

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 Former Acting Director¹
of the D.C. Department of Parks and Recreation (DPR)**

Investigation 2010-0068 (S)

INVESTIGATIVE SYNOPSIS

The District of Columbia Office of the Inspector General (OIG) initiated an investigation in November 2009, after receiving allegations that the then Acting DPR Director (the Director) supervised and resided with a member of the former Director's DPR transition team (the employee). The investigation revealed that the former Director violated four sections of the District Personnel Manual (DPM)² and that the employee violated one section of the DPM.

During the investigation, OIG investigators reviewed the personnel files of the Director and the employee, as well as a lease provided by the employee. OIG investigators also obtained and reviewed the bank records of the Director and the employee and interviewed both the Director and the employee.

The investigation revealed that the Director worked for the District of Columbia Public Schools (DCPS) from June 24, 1998 - April 27, 2009, in various capacities. The Director's last position at DCPS was Assistant Superintendent. On April 27, 2009, the Director became the Acting Director of DPR. If the Council of the District of Columbia (D.C. Council) had confirmed the Acting Director's appointment as Director of DPR, she would have been required to establish D.C. residency within 180 days of her confirmation.³ The DPR Director's annual salary was \$164,129.00. In connection with the appointment, the Director submitted a federal Form I-9 Employment Eligibility

¹ Since December 2009, the former Acting Director of the D.C. Department of Parks and Recreation has been the Chief of Staff at the Office of the City Administrator.

² DPM § 1803.1 provides, in pertinent part, that District government employees shall avoid conduct which might result in or create the appearance of (a) (2) Giving preferential treatment to any person; (a) (4) Losing complete independence or impartiality; and (a)(6) Affecting adversely the confidence of the public in the integrity of government. DPM § 1803.4 provides, in pertinent part, that District government employees shall not accept a gift from an employee receiving less pay or make a donation as a gift to a superior. This subsection does not preclude the presentation or acceptance of a voluntary gift of nominal value or of a cash donation in a nominal amount when given on a special, infrequent occasion such as marriage, illness, or retirement. Nominal is defined as no more than \$10.

³ The Director's appointment never was confirmed by the D.C. Council. Therefore, she never was subject to the Excepted and Executive Service Domicile Requirement Amendment Act of 2002.

Verification (Form I-9) dated April 27, 2009, to the D.C. Department of Human Resources (DCHR),⁴ listing her address as a specific location in Washington, D.C. At that time, however, the Director lived in Arlington, Virginia. The Director left DPR in December 2009 and became Chief of Staff at the D.C. Office of the City Administrator, where she remained employed as of December 29, 2010.

The employee began working as a teacher at DCPS on August 4, 1999. In May 2009, the employee also began working for DPR as an unpaid volunteer, and on June 18, 2009, she became a paid DPR summer worker. The employee left DPR in September 2009, but is still a DCPS employee.

In an interview with OIG investigators, the employee stated that she and the Director have been close friends for years. The employee told OIG investigators that when the Director became Acting DPR Director, she was living in Virginia, but was required to move to D.C. within 180 days. The employee told OIG investigators that by July 2009, the Director still had not been able to sell her Virginia condominium and her confirmation before the D.C. Council was approaching. The employee offered her basement apartment, which is located in D.C., to the Director as a temporary solution until the Director was able to sell her Virginia home and find a place to live in D.C. The employee told OIG investigators that she and the Director signed a month-to-month lease and that the Director pays \$750 per month in rent.⁵ The employee said that the Director was still living with the employee as of the date of the employee's OIG interview on March 3, 2010.

The employee also told OIG investigators that when the Director became Acting DPR Director, the employee wanted to help her with the transition. The Director also asked her DCPS team to work at DPR and assist with the transition. The employee said that she initially volunteered to help with the transition, but then was hired in May 2009 to work with the DPR Office of Facilities. The employee said that she reported to the DPR Facilities Director and assisted with whatever needed to be done to help prepare the pools for inspection, including handling community complaints, cutting grass, cleaning the pools, and cleaning the bath house. The employee told OIG investigators that she recalled completing an on line application, being fingerprinted, and undergoing a background check, but she did not recall being interviewed for the DPR position. DCHR contacted her and offered the position and a compensation package. The employee said that she never discussed compensation with the Director or DCHR personnel, and she never negotiated a salary for the position. The employee said that she worked for DPR until the end of September 2009.⁶ After that time, she helped on a voluntary basis.

⁴ The Form I-9 is kept on file at DCHR so that it is available to the Department of Homeland Security, U.S. Citizenship and Immigration Services, a federal agency, upon request.

⁵ The lease provided by the employee was executed on July 14, 2009, and sets the Director's rental obligation at \$700 per month.

