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 Human Services

Investigation 2010-0152

INVESTIGATIVE SYNOPSIS

In December 2009, the D.C. Office of the Inspector General (OIG) and the Federal Bureau of Investigation (FBI) initiated an investigation after receiving allegations that a DHS Facilities Shelter Home Coordinator solicited and received money in connection with bribe payments from a District homeowner. According to the allegations, the DHS employee agreed to obtain construction permits for renovations to the homeowner's house in N.E. Washington, D.C. and agreed to ensure that his house would pass District Department of Consumer and Regulatory Affairs (DCRA) inspection.

OIG investigators reviewed the bank records of the DHS employee and the homeowner; a tape recording of a telephone call; the DHS employee's District government email account; cell phone records; and personnel file. OIG investigators also interviewed the homeowner, his sons, and the DHS employee.

The OIG investigation revealed that the homeowner's first contact with the DHS employee was on June 22, 2009. On that day, while a District Department of the Environment (DDOE) inspector was issuing a citation to the homeowner for not having the proper construction permits, the DHS employee, on duty, interceded on the homeowner's behalf. The investigation confirmed that the DHS employee interfered with the DDOE inspector's work. The DDOE inspector told OIG investigators that he cited the homeowner on June 22, 2009, for failure to take proper erosion control measures regarding construction on his property. The DDOE inspector described the D.C. government employee who approached him as a heavy-set, African-American male with a deep voice.[1] The DHS employee told the DDOE inspector that he did not need to issue a citation because "this [property] is my job." The DDOE inspector responded that the property was his responsibility and told the employee to "back off," which he did. The DDOE inspector cited the homeowner and left the property.

According to the homeowner, after the DDOE inspector departed, the DHS employee displayed his D.C. government employee identification to him. The DHS employee told

[1] The DHS employee meets this description.

the homeowner and one of his sons that he could help them get the necessary construction permits and avoid future DCRA inspections. The DHS employee gave the homeowner his phone number and said that he would be in touch.

A few days later, the DHS employee contacted the homeowner and the two men agreed that the homeowner would pay the DHS employee $7,500 for a DCRA master construction permit and to ensure the construction work would pass DCRA inspections. On June 26, 2009, the DHS employee accompanied the homeowner and one of his sons (Son 1) to the bank. Son 1 withdrew $7,500 in cash and gave the money to the DHS employee. OIG investigators received from the homeowner PNC bank statements that show a withdrawal in the amount of $7,500, on June 26, 2009.

Several weeks later, the DHS employee contacted the homeowner again and told him that for another $3,050, the DHS employee could produce the DCRA master construction permit within 24 hours. On July 24, 2009, the homeowner withdrew $1,000 from his PNC bank account and borrowed $2,000 from one of his son's friends. OIG investigators received from the homeowner a PNC bank statement showing a $1,000 withdrawal on July 24, 2009.

The DHS employee did not produce a DCRA master construction permit. According to the homeowner, he began repeatedly contacting the DHS employee. The homeowner even enlisted his friends to contact the DHS employee to either provide the permits or return the money. An analysis of the DHS employee's District government-issued cellular telephone bills revealed that from July 2, 2009, to November 10, 2009, there were at least 63 calls between the DHS employee and either the homeowner or Son 1, 25 of which were 2 minutes or longer. Of the 63 calls, 28 were outgoing calls from the DHS employee to either the homeowner or Son 1.

The homeowner provided OIG investigators with what he identified as a tape of a December 9, 2009, telephone conversation between himself and the DHS employee. OIG investigators reviewed the December 9, 2009, recording, although the DHS employee is not identified by name in the recording.[2] On the call, the homeowner tells the DHS employee that he wants his money back, that he took his (the homeowner's) money and did not deliver what was promised, and that the homeowner felt "cheated." The DHS employee, who referred to the homeowner by his first name, can be heard promising the homeowner that he would "get him his money." The DHS employee also said that he was not "ducking" the homeowner and added, "you know where I work and you have my number." The DHS employee then promises that he is going to pay the homeowner that week, but that the homeowner just needs to "work with him" because he is going to "get him his money."

OIG investigators interviewed Son 1. Son 1 stated that he met the DHS employee in June 2009, when the DHS employee interceded on his father's behalf while a DDOE inspector was citing the homeowner for construction violations. After the inspector left, the DHS

[2] OIG investigators who listened to the recording of the telephone call and interviewed the DHS employee in person recognized the DHS employee's voice on the recording.

employee told the homeowner that he could help the homeowner obtain a permit and avoid future inspections, but that "it would cost him." Son 1 told investigators that the homeowner coordinated with the DHS employee to obtain a DCRA master construction permit. The homeowner asked Son 1, who was handling the financial matters related to the construction, for $7,500 to pay the DHS employee. On June 26, 2009, Son 1 went to PNC Bank and withdrew $7,500 in cash and gave the money to the homeowner in an envelope, which the homeowner then gave to the DHS employee.

