

Financial Conflicts of Interest – Section 31-3171.10(c)

Comparison of HBX Establishment Act and BEGA Comprehensive Code of Conduct - 4/1/2019

Type of Restriction	Health Benefit Exchange Authority Conflict of Interest Statute	Board of Ethics and Government Accountability Comprehensive Code of Conduct
	<i>HBX Executive Board Member</i>	<i>HBX Executive Board Member</i>
General Financial Conflict of Interest	<p>No member of the board shall:</p> <ul style="list-style-type: none"> - Make; - participate in making; or - in any way attempt to use his or her official position to influence the making of any decision that he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on him or her or a member of his or her <i>immediate family</i>, or on either of the following: <p>(1) Any source of income ... aggregating \$250 or more in value provided to, received by, or promised to the member within 12 months prior to the time when the decision is made.</p> <p>(2) Any business entity in which the member is a director, officer, partner, trustee, or employee, or holds any position of management.</p> <p>Definitions:</p> <p>HBX Establishment Act does not define “foreseeable material financial effect” or “immediate family.”</p> <p>D.C. Official Code §31-3171.10(c).</p>	<p>No board member shall:</p> <ul style="list-style-type: none"> - use his or her official position or title, - or personally and substantially participate, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter, or attempt to influence the outcome of a particular matter, in a manner that the employee knows is likely to have a direct and predictable effect on the employee's financial interests or the financial interests of a person closely affiliated with the employee <p>D.C. Official Code §1-1162.23(a).</p> <p>An employee may accept unsolicited gifts having a market value of \$10 or less per source per occasion, provided that the aggregate market value of individual gifts received from any one person under the authority of this paragraph shall not exceed \$20 in a calendar year... (DCMR 1803.5(a)).</p> <p>Definitions:</p> <p>“Direct and predictable effect” means:</p> <ul style="list-style-type: none"> A. A close causal link between any decision/action and expected effect on the financial interest; B. A real, as opposed to a speculative possibility, that the matter will affect the financial interest; and

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		<p>C. The effect is more than de minimis. (D.C. Code §1-1161.01(11)).</p> <p><i>“Person closely affiliated with the employee”</i> means a spouse, dependent child, general partner, a member of the employee's household, or an affiliated organization.</p> <p>D.C. Official Code 1-1161.01(43).</p>
<p>Prohibition on acquiring new financial interests that create a financial COI or the appearance of a financial COI</p>	<p>See above.</p>	<p>No employee or member of the employee's household may knowingly acquire:</p> <p>(A) Stocks, bonds, commodities, real estate, or other property, whether held individually or jointly, the acquisition of which could unduly influence or give the appearance of unduly influencing the employee in the conduct of his or her official duties and responsibilities; <i>or</i></p> <p>(B) An interest in a business or commercial enterprise that is related directly to the employee's official duties, or which might otherwise be involved in an official action taken or recommended by the employee, or which is related to matters over which the employee could wield any influence, official or otherwise.</p> <p>D.C. Official Code §1-1162.23(d)(2).</p> <p>“Household” means a public official or employee and any member of his or her immediate family with whom the public official or employee resides.</p> <p>D.C. Official Code §1-1161.01(25).</p>

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Determinations Process	No process for determinations.	<p>BEGA provides informal and formal opinions.</p> <p>Requirements for exceptions:</p> <ul style="list-style-type: none"> - Advise supervisor and Board of BEGA of particular matter; - Make full disclosure of financial interest; - Where applicable receive written determination, in advance, from supervisor and Board of BEGA that: either (a) the interest is not so substantial as to be deemed likely to affect the integrity of the services that the government may expect from the employee; or (b) legally cognizable basis for waiver exists. <p>D.C. Official Code §1-1162.23(b)</p>