



FY 2015 Performance Accountability Report DC Board of Ethics and Government Accountability

INTRODUCTION

The Performance Accountability Report (PAR) measures each agency's performance for the fiscal year against the agency's performance plan and includes major accomplishments, updates on initiatives' progress and key performance indicators (KPIs).

MISSION

The Board of Ethics and Government Accountability (BEGA) is responsible for overseeing the Office of Government Ethics and the Office of Open Government. The Office of Government Ethics administers and enforces the District of Columbia Code of Conduct. The Office of Open Government enforces the D.C. Open Meetings Act.

SUMMARY OF SERVICES

BEGA receives, investigates, assesses, and adjudicates violations of the Code of Conduct; provides mandatory ethics training; issues advice and guidance governing the ethical conduct of employees and public officials; and provides for an anonymous and confidential receipt of information related to violations of the Code of Conduct or other information with regard to its administration or enforcement. The Board also administers the Financial Disclosure Statement filing system for government employees and public officials and has oversight of all Lobbyist registration and activities in the District. The Board of Ethics was, in 2015, comprised of three Board Members (expanded to five Board Members on October 1, 2015). The Board also includes the staff of the Office of Government Ethics (OGE).

OVERVIEW – AGENCY PERFORMANCE

The following section provides a summary of BEGA performance in FY 2015 by listing BEGA's top three accomplishments, and a summary of its progress achieving its initiatives and progress on key performance indicators.

TOP THREE ACCOMPLISHMENTS

The top three accomplishments of BEGA in FY 2015 are as follows:

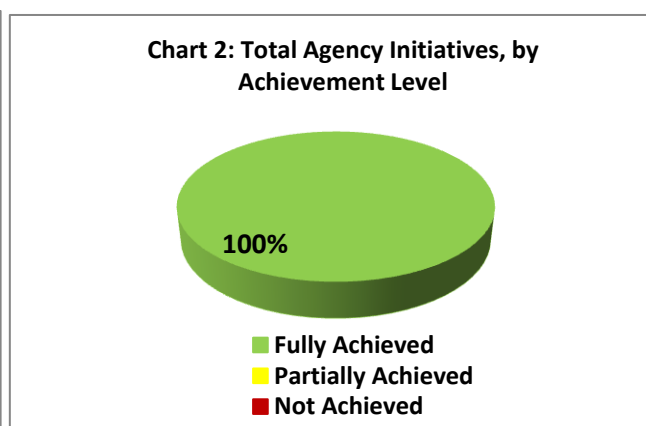
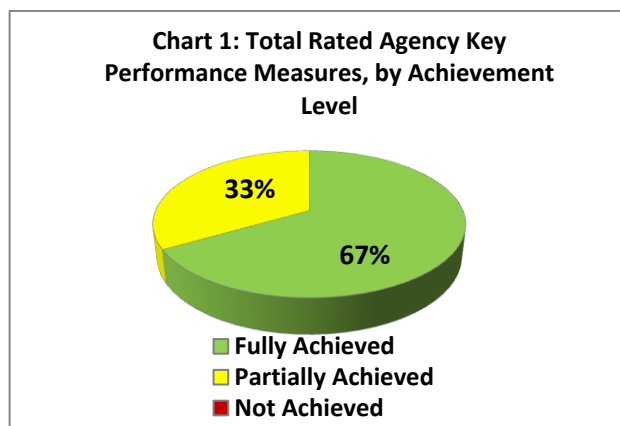
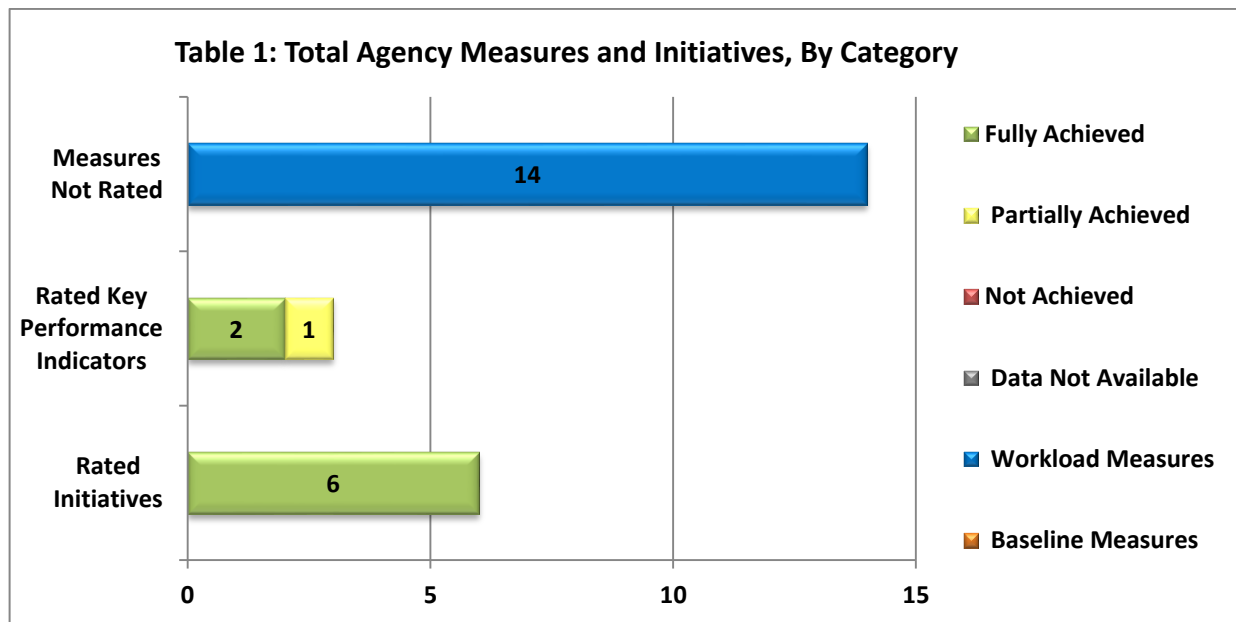
- ✓ Conducted 122 ethics training sessions, increasing by 140% of the 85 trainings conducted last fiscal year.
- ✓ 100% success rate in 17 ethics enforcement actions, which resulted in imposition of more than \$38,000 in fines.