Son 1 further stated that after the DHS employee had not produced the DCRA permit, he began calling the DHS employee approximately three times per week to determine the status of the permit. The DHS employee claimed "his guys needed more time to process the paperwork." Son 1 recalled that after the initial payment, the DHS employee came out to the property with an architect and appeared to work on the construction blueprints, but the DCRA master construction permit never materialized. Several days after that visit, the homeowner told Son 1 that the DHS employee claimed he needed an additional $3,050 to process the DCRA master construction permit within 24 hours. Son 1 stated that he borrowed $2,200 from a friend[3] and withdrew the remaining amount from his bank account on July 24, 2009. Son 1 stated that he then gave $3,050 to his father to pay the DHS employee.

OIG investigators interviewed Son 2, another son of the homeowner and the on-site manager for the homeowner's construction project. Son 2 stated that he observed the DHS employee at his father's home on June 22, 2009, and on 7 or 8 subsequent occasions. In addition, Son 2 overheard his father's taped telephone conversation with the DHS employee on December 9, 2009, and recalled that the DHS employee said he would begin to repay the homeowner by the end of the week.

OIG investigators interviewed a friend of the homeowner who stated that she contacted the DHS employee by telephone at his DHS office on behalf of the homeowner. Initially, the DHS employee feigned ignorance as to why the homeowner was attempting to reach him, but when the homeowner's friend persisted, the DHS employee became angry and stated, "Whatever I owe him [Homeowner], I'm going to pay him his [expletive] money, but I have to pull it together!"

On July 13, 2010, OIG investigators interviewed the DHS employee who initially denied having any personal or business contact with the homeowner, receiving any money from the homeowner, or visiting the homeowner's house. The DHS employee acknowledged receiving multiple telephone calls at his office from the homeowner and a "woman lawyer" regarding the homeowner. He also acknowledged that he met with the homeowner twice at his office when the homeowner visited him there unannounced. The DHS employee denied having a telephone conversation with the homeowner where he promised to repay any money.

[3] Son 1's friend, who was interviewed by an FBI investigator, corroborated that she lent Son 1 money on July 24, 2009, but believed the amount was $1,100.

Upon further questioning and when confronted with specific facts placing the DHS employee at the homeowner's house on June 22, 2009, the DHS employee admitted that he visited the homeowner's house on June 22, 2009. He said that he was there to borrow lunch money from a friend who was working at the site. The DHS employee admitted that he attempted to talk the inspector out of issuing a citation, at the request of his friend, but to no avail. Investigators interviewed the friend who stated that the DHS employee came to the site on June 22, 2009, to borrow lunch money but that he had not asked the DHS employee to speak to an inspector and had no knowledge of an inspector being on-site.

Investigators advised the DHS employee that the homeowner had recorded a conversation during which the DHS employee promised to pay back the homeowner. The DHS employee told investigators that he did not know why he told the homeowner that he would repay him, and then stated that he did not recall the telephone conversation. Investigators then confronted the DHS employee with District government cell phone records indicating that he had multiple phone conversations with the homeowner and Son 1. The DHS employee refused to explain the phone calls. OIG investigators also confronted the DHS employee with witness testimony that the DHS employee had accompanied the homeowner and Son 1 to the bank and received payment from them. The DHS employee claimed the witnesses were lying and subsequently terminated the interview.

On July 30, 2010, the OIG referred this matter to the United States Attorney's Office for the District of Columbia (USAO) for criminal prosecution. The USAO declined prosecution.

ANALYSIS AND CONCLUSIONS

The OIG investigation revealed that the DHS employee used his official government position to solicit business from the homeowner for his personal gain. Although the DHS employee denied entering into an improper business arrangement with the homeowner and his son, witness interviews, bank records, cell records, and a taped telephone conversation, indicate otherwise: that is, the DHS employee, while acting as a District government official, solicited and received money from the homeowner, in exchange, for the DHS employee promising to obtain a DCRA master construction permit and to prevent any future DCRA inspections of the homeowner's house. The investigation also revealed that the DHS employee was less than truthful with investigators when he denied any personal or business contact with the homeowner, receiving money from the homeowner, and promising to assist the homeowner and his son with obtaining a DCRA master construction permit and preventing future DCRA inspections at their home.

The DHS employee used his public office for private gain in violation of DPM § 1803.1 (a) (1) by soliciting and receiving money from the homeowner in exchange for promising to obtain a DCRA master construction permit and preventing future DCRA inspections at the homeowner's house. The DHS employee also impeded government efficiency and economy and affected adversely the confidence of the public in the integrity of

government, in violation of DPM §§ 1803.1(a)(3) and (a)(6), by soliciting business with the homeowner while working for the District. Finally, by using his District cell phone to converse with the homeowner and his son on 63 occasions, the DHS employee used a government resource for non-official business, in violation of DPM § 1804.1 (b).

Accordingly, this investigation has **substantiated** that the DHS employee committed the following violations:

1. DPM § 1803.1 (a) (1) (Using public office for private gain);

2. DPM § 1803.1 (a)(3) (Impeding government efficiency or economy);

3. DPM § 1803.1 (a)(6) (Affecting adversely the confidence of the public in the integrity of government); and

4. DPM § 1804.1 (b) (Using government time or resources for other than official business).

RECOMMENDATIONS

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

- DHS address the DHS employee's conduct with appropriate administrative action.

February 1, 2012