent's email address, indicating that Respondent was out of the office and would return on May 4, 2015.

On May 5, 2015, the OGE investigator called Respondent on both his government land line and his government cell phone number and left voicemails. Respondent did not respond to these phone calls.

On May 8, 2015, the OGE investigator sent Respondent an email reminding him of the rescheduled interview set for that day at 2:30 p.m. because he had not communicated with OGE to let them know otherwise. Respondent failed to appear for this interview because he had conflicting appointments at the same time.

II. NATURE OF MISCONDUCT

Respondent's conduct is in violation of at least one (1) section of the District's Code of Conduct, as set forth below:

- ❖ **One:** Title 6B of the District of Columbia District Personnel Manual, § 1801.3, which states: "An employee shall fully cooperate with any investigation, enforcement action, or other official function of the office of government ethics."

Respondent's conduct -- walking out of an interview before it was completed, failing to respond to OGE staff's multiple attempts to contact him to reschedule the interview, and failing to appear at the specific date and time for a rescheduled interview (May 8th 2015) -- constitutes a violation of Respondent's duty, as a District government employee, to cooperate with an OGE investigation.

In mitigation of his misconduct, Respondent states that he had another appointment to attend when he departed the OGE interview prior to its conclusion, that he had on a prior occasion attended an OGE interview through to its completion, and that he had commitments on the day that OGE had set (May 8th, 2015) for the continuation of his interview.

III. TERMS OF THE NEGOTIATED DISPOSITION

Respondent acknowledges that his conduct was in violation of the District Code of Conduct. Respondent agrees to pay a fine in the amount of **\$1500.00** and promises not to engage in such conduct in the future. To wit, Respondent agrees to fully cooperate with OGE with respect to the



Darrin P. Sobin
Director of Government Ethics

9/3/15
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

9/8/15
Date

#1310-001

DS/BF/CP