

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Inspector General

Inspector General



August 31, 2017

Nyasha Smith
Secretary to the Council
1300 Pennsylvania Avenue, N.W.
Ground Level, Room 5
Washington, D.C. 20004

**Re: SIGNIFICANT ACTIVITY REPORT – SUBSTANTIATED INVESTIGATION
(OIG No. 2016-0163)**

Dear Ms. Smith:

This letter is to inform you that the D.C. Office of the Inspector General (OIG) has completed an administrative investigation into alleged misconduct by Christopher Geldart, former Director, D.C. Homeland Security and Emergency Management Agency (HSEMA).¹ This letter provides a summary of the investigation, investigative conclusions, and actions taken by the Executive in response to this investigation.

The basis for the investigation was a June 2, 2015, complaint referred to the District of Columbia Office of the Inspector General (OIG) by the D.C. Board of Ethics and Government Accountability (BEGA). The complaint alleged that Christopher Geldart, Director, Homeland Security and Emergency Management Agency (HSEMA), may have improperly influenced Technical Evaluation Committee (TEC) members during an unspecified 2013 Metropolitan Washington Council of Governments (COG) procurement. Specifically, the complainant alleged that Mr. Geldart attended a TEC scoring committee meeting and influenced TEC members to provide favorable ratings to Obsidian Analysis, Inc. (Obsidian); Obsidian was later awarded the contract.

On February 18, 2016, the OIG received a separate complaint from the General Services Administration (GSA) Office of the Inspector General alleging that an unidentified male was observed operating a GSA vehicle (a black Chevrolet Suburban bearing license plate G62 1071N) on Saturday, February 6, 2016, at approximately 2:00 P.M. The complainant reported to GSA that they observed an adult male and female, along with two children, emerge from the vehicle and enter a Subway restaurant located at 3825 Jefferson Davis Highway, Alexandria, VA.

¹ Mr. Geldart was appointed as HSEMA Director in December 2012 and served until March 2017.

Additionally, while investigating the procurement allegation, OIG investigators identified an emergent allegation that Mr. Geldart may have misused his government position and resources to introduce a close personal acquaintance to three private entities and suggest that each conduct business with the acquaintance's company. The OIG's investigation examined all three allegations.

The standard of proof applied to an OIG administrative investigation is a preponderance of the credible evidence (greater than 50 percent), i.e., the allegation is more likely to be true than not true.

Allegation 1. The investigation examined whether Mr. Geldart failed to act impartially and gave preferential treatment to Obsidian, by influencing a COG TEC panel in its evaluation of COG Proposal No. 14-008, in violation of District Personnel Manual (DPM) §§ 1803.1(a)(2) and (4).²

DPM § 1803.1 (a) (2013) states that District employees may not take action that may result in or create the appearance of: “(2) Giving preferential treatment to any person; . . . (4) Losing complete independence or impartiality”

Although COG contracting does not fall under the OIG's purview, Mr. Geldart's official conduct, as it pertains to awarding the COG contract, and his District government position, were subject to OIG oversight.

Between November 7, 2013, and December 11, 2013, a TEC panel convened to evaluate contractor submissions for COG Proposal No. 14-008. The TEC panel was comprised of four HSEMA employees and one COG employee. The TEC panel evaluated 17 proposals, 1 of which was Obsidian's proposal. TEC members scored Obsidian as the highest of the 17 proposals, and COG eventually awarded contracts to the five highest scoring firms.

After evaluating and weighing evidence obtained through TEC panel members' notes and TEC panel member interviews, and a review of Mr. Geldart's applicable email correspondence, the investigation did not establish that Mr. Geldart appeared to or did in fact favor Obsidian or lose independence or impartiality regarding the evaluation of COG Proposal No. 14-008.

In reviewing Mr. Geldart's emails, the investigation uncovered only one communication between Mr. Geldart and a representative from Obsidian. Prior to the posting of the COG RFP in October 2013, Mr. Geldart responded to the Obsidian representative's request for information on where COG would post the RFP. The investigation did not uncover additional communication between Mr. Geldart and the Obsidian representative concerning

² The District's Standards of Conduct were revised on April 11, 2014. These two provisions are currently found at DPM § 1800.3(h): “Employees shall act impartially and not give preferential treatment to any private organization or individual.”

the RFP. The investigation also did not find evidence of correspondence between Mr. Geldart and TEC panel members, before or during the evaluation period, indicating his preference towards Obsidian or any other vendor.

In interviewing the five TEC members, each independently stated that Mr. Geldart did not participate in discussions related to the evaluation of the COG proposal. During Mr. Geldart's interview, he advised investigators that he did not participate in the proposal evaluations due to his prior business relationships, to include working with Obsidian, prior to his appointment as the HSEMA Director. Mr. Geldart stated that he could not be involved in awarding the contract, in order to pass the "*Washington Post* test."