- ✓ Issued timely advisory opinions and guidance on general questions of law it deemed of sufficient public importance.

SUMMARY OF PROGRESS TOWARD COMPLETING FY 2015 INITIATIVES AND PROGRESS ON KEY PERFORMANCE INDICATORS

Table 1 (see below) shows the overall progress BEGA made on completing its initiatives, and how overall progress is being made on achieving the agency’s objectives, as measured by their key performance indicators.



In FY 2015, BEGA fully achieved all its initiatives and two-thirds of its rated key performance measures. Table 1 provides a breakdown of the total number of performance metrics BEGA uses, including key performance indicators and workload measures, initiatives, and whether or not some of those items were achieved, partially achieved or not achieved. Chart 1 displays the overall progress is being made on achieving BEGA objectives, as measured by their rated key performance indicators. Please note that chart 2 contains only rated performance measures. Rated performance measures do not include measures where data is not available, workload



measures or baseline measures. Chart 2 displays the overall progress BEGA made on completing its initiatives, by level of achievement.

The next sections provide greater detail on the specific metrics and initiatives for BEGA in FY 2015.

PERFORMANCE INITIATIVES – ASSESSMENT DETAILS

Office of the Director

OBJECTIVE 1: Conduct timely and appropriate investigations and enforcement actions.

INITIATIVE 1.1: Hold weekly meetings with investigators and attorneys to discuss case progress.