⁶ The employee's employment with DPR and DCPS overlapped during September 2009. According to DPM § 1147.4(e), DCPS teachers may work for DPR on an intermittent basis, without violating the District's dual employment prohibitions.

District payroll records show that the employee's base salary at DPR was \$56,160 annually (\$27 per hour) and her gross DPR earnings were \$19,116 in 2009.

The Director told OIG investigators during her interview on March 2, 2010, that at the time of her appointment as Acting Director of DPR, she resided in Arlington, Virginia. She said that she was advised by DCHR that her position required that she be confirmed by the D.C. Council and maintain residency in the District within 180 days.⁷ She did not put her Virginia condominium on the market for sale until July 2009, and while it was on the market, she rented the basement area of the employee's home for \$700 per month. The Director acknowledged that she and the employee became friends when they both worked at DCPS.

A review of the Director's and the employee's bank records did not reveal any check payments in the amount of \$700 or \$750 made payable to the employee or any cash withdrawals in the amount of \$700 or \$750 from July 2009 through November 2009. The Director's bank records show that she withdrew \$4,200 in a cashier's check on December 5, 2009, 6 months after she moved in with the employee, and more than 5 weeks after *The Washington Post* printed a letter to the editor from the employee indicating that the Director was a long-time friend and was living temporarily at the employee's residence. The employee's bank records reflect a \$4,200 deposit on December 8, 2009.

The Director also told OIG investigators that when she became Acting DPR Director, she asked the core members of her DCPS team and support staff to work for her at DPR. She said that she invited the employee to work for the DPR Office of Facilities as a temporary employee during the summer of 2009. The Director said that she was unsure of the pay rate for temporary DPR employees, but thought the position might pay approximately \$16 to \$18 per hour. When OIG investigators indicated that the employee was paid \$27 per hour while employed by DPR, the Director stated that although she hired the employee, she never discussed compensation with her.

The Director also told OIG investigators that no one at DPR actually worked for her because she uses a team approach to management and considers herself to be part of the team. She said that she did not believe her conduct constituted a conflict of interest because she is a "helper" and surrounds herself with people who are committed to the community and active volunteers.

On May 7, 2010, the OIG presented its evidence about the Director's false statements on her federal Form I-9 to the United States Attorney's Office for the District of Columbia (USAO). The USAO declined prosecution.

⁷ Because the Acting position did not require confirmation, this investigation only can assume that the Director was referring to the position of Director of DPR.

ANALYSIS AND CONCLUSIONS

The OIG investigation revealed that the Director and the employee have been close friends for years. The Director became the Acting DPR Director in April 2009. As the head of the agency, she was able to direct her staff to hire employees of her choosing and she supervised, whether directly or indirectly, all DPR personnel.

In July 2009, the Director began living in the employee's basement in Washington, D.C., because she believed that she had to become a D.C. resident and she had not been able to sell her Virginia home. Although both the Director and the employee told OIG investigators that they entered into a lease for that living arrangement, which included the payment of monthly rent, a review of both the Director's and the employee's bank records did not reveal any activity consistent with rent payments to the employee during the months of July, August, September, October, and November 2009. An analysis of the Director's and the employee's bank records, however, revealed that the Director paid the employee \$4,200 in December 2009, the equivalent of 6 months of rent at \$700 per month. This payment, however, was made more than 5 weeks after the employee's letter was printed in *The Washington Post* stating that the Director was a long-time friend and was living temporarily at the employee's residence.

The Director violated DPM §§ 1803.1 (a) (2) and (4) because she hired her friend, the employee, while living rent-free at the employee's house. The Director also affected adversely the confidence of the public in the integrity of government, in violation of DPM § 1803.1 (a)(6), by hiring a friend, living rent-free at the friend's house, and misrepresenting her address on the Form I-9. Finally, by living rent-free in the employee's basement apartment, the Director accepted a gift from an employee, a subordinate receiving less pay, and by allowing the Director to live in her apartment rent-free, the employee donated a gift to the Director, a superior, both in violation of DPM § 1803.4.

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

1. DPM § 1803.1 (a) (2) (Giving preferential treatment to any person).
2. DPM § 1803.1 (a) (4) (Losing complete independence or impartiality).
3. DPM § 1803.1 (a) (6) (Affecting adversely the confidence of the public in the integrity of government).
4. DPM § 1803.4 (An employee shall not accept a gift from an employee receiving less pay).

In addition, this investigation has **SUBSTANTIATED** that the employee committed the following DPM violation:

1. § 1803.4 (An employee shall not make a donation as a gift to a superior).

RECOMMENDATIONS

Based on the results of this investigation, the Office of the Inspector General recommends that:

- The Office of the City Administrator addresses the conduct of the Director with appropriate administrative action.
- The Interim Chancellor, DCPS, address the conduct of the employee with appropriate administrative action.

January 18, 2011