Government Ethics Reform in the District of Columbia

The Journey and Lessons Learned

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Introduction

Thorn Pozen

Thorn is a partner and member of the Stinson Morrison Hecker's government solutions practice group. Prior to joining the firm, Thorn served as Special Counsel for the District of Columbia Office of the Attorney General.

During his years working in District government, Thorn has provided legal counsel to various Washington, D.C. government officials and served as chief ethics counselor and chief FOIA officer for the District of Columbia. He has advised on government legal issues including government ethics, information sharing, real estate, intellectual property, land-use, transportation, appropriations, technology, human resources, fundraising, and interaction with private organizations, and the federal government. Prior to serving as Special Counsel, Thorn served as Chief of Staff and Counsel to a D.C. Councilmember, and has over 20 years of previous experience working with and for the District government.

Thorn graduated from American University, Washington College of Law magna cum laude, and from Connecticut College with honors and distinction in his major. He lives in Washington, D.C. with his wife and two children.

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tting the Scene

Government – Limited Home Rule

- D.C. Limited Home Rule Approved 1973 – D.C. Charter
- Government Has Municipal, County, and State Powers
- Congress Exercises Plenary Power (Art.1, Sec. 8, Clause 17)
- Form of Government (D.C. Official Code §1-204 .01 *et seq.* (2011))
  - Executive – Mayor
  - Legislative (Unicameral) – Council of Dist. of Columbia (13 Members)
  - Judiciary – Appointed by President, Confirmed by Senate
- Limitations (D.C. Official Code §§ 1-206 .02 & 1-401(2011))
  - Congressional Legislative and Budgetary Review
  - No Voting Representation in Congress
  - Narrow Tax Base, Not Taxation at Source (Commuter Tax)

etting the Scene

. Government – Overlapping Entities

- Prior to Reform, D.C. Gov't Ethics Enforcement Entities
  - Office of the Attorney General for the District of Columbia (the District's Ethics Counselor reports to the Mayor, through the AG);
  - The Board of Elections and Ethics (through the Office of Campaign Finance);
  - The D.C. Office of the Inspector General;
  - The D.C. Auditor;
  - The U.S. Attorney;
  - The FBI;
  - Congress;
  - The D.C. Council;
  - The Federal Office of Special Counsel (if Hatch Act or Whistleblower statues are implicated);
  - D.C. Bar Counsel (if an attorney is implicated and the matter might involve legal ethics issues).
- No Coordination

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tting the Scene

blems

The Washington Post

D.C. Council member Harry Thomas Jr. resigns after being charged with embezzlement



NBC WASHINGTON

Ex-Council Staffer Gets 8 Months in Taxi Bribery Case

The New York Times

WASHINGTON CITYPAPER

Proposals

- Chairman's and Councilmember Cheh's Bill (Gov. Ops)
- Other Councilmembers' Proposals
  - Councilmember Orange
  - Councilmember Wells
- Mayor and Attorney General

Legislation

- Change in Committee Leadership
- Councilmember Bowser
  - Vision and Offered Proposals
  - Research/Models
  - Final Bill (D.C. Bill 19-511)
    - Structure
    - Consolidation of Resources
    - Training/Counseling/Investigating/Enforcing
    - Who to Include

promise

- Proposed Amendments
  - Constituent Service Funds
  - Status Quo Structure
  - Outside Employment
  - "Bundling"
- Public Reaction

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Moving Forward

- Part of a Larger Whole
  - Procurement Reform ("Pay to Play")
  - Campaign Finance Reform (Contributions and Reporting)
- Effect of Politics
- Effect of the Public
- Other Considerations
  - Corporate Contribution Ban Initiative
  - Upcoming Council Elections
  - Continuing Federal Investigations
    - Mayor
    - Council Chairman

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Questions