The evidence clearly established: (1) Mr. Geldart recused himself from TEC panel evaluations due to prior business relationships – including a relationship with Obsidian; (2) each of the TEC panel members independently corroborated Mr. Geldart did not participate in the TEC panel evaluations; (3) the investigation found no evidence of communication between Mr. Geldart and TEC panel members, before or during the evaluation period, indicating Mr. Geldart's preference for Obsidian; and (4) only one email communication between Mr. Geldart and an Obsidian representative occurred, prior to TEC panel evaluations, in which Mr. Geldart provided requested information about where the Obsidian representative could locate the COG RFP posting. Therefore, the allegation that Mr. Geldart failed to act impartially and gave preferential treatment to Obsidian in violation of DPM §§ 1803.1(a)(2) and (4), is **not substantiated**.

Allegation 2. During the course of this investigation, investigators uncovered evidence which implicated Mr. Geldart in misusing government resources for unauthorized purposes in violation of DPM § 1800.3(g)³ and using his public office for the private gain of a close personal acquaintance (acquaintance) in violation of DPM § 1808.1,⁴ during the period December 2012 through December 2015.

The above cited provisions of the DPM speak to the general principles governing an employee's conduct with respect to their most basic obligations as well as the proper use of government property, respectively. Specifically, § 1800.3(g) prohibits a government employee from using "public office or position for private gain." Similarly, DPM § 1808.1 states that "[a]n employee has a duty to protect and conserve government property and shall not use such property...for other than authorized purposes." The DPM defines "government property" as including but not limited to "telephone and other telecommunications equipment and services, [and] the government mails," while "authorized purposes" "are those purpose for which government property is made available to members of the public or those purposes

³ DPM § 1800.3(g) is effective April 11, 2014, to present. The DPM standard for a District government official's use of his/her public position for private gain prior to April 11, 2014 was set forth at DPM § 1803.1(a)(1).

⁴ DPM § 1808.1 is effective as of April 11, 2014, to present. The DPM standard pertaining to the use of government property prior to April 11, 2014, was set forth at DPM § 1806.1.

authorized by an agency head in accordance with law or regulation.” DPM § 1808.2(a-b)⁵ (emphasis added).

Through applicable email correspondence, the investigation established that Mr. Geldart on multiple occasions used his government email to make contact with private entities and provide references on behalf of his personal acquaintance. From January 2013 through September 2015, Mr. Geldart contacted Obsidian, Digital Sandbox, and Hagerty Consulting (Hagerty) on behalf of his acquaintance for the purpose of her gaining employment and/or securing business for her company. The investigation also established that Mr. Geldart had relationships with Obsidian and Digital Sandbox prior to his appointment as HSEMA Director. Furthermore, Obsidian, Digital Sandbox, and Hagerty Consulting each do work in the emergency management industry; an area in which HSEMA also operates, thereby providing incentive for them to curry favor with Mr. Geldart in his official capacity as Director for HSEMA.

To that point, on September 17, 2015, in response to Mr. Geldart’s email introducing his acquaintance to Hagerty, the Executive Vice President of Hagerty inquired as to the possibility of his company obtaining business with HSEMA. In interviews with Mr. Geldart, he denied seeing any impropriety in contacting these companies for the financial benefit of his acquaintance or her company. Even after reviewing his signed D.C. government Employee Ethics Pledge and being asked whether his conduct constituted a violation of that pledge, Mr. Geldart responded in the negative.

The evidence clearly established that Mr. Geldart used his government position (office), authority associated with that position, and government resources (government email) for the private gain of his acquaintance and her business in violation of DPM § 1800.3(g). The use of public office for private gain includes both the endorsement of any product, service, or enterprise, or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity. The contacts Mr. Geldart initiated via his government email toward Obsidian, Digital Sandbox, and Hagerty were done so for the direct benefit of his acquaintance and her business. Furthermore, in doing so, Mr. Geldart used government property, to include his email, for the purpose of benefiting his acquaintance. Therefore, the allegation that Mr. Geldart misused government resources for unauthorized purposes in violation of DPM § 1800.3(g) and used his public office for the private gain of a close personal acquaintance in violation of DPM § 1808.1, during the period December 2012 through December 2015, is **substantiated**.

Allegation 3. Prior to completion of the D.C. OIG’s investigation, representatives from the GSA Office of the Inspector General forwarded a complaint received by their office, alleging that on Saturday, February 6, 2016, at approximately 2:00 P.M., an unidentified male was observed operating a GSA vehicle for his own personal use. Specifically, a male, female, and two children were observed emerging from a black Chevrolet Suburban (bearing GSA

⁵ DPM § 1808.2 is effective as of April 11, 2014, to present. *See also* FN 4, *supra*.

license plate G62 1071N),⁶ and entering a Subway restaurant located at 3825 Jefferson Davis Highway, Alexandria, VA. GSA OIG determined the vehicle was assigned to HSEMA and subsequently forwarded the complaint to the D.C. OIG. The complaint concerns both unauthorized use of a District vehicle and unauthorized transportation of a non-District employee, to wit: D.C. Code § 50-204 and Mayor’s Order 2009-210, in violation of DPM § 1808.1.

