

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS AND ETHICS**

In Re:

Rhonda Chappelle v.  
Office of Campaign  
Finance

Administrative Hearing  
No. 04-002

**MEMORANDUM OPINION AND ORDER**

This matter came before the Board of Elections and Ethics (hereinafter “the Board”) on Wednesday, February 11, 2004, and involved a determination by the Board that Advisory Neighborhood Commissioner Rhonda Chappelle of Advisory Neighborhood Commission (“ANC”) 5B07 violated the District of Columbia Campaign Finance Reform and Conflict Act of 1974 (“the Act”) when she: 1) accepted a roundtrip airfare ticket valued at \$250.00 from Bannum, Inc. (“Bannum”) to visit a halfway house which it operated in Orlando, Florida, and; 2) subsequently failed to disclose that fact to her ANC at public meetings in February and March 2003 during which matters involving Bannum were voted upon, and during which Chappelle either abstained or voted on these matters. The Board also determined that Chappelle failed to disclose her conflict situation to the Board as she was required by law to do.

As a result of the Board’s determination, it upheld the Office of Campaign Finance’s (“OCF”) November 5, 2003 order (“Order”) imposing fines of \$4,000.00 against Chappelle as a result of her having been found in violation of the Act.

**Background**

Upon receiving a complaint from ANC Commissioner Regina James alleging that Chappelle likely received roundtrip airfare from Bannum to inspect one of its facilities, OCF instituted an investigation into whether or not Chappelle’s actions did, in fact, violate the District’s Conflict of Interest laws. This investigation entailed soliciting, receiving, and analyzing information pertaining to this issue from relevant parties including Chappelle, Bannum Executive Director David Lowry, and others named in the complaint.

The OCF investigation revealed that Chappelle had accepted roundtrip airfare from Bannum to visit one of its facilities in Orlando, Florida in June 2002, and that Bannum had paid the airfare for Chappelle’s visit at a time when it was trying to garner support from the Ward 5 community and its leaders, including ANC commissioners, for construction of a halfway home in Ward 5.

The investigation also exposed the fact that during a public ANC 5B meeting on February 6, 2003, Chappelle abstained to participate in an official vote on the question of whether to submit a letter of appeal to the District's zoning board to delay the Department of Consumer and Regulatory Affairs' ("DCRA") consideration of the issuance of a permit to Bannum for construction of the center at a location in the ANC. The minutes of the February 6, 2003 public meeting do not reflect that Chappelle advised the ANC of her June 2002 Orlando, Florida trip to visit and inspect a Bannum center.

OCF further found that, during a public ANC 5B meeting on March 6, 2003, Chappelle participated in an official vote on the question of whether ANC 5B would issue a resolution indicating that it was strongly opposed to both Bannum's renovation of the proposed site for the halfway house and the actual placement of a facility there. The minutes of the March 6, 2003 public meeting do not reflect that Chappelle advised the ANC of her June 2002 Orlando, Florida trip to visit and inspect a Bannum center.

On November 5, 2003, OCF issued an order in which it found that Chappelle violated the Act when she accepted a \$250.00 roundtrip airfare ticket to Orlando, Florida to visit and inspect the Bannum facility center site, and subsequently failed to inform the ANC on the record of this trip during public meetings in February 2003 and March 2003, during which times she abstained and voted, respectively, upon matters involving Bannum. In its order, OCF fined Chappelle a total of \$4,000.00; \$2,000.00 for accepting the roundtrip ticket, and \$2,000.00 for failing to disclose this fact prior to voting upon matters involving Bannum. On November 20, 2003, Chappelle appealed OCF's Order, asserting, *inter alia*, that the roundtrip ticket from Bannum was not a gift and that, in any event, she disclosed the fact of her trip to the ANC during both the February and March 2003 public meetings.

The Office of the General Counsel for the Board held a pre-hearing conference for the purpose of determining whether the issue could be resolved without the need to go before the Board for a full hearing or, in the alternative, narrowing the issues presented for review by the Board. As a result of this conference, the parties agreed that they would take before the Board the issue of whether the ticket was a thing of value such that Chappelle's acceptance thereof was prohibited by District of Columbia law, and that, prior to a Board hearing on the matter, Chappelle would bring in whatever evidence available to support her assertion that she did make the necessary disclosures prior to the votes concerning Bannum which occurred in February and March of 2003. On January 27, 2004, Chappelle produced signed and notarized affidavits from two fellow ANC Commissioners which indicated that she disclosed her Bannum-sponsored trip to Orlando, Florida on the record during the February and March 2003 public meetings.