The OGE will hold weekly meetings with staff to discuss progress on cases and to ensure that staff is receiving necessary guidance and feedback with regard to case development. Measurable success from one meeting to the next on given cases will be expected and targets for task completion will be set. **Completion Date: September 30, 2015.**

- **This initiative was fully achieved.** The OGE held weekly meetings with attorneys, investigators and administrative staff to discuss the status of each pending investigation and provide direction when necessary. The meetings also provide an opportunity to discuss ongoing issues with our financial disclosure and lobbyist registration requirements, as well as compliance with administrative and budget tasks. We also meet regularly with the Office of the Inspector General and other law enforcement agencies to collaborate on pending matters.

INITIATIVE 1.2: Develop an automated system by which demand letters for lobbyist fines are sent 30 days after a reporting period has ended.

The OGE will ensure that current software for lobbyist filing will include a feature that automatically generates demand letters for late filers and that those letters will be sent within 35 days of the end of a filing period. This will help ensure that all OGE administrative/ministerial enforcement actions are conducted timely and appropriately. **Completion Date: September 30, 2015**

- **This initiative was fully achieved.** The OGE adopted final rules to require electronic filing for all lobbyist registration forms and activity reports. The rulemaking was a significant step in ensuring that our e-filing system is implemented.

OBJECTIVE 2: Conduct mandatory training on the Code of Conduct and produce ethics training materials and a plain-language guide.

INITIATIVE 1.1: Develop a monthly newsletter for all District Government employees updating latest OGE actions as well as timely advice and guidance on matters of general interest.



The OGE will develop a monthly newsletter that will be distributed via email to District employees. The purpose of the newsletter will be to keep employees abreast of developments in the area of ethics. It will include a synopsis of OGE issuances for the previous month, public pending actions of note, and useful advice and guidance on matters of general interest. **Completion Date: September 30, 2015.**

- **This initiative was fully achieved.** The OGE prepared and electronically distributed 10 issues of its newsletter, *Ethically Speaking*, to each of the District's Ethics Counselors, as well as other employees who were included on the distribution list. Ethics Counselors were encouraged to redistribute the information within their agencies to all employees.

INITIATIVE 1.2: Increase ethics training to District Government employees and public officials by working with DCHR to actively promote city-wide ethics trainings.

The OGE will expand its training component to include ethics training in a collaborative effort with DCHR. Currently OGE conducts ethics trainings on an invitation basis when an agency requests training. Holding monthly city-wide ethics trainings through DCHR will substantially increase the number of trainings and employees who receive training. **Completion Date: September 30, 2015.**

- **This initiative was fully achieved.** The OGE provided 122 training sessions to District employees. This includes monthly ethics training through PeopleSoft, DCHR's portal for enrolling in all workforce development courses. We also conducted a number of agency-wide ethics training sessions, allowing us to train more than 500 employees at one agency. We continue to provide ethics training at each new employee orientation session every 2 weeks so that every individual entering District government service receives ethics training on day-one.

OBJECTIVE 3: Issue formal, written Advisory Opinions upon application made by an employee or public official subject to the Code of Conduct and issue, on its own initiative, an advisory opinion on any general questions of law it deems of sufficient public importance.

INITIATIVE 1.1: Conduct trainings based on formal advice requests to provide employees with a better understanding of the formal advice BEGA issues.

The OGE will add to its training offerings issues that arise with regard to formal advice issued. These examples and discussion topics will be presented during our regular training sessions and will provide employees with concrete, reality based examples, of ethics principles and how they are applied in practice. **Completion Date: September 30, 2015.**

- **This initiative was fully achieved.** In all trainings offered by BEGA, the presenter consistently used illustrative examples derived not only from completed investigations, but from recurring requests for formal and informal ethics advice. Moreover, BEGA provided regular training to members of boards and commissions, and conducted separate trainings for financial disclosure statement requirements and lobbyist registration compliance. This included participating in a symposium held in conjunction with the private sector to engage and



respond to questions with respect to persons subject to the lobbyist registration requirements.





INITIATIVE 1.2: Tailor Trainings to Trending Issues in District Government Ethics.

