

BEFORE THE DIRECTOR
OF THE
OFFICE OF CAMPAIGN FINANCE
D. C. BOARD OF ELECTIONS AND ETHICS
2000 14TH STREET, N. W., SUITE 433
WASHINGTON, D. C. 20009
(202) 671-0547

IN THE MATTER OF)	
)	DATE: April 3, 2009
Thomas Nida)	
Chairman)	DOCKET NO.: Full Investigation 2009-101
Public Charter School Board)	
)	

ORDER

Statement of the Matter

On or about December 14, 2008, the Washington Post newspaper of Washington, D.C. commenced a series of news articles alleging, among other things, that Thomas Nida (respondent), as Chairman of the D.C. Public Charter School Board (Board), used his official position to steer business loans to his employer, United Bank of Washington, D.C. (United Bank), where he holds the position of senior vice president.

Upon inquiry of the Office of Campaign Finance (OCF), pursuant to 3 D.C.M.R. §3702.2 (2008, as amended), it is alleged, pursuant to the District of Columbia Campaign Finance Reform and Conflict of Interest Act of 1974, as amended (Act), D. C. Official Code §§1-1101.01 et seq. (2001 Edition, as amended) that respondent sought, through official actions on matters before the Board, United Bank financing of Elsie Whitlow Stokes Public Charter School (Stokes School); Potomac Lighthouse Public Charter School (Potomac Lighthouse School); William E. Doar Jr. Public Charter School (Doar School); D.C. Preparatory Academy (D.C. Prep); Washington Mathematics Science Technology Public Charter High School (The Technology School); Eagle Academy; New School for Enterprise and Development Public Charter High School (New School); Appletree Early Learning Public Charter School (Appletree School); Sasha Bruce Public Charter School (Bruce School); and, Options Public Charter School (Options School).

Issues

1. Whether respondent violated D.C. Official Code §1-1106.01(b) when he allegedly used his official position of "Chairman of the D.C. Public Charter School Board," in a May 2008 vote by the Board to approve the request of Potomac Lighthouse School to operate in a new location, Brady Hall, with Yu Ying School, because the Charter Schools Development Corporation, for which respondent serves as an unpaid member of the board, developed Brady Hall with financing from respondent's employer, United Bank?

2. Whether respondent violated D.C. Official Code §1-1106.01(b) when he allegedly used his official position of "Chairman of the D.C. Public Charter School Board," in an August 2007 vote by the Board to approve the request of Stokes School to operate in a new location because, to finance the cost of relocation, Stokes School received a loan from respondent's employer, United Bank, with the assistance of respondent?
3. Whether respondent violated D.C. Official Code §1-1106.01(b) when he allegedly used his official position of "Chairman of the D.C. Public Charter School Board," in a September 2006 vote by the Board to approve the request of Appletree School to operate in a new location because, to finance the cost of the eventual relocation, in 2007, Appletree School received a loan from respondent's employer, United Bank, with the assistance of respondent?
4. Whether respondent violated D.C. Official Code §1-1106.01(b) when he allegedly used his official position of "Chairman of the D.C. Public Charter School Board," in an August 2006 vote by the Board to approve the request of The Technology School to change its location because The Technology School secured a loan therefor from respondent's employer, United Bank, with the assistance of respondent?
5. Whether respondent violated D.C. Official Code §1-1106.01(b) when he allegedly used his official position of "Chairman of the D.C. Public Charter School Board," in a July 2006 vote by the Board to revoke the charter for Sasha Bruce School, which shared space with Options School, because the latter was eligible to purchase the building, which was renovated and owned by the Charter Schools Development Corporation, for which respondent serves as an unpaid member of the board, with original financing therefor from respondent's employer, United Bank, with the assistance of respondent?
6. Whether respondent violated D.C. Official Code §1-1106.01(b) when he allegedly used his official position of "Chairman of the D.C. Public Charter School Board," in a June 2006 vote by the Board to allow D.C. Prep to open an elementary school because D.C. Prep purchased the space therefor in October 2006 from Fred Ezra, who financed the original purchase and renovation in 2004 with a loan from respondent's employer, United Bank, with the assistance of respondent?
7. Whether respondent violated D.C. Official Code §1-1106.01(b) when he allegedly used his official position of "Chairman of the D.C. Public Charter School Board," in a February 2006 vote by the Board to approve the request to a charter amendment by Doar School for a curriculum change and enrollment increase because the approval generated renovations in its Edgewood Terrace space, owned by Fred Ezra, who financed the original purchase and renovation in 2004 with a loan from respondent's employer, United Bank, with the assistance of respondent, and Doar secured a loan from respondent's employer, United Bank, with the assistance of respondent?