D.C. Code § 50-204(a) grants authorization (at the discretion of the Director of HSEMA) to an officer or employee of HSEMA (who resides in the District and is on call 24 hours a day) the ability to travel between the officer’s or employee’s residence and workplace using an official vehicle. Mayor’s Order 2009-210, Section V. A., states in pertinent part that an “agency may authorize an employee to use a government or privately owned vehicle for work activities that are within the scope of his or her employment. The agency shall prohibit employees from transporting non-District government employees while using government or privately owned vehicles for District government business” DPM § 1808.1 states “an employee has a duty to protect and conserve government property and shall not use such property, or allow its use, for other than authorized purposes.” DPM § 1808.2(a) defines “[g]overnment property [as] leasehold . . . property, [to include] government vehicles.” DPM § 1808.2(a) defines “[a]uthorized purposes [as] those . . . for which government property is made available to other members of the public or those purposes authorized by an agency head in accordance with law or regulation.”

The OIG reviewed GSA gas-card records assigned to the vehicles Mr. Geldart operated and found that between January 1 and June 30, 2016, Mr. Geldart made 11 fuel purchases at non-District gas stations. OIG investigators were unable to reconcile these out-of-District fuel purchases to Mr. Geldart’s District government calendar to determine whether the purchases were in furtherance of District business (authorized purposes). When questioned about these purchases, Mr. Geldart stated that he maintained his District government calendar, but often ad hoc meetings occurred and did not appear on his calendar. Further, he maintained no other calendars or trip/mileage logs to track his official government travel. Mr. Geldart also stated that he had not used his GSA-leased vehicle outside of the Washington, D.C. metropolitan area for personal business. However, he equivocated and stated he had used the GSA-leased vehicle to transport members of his family.

Regarding the event on Saturday, February 6, 2016, Mr. Geldart reported he used a GSA Chevrolet Suburban (License G62-1071N) to travel to a Boy Scout event in Arlington, VA while his normally assigned GSA vehicle was being repaired. Mr. Geldart said he traveled to the event alone and did not transport any family members or other non-District government employees to or from the event. During a break in the event, Mr. Geldart stated that he, along with a female attendee whose identity he was unable to recall, traveled to a nearby Starbucks to purchase coffee in the GSA vehicle. Mr. Geldart claimed that while at

⁶ The OIG’s investigation determined that Mr. Geldart was using the Chevrolet Suburban in lieu of his HSEMA-assigned Dodge Durango, as the Durango was undergoing repairs.

Starbucks, the female remained in the vehicle. In a subsequent interview, Mr. Geldart stated that he remained in the vehicle and the female went into the coffee shop. Mr. Geldart mentioned that his son may have also been in the vehicle.

The evidence clearly established that, by his own admission, Mr. Geldart used District property for unauthorized purposes when he traveled to locations other than between his residence and office, and transported non-District government employees using a District government vehicle. Although Mr. Geldart's position as HSEMA Director requires the ability to respond to emergency situations that may arise in the District of Columbia at any time, D.C. Code § 50-204(a) and Mayor's Order 2009-210 do not allow District government employees to use District government vehicles for purposes other than conducting official business and explicitly prohibit transporting non-government employees in District-owned or -leased vehicles, unless transporting non-government employees is one of the employee's job responsibilities, is permitted by agency policy, and is expressly authorized in writing – none of which is the case here. In addition, aside from testimonial evidence, Mr. Geldart was unable to establish that the 11 out-of-District fuel purchases he made were in support of authorized District government business. Therefore, the allegation that Mr. Geldart engaged in the unauthorized use of a District vehicle and the unauthorized transport of a non-District employee in a District vehicle, in violation of D.C. Code § 50-204(a), Mayor's Order 2009-210, Section V. A., and DPM § 1808.1 is **substantiated**.

Actions taken by the Executive. On April 26, 2017, the OIG referred this investigation to the Mayor for action deemed appropriate. On August 1, 2017, the Mayor responded to the report of investigation (ROI) and stated that District employees will continue to be reminded of their ethical obligations and a Mayor's Memorandum regarding the use of District government vehicles will be published.

In addition to referring this matter to the Mayor, the OIG provided a copy of the ROI to the Board of Ethics and Governmental Accountability for action deemed appropriate.

If you need any additional information, please feel free to call me or Bernadette Todd, Assistant Inspector General for Investigations, at (202) 727-2540. When calling, please reference OIG Control Number 2016-0163.

Sincerely,


Daniel W. Lucas
Inspector General

DWL/mnw