

BEGA

Advisory
Neighborhood
Commissioners
Ethics Training



What We Do



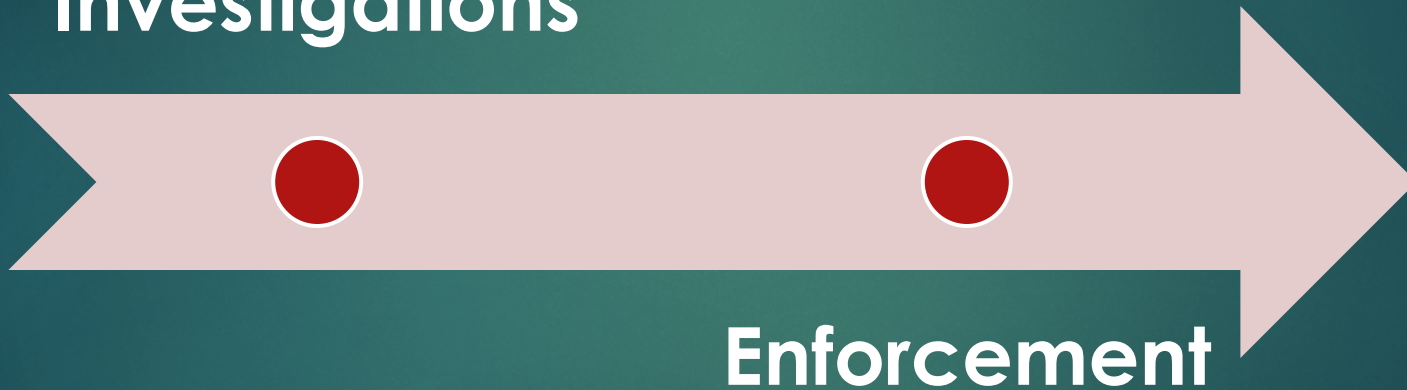
Ethics
Training



Advice

What We Do

Investigations



Ten Principles of Ethical Conduct

1. Public office is a public trust
2. Avoid financial conflicts of interest
3. Avoid representational conflicts of interest
4. Avoid gifts and payments from interested parties
5. Avoid outside payment for government work



Ten Principles of Ethical Conduct

6. Act impartially
7. Safeguard government resources
8. Safeguard confidential non-public information
9. Disclose waste or illegal conduct by government officials to the appropriate authorities
10. Abide by revolving door restrictions



1. Public office is a public trust

- ▶ Don't use title or position for personal gain of self or others.
 - ▶ When contacting a District agency about a personal matter, **do not say**: "This is Commissioner Wilson, do you know who I am and what I can do to you if you fail to cooperate with my request?"
 - ▶ Other considerations:
 - Do not send an email with your auto signature and government title or on agency letterhead to anyone if it involves a personal matter (i.e., mortgage company)
 - Fundraising for private nonprofit entities using your official title – **NOT ALLOWED**

2. Avoid gifts and payments from interested parties (also called bribery)

- ▶ This means don't accept gifts from prohibited sources:
 - ▶ Lobbyists
 - ▶ Vendors
 - ▶ Contractors
 - ▶ Developers
 - ▶ Licensing Applicants
 - ▶ Parties involved in Zoning Matters
 - ▶ Those who are regulated by the District
 - ▶ Anyone who wants to do business with the District.

Gifts (hypo)

- ▶ A developer who is building a senior living center within your SMD offers you two tickets to the next Nationals game. The developer's zoning application is pending, and you are considering whether to support his application.
- ▶ May you accept the tickets?

Gifts

(hypo cont'd)

- ▶ No!
- ▶ The developer is a prohibited source because he is seeking support, from the ANC, for the application he has pending before the Board of Zoning. It is highly likely that the developer is seeking to sway the Commissioner's decision on whether to support his application.
- ▶ Even if the developer did not have a pending project within the Commissioner's SMD, the Commissioner should not accept the gift because the gift is still likely provided only because of the Commissioner's official title/position.

3. Avoid outside payment for government work

- ▶ The Salary Supplementation rule:
 - ▶ No one should pay you for your District work except for the District.
 - ▶ Federal Criminal law with criminal penalties.



