

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 Employees of the
District of Columbia Department of Transportation,
Office of Unified Communications, and the Department
of Consumer and Regulatory Affairs**

2011-0289 (S)

INVESTIGATIVE SYNOPSIS

The District of Columbia Office of the Inspector General (OIG) initiated an investigation in March 2011, after receiving allegations that a DDOT Assistant City Wide Program Manager (DDOT employee) and an OUC 311 Operations Manager (OUC employee) used District government property and resources such as smartphones, email accounts, office space, and a city-owned parking facility to engage in a personal and sexual relationship. In addition, during the investigation, OIG investigators received allegations that: 1) the DCRA Chief Information Officer (DCRA employee) and husband of the DDOT employee, without authorization, accessed the DDOT employee's District government smartphone and forwarded to himself emails from the DDOT employee's District government email account; and 2) the DCRA employee, without authorization, obtained the DDOT employee's District government identification and office keys, entered the DDOT employee's District government office, and removed items from her office. The investigation revealed that the DDOT and OUC employees violated four sections of the DPM,¹ and that the DCRA employee violated two sections of the DPM.

During the investigation, OIG investigators reviewed the District government email accounts of the DDOT, OUC, and DCRA employees, as well as a Protective Services Police Department (PSPD) report regarding a break-in at the DDOT employee's District government office. Furthermore, OIG investigators interviewed the DDOT, OUC, and DCRA employees.

¹ DPM § 1803.1 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 § 1804.1 provides, in pertinent part, that District government employees shall not (b) Use government time or resources for other than official business, or government approved or sponsored activities. DPM § 1806.1 provides, in pertinent part, that District government employees shall not use or permit the use of government property, equipment, or material of any kind, including that acquired through lease, for other than officially approved purposes.

The OIG investigation revealed that from approximately September 15, 2010, to approximately October 18, 2010, the DDOT and OUC employees engaged in a personal and sexual relationship. The investigation also revealed that: 1) they used their District government email accounts and smartphones to exchange sexually explicit emails; 2) on September 28, 2010, and on several occasions thereafter, they engaged in sexual activity in a District office located at the Reeves Center; and 3) they engaged in sexual activity in an automobile parked in the Reeves Center District parking facility.

The OIG investigation also determined that on October 12, 2010, and October 13, 2010, the DCRA employee accessed the DDOT employee's District government email account using her District government smartphone, and forwarded email correspondence between the DDOT employee and the OUC employee to his (the DCRA employee's) personal email account. The investigation also determined that on or before January 8, 2011, the DCRA employee obtained possession of the DDOT employee's District government identification and office keys, and on January 8, 2011, the DCRA employee entered the DDOT employee's District government office and removed items from the DDOT employee's desk without her permission to do so.

The DDOT Employee's and the OUC Employee's Misuse of District of Columbia Government Property

A review of the DDOT employee's and the OUC employee's District emails revealed that the DDOT employee and the OUC employee engaged in a personal and sexual relationship between mid-September 2010 to mid-October 2010. OIG investigators found hundreds of personal emails between the two District employees on their District government computers including many sexually explicit emails.

The DDOT employee acknowledged to OIG investigators that she engaged in a sexual relationship with the OUC employee from September 2010 to mid-October 2010. The DDOT employee admitted using her District government computer to exchange sexually explicit messages and arrange meetings with the OUC employee. The DDOT employee admitted that she and the OUC employee engaged in sexual activity in her District office at the Reeves Center. The DDOT employee also admitted having had sex with the OUC employee in his personal vehicle in the Reeves Center parking garage.

The OUC employee also acknowledged to OIG investigators that he engaged in a sexual relationship with the DDOT employee commencing in September 2010. He too admitted that he used his District government email account and smartphone to exchange hundreds of personal emails, including sexually explicit emails, to the DDOT employee. Like the DDOT employee, the OUC employee also admitted engaging in sexual acts with the DDOT employee in his personal vehicle in the Reeves Center parking garage. The OUC employee, however, denied engaging in sexual acts with the DDOT employee in her District government office at the Reeves Center. After OIG investigators showed the OUC employee a printout of an email between the OUC employee and the DDOT

employee in which he described a September 28, 2010, sexual encounter in the DDOT employee's office in explicit detail, the OUC employee then stated that he could not recall having had sex in the DDOT employee's office.

The DCRA Employee's Misuse of District of Columbia Government Property

With respect to the DCRA employee's conduct, the DDOT employee told OIG investigators that her husband, the DCRA employee, discovered the email exchanges between herself and the OUC employee, and confronted her about them. The DDOT employee also alleged that the DCRA employee stole her Reeves Center keycard and office keys from her purse, and stole personal items from her desk. The DDOT employee further alleged that the DCRA employee removed her D.C. government network profile from the Office of the Chief Technology Officer network. The DDOT employee contacted PSPD and filed a report alleging that the DCRA employee had entered her office without authorization and removed items of her personal property. The DDOT employee told OIG investigators that approximately 1 week later, she received her District government identification, Reeves keycard, and office keys from the DCRA employee's attorney.

OIG investigators interviewed the DCRA employee on May 13, 2011, and July 6, 2011. During the DCRA employee's May 13, 2011, interview, he said that several months prior, he found the DDOT employee's District government-issued Blackberry in the bathroom of their home and saw an email from the OUC employee that said: "I love you." The DCRA employee told investigators that he forwarded to his personal email account that email and approximately six or seven others that the DDOT employee had received from the OUC employee. The DCRA employee denied accessing the DDOT employee's government email account without her approval; rather, he said that he and the DDOT employee had exchanged passwords for all of their email accounts, including their District government email accounts. The DDOT employee, however, told OIG investigators that she believed that the DCRA employee hacked into her government email account to obtain the emails.

