



**Investigative Report on
Allegations of Improper Payments and
Promises of Employment for Sulaimon Brown**

**Majority Staff Report
U.S. House of Representatives
112th Congress
Committee on Oversight and Government Reform**

**Darrell Issa, Chairman
October 31, 2011**

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I. Executive Summary

Sulaimon Brown, an auditor, was the first declared candidate to challenge District of Columbia Mayor Adrian M. Fenty in the 2010 Democratic primary. Brown raised minimal sums, campaigned by mostly attacking Fenty, and ultimately urged voters to cast ballots for then-Council Chairman Vincent C. Gray. Brown came in dead-last in the primary, even behind the write-in candidates. Less than a month after Mayor Gray took office in January 2011, Brown was hired as an Excepted Service special assistant in the city's Department of Health Care Finance (HCF), receiving an annual salary of \$110,000.

On February 23, 2011, the news media reported that Brown had a criminal record, including a restraining order involving a female minor. The following day, Brown was fired from his position at HCF. Shortly after his firing, Brown charged that he had previously struck a deal with the campaign of Mayor Gray to continue his attacks on Fenty in exchange for a city job if Gray won, and that Gray campaign chairwoman Lorraine Green and campaign consultant Howard Brooks gave him a series of cash payments to help finance his campaign.

During the course of its probe, Committee investigators interviewed five key witnesses: Brown, Green, HCF Executive Director Wayne Turnage, D.C. Inspector General Charles Willoughby, and Gerri Mason Hall, former chief of staff to Mayor Gray. Talib Karim, the former chief of staff at HCF, did not agree to be interviewed by Committee staff. Brooks also declined, citing his Fifth Amendment privilege.

The Committee obtained thousands of documents from the Executive Office of the Mayor, HCF, and the Metropolitan Police Department (MPD), through the Office of the Attorney General for the District of Columbia (OAG). The Committee received text messages and cell phone records from Brown, who also allowed Committee investigators to photograph envelopes in which he claimed to have received cash from Gray's campaign, and a related money order receipt. In addition, the D.C. Council Committee on Government Operations and the Environment provided all documents it received pursuant to subpoenas, as well as official and unofficial transcripts of three public hearings.

Committee investigators obtained several money orders that appear to have come from members of the Brooks family and persons related to Brooks. One money order was purchased the same day that Brown first met Green and exchanged his first telephone calls with her.

The Committee's investigation found no independent facts to corroborate Brown's charges relating to the promise of employment. Hall, Green and the Mayor all denied a *quid pro quo* for employment. All stated that Brown was merely promised an interview. While there is some circumstantial evidence that may support Brown's allegations, including cell phone records, internal city e-mails, and copies of text messages between Brown, the Mayor, Green, and Hall, overall the evidence is insufficient to support Brown's allegations.

On the issue of a promise of employment, it was necessary to weigh the credibility of Brown's allegations against the strong denials of Green and Hall. Brown has limited credibility. For example, he claimed not to have a criminal record, and contended the Gray Administration

fabricated court records relating to his restraining order. The MPD documents clearly demonstrate the issuance of a restraining order as well as a number of arrests. In addition, Brown told Committee investigators that he produced all relevant text messages to and from Green. That was not true. A key series of text message between Brown and Green was subsequently produced to the Committee by OAG. The complete series showed that Brown selectively withheld certain messages from the Committee.

The vetting of Brown by the Mayor's office was a "screw-up," in the words of Hall. HCF Executive Director Turnage did not do any independent vetting of Brown, relying instead on background checks conducted by Gray's transition staff. Although those checks produced negative material on Brown that Green forwarded to Hall, she neither read nor forwarded the documents to the appropriate decision-makers.

Brown's career at HCF proved to be extremely short-lived. He did not even last one month. Brown claims he was fired because a City Councilman threatened to use reports of Brown's criminal past to stall Turnage's confirmation hearing. Turnage contends that he was on his way to firing Brown before news of his criminal background became public because Brown was a troubled employee who could not handle the work assigned to him. Turnage's contention is supported by contemporaneous documents supplied by the Mayor's Office and HCF, as well as other witnesses.

