

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Inspector General

Inspector General



**Executive Summary Concerning the Results
of an Office of the Inspector General Investigation
Into Misconduct Violations by an Employee of the
District of Columbia Department of Consumer and
Regulatory Affairs**

2009-0438 (S)

INVESTIGATIVE SYNOPSIS

The District of Columbia Office of the Inspector General (OIG) investigated allegations that a DCRA Plans Review Coordinator (Coordinator) directed home improvement work to an architect and an interior designer. A DCRA customer alleged that the Coordinator provided her with an architect's business card and an interior designer's name and telephone number when she visited DCRA to obtain a certificate of occupancy for her residence.

OIG investigators interviewed the customer, the interior designer, and the architect. In addition, OIG investigators interviewed the Coordinator and reviewed the Coordinator's bank records.

As a Plans Review Coordinator, the Coordinator is one of four DCRA permit center intake specialists. His responsibilities include interviewing DCRA customers to ascertain the nature of their proposed projects, the type of construction work that will be required, and whether they have the proper documentation for the permit(s) needed. The Coordinator also routes customer permit applications to the appropriate permitting process.

The customer told OIG investigators that on June 12, 2009, she went to DCRA to obtain a certificate of occupancy for her residence. She submitted forms to the Coordinator and told him that she wanted to turn her house into a rental property because of her financial predicament. The customer said that the Coordinator told her that she needed an architect-drafted floor plan of the property. The Coordinator then retrieved from his wallet the architect's business card and suggested that she contact him. The Coordinator told the customer that the architect was his "buddy" and that if she told him that the Coordinator sent her, the architect would "work with her." On the back of the business card, the Coordinator wrote his first name and the interior designer's name and phone number. The Coordinator gave the business card to the customer and suggested that once she obtained the floor plan, she should have the interior designer complete the renovations. The customer did not contact either the architect or the interior designer.

The architect, who has been in business as an architectural designer for approximately 10 years and is a regular DCRA customer, told OIG investigators that he has known the Coordinator since the Coordinator began working at DCRA as a Plans Review Coordinator. He only knows the Coordinator professionally and described him as “straightforward and upstanding.” The architect did not recall giving the Coordinator any of his business cards and did not believe that the Coordinator referred any business to him. The architect also told OIG investigators that the Coordinator never solicited a kickback or gratuity and he never gave the Coordinator one.

The interior designer told OIG investigators that she knew the Coordinator before he began working at DCRA, and described him as a good friend of her husband and someone she has known for many years. The interior designer also told OIG investigators that she currently is employed as a permit clerk for a plumbing business and regularly sees the Coordinator at DCRA when she is “pulling” permits. However, she rarely conducts business with the Coordinator because he does not handle plumbing permits. Further, the interior designer advised that at one point in time she did design work, but that she has worked only for her current plumbing employer for the past few years. She said that she was not aware of the Coordinator having referred any design business to her. The interior designer told OIG investigators that the Coordinator never solicited a kickback or gratuity from her and she never gave him anything in exchange for him performing his duties at DCRA.

The Coordinator told OIG investigators that he did not recognize the architect’s name, but was familiar with the name of the architect’s business. He described the business as an architectural firm owned by an architect who also is a pastor, but claimed that he could not recall the owner’s name. The Coordinator told OIG investigators that on occasion, he had discussed various religious activities with the owner and gave the owner suggestions for the business’ marketing material.

In addition, the Coordinator told OIG investigators that although he did not remember the business owner giving him any business cards it was possible that he had done so because contractors who visit DCRA often give him their business cards. The Coordinator also said that it was possible that he gave one of the business’ cards to a customer in need of architectural services. He explained that he often encounters DCRA customers who do not understand what is required for the type of permit(s) they need or how to obtain the services of tradespersons. When this happens, he often directs them to seek assistance from contractors who happen to be waiting in the DCRA permit center at the time.

The Coordinator told OIG investigators that he knows the interior designer because she is his best friend’s wife. According to the Coordinator, the interior designer used to be a permit expediter. The Coordinator did not recall referring any customers to the interior designer and provided no explanation as to why her contact information was written on the back of the architect’s business card he gave to the customer.

The Coordinator denied receiving any kickbacks, gratuities, or favors from contractors or DCRA customers. The Coordinator also told OIG investigators that he has never been instructed against recommending contractors to DCRA customers. However, a review of

attendance sheets from OIG-conducted corruption prevention lectures at DCRA integrity training sessions held on April 21, 2009, and January 22, 2010, revealed that the Coordinator attended both sessions (Exhibit 2). As an attendee, he was instructed on the District's Standards of Conduct at both lectures.

FINDINGS AND CONCLUSIONS

The Coordinator denied soliciting kickbacks or gratuities from contractors including the architect and the interior designer. Furthermore, the architect and the interior designer denied giving the Coordinator anything in exchange for referring them business.

However, the record shows that the Coordinator used his DCRA position to refer business to the architect and the interior designer in that: (1) the Coordinator gave the DCRA customer a business card that belonged to the architect's business; (2) on the back of the same card was the name and telephone of a second contractor, the interior designer; (3) the Coordinator acknowledged that he knew the interior designer and was familiar with the architect's business; (4) the Coordinator acknowledged that he customarily referred DCRA customers to contractors; and (5) the Coordinator denied knowing that DCRA employees cannot recommend contractors to DCRA customers, even though, OIG-conducted integrity training records reflect that the Coordinator attended at least two sessions in which the District's Standards of Conduct were reviewed and he was told of the importance of avoiding the appearance of giving preferential treatment to anyone.

As such, the Coordinator violated the District's Standards of Conduct by creating the appearance of giving preferential treatment to private contractors with whom he is personally acquainted. Such conduct demonstrates that the Coordinator lost complete independence and impartiality and, consequently, affected adversely the confidence of the public in the integrity of government. Accordingly, the issue of whether the Coordinator violated DPM § 1803.1(a)(2) (Giving preferential treatment to any person (or the appearance thereof)); DPM § 1803.1(a)(4) (Losing complete independence or impartiality); and DPM § 1803.1(a)(6) (Affecting adversely the confidence of the public in the integrity of government) is **substantiated**.

RECOMMENDATIONS

Based on the results of this investigation, the OIG recommends that DCRA:

- Address the Coordinator's conduct with appropriate administrative action; and
- Ensure that all DCRA employees are trained appropriately regarding the District's Standards of Conduct, specifically as they pertain to conflicts of interest and prohibited conduct.

Dated: June 30, 2011