OIG investigators also interviewed another District employee who turned over to OIG investigators printouts of emails he received from a person he identified as the spouse of the DDOT employee. The other District employee turned over a total of 17 pages of emails between the DDOT employee and the OUC employee, many of which are sexually explicit. At least one of the emails refers to the two having had sex in the DDOT employee's office and another refers to plans to have sex in the DDOT employee's office.

During the DCRA employee's July 6, 2011, interview with OIG investigators, he stated that he did not have the password to the DDOT employee's D.C. government email account and only accessed the DDOT employee's email in her presence when she opened the account for him. The DCRA employee admitted that on January 8, 2011, he entered the DDOT employee's government office at the Reeves Center and removed items from her desk. According to the DCRA employee, he found the DDOT employee's office

badge and keys in the backseat of his car and gave them to his attorney. The DCRA employee said that the DDOT employee's office door was open, so he entered it, used her desk phone, and looked through the documents on her desk and in her open desk drawers. The DCRA employee told OIG investigators that when he left the DDOT employee's office, he took only personal documents belonging to and/or relating to him.

ANALYSIS AND CONCLUSIONS

The OIG investigation revealed that from mid-September 2010 to mid-October 2010, District DDOT and OUC employees used District government property and resources to engage in a personal and sexual relationship, rather than the official business of the District of Columbia. Both the DDOT employee and the OUC employee acknowledged to OIG investigators that they were involved in a sexual relationship from September 2010 to mid-October 2010, and used District government computers, smartphones and email accounts to promote their non-business relationship. They used District government property to exchange sexually explicit emails and arrange meeting locations for their personal relationship. They also admitted to engaging in sexual activity in the OUC employee's personal vehicle in the District-owned Reeves Center parking garage. Even though the OUC employee initially denied engaging in sexual acts with the DDOT employee in her District office at the Reeves Center, and subsequently stated that he could not recall having had sex in the DDOT employee's office at the Reeves Center, the DDOT employee acknowledged such activity occurred in her workplace. Based upon the totality of the evidence supporting their personal and sexual activity in the fall of 2010, there is no reason to doubt the DDOT employee when she readily admitted to inappropriate conduct in her District office.

Accordingly, the DDOT employee's and the OUC employee's conduct constituted a misuse of government resources and property, and use of their public offices for private gain. As such, the DDOT employee and the OUC employee violated DPM §§ 1803.1 (a) (1), 1804.1 (b), and 1806.1 by using their District government property and resources including email accounts, smartphones, the DDOT employee's District office, and the Reeves Center parking garage for non-District business, that is to engage in a personal and sexual relationship. Finally, the totality of their conduct, including the OUC employee's misrepresentation to OIG investigators about his non-business activity in the DDOT employee's office, affected adversely the confidence of the public in the integrity of government, in violation of DPM § 1803.1 (a) (6).

The OIG investigation also revealed that, without authorization, the DCRA employee accessed the DDOT employee's District government email account using her District government Blackberry, and forwarded emails between the DDOT employee and the OUC employee to his (the DCRA employee's) personal email account. The investigation also revealed that the DCRA employee obtained possession of the DDOT employee's District government identification and office keys, entered the DDOT employee's District government office, and removed items from her desk.

The circumstances surrounding the DCRA employee's access of the DDOT employee's District government emails on her Blackberry suggest that the DCRA employee was less than truthful when he told OIG investigators that he did so in the DDOT employee's presence and with her authorization. Further, with respect to the DCRA employee's entering the DDOT employee's District government office and removing items, the DCRA employee's statements that the office was unlocked are irrelevant as he had no authorization to be there. Similarly, the DCRA employee's assertion that he only removed personal items or items that related to him also is irrelevant, given that he had no authorization to be there.

Similarly, the DCRA employee's unauthorized entry into the DDOT employee's office, removal of items, and accessing of the DDOT employee's Blackberry and emails for personal reasons violates DPM §§ 1803.1 (a) (1). The totality of the DCRA employee's conduct, including his misrepresentations to OIG investigators regarding the circumstances surrounding his unauthorized entry to the DDOT employee's office and his unauthorized accessing of her Blackberry and emails, affected adversely the confidence of the public in the integrity of government, in violation of DPM § 1803.1 (a) (6).

Accordingly, this investigation has **substantiated** that the DDOT employee and the OUC employee each violated the following:

1. DPM § 1803.1 (a) (1) (Using public office for private gain);
2. DPM § 1803.1 (a) (6) (Affecting adversely the confidence of the public in the integrity of government);
3. DPM § 1804.1 (b) (Using government time or resources for other than official business);
4. DPM § 1806.1 (Using or permitting the use of government property, equipment, or material of any kind, including that acquired through lease, for other than officially approved purposes); and

The OIG investigation also **substantiated** that the DCRA employee violated:

1. DPM § 1803.1 (a) (1) (Using public office for private gain); and
2. DPM § 1803.1(a) (6) (Affecting adversely the confidence of the public in the integrity of government).

RECOMMENDATIONS

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

- DDOT address the DDOT employee's conduct with appropriate administrative action;
- OUC address the OUC employee's conduct with appropriate administrative action; and
- DCRA address the DCRA employee's conduct with appropriate administrative action.

September 21, 2011