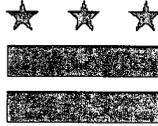


GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY



Office of Government Ethics

VIA EMAIL

November 5, 2013

Patricia Howard-Chittams  
2936 M Street, S.E.  
Washington, D.C. 20019  
[phchittams@gmail.com](mailto:phchittams@gmail.com)

Dear Ms. Chittams:

This responds to your October 29, 2013 email, by which you request advice concerning whether a possible teaching position for pay at the University of the District of Columbia School of Nursing (“UDC”) would be consistent with your ethical obligations as an Advisory Neighborhood Commissioner (“ANC”). Based upon the information you provided in your email and in your follow-up conversations with a member of my staff, I conclude that, as long as you ensure that you meet the requirements set forth below, the outside teaching activity would be permissible.

You are the ANC for Advisory Neighborhood Commission 7B01. As an ANC, your powers and duties are established, generally, by section 738(c) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 825; D.C. Official Code § 1-207.38(c)); *see also* <http://anc.dc.gov/page/about-anc> (providing background on ANC functions).

You state that you have been interviewed for the position of adjunct professor at UDC. You also state that, if hired, you would be teaching nursing; that you would be compensated; that your teaching would occur outside the time given to your ANC duties and would not involve the use of any District government resources; and that the content of course material will not use official data or ideas obtained from your ANC responsibilities which have not become part of the body of public information.

As an ANC, you are considered to be a “public official” for purposes of section 1802 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (“CMPA”), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-618.02).<sup>1</sup> The section provides that “[n]o employee, member of a board or commission, or a public

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<sup>1</sup> See section 301(14A)(E) of the CMPA (D.C. Official Code § 1-603.01(14A)(E) (defining “public official” to include ANCs).

official of the District government shall engage in outside employment or private business activity or have any direct or indirect financial interest that conflicts or would appear to conflict with the fair, impartial, and objective performance of officially assigned duties and responsibilities.”

I do not see that there would be a conflict between your accepting the adjunct professor position, if offered, and your ANC responsibilities. Further, I find that certain provisions in the District Personnel Manual (“DPM”), which, while they do not apply to you as an ANC, do reflect best practices for ANCs, would also be satisfied in your case.<sup>2</sup>

The first provision is DPM § 1804.3, which states:

An employee may engage in teaching activities, writing for publication, consultative activities, and speaking engagements that are not prohibited by law, regulation, or agency standards, only if such activities are conducted outside of regular working hours, or while the employee is on annual leave or leave without pay.

The second provision, DPM § 1804.4, states:

The information used by an employee engaging in an activity under § 1804.3 shall not draw on official data or ideas which have not become part of the body of public information, except nonpublic information that has been made available on request for use in such capacity, or unless the agency head gives written authorization for use on the basis that its use is in the public interest.

The last provision, DPM § 1804.5, states:

If the employee receives anything of monetary value for engaging in an activity under §1804.3, the subject matter shall not be devoted substantially to the responsibilities, programs, or operations of his or her agency, to his or her official duties or responsibilities or to information obtained from his or her government employment.

Please be advised that this advice is provided to you pursuant to section 219 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (“Ethics Act”), effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.19), which empowers me to provide such guidance. As a result, no enforcement action for violation of the District’s Code of Conduct may be

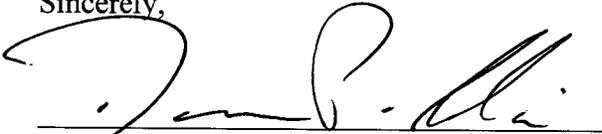
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<sup>2</sup> Please note that my analysis would have been different – although not my conclusion – if you were a paid District government employee, rather than an uncompensated ANC. Paid District government employees are permitted to teach at UDC, a District agency, even though the teaching would be a second government job. That is one of the exceptions to the rule that an employee cannot receive basic pay from more than one position in the District government for more than an aggregate of forty hours of work in one calendar week. See DPM § 1147.4(i).

taken against you in this context, provided that you have made full and accurate disclosure of all relevant circumstances and information in seeking this advisory opinion. You are also advised that the Ethics Act requires this opinion to be published in the District of Columbia Register within 30 days of its issuance, but that your identity will not be disclosed unless you consent to such disclosure in writing. Please, then, let me know your wishes about disclosure.

If you have any questions or wish to discuss this matter further, I can be reached at 202-481-3411, or by email at [darrin.sobin@dc.gov](mailto:darrin.sobin@dc.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Darrin P. Sobin", written over a horizontal line.

DARRIN P. SOBIN  
Director of Government Ethics  
Board of Ethics and Government Accountability

DPS/jjg

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