

**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 the Director of the  
D.C. Office of Unified Communications**

**2010-0178 (S)**

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**INVESTIGATIVE SYNOPSIS**

The District of Columbia Office of the Inspector General (OIG) initiated an investigation in January 2010, after receiving information that the Director of the D.C. Office of Unified Communications (OUC), was involved in a vehicle accident in Arlington, Virginia on December 29, 2009, at approximately 5:52 p.m., while driving a District government vehicle. The OIG investigation revealed that the Director violated D.C. Code § 50-204 (a), three sections of the DPM, Mayor's Order 2009-210, the Consolidated Appropriations Act, 2010, and the OUC Vehicle Operator's Accountability Policy.<sup>1</sup>

The investigation revealed that on December 29, 2009, at approximately 5:52 p.m., the Director, while operating a 2006 Chevrolet Impala with tag number DC-5701, a District government vehicle, struck another vehicle operated by a private citizen, at the intersection of Army Navy Drive and South Hayes Street, Arlington, Virginia. The Director was the only occupant in the District government vehicle and, at the time of the accident, was not on official duty. Although no report of the accident was made by the Arlington Police Department, the Director provided her vehicle, insurance, and contact information to the other driver, reported the accident to the OUC Fleet Coordinating Officer, and subsequently submitted a written report to the D.C. Office of Risk Management (ORM).

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<sup>1</sup> DPM § 1803 (Responsibilities of Employees) provides, in pertinent part, that District government employees shall avoid conduct which might result in or create the appearance of: (a) (1) Using public office for private gain; and (a) (6) Affecting adversely the confidence of the public in the integrity of government. DPM § 1806.1 prohibits the use of government property for other than official use. D.C. Code § 50-204 (a), Mayor's Order 2009-210, Government and Personal Vehicle Operators Accountability Policy (December 7, 2009), the Consolidated Appropriations Act, 2010 (Pub. L. 111-117, 123 Stat. 3034, eff. December 16, 2009), and the OUC Vehicle Operator's Accountability Policy (undated) all address the use of District government vehicles.

When interviewed by OIG investigators, the Director acknowledged driving the District government vehicle while off duty and stopping at a shopping mall on the way home.<sup>2</sup> The Director told OIG investigators that the vehicle, which is an emergency vehicle equipped with emergency lights and sirens, is assigned solely to the Director, who is not required to complete a daily vehicle-use log. The Director acknowledged that OUC has a written policy in place regarding the use of District vehicles, and could not locate any written OUC or District government policy exempting the Director from its requirements. The Director also was unaware of a written OUC policy governing use of a District government vehicle for off-duty personal use other than what the Director referred to as “common sense pit stops” on the way home. According to the Director, the OUC Director is considered an essential emergency District employee and, as such, is on call 24 hours a day, 7 days a week. According to the Director, use of the OUC vehicle assigned to the Director was based on a verbal understanding from the former Chief of Staff and the Director’s belief that the Director holds the same status as Metropolitan Police Department (MPD) emergency first responders.

In an interview with OIG investigators, the former Chief of Staff stated that it was general practice for the OUC Director, Deputy Director, and Chief of Staff to have access to vehicles to take home. Accordingly, when this Director was appointed OUC Director, the former Chief of Staff assumed that the former Director relinquished his District vehicle keys and other government property to Human Resources, and that the Director continued the established practice at OUC of accessing a District government vehicle to travel between the workplace and her residence. The former Chief of Staff told OIG investigators that he never gave the Director the vehicle keys and could not remember ever having a conversation with her regarding the use of the District vehicle.

With regard to the Director’s statement that the Director is not required to complete a daily vehicle log, the Fleet Coordinating Officer told OIG investigators that she created an Administrative Vehicle Tracking Log that each employee is required to complete when operating an OUC vehicle. OUC employees also are required to obtain vehicles and keys from the Fleet Coordinating Officer when they need to use an OUC vehicle. The Fleet Coordinating Officer said that she exercised her own judgment in not requiring the Director to maintain a vehicle log and request the vehicle and keys each time the Director needs to use an OUC vehicle because the Director is: on call 24 hours per day, 7 days per week; the only user of the assigned vehicle; and uses the vehicle constantly for official meetings. Therefore, the Fleet Coordinating Officer maintained that it would be impractical for the Director to have to request a vehicle and maintain a log for each use.