8. Whether respondent violated D.C. Official Code §1-1106.01(b) when he allegedly used his official position of “Chairman of the D.C. Public Charter School Board,” in a January 2006 vote by the Board to revoke the charter for New School because he desired to maneuver The Technology School into its space so that respondent’s employer, United Bank, with the assistance of respondent, could supply The Technology School with a loan to purchase the new space?

9. Whether respondent violated D.C. Official Code §1-1106.01(b) when he allegedly used his official position of “Chairman of the D.C. Public Charter School Board,” in a December 2005 vote by the Board to increase the then current enrollment of Eagle Academy by 123 students for the following school year because he desired to maneuver Eagle Academy into a space occupied by The Technology School so that respondent’s employer, United Bank, with the assistance of respondent, could supply The Technology School with a loan to purchase a new space?

10. Whether respondent violated D.C. Official Code §1-1106.01(b) when he allegedly used his official position of “Chairman of the D.C. Public Charter School Board,” in a December 2004 vote by the Board to lift a “Notice of Conditional Continuance” and grant full continuance to The Technology School because it maintained a lease from 770 Limited Partnership, which secured a loan from respondent’s employer, United Bank, with the assistance of respondent?

11. Whether respondent violated D.C. Official Code §1-1106.01(b) when he allegedly used his official position of “Chairman of the D.C. Public Charter School Board,” in an October 2004 announcement of approval by the Board of grants to Eagle Academy because it maintained a lease from 770 Limited Partnership, which secured a loan from respondent’s employer, United Bank, with the assistance of respondent?

Background

On December 14, 2008, the Washington Post issued, among others, two (2) articles: “Public Role, Private Gain” and “In One School Deal, Chairman Played Three Roles.” ^{1/} Upon review by the Office of Campaign Finance (OCF), it was decided, pursuant to its regulatory authority to initiate an inquiry through the media, that the articles warranted a query thereby.

Due to the nature of the allegations, on January 9, 2009, a letter issued to Thomas Nida (respondent), Chairman of the Board, advising that OCF had initiated a full investigation as to whether respondent may have misused his position to obtain financial gain for himself or any businesses with which he is associated. Furthermore, statements and documents, especially Board minutes, pertaining to all listed matters were requested, and the majority received, by February 13, 2009.

^{1/} A third related article, “Credit Committee’s Actions Benefited Associates,” concerns an OCF determination as to whether members of the subject entity are each required to file the Financial Disclosure Statement (FDS). The issue will be addressed in a determination to be issued by OCF no later than Friday, April 10, 2009.

The scope of the OCF investigation, which was conducted until March 31, 2009, encompassed reviewing all submitted information, in light of the OCF statutes; related regulations; and, in-house meetings.

Relevant Statutory and Regulatory Provisions

D. C. Official Code §1-1106.01(b) states, in part, “No public official shall use his or her official position or office to obtain financial gain for himself or herself, any member of his or her household, or any business with which he or she or a member of his or her household is associated[.]”

D.C. Official Code §1-1106.01(c) states, “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) states, “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 §1-1106.01(h)(1) defines “business” to mean “any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock, trust, and any legal entity through which business is conducted for profit.”

D.C. Official Code §1-1106.01(h)(2) defines “business with which he or she is associated” to mean “any business of which the person or member of his or her household is a director, officer, owner, employee, or holder of stock worth \$1,000 or more at fair market value, and any business which is a client of that person.