After his dismissal, Brown threatened Turnage and other persons with retaliation. Judging by Brown's subsequent actions, he made good on his threats. Brown made numerous threatening phone calls to Turnage and his staff. He sent text messages to Green that so disturbed her that she filed a police report. These incidents raise further questions about Brown's credibility.

In addition to the Committee's investigation, there are two other inquiries into Brown's allegations. The U.S. Attorney for the District of Columbia continues to investigate with the assistance of the FBI.

In February 2011, the D.C. Council Committee on Government Operations and the Environment, chaired by Councilwoman Mary M. Cheh, began an unrelated probe into several of Mayor Gray's appointees. After the Brown allegations became public, the Cheh Committee expanded its investigation to include the Brown matter. It held three hearings, at which several key witnesses, including Brown, testified under oath. On August 24, 2011, the D.C. Council Committee issued a report, which concluded "[t]here is . . . strong evidence to suggest" that Brooks "provided funds" to Brown and that "senior officials in the Gray campaign promised . . . Brown a job in the Gray administration."¹

Furthermore, news reports have indicated that an ongoing federal probe being conducted by the U.S. Attorney's Office for the District of Columbia continues to scrutinize the conduct of individuals involved in Mayor Gray's mayoral campaign.

¹ COUNCIL OF THE DISTRICT OF COLUMBIA, SPECIAL COMM. ON INVESTIGATION OF EXECUTIVE PERSONNEL PRACTICES, (Aug. 24, 2011), at 2 [hereinafter D.C. Council Report].

II. Findings

The Committee's investigation corroborated some of Brown's charges.

Investigators found that several money orders produced by Brown appear to have been purchased by members of the Brooks family and persons related to Brooks. One money order was purchased the same day that Brown first met Green and exchanged his first telephone calls with her. Investigators did not find independent facts to corroborate Brown's charges relating to the promise of employment. Hall, Green and Gray all stated that Brown was merely promised an interview, not an actual position. While there is some circumstantial evidence that may support Brown's allegations, including cell phone records, internal city e-mails, and copies of text messages between Brown, the Mayor, Green, and Hall, the evidence is insufficient to support Brown's allegations. Brooks declined to be interviewed, citing his Fifth Amendment privilege.

The Mayor's Office did not properly vet Brown before he was hired.

The vetting of Brown by the Mayor's office was a "screw-up," in the words of Hall. Turnage did not do any independent vetting of Brown, relying instead on background checks conducted by Gray's transition staff. Although those checks produced negative material on Brown that Green forwarded to Hall, she neither read nor forwarded the documents to the appropriate decision-makers.

Brown had extensive personnel and work problems at HCF.

Brown's career at HCF proved to be extremely short-lived. He lasted less than one month. Brown claims he was fired because a City Councilman threatened to use reports of Brown's criminal past to stall Turnage's confirmation hearing. Turnage, and documents supplied by the Mayor's Office and HCF, paint a different picture – that of a troubled employee who could not handle the work assigned to him. Hall said Green blamed the Mayor for hiring Brown in the first place.

After his firing, Brown threatened City officials.

After his dismissal, Brown threatened Turnage and other HCF officials. Judging by Brown's subsequent actions, his threats were not idle. Brown made numerous threatening phone calls to Turnage and his staff. He also sent text messages to Green that so disturbed her that she filed a police report.

Brown has credibility issues.

Brown represented to Committee investigators that he had turned over all text messages relevant to this matter. He did not. MPD documents show that Brown participated in the 2006 mayoral campaign of Adrian Fenty and had confrontations with campaign staff. HCF documents show Brown may have sought unjustified pay by threatening agency officials. Finally, Brown claimed not to have a criminal record, and contended the Gray Administration was fabricating court records relating to a restraining order. This turned out to be false.

III. Key Figures

- **Vincent Gray, Mayor of the District of Columbia and Former Chairman of the D.C. Council**

- **Howard Brooks, Campaign Consultant to Gray for Mayor Campaign**

Brown alleges Brooks supplied him with cash during the 2010 mayoral campaign. Brooks declined to be interviewed, citing his Fifth Amendment right against self-incrimination. The Committee's investigation found that Brown's campaign received numerous money orders that appear to have come from members of the Brooks family and persons connected to Brooks.