According to D.C. Code § 50-204 (a), “no officer or employee of the District may be provided with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer’s or employee’s official duties.” The only exception to this

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<sup>2</sup> The Director provided a home address in Washington, D.C. The Director’s work location also is in Washington, D.C.

prohibition is that the Mayor, the D.C. Council Chairperson, and certain employees from MPD and the D.C. Fire and Emergency Medical Services (FEMS) may use an official vehicle to travel between their respective homes and workplaces. *Id.* To implement the statute, the District government has a District-wide policy regarding the use of official vehicles, which applies to all agencies except MPD, FEMS, and the Department of Corrections (DOC). Mayor's Order 2009-210 ¶ I, dated December 7, 2009, Government and Personal Vehicle Operators Accountability Policy, provides that each agency "shall implement and maintain a system of managing the use of vehicles for authorized government business" and "shall incorporate this system into a written policy and submit this policy to the Director of the Office of Risk Management (ORM) for review and approval . . . ." In addition, Mayor's Order 2009-210 clearly states that "use of a vehicle for District government business shall be limited to use that is within the employee's scope of employment." *Id.* ¶ V.A.

Similarly, the Consolidated Appropriations Act, 2010, (Pub. L. 111-117, 123 Stat. 3034, 3223 (a), eff. December 16, 2009), provides, in pertinent part:

[N]one of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For the purposes of this section, the term "official duties" does not include travel between the officer's or employee's residence and workplace. . . .

*Id.* Title VIII, § 808.

Like the D.C. Code and Mayor's Order 2009-210, the Consolidated Appropriations Act, 2010, makes exceptions for MPD and FEMS, but not OUC.

Mayor's Order 2009-210 also requires that agencies "maintain a daily record of who has custody of each agency-controlled government vehicle at all times, miles driven, [and] purpose of the custody or use . . . ." *Id.* ¶ V.B. Further, the "agency shall require each employee who is authorized to operate a vehicle on District government business to annually execute a Vehicle Operator's Acknowledgement Form." *Id.* ¶ V.D.

OUC has in place a written policy regarding the use of District vehicles. The OUC Vehicle Operator's Accountability Policy, which was submitted to ORM<sup>3</sup> as required, provides that the policy applies to all OUC employees and that OUC vehicle operators shall operate District government owned or leased vehicles "while conducting authorized District business only." *Id.* at 2. Further, in a section entitled "Other OUC Vehicle

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<sup>3</sup> The OUC Vehicle Operator's Accountability Policy is undated, and although ORM personnel confirmed to OIG investigators that OUC had submitted it to ORM, they were unable to provide the date of submission.

Guidelines,” the OUC Vehicle Operator’s Accountability Policy states that vehicles must be used for government business only and entries in the vehicle usage log always must be completed.

### **ANALYSIS AND CONCLUSIONS**

An analysis of Mayor’s Order 2009-210 and the OUC Vehicle Operator’s Accountability Policy reveals that both policies restrict OUC employee use of District vehicles to authorized government business. In addition, D.C. Code § 50-204 (a) and the Consolidated Appropriations Act, 2010, specifically prohibit OUC employees from using a District vehicle for commuting.

Further, there is no language to indicate that the OUC Vehicle Operator’s Accountability Policy does not apply to the Director. In fact, the policy clearly states that it applies to all OUC employees. Neither the Director, the Fleet Coordinating Officer, nor the former Chief of Staff could lawfully grant the Director authorization to use a District vehicle for personal use.

As to the Director’s statement that she used the vehicle, off-duty, on the way home and that it was permissible to do so because this was a “common sense pit stop,” we found no legal authority to support this claim. Under District laws, the Director is not permitted to use a District vehicle for commuting, much less for personal use.

Therefore, an analysis of the Director’s use of the vehicle on December 29, 2009, in light of applicable law and written policies governing use of District vehicles, shows that the Director’s off-duty personal use of the vehicle was prohibited.

Accordingly, this investigation has **SUBSTANTIATED** that the Director committed the following violations:

1. D.C. Code § 50-204 (a) (Restrictions on the Use of Official Vehicles).
2. DPM Chapter 18 (Responsibilities of Employees) § 1803.1 (a) (1) (Using public office for private gain).
3. DPM § 1803.1 (a) (6) (Affecting adversely the confidence of the public in the integrity of government).
4. DPM § 1806.1 (Prohibiting the use of government property for other than official use).
5. Mayor’s Order 2009-210, Government and Personal Vehicle Operators Accountability Policy (December 7, 2009).

6. Consolidated Appropriations Act, 2010 (Pub. L. 111-117, 123 Stat. 3034, eff. December 16, 2009).
7. OUC Vehicle Operator's Accountability Policy (undated).

### **RECOMMENDATIONS**

Based on the results of this investigation, the OIG recommends that the City Administrator and Deputy Mayor:

- Address the conduct of the Director in an appropriate manner;
- Require the Director to comply with District rules regarding use of a District vehicle, including requirements that the vehicle be used only for official government duties and that vehicle usage logs be maintained for all use.

*July 28, 2010*