At 3 D.C.M.R. §3709.1, it reads: “The Director may institute or conduct an informal hearing on alleged violations of the reporting and disclosure requirements, prescribed by the Act and Chapters 30-37 of this title.”

At 3 D.C.M.R. §3709.12, it reads: “Any party adversely affected by any order of the Director may obtain review of the order by filing, with the Board of Elections and Ethics, a request for a hearing de novo.”

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 anything 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.

At §1801.2 of the Standards of Conduct , it reads, in part, “When, after consideration of the explanation of the employee, the Board of Elections and Ethics [Office of Campaign Finance]. . .decides that remedial action is required regarding any matter covered under this chapter, appropriate action shall be immediately taken or ordered. Remedial action[1] may include, but shall not be limited to, the following:

“(a) Changes in assigned duties;

“(b) Divestment by the employee of his or her conflicting interest;

“(c) Corrective or adverse action pursuant to D. C. Code §1-617.1(d) (1981); or

“(d) Disqualification for a particular assignment.”

¹ “Remedial action”, within the rubric of sanctions for violations of the Standards of Conduct, does not include the imposition of penalties and fines.

At §1802.1, it reads, in part, “In accordance with D. C. Code §1-619.3(e) (1981), enforcement of this chapter shall, consistent with the regulations set forth herein, be the responsibility of each agency head, except that enforcement for the following persons shall be the responsibility of the D. C. Board of Elections and Ethics [Office of Campaign Finance]:

“(a) The Mayor, the Chairman and each member of the Council, the President and each Member of the Board of Education, members of boards and commissions as provided in subsection (a) of Section 602 of the District of Columbia Campaign Finance Reform and Conflict of Interest Act[.]”

At §1803.1, it reads, “An employee shall avoid action, whether or not specifically prohibited by this chapter, which might result in, or create the appearance of. . .(f) [a]ffecting adversely the confidence of the public in the integrity of government.”

Summary of Evidence

OCF relies upon the minutes of the Board from January 27, 2003 through September 15, 2008; and, the notarized statements of respondent; the Board Executive Director, Josephine Baker; and, Thomas O. McCracken, Market President, United Bank of Washington, D.C. OCF also relies upon the Board’s list of persons required to file FDS statements with OCF and the FDS statements files by respondent from 2003 through 2008.

Findings of Facts

Based upon my review and consideration of the record, and the allegations herein, and in reliance upon the evidence indicated, I find:

1. The Board is charged with, among other things, research about and experience in evaluation of and accountability in successful schools; and, the operation of a financially sound enterprise including the budgeting and accounting skills critical thereto. Notarized Statement of Josephine Baker, Board Executive Director (Baker Statement).
2. Respondent was appointed to the Board in 2003; and, is currently Chairman of the seven (7) member Public Charter School Board. OCF Records.
3. Since respondent’s appointment through September 2008, he and the Board have made hundreds of decisions regarding, among other things, the quality, the viability, the location, and the financing of each public charter school in the District of Columbia, under its jurisdiction. Board Minutes (Minutes).
4. At its May 19, 2008 meeting, the Board voted 5-0 to approve the request of Potomac Lighthouse School to operate in a new location, Brady Hall; and, respondent recused himself. Id.