During the hearing before the Board, the Board heard testimony from Rayseen Woodland, a fellow ANC Commissioner who had submitted a signed and notarized affidavit on Chappelle's behalf which stated that Chappelle had disclosed her Bannum-sponsored trip to Orlando, Florida on the record during the February and March 2003 public meetings. The Board also heard from an individual who attended the March 2003 ANC 5B public meeting and who stated that Chappelle's trip to Orlando, Florida was

discussed at that meeting, but that an individual other than Chappelle had made the disclosure. It was also revealed at the Board's hearing that Chappelle's husband had accompanied her on the trip to Orlando, Florida at his own expense, and that they stayed for an extended period of time.

### **Relevant Statutory and Regulatory Provisions**

D.C. Official Code §1-309.10(a) reads, in part, "Each [ANC] may advise the [Council], the Mayor and each executive agency, and all independent agencies, boards and commissions of the government of the District of Columbia with respect to all proposed matters of District government policy including, but not limited to, decisions regarding planning, streets, recreation, social services programs, education, health, safety, budget, and sanitation which affect that Commission area."

D.C. Official Code §1-309.10(c)(1) reads, in part, "Proposed District government actions covered by this part shall include, but shall not be limited to, actions of the [Council], the executive branch, or independent agencies, boards, and commissions. [E]ach agency, board and commission shall, before . . .the formulation of any final policy decision or guideline with respect to . . .requested or proposed zoning changes, variances, public improvements, licenses, or permits affecting said Commission area ... provide ... notice of the proposed action[.]"

D.C. Official Code §1-309.10(d)(3)(A) reads, "The issues and concerns raised in the recommendations of the Commission shall be given great weight during the deliberations by the government entity. Great weight requires acknowledgement of the Commission as the source of the recommendations and explicit reference to each of the Commission's issues and concerns."

D.C. Official Code §1-1106.01(c) reads, "No person shall offer or give to a public official or a member of a public official's household, and no public official shall solicit or receive anything of value, including a gift, favor, service, loan gratuity, discount, hospitality, political contribution or promise of future employment, based on any understanding that such public official's official actions or judgment or vote would be influenced thereby, or where it could reasonably be inferred that the thing of value would influence the public official in the discharge of his or her duties, or as a reward, except for political contributions publicly reported pursuant to §1-1102.06 and transactions made in the ordinary course of business of the person offering or giving the thing of value."

D.C. Official Code §1-1106.01(g) reads, "Any public official who, in the discharge of his or her official duties, would be required to take an action or make a decision that would affect directly or indirectly his or her financial interests or those of a member of his or her household, or a business with which he or she is associated or must take an official action on a matter as to which he or she has a conflict situation created by a personal, family or client interest, shall:

“(1) Prepare a written statement describing the matter requiring action or decision, and the nature of his or her potential conflict of interest with respect to such action or decision;

“(2) Cause copies of such statement to be delivered to the District of Columbia Board of Elections and Ethics [(Board)]; . . .

“(3) [I]f he or she has no immediate superior, except the Mayor, he or she shall take such steps as the Board prescribes through rules and regulations to remove himself or herself from influence over actions and decisions on the matter on which potential conflict exists[.]”

D.C. Official Code §1-1106.02(i) (2) states, “Members of Advisory Neighborhood Commissions shall be covered under the conflict of interest provisions of §1-1106.01.”

Pursuant to 3 D.C.M.R. §3711.1, “Upon a determination. . .that a violation has occurred, the Director may ministerially impose fines upon the offending party[.]”

Pursuant to 3 D.C.M.R. §3711.2, “Fines shall be imposed as follows:

...  
“(w) Accepting, soliciting or giving any thing of value to influence official government actions: \$2000;

...  
“(z) Failure to disclose potential conflicts of interest: \$2000[.]”

For good cause shown pursuant to 3 D.C.M.R. §3711.6, the Director of Campaign Finance may modify, rescind, dismiss or suspend any fine.

Pursuant to 3 D.C.M.R. §3504, “[a]ny person adversely affected by any order of the [Executive] Director [of OCF] may obtain review of the order by filing with the Board of Elections and Ethics a request for a hearing de novo[. ...] within 15 days from the issuance of [the order].”

## **Findings**

Having reviewed the allegations and the entire record in this matter, the Board found that Chappelle did receive a “thing of value” when she received a roundtrip airfare ticket valued at \$250.00 from Bannum, and that it could reasonably be inferred that this thing of value would influence her in the discharge of her duties.

The record shows that the ticket was both offered and accepted at a time when Bannum was still trying to garner support from the Ward 5 community and its leaders, including ANC commissioners, for construction of the proposed center. Although Bannum has stated that the justification for paying the airfare for Chappelle and others was to show “good faith” on its part, this in no way detracts from the fact that a

reasonable person considering the transaction could infer that the recipient could be influenced to be supportive of the donor as a result.