- **Lorraine Green, Chairwoman, Gray for Mayor Campaign, and Mayor Gray's Transition Chief**

Brown alleges Green supplied him with cash during the mayoral campaign and promised him a position within D.C. government. Green has denied the allegation.

- **Sulaimon Brown**

Brown was an unsuccessful candidate in the 2010 Democratic mayoral primary. He alleges he cut a deal with Gray under which he would attack then-Mayor Fenty in exchange for employment within District government if Gray won. Brown met with the D.C. Inspector General in January 2011 about a previously filled auditor position at the request of the Mayor's chief of staff. Brown was hired as a special assistant in the D.C. Department of Health Care Finance (HCF) on January 31, 2011, and was fired on February 24, 2011. Brown subsequently alleged he received cash payments for his campaign from Gray campaign officials.

- **Talib Karim, Former Chief of Staff to Executive Director of HCF**

Karim played a role in having Brown fired from HCF and in having Brown physically removed from the premises.

- **Gerri Mason Hall, Former Chief of Staff to Mayor Gray**

Hall arranged for Brown to meet with the Inspector General's office concerning an auditing position, and effectively hired Brown for his position at HCF. She also approved HCF's firing of Brown.

- **Wayne Turnage, Executive Director, HCF**

Turnage fired Brown. Since then Turnage has reported Brown has sought to obtain severance payments from the agency, occasionally through the use of what could be perceived as threats.

- **Charles Willoughby, D.C. Inspector General**

Willoughby had a courtesy meeting with Brown about an auditing position that had been filled ten months earlier. As a result of that meeting, Willoughby recused himself and his office from the Brown investigation.

IV. Background

Sulaimon Brown, an auditor, was the first declared candidate to challenge D.C. Mayor Adrian M. Fenty in the 2010 Democratic primary.² Brown raised minimal sums and his campaign effectively consisted of attacking Fenty and telling voters to cast ballots for then-Council Chairman Vincent C. Gray.³ Barely a month after Mayor Gray took office, Brown, described as “a minor mayoral candidate who would bash Fenty and praise Gray on the campaign trail,” was hired as an Excepted Service special assistant in the city’s Department of Health Care Finance (HCF), with a salary of \$110,000-per-annum.⁴

Under District of Columbia code, the mayor has the legal authority to hire up to 220 Excepted Service positions.⁵ Those employees must “meet the minimum standards prescribed for the position to which he or she is appointed.”⁶

On February 23, 2011, four days after an article made Brown’s job public knowledge,⁷ another article reported that Brown had “run into legal trouble” in D.C., including a gun charge that was “dropped . . . in exchange for Brown going [in]to a diversion program,” being found guilty of unlawful entry, and the entry of a restraining order.⁸ The following day, Brown was fired from his position at HCF and “escorted by security out of his office.”⁹

On March 6, 2011, *The Washington Post* reported that Brown alleged that during the campaign “he struck a deal” with Mayor Gray’s campaign “to continue his attacks on incumbent Adrian M. Fenty in exchange for a city job if Gray won.”¹⁰ Brown also contended that Lorraine Green, the mayor’s campaign and transition chairwoman, and campaign consultant Howard Brooks “gave him a series of cash payments to help finance his campaign.”¹¹ The article cited

² Nikita Stewart and Tim Craig, *Never Too Soon to Campaign*, WASH. POST, Jul. 2, 2009, at D1.

³ See, i.e., Sarah Abruzzese, *Fenty Campaign Collections Surpass '06*, WASH. POST, Aug. 4, 2009, at A17; Nikita Stewart, *Fenty, Gray Fire Up The Rhetoric*, WASH. POST, Jul. 25, 2010, at C23; Tim Craig, *Ward 8 Comes Through for Gray*, WASH. POST, Aug. 22, 2010, at A12.