5. During the time of the May 19, 2008 vote regarding Potomac Lighthouse School, respondent disclosed that he held the position of senior vice president at United Bank of Washington, D.C. 2008 FDS.
6. During the time of the May 19, 2008 vote regarding Potomac Lighthouse School, United Bank of Washington, D.C. was involved in the financing of the Potomac Lighthouse School project.
7. Respondent was not required to disclose on his 2008 FDS his relationship with the Charter Schools Development Corporation (CSDC), the developer for the School's new location and for which respondent serves as an unpaid member of the board, because CSDC is a non-profit organization.
8. Notwithstanding, respondent did not submit to the D.C. Board of Elections and Ethics and OCF a writing to specify the reason of the recusal or to constitute notice to either Agency of said recusal at the May 19, 2008 meeting.
9. At its August 20, 2007 meeting, the Board voted 5-0 to approve the request of Stokes School to operate in a new location; and, respondent recused himself. Id.
10. During the time of the August 20, 2007 vote regarding Stokes School, respondent disclosed that he held the position of senior vice president at United Bank of Washington, D.C. 2007 FDS.
11. United Bank of Washington, D.C., respondent's employer, as disclosed on his 2007 FDS, was involved in the financing of the Stokes School project.
12. Notwithstanding, respondent did not submit to the D.C. Board of Elections and Ethics and OCF a writing to specify the reason of the recusal or to constitute notice to either Agency of said recusal at the August 20, 2007 meeting.
13. At its September 18, 2006 meeting, the Board voted 5-0 to approve the request of Appletree School to operate at a second campus, subject to certain conditions, e.g., a lease agreement was not in place, recruitment for the proposed site had not been initiated, and, importantly, Board staff had to perform an "analysis" of the request; and, respondent voted. Id. Minutes.
14. During the time of the September 18, 2006 vote regarding Appletree School, Respondent did not disclose that he held the position of senior vice president at United Bank of Washington, D.C. 2006 FDS.
15. By July 2007, Appletree School had received, among other things, a positive analysis from the Board because it obtained a loan from respondent's employer to renovate its space.

16. Respondent recused himself from participation and voting at the bank on any credit decision involving a D.C. public charter school, and received no compensation for any business done by respondent's employer with any D.C. public charter school. Notarized Statement of Thomas O. McCracken, Market President, United Bank of Washington, D.C. (McCracken Statement).
17. At its August 21, 2006 meeting, the Board voted 5-0 to approve the request of The Technology School to move to a permanent location "with enough space to enhance and expand its focus on math, science, and technology for high school students"; and, respondent voted. Minutes.
18. During the time of the August 21, 2006 meeting, respondent did not disclose that he held the position of senior vice president at United Bank of Washington, D.C. 2006 FDS.
19. Respondent recused himself from participation and voting at the bank on any credit decision involving a D.C. public charter school, and received no compensation for any business done by respondent's employer with any D.C. public charter school. McCracken Statement.
20. At its July 26, 2006 meeting, after an extensive review of its finances, the Board voted to revoke the charter for Sasha Bruce School because of its "pattern of fiscal mismanagement," which included extensive internal controls failures and delinquent financial statements. Baker Statement.
21. During the time of the July 26, 2006 vote regarding Sasha Bruce School, respondent did not disclose that he held the position of senior vice president at United Bank of Washington, D.C. 2006 FDS.
22. Respondent was not required to disclose on his 2006 FDS his relationship with the CSDC, the developer for the School's new location and for which respondent serves as an unpaid member of the board, because CSDC is a non-profit organization.
23. At its June 19, 2006 meeting, the Board voted 5-0 to approve D.C. Prep's request to expand to additional campuses, with conditions; and respondent voted. Minutes.
24. During the time of the June 19, 2006 vote regarding D.C. Prep, respondent did not disclose that he held the position of senior vice president at United Bank of Washington, D.C. 2006 FDS.
25. Respondent did not have any beneficial interest in the Fred Ezra company; notwithstanding that, D.C. Prep purchased space for its expansion from the Fred Ezra company, which financed its original purchase and renovation of the space

26. sold to D.C. Prep in 2004 with a loan from respondent's employment, with the assistance of respondent, two (2) years earlier. Baker Statement.
27. At its February 21, 2006 meeting, the Board voted 5-0 to approve Doar School's request to amend its charter to change its curriculum and increase its enrollment; and respondent voted. Minutes.
28. During the time of the February 21, 2006 vote regarding Doar School, respondent did not disclose that he held the position of senior vice president at United Bank of Washington, D.C. 2006 FDS.
29. Respondent did not have any beneficial interest in the Fred Ezra company; notwithstanding that, Doar School renovated its Edgewood Terrace space, owned by the Fred Ezra company, which financed its original purchase and renovation of the space in 2004 with a loan from respondent's employment, with the assistance of respondent, two (2) years earlier. Baker Statement.
30. At its January 23, 2006 meeting, the Board voted to propose revocation of the New School charter due, in part, to its failure to meet "probationary objectives"; and, respondent voted. Minutes.
31. During the time of the January 23, 2006 meeting, respondent did not disclose that he held the position of senior vice president at United Bank of Washington, D.C. 2006 FDS.
32. Respondent recused himself from participation and voting at the bank on any credit decision involving a D.C. public charter school, and received no compensation for any business done by respondent's employer with any D.C. public charter school. McCracken Statement.
33. At its December 19, 2005 meeting, the Board voted 5-0 to increase the then current enrollment of Eagle Academy by 123 students for the following school year because "[t]he school ha[d] a history of meeting their enrollment projections and [had] a waiting list of over 50 students"; and, respondent voted. Minutes.
34. During the time of the December 19, 2005 meeting, respondent did not disclose that he held the position of senior vice president at United Bank of Washington, D.C. 2005 FDS.
35. Respondent recused himself from participation and voting at the bank on any credit decision involving a D.C. public charter school, and received no compensation for any business done by respondent's employer with any D.C. public charter school. McCracken Statement.