The OGE will tailor its training offerings to trending ethics inquiries that result in the issuance of formal and informal advice. An example of this might be Post-employment matters that typically trend upward when there is to be an expected change in administrations or Hatch Act trainings during an election year. This will serve the dual purpose of informing employees of topical ethics issues as well as providing a forum for discussing and understanding OGE interpretations of these issues.

Completion Date: September 30, 2015.

- **This initiative was fully achieved.** The OGE conducted numerous trainings for individual employees on specific post-employment scenarios and Hatch Act issues. We also issued advisory opinions and guidance on Letters of Recommendations, timely Holiday Gift Giving guidance during the holiday season, and issued Ethics Guidelines for the DC One Fund that we presented at the kick-off training session for DC One Fund coordinators.

KEY PERFORMANCE INDICATORS

	KPI	Measure	FY 2014 YE Actual	FY 2015 YE Target	FY 2015 YE Revised Target	FY 2015 YE Actual	FY 2015 YE Rating	Budget Program
	1.1	Percent of investigations resolved by dismissal, negotiated disposition, or issuance of Notice of Violation within 90 days of initiation.	47.5%	65%		49.43%	76.04%	BOARD OF ETHICS
	2.1	Percent of enforcement actions completed within 75 days (from issuance of the Notice of Violation to final order of the Ethics Board) ¹	0%	80%		100%	125%	BOARD OF ETHICS
	3.1	Percent of formal written Advisory Opinions issued	100%	80%		100%	125%	BOARD OF ETHICS

¹ This KPI will be phased out in the FY16 Performance Plan.



		within 30 days of receipt of complete information from requestor.						
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WORKLOAD MEASURES – APPENDIX

WORKLOAD MEASURES ●

Measure Name	FY 2013 YE Actual	FY 2014 YE Actual	FY 2015 YE Actual	Budget Program
Number of preliminary investigations opened based on tips to the hotline	1	1	1	BOARD OF ETHICS
Preliminary investigations opened based on information provided in meetings/interviews	5	NA	NA	BOARD OF ETHICS
Preliminary investigations opened based on calls other than calls to the hotline	4	NA	NA	BOARD OF ETHICS
Preliminary investigations opened based on documents received, including emails	27	NA	NA	BOARD OF ETHICS
Preliminary investigations opened based on media reports/sources	7	NA	NA	BOARD OF ETHICS
Number of preliminary investigations of a possible violation of the Code of Conduct initiated	43	NA	NA	BOARD OF ETHICS
Number of formal investigations initiated	18	NA	NA	BOARD OF ETHICS
Number of preliminary investigations dismissed	27	6	12	BOARD OF ETHICS
Number of formal investigations completed	10	NA	NA	BOARD OF ETHICS



Number of formal advisory opinions issued	25	NA	NA	BOARD OF ETHICS
Number of preliminary investigations opened based on information provided by means other than the hotline	NA	20	46	BOARD OF ETHICS
Number of preliminary investigations converted to formal investigations	NA	0	1	BOARD OF ETHICS
Number of preliminary investigations resolved with a negotiated disposition	NA	1	13	BOARD OF ETHICS
Number of preliminary investigations resolved after an evidentiary hearing	NA	1	0	BOARD OF ETHICS
Number of formal investigations initiated on intake	NA	2	12	BOARD OF ETHICS
Number of formal investigations dismissed	NA	3	7	BOARD OF ETHICS
Number of formal investigations resolved with a negotiated disposition	NA	0	2	BOARD OF ETHICS
Number of formal investigations resolved after an evidentiary hearing	NA	1	0	BOARD OF ETHICS
Number of formal written advisory opinions issued pursuant to a request	NA	6	5	BOARD OF ETHICS
Number of formal written advisory opinions issued on the agency's own initiative	NA	0	1	BOARD OF ETHICS
Number of request for informal ethics advice received from agency ethics officers and individual employees and public officials	NA	363	681	BOARD OF ETHICS
Processing of FOIA Non-Compliance Complaints	NA	1	NA	BOARD OF ETHICS