⁴ Nikita Stewart, *Gray Hires More Senior Staffers than Fenty Did, and Is Paying Them Significantly More*, WASH. POST, Feb. 19, 2011, available at www.washingtonpost.com/wp-dyn/content/article/2011/02/19/AR2011021903424_pf.html.

⁵ D.C. CODE § 1-610.3 (2).

⁶ D.C. CODE § 1-609.01.

⁷ Nikita Stewart, *Gray Hires More Senior Staffers than Fenty Did, and Is Paying Them Significantly More*, WASH. POST, Feb. 19, 2011, available at www.washingtonpost.com/wp-dyn/content/article/2011/02/19/AR2011021903424_pf.html.

⁸ Alan Suderman, *The Bigger Scandal (Updated)*, WASH. CITY PAPER, Feb. 23, 2011, available at www.washingtoncitypaper.com/blogs/looselips/2011/02/23.

⁹ Nikita Stewart and Tim Craig, *Sulaimon Brown, Aide to D.C. Mayor, Is Fired After Allegations of Criminal Record*, WASH. POST, Feb. 24, 2011, available at www.washingtonpost.com/wp-dyn/content/article.2011/02/24/AR2011022406792_pf.html.

¹⁰ Nikita Stewart, *Former Mayoral Candidate Sulaimon Brown Says He Struck a Job Deal with Vincent Gray Campaign*, WASH. POST, Mar. 6, 2011, available at www.washingtonpost.com/wp-dyn/content/article/2011/03/05/AR201103054378_pf.html.

¹¹ *Id.*

cellular phone records showing that Brown received 29 calls from Gray campaign officials, as well as text messages Brown exchanged with both the Mayor and Green.¹²

A. Committee Jurisdiction and Preliminary Investigation

The House Committee on Oversight and Government Reform has jurisdiction over “[m]unicipal affairs of the District of Columbia.”¹³ Brown’s allegations against the Mayor and officials of his campaign and transition team fall squarely within the municipal affairs of the District of Columbia. The Chairman initiated an investigation into the matter to evaluate the merit of Brown’s public statements and allegations.¹⁴ The investigation did not encompass related reports of unqualified individuals or other employees with criminal records being hired, or allegations of nepotism involving key aides to the Mayor.

In March 2011, Committee investigators conducted a preliminary inquiry by interviewing three key witnesses: Brown; Wayne Turnage, Executive Director of HCF; and Charles J. Willoughby, D.C. Inspector General.¹⁵ Chairman Issa asked Director Turnage for any e-mail correspondence referring, or relating, to Brown and other individuals involved in Brown’s employment at HCF.¹⁶ The requested materials were produced two weeks later.¹⁷

On the same day of his letter to Turnage, Chairman Issa also wrote to Thomas C. Green and Glenn F. Ivey, the attorneys representing Green and Brooks respectively.¹⁸ Those letters requested that Green and Ivey produce their clients for interviews.¹⁹ Green agreed to be interviewed by Committee investigators. Brooks stated, through his attorney, that he would assert his right against self-incrimination if called for an interview.

Chairman Issa requested that the attorney for Gerri Mason Hall make her available for an interview.²⁰ The interview occurred, but not before Mayor Gray “requested” Hall’s resignation “because she was becoming ‘a distraction’ and personnel matters were ‘overshadowing the work of government.’”²¹ In addition to her involvement in the Brown allegations, Hall was involved

¹² *Id.*

¹³ RULE X, RULES OF THE U.S. HOUSE OF REPRESENTATIVES, 112TH CONGRESS (Jan. 5, 2011).

¹⁴ See Press Release, Comm. on Oversight & Gov’t Reform, Oversight Committee Investigating Allegations Surrounding D.C. Mayor’s Office (Mar. 17, 2011); see also Interview by House Comm. on Oversight & Gov’t Reform with Sulaimon Brown (Mar. 8, 2011) [hereinafter Brown OGR Interview].

¹⁵ See Brown OGR Interview; Interview by House Comm. on Oversight & Gov’t Reform with Wayne Turnage, Executive Director, D.C. Department of Health Care Finance (Mar. 10, 2011) [hereinafter Turnage OGR Interview]; Interview by House Comm. on Oversight & Gov’t Reform with Charles J. Willoughby, D.C. Inspector General (Mar. 11, 2011) [hereinafter Willoughby OGR Interview].