4. Avoid financial conflicts of interest

- ▶ Do not take any action or participate in any manner that could financially benefit you or someone close to you!
- ▶ **Participation** = decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise
- ▶ **Person closely affiliated** = employer, family members, business partner or clients of ANC or family member
- ▶ Federal criminal penalties apply as well.
- ▶ **NOTE:** Recusal is the proper recourse when something lands on your desk.

Financial Conflicts of Interest (hypo)

- ▶ A client of a Commissioner's spouse has a pending matter for support before the Commissioner's ANC. The client informs the Commission that if he does not support the measure the client will terminate his business relationship with his spouse.
- ▶ What should happen?

Financial Conflicts of Interest

- ▶ The Commissioner should recuse from voting on the client's matter because the client is closely affiliated through the business relationship he shares with the Commissioner's spouse.
- ▶ The Commissioner's participation will have a direct and predictable effect on the client's financial interests.

Public Financial Disclosure Certification (“PFDC”)

- ▶ Statutory Authority:

D.C. Official Code § 1-1162.24(a)(3)(A) requires ANC’s, not otherwise required to file a report...shall file [a] certification required by [the Ethics Act] for the preceding year.

- ▶ The Financial Disclosure Certification is submitted to the Board of Ethics and Government Accountability (“BEGA”).
 - ▶ The Financial Disclosure Certification must be filed via the BEGA e-filing system and is immediately made publicly available.
- ▶ ANC’s are **required** to file the certification electronically by **May 15th** of each year
- ▶ ANC’s are required to take ethics training annually and are asked to certify the training on the PFDC

PFDC – When does an ANC have to file the full Financial Disclosure Statement?

- ▶ ANC + District employee not required to file a FDS = File PFDC only
- ▶ ANC + District employee required to file a confidential FDS = File both the confidential FDS and the public certification
- ▶ ANC + District employee required to file a public FDS = File the full FDS only (unnecessary to complete both the public FDS and the PFDC)
- ▶ ANC + NOT a District government employee = File the PFDC only

NOTE: ANCs are **strongly encouraged** to use their personal email addresses when filing a PFDC

5. Act impartially

- ▶ Don't give preferential treatment to:
 - ▶ friends
 - ▶ neighbors or acquaintances
 - ▶ or political donors/allies
 - ▶ family members (of course family and business associates would also fall under the financial conflict of interest provision).



6. Safeguard government resources

- ▶ Don't misuse government property.
 - ▶ Any action that costs the government money and is not authorized or a part of work duties is considered a violation:
 - ▶ i.e., using printer toner for personal matters; improper appropriations expenditures (food and beverage); using the Government Credit Card for personal matters with intent to pay it back.
 - ▶ **Email policy:** Mayor's Order in place that says you must use official email account for all government business, not private email.

7. Avoid representational conflicts of interest

- ▶ General Rule For District Employees: Do not represent anyone against the District.
- ▶ **Exception For ANCs and other special government employees:**
 - ▶ Special Government Employees (130 days or less) may engage in representation against the District – **but not before the same board, commission or agency the individual serves.**

8. Safeguard confidential non-public information

- ▶ Don't leak non-public information.
- ▶ This includes talking about your Commission on Social media.



9. Abide by revolving door restrictions

- ▶ Once you leave government, you must abide by certain restrictions for differing periods of time, i.e., 1 year, 2 years and in some cases permanently.
- ▶ Complicated – Call BEGA before and after you leave.
- ▶ Free safe-harbor Post-Employment advice for life.



10. Disclose waste or illegal conduct by government officials to the appropriate authorities

- ▶ Affirmative obligation to report to BEGA and/or the IG credible violations of the Code of Conduct.
 - ▶ Failure to do so is a violation.
 - ▶ Cooperation is mandatory.
 - ▶ Retaliation is a separate ethics violation.

Contact Us!

- We're here to help you do your duties ethically
- For advice or to make a complaint, contact:
 - ▶ BEGA Hotline: (202) 535-1002
 - ▶ BEGA Email: BEGA@dc.gov
 - ▶ Main Number: (202) 481-3411
 - ▶ Address: 441 4th Street, NW, Suite 830 South