Several factors support the finding that this particular thing of value could have been reasonably inferred to have a persuasive effect on Chappelle. The first is the destination which was the subject of the ticket. Orlando, Florida is a premier vacation spot, and it is not difficult to imagine that an offer to subsidize the cost of travel to that locale, for whatever reason, could be viewed as an attempt to curry favor from the recipient, who also happened to be in a position to champion the donor's cause both officially and unofficially.

A second factor is that Chappelle admittedly did not discuss her findings concerning the inspection of the Orlando, Florida site until approximately eight months after her trip, if at all. If the purpose of the trip was to report back to the ANC and her constituents as to the benefits and/or pitfalls associated with locating a halfway house in the community, that purpose was defeated by Chappelle's silence on the record. Chappelle's failure to provide information regarding the inspection is also an indication that the trip was not for the benefit of the ANC but herself.

A final factor to consider is that, contrary to her earlier assertions that only three individuals went on the trip, Chappelle was also accompanied by her husband, who joined her for an extended stay in Orlando, Florida. Mr. Chappelle paid his own airfare for the trip, but his wife did not have to, as the cost for her trip was provided by Bannum. Consequently, the thing of value is converted from a mere means by which to inspect a facility to determine whether a similar one should be built in a particular community, into the partial subsidization of a pleasure trip. This fact was revealed to the Board for the first time during the hearing into this matter, approximately eight months after Chappelle was notified that an investigation into her activities was to take place. The fact that she did not make this fact known buttresses the opinion that Chappelle was somewhat aware that her activities were not altogether proper.

The fact that Chappelle used her airfare ticket toward the end of vacationing with her spouse makes clear that she had a personal interest in the matters involving Bannum which eventually came before her ANC. Bannum had, months earlier, made it possible for her and her spouse to take a discounted trip to Orlando, Florida. Had she not accepted the roundtrip airfare ticket, she would have had to pay the costs of her transportation herself.

Having found that Chappelle received a "thing of value" which could reasonably be inferred to influence her in the discharge of her duties, the Board next considered the question of whether or not Chappelle had disclosed the fact of her Bannum-sponsored trip to the ANC prior to participating in votes involving Bannum in February and March of 2003 as she alleged. The Board examined all relevant evidence on that issue – the minutes from the public meetings at issue, signed and notarized affidavits from two of Chappelle's fellow ANC Commissioners, and the testimony of one of those Commissioners as well as an attendee at one of the meetings -- and found it to be

inconclusive. However, while the Board was unable to determine with any degree of certainty whether or not Chappelle made the required disclosure on the record to the ANC, there is no doubt whatsoever that Chappelle did not disclose her conflict of interest situation to the Board as she was required by law to do.

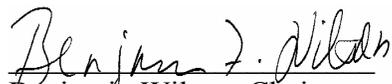
In light of the fact that Chappelle did produce some evidence, however fragile, that she disclosed the fact of her Bannum-sponsored trip to the ANC during the meetings at issue, the Board suspended the portion of the fine associated with the failure to disclose.

The Board's final finding is that Advisory Neighborhood Commissioner Rhonda Chappelle of Advisory Neighborhood Commission ("ANC") 5B07 violated the District of Columbia Campaign Finance Reform and Conflict Act of 1974 ("the Act") when she: 1) accepted a roundtrip airfare ticket valued at \$250.00 from Bannum, Inc. ("Bannum") to visit a halfway house which it operated in Orlando, Florida; 2) subsequently failed to disclose that fact to her ANC at public meetings in February and March 2003 during which matters involving Bannum, Inc. were voted upon, and during which Chappelle either abstained or voted on these matters, and; 3) failed to disclose her conflict situation to the Board as she was required by law to do. Accordingly, it is

**ORDERED** that:

- 1) the fine of \$4,000.00 imposed upon Chappelle by the Office of Campaign Finance is affirmed, but that \$2,000.00 of that fine is suspended;
- 2) Chappelle repay to Bannum \$250.00, which is the value of the roundtrip ticket she received from the company no later than February 29, 2004. This amount is to be paid by certified check, and a copy thereof is to be delivered to the Office of the General Counsel for the Board;
- 3) Chappelle pay the remaining \$2,000.00 of the fine in four monthly installments of \$500.00 each, on or before the following dates: March 29, 2004, April 29, 2004, May 29, 2004, and June 30, 2004. Checks or money orders submitted towards the payment of this fine are to be made payable to the D.C. Treasurer, and delivered to the Office of the General Counsel for the Board;
- 4) any delinquency with respect to the payment of the fine will result in an obligation to repay the entire amount of the \$4,000.00 fine initially imposed by the Office of Campaign Finance.

February 19, 2004

  
Benjamin Wilson, Chairman,  
D.C. Board of Elections and Ethics