¹⁶ Letter from Darrell Issa, Chairman, Comm. on Oversight & Gov’t Reform, to Wayne Turnage, Executive Director, D.C. Department of Health Care Finance (Mar. 14, 2011).

¹⁷ Letter from Sheryl Johnson, Acting General Counsel, HCF, to Darrell Issa, Chairman, Comm. on Oversight & Gov’t Reform (Mar. 28, 2011).

¹⁸ Letter from Darrell Issa, Chairman, Comm. on Oversight & Gov’t Reform, to Thomas C. Green, Sidley Austin (Mar. 14, 2011); Letter from Darrell Issa, Chairman, Comm. on Oversight & Gov’t Reform, to Glenn F. Ivey, Venable (Mar. 14, 2011).

¹⁹ *Id.*

²⁰ Letter from Darrell Issa, Chairman, Comm. on Oversight & Gov’t Reform, to Kenneth L. Wainstein (Mar. 16, 2011).

²¹ Nikita Stewart, *D.C. Mayor Gray Fires Chief of Staff*, WASH. POST, Mar. 17, 2011, at A1.

in other controversial decisions, weighing down on the administration – including receiving a large salary, and her son having been given a job at a D.C. city agency.²²

B. The D.C. Investigation

Acknowledging what he called “missteps,” on March 7, 2011, Mayor Gray asked D.C. Attorney General Irvin B. Nathan to investigate the allegations made by Brown, and “welcomed other external reviews,” including ones by the Office of Inspector General.²³ Several Council members called into question the independence of the mayor-appointed Attorney General, and asked the D.C. Inspector General alone to investigate.²⁴ The Inspector General stated that he informed the D.C. Attorney General on March 7, 2011 that he would recuse himself from the investigation into Brown’s charges.²⁵ Nonetheless, around the same time, the Attorney General publicly stated that OAG’s role would be “to help facilitate the investigations by the Inspector General’s office.”²⁶ Ultimately, the Inspector General formally recused his entire office from the matter on March 8, 2011.²⁷ The Attorney General ultimately recused OAG, citing a conflict of interest.²⁸

On March 7, 2011, the D.C. Office of Campaign Finance launched an investigation into Brown’s allegations. That probe was strictly limited to whether any payments allegedly made violated D.C. campaign finance laws.²⁹ To date, that inquiry has not yielded any results.

C. The Committee’s Full Investigation

Two key figures, Talib Karim and Howard Brooks, declined to be interviewed. As noted above, Brooks’ attorney stated his client would invoke his right against self-incrimination if compelled to appear at an interview. Simultaneously, D.C. investigators could not decide on the appropriate delineation of responsibilities among its various offices in relation to the investigation. Chairman Issa cited those issues as reasons for his lack of confidence that the

²² *Id.*

²³ See Press Release, Mayor Vincent C. Gray, Mayor Gray Calls for Swift and Thorough Investigations Into Allegations Made by Sulaimon Brown (Mar. 7, 2011), *available at* <http://mayor.dc.gov/DC/Mayor/About+the+Mayor/News+Room/Mayor+Gray+Calls+for+Swift+and+thorough+Investigations+into+Allegations+Made+by+Sulaimon+Brown>.

²⁴ Tim Craig, Nikita Stewart and Mike DeBonis, *Gray Acknowledges ‘Missteps,’ Calls for Investigation*, WASH. POST, Mar. 7, 2011, *available at* www.washingtonpost.com/wp-dyn/content/article/2011/03/06/AAAAR2011030603034_pf.html.

²⁵ Willoughby OGR Interview.

²⁶ Freeman Klopott, *D.C. Attorney General to ‘Facilitate’ Investigations into Allegations against Gray*, WASH. EXAMINER, Mar. 8, 2011, at 5.

²⁷ See Press Release, Inspector General Charles J. Willoughby (Mar. 9, 2011), *available at* <http://oig.D.C.gov/news/view2.asp?url=release10%2FStatement-of-Inspector-General-Charles-J-Willoughby.pdf&mode=release&archived=0&month=20112&agency=0>.

