

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY



Office of Government Ethics

VIA ELECTRONIC MAIL

November 22, 2017

Jeffery L. Kraskin, President
Spring Valley-Wesley Heights Citizens
Association
jlkraskin@rcn.com

Dennis Paul
Neighbors For A Livable
Community
dennis.paul@verizon.net

RE: ANC Commissioners participation in American University Neighborhood Collaborative,
and Georgetown University Community Partnership

Dear Messrs. Kraskin and Paul:

This is in response to your letter, dated September 24, 2017, to the Board of Ethics and Government Accountability, requesting that our office issue an “advisory opinion concerning the participation of Advisory Neighborhood Commissions in the newly established America University Neighborhood Collaborative and the existing Georgetown University Community Partnership.”

The Office of Government Ethics’ jurisdiction over the conduct of District employees is set forth in the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.*) (“Ethics Act”) and is limited to the statutes and rules contained in the District’s Code of Conduct.¹ Any *employee or public official* subject to the Code of Conduct may request that the Director of Government Ethics provide an advisory opinion, which addresses whether a specific transaction or activity constitutes an ethics violation. D.C. Official Code § 1-1162.19(a). Thus, as non-District employees, this office must decline your request for an advisory opinion.

However, this office does investigate complaints received from a variety of sources, including the public that contain allegations of possible violations of the Code of Conduct against District employees.² As a result, we have treated the September 24, 2017 letter as a complaint against the ANC Commissioners referenced in your letter. If we find there is reason to believe that a violation of one of the rule or statutes comprising the Code of Conduct has occurred, we would

¹ See D.C. Official Code § 1-1161.01 (7) (Defining statutes and rules that comprise the Code of Conduct).

² See D.C. Official Code § 1-1162.12(a).

open an investigation to determine which, if any, of the Commissioners had taken official actions that were improper. We reviewed your September 24, 2017 correspondence, including its attachments, a September 26 email from Christopher Murphy, Vice President for Government Relations and Community Engagement at Georgetown University, a September 26 email from ANC 3D02 Commissioner Troy Kravitz, and an October 27, 2017 letter from four ANC 3D Commissioners (Elkins, Kravitz, Gardner, and DeWitte). We also reviewed the October 31 responses of Tracie Hughes, Director of the Office of Open Government, and D.C. Attorney General Karl A. Racine.

Based on my review of those documents, as well as the Code of Conduct, pursuant to D.C. Official Code § 1-1162.12(c), I do not believe the allegations raised in your letter support a reasonable basis to believe that the Advisory Neighborhood Commissioners' participation in the American University Neighborhood Collaborative or Georgetown University Community Partnership constitute a violation of the Code of Conduct. Accordingly, the Office of Government Ethics must decline to further investigate the allegations you raise.

Thank you for bringing this matter to my attention.

Sincerely,



Brian K. Flowers
Interim Director of Government Ethics
Board of Ethics and Government Accountability

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