36. At its December 20, 2004 meeting, the Board voted 5-0 to lift a previous Notice of Conditional Continuance and grant full continuance to The Technology School; and, respondent voted. Minutes.
37. During the time of the December 20, 2004 meeting, respondent did not disclose that he held the position of senior vice president at United Bank of Washington, D.C. 2004 FDS.
38. Respondent was not presented with a conflict with The Technology School at the December 20, 2004 meeting, as a result of its lease from 770 Limited Partnership, which secured a loan from respondent's employer, with the assistance of respondent, because respondent recused himself from participation and voting at the bank on any credit decision involving a D.C. public charter school, and received no compensation for any business done by respondent's employer with any D.C. public charter school. McCracken Statement.
39. At its October 18, 2004 meeting, the Board voted 5-0 to approve, among others, two (2) contracts to Eagle Academy lift a previous Notice of Conditional Constance and grant full continuance to The Technology School; and, respondent voted. Minutes.
40. During the time of the December 20, 2004 meeting, respondent did not disclose that he held the position of senior vice president at United Bank of Washington, D.C. 2004 FDS.
41. Respondent was not presented with a conflict with The Technology School at the December 20, 2004, as a result of its lease from 770 Limited Partnership, which secured a loan from respondent's employer, with the assistance of respondent, meeting because respondent recused himself from participation and voting at the bank on any credit decision involving a D.C. public charter school, and received no compensation for any business done by respondent's employer with any D.C. public charter school. McCracken Statement.

Conclusions of Law

Based upon the record and evidence, I therefore conclude:

1. As a public official of the District of Columbia, respondent is subject to the Act's conflict of interest statute at D.C. Official Code §1-1106.01 and the District's Standards of Conduct at 18 D.P.M., as enforced by the D.C. Office of Campaign Finance.
2. Respondent did not violate D.C. Official Code §1-1106.01(b) when he allegedly used his official position of "Chairman of the D.C. Public Charter School Board" to vote on the matters of Potomac Lighthouse School in May 2008, Stokes School in August 2007, Appletree School in September 2006, The Technology School in

August 2006, Sasha Bruce School in July 2006, D.C. Prep in October 2006, Doar School in February 2006, New School in January 2006, Eagle Academy in December 2005, The Technology School in December 2004 and Eagle Academy in October 2004, because he did not obtain financial gain for himself or for any business with which he was associated.