²⁸ D.C. Council Report at 4.

²⁹ Mike DeBonis, *Campaign Allegations Reviewed*, WASH. POST, Mar. 8, 2011, at B1.

District government could undertake its own investigation. As such, the Chairman announced that he had directed staff to begin a “full investigation to determine the facts.”³⁰

Mayor Gray replied to the Chairman’s announcement of a formal investigation by stating that “he doesn’t know of [any Committee] investigators attempting to speak with members of his administration.”³¹ At the time the Mayor made that statement, Committee investigators had already interviewed one member of his administration.³² In addition, Committee staff had spoken with Hall’s assistant and arranged an interview with Hall. The Mayor went on to say “he and his administration will cooperate fully with this investigation.”³³ As a result of the Mayor’s comments to the press, Chairman Issa wrote a letter to the Mayor requesting the production of documents pertinent to the investigation.³⁴ The Office of the Attorney General for the District of Columbia (OAG) produced the documents in early April 2011.³⁵ Following the interview with Lorraine Green, OAG provided additional documents relating to text messages Brown had sent to Green, and to a subsequent complaint Green had made to the Amtrak police and MPD.

Although Talib Karim, HCF chief of staff during Brown’s employment there, testified under oath before the D.C. City Council,³⁶ he refused to meet with Committee staff, in spite of a letter from Chairman Issa formally requesting that he submit to an interview.³⁷

D. Other Investigations

On April 8, 2011, shortly after the preliminary inquiry by Committee staff into Brown’s allegations, the U.S. Attorney’s Office for the District of Columbia opened its own investigation. The U.S. Attorney said his “office and the FBI are assessing the matter.”³⁸ The Committee’s investigators contacted the Department of Justice to ensure that its inquiry would not interfere with the ongoing investigation by the U.S. Attorney, and Department officials did not express any concerns or reservations about the Committee’s investigation.³⁹ The U.S. Attorney reportedly empanelled a grand jury in April 2011 to examine Brown’s allegations.⁴⁰

On March 10, 2011, the D.C. Council Committee on Government Operations and the Environment had issued a draft report on Mayor Gray’s hiring practices, focusing, at first, on

³⁰ Press Release, Comm. on Oversight & Gov’t Reform, Oversight Committee Investigating Allegations Surrounding D.C. Mayor’s Office (Mar. 17, 2011).

³¹ *Ten O’Clock News*, WTTG television broadcast (Mar. 17, 2011).

³² Turnage OGR Interview.

³³ Press Release, Mayor Vincent C. Gray, Mayor Vincent C. Gray to Cooperate with the House Oversight Committee Investigation of Sulaimon Brown Allegations (Mar. 17, 2011).

³⁴ Letter from Darrell Issa, Chairman, Comm. on Oversight & Gov’t Reform, to Vincent C. Gray, Mayor of the District of Columbia (Mar. 22, 2011).

³⁵ Letter from Ariel B. Waldman to Darrell Issa, Chairman, Comm. on Oversight & Gov’t Reform (Apr. 4, 2011).

³⁶ See PUBLIC OVERSIGHT ROUNDTABLE ON EXECUTIVE PERSONNEL PRACTICES BEFORE COMM. ON GOV’T OPERATIONS AND THE ENV’T, D.C. COUNCIL (Mar. 28, 2011), *available at* http://oct.D.C.gov/services/on_demand_video/on_demand_April_2011_week_1.shtm [hereinafter Cheh Committee March Hearing].

³⁷ Letter from Darrell Issa, Chairman, Comm. on Oversight & Gov’t Reform, to Talib Karim (Mar. 29, 2011).

³⁸ *US Attorney Assessing Alleged Job Deal*, ASSOC. PRESS, Mar. 10, 2011.

³⁹ Telephone conversation with Office of Legislative Affairs Staff, U.S. Department of Justice (Mar. 21, 2011).

⁴⁰ Freeman Klopott, *Grand Jury Reviewing Gray Campaign*, WASH. EXAMINER, Jun. 21, 2011, at 5.

“major concerns” involving compensation, qualifications, and nepotism.⁴¹ On March 23, 2011, the Council Committee announced it was expanding the probe of personnel practices to include the Brown allegations.⁴² Specifically, Councilwoman Cheh said she “will be seeking approval of a resolution creating such an investigation with subpoena power,” and already had “sought documents pursuant to its review.”⁴³ Cheh expanded the Committee probe because of her concern that neither the OAG nor the Inspector General was investigating Brown’s allegations.

One week later, Councilmember Cheh held a hearing at which Karim, Turnage, Willoughby, Banks, and Reuben Charles, the former head of the Mayor’s transition team, all testified under oath.⁴⁴ At the next hearing, Hall testified under oath that she was responsible for many of the errors that occurred in Brown’s hiring.⁴⁵ Brown refused to testify, prompting Councilwoman Cheh to issue a subpoena compelling his testimony at a third hearing scheduled for April 29, 2011.⁴⁶ In addition, the Council issued a subpoena to Brooks, who stated that he would “assert a Fifth Amendment privilege in response to all questions asked.”⁴⁷ Cheh contended that Brown appeared “to be intentionally avoiding service.”⁴⁸ Due to Council rules requiring subpoenas to be served at least five days before a hearing, Brown’s testimony was rescheduled for May 13, 2011. Between April 26, 2011 and May 13, 2011, Brown was served by certified mail, as allowed under Council rules. Nonetheless, he failed to appear at the May hearing.⁴⁹ As a result, the Council sought a court order compelling Brown’s testimony. Judge Judith N. Macaluso ruled that the Council must personally serve Brown.⁵⁰ The Council successfully served Brown, and, at last, he testified at a June 6, 2011 hearing.⁵¹

The Council has cooperated fully. Council staff provided copies of records it obtained pursuant to letter requests and subpoenas, transcripts of testimony provided by key witnesses, and a copy of its investigative report.

⁴¹ Memorandum from Mary M. Cheh, Chairperson, Comm. on Gov’t Operations and the Env’t, to Members of the Council of the District of Columbia, Subject: Preliminary Findings of the Committee’s Review of the Executive’s Personnel Practices (Mar. 10, 2011) [hereinafter Cheh Memorandum].

⁴² Cheh Memorandum; *see also* Press Release, Councilwoman Mary Cheh, Cheh to Seek Subpoena Power for Executive Personnel Practices Review (Mar. 21, 2011) [hereinafter Cheh Press Release].

⁴³ Cheh Press Release.

⁴⁴ *See*: Tim Craig, *Mayor Gray’s Hiring Practices Under Microscope*, WASH. POST, Mar. 29, 2011, at B1; Tom Howell Jr., *Efforts to Hire Brown Detailed*, WASH. TIMES, Mar. 29, 2011, at A14.

⁴⁵ *See*: Tom Howell Jr., *Gray Ex-Aide Concedes Errors*, WASH. TIMES, Apr. 8, 2011, at A1.

⁴⁶ Nikita Stewart, *Sulaimon Brown Refuses to Testify before D.C. Council over Hiring Controversy*, WASH. POST, Apr. 8, 2011, at A1.

⁴⁷ Memorandum from Councilmember Mary M. Cheh to Members of the Council of the District of Columbia, Committee on Gov’t Operations and the Env’t (Apr. 26, 2011).

⁴⁸ *Id.*

⁴⁹ *See* PUBLIC OVERSIGHT ROUNDTABLE ON EXECUTIVE PERSONNEL PRACTICES BEFORE COMM. ON GOV’T OPERATIONS & ENV’T, D.C. COUNCIL (May 13, 2011) [hereinafter Cheh Committee May Hearing].

⁵⁰ Nikita Stewart, *Judge Says Subpoena of Sulaimon Brown Must be Served in Person*, WASH. POST, May 26, 2011, at B3.

⁵¹ *See*: Nikita Stewart, *Council Told ‘Mayor Is a Crook,’* WASH. POST, Jun. 7, 2011, at B6.

V. Sulaimon Brown – His Political Campaign

In