3. Respondent did not violate D.C. Official Code §1-1106.01(b) when he allegedly used his official position of “Chairman of the D.C. Public Charter School Board” to collaborate with Charter Schools Development Corporation because Charter Schools Development Corporation is a legal entity through which business is not conducted for profit, pursuant to D.C. Official Code §§1-1106.01(h)(1)-(2).
4. Respondent did not violate D.C. Official Code §1-1106.01(b) when he allegedly used his official position of “Chairman of the D.C. Public Charter School Board” to collaborate with the Fred Ezra company because respondent was not associated with said company.
5. Respondent did not violate D.C. Official Code §1-1106.01(b) when he allegedly used his official position of “Chairman of the D.C. Public Charter School Board” to collaborate with the 770 Limited Partnership organization because respondent was not associated with said company.
6. However, respondent failed to adhere to the notice requirements of D.C. Official Code §1-1106.01(g) when a public official must take an action that would affect financial interests directly or indirectly; and respondent did not take the necessary steps to ensure disclosure and notice requirements with regard to the Stokes School and the Potomac Lighthouse School.
7. Notwithstanding respondent’s failure to adhere to the notice requirements of D.C. Official Code §1-1106.01(g), in accordance with the ultimate purpose of the provision, i.e., the removal of influence over a matter by a conflicted official, respondent recused himself in the May 2008 meeting regarding Potomac Lighthouse School and in the August 2007 meeting regarding Stokes School.
8. Respondent also failed to disclose, pursuant to D.C. Official Code §1-1106.02, in his Financial Disclosure Form each for the years 2003 through 2006, that he was an employee or official of United Bank of Washington, D.C. and he cured this omission by including his status on each Financial Disclosure Form thereafter.

Recommendation

I hereby recommend the Director of the Office of Campaign Finance to dismiss this complaint.

I hereby further recommend the Director to admonish respondent for his failure to submit a writing, detailing the nature of the two (2) recusals, the May 2008 meeting regarding Potomac Lighthouse School and the August 2007 meeting regarding Stokes School, to the D.C. Board of Elections and Ethics and the Office of Campaign Finance; and, properly including the necessary information in previous Financial Disclosure Statement forms. By ignoring these steps, respondent brought an unnecessary cloud over his transactions in these matters and lessened the level of transparency.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

The Office of Campaign Finance recognizes the tremendous contributions made by private citizens who volunteer their time and serve as public officials, in many instances without pay, on the various Boards and Commissions of the District of Columbia. Nonetheless, to serve the public is a public trust, and public officials must adhere to all laws and regulations which govern the ethical execution of their responsibilities. To ensure the integrity of government and the transparency of official conduct, the "Campaign Finance Reform and Conflict of Interest Act" proscribes certain steps that a public official must take when, in the discharge of their official duties, the public official 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[.]" See D.C. Official Code §1-1106.01(g) (2001 Edition), and as fully implemented by §3303, Title 3, "Elections and Ethics" of the District of Columbia Municipal Regulations (March 2007, as amended). Foremost, in this process to achieve removal from influence, is the requirement to provide notice of the conflict of interest. The public official must prepare a written statement describing the matter on which there is the potential for a conflict of interest, and provide copies of the statement to the Board of Election and Ethics, the Director of the Office of Campaign Finance, and the immediate supervisor or superior-designate, if any, of the public official.

In this case, the respondent, Thomas Nida, failed to provide written notification of the potential conflicts of interest he faced as the Chairman of the Public Charter School Board to the Board of Elections and Ethics and to the Director of the Office of Campaign Finance. The Director of the Office of Campaign Finance is responsible for the administrative operations of the Board pertaining to the Campaign Finance Act, and for the enforcement for the campaign finance laws of the District of Columbia. Notwithstanding his failure to provide the requisite notice, the Respondent did remove himself on the public record before the D.C. Public Charter School Board from taking votes on those matters on which the potential conflicts of interest existed. Hence, Respondent Nida did not engage in conduct prohibited by the Conflict of Interest Statute.

Therefore, the respondent, Thomas Nida, is hereby admonished for his failure to provide written notification of the potential conflict of interest with respect to each transaction to the Board of Elections and Ethics and to the Director of the Office of Campaign Finance; and

Further, the respondent, Thomas Nida, is strongly encouraged to pursue the review by the Public School Charter Board of its current conflict of interest policies, and to ensure that these policies are consistent with the tenets of the campaign finance, conflict of interest, and financial disclosure laws of the District of Columbia.

This Order may be appealed to the Board of Elections and Ethics within 15 days from issuance.

Cecily E. Collier-Montgomery
Director

Date

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order to respondent and other interested parties on Friday, April 3, 2009.

NOTICE

Pursuant to 3 D.C.M.R. §3711.5 (March 2008, as amended), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000 14th Street, N.W., Washington, D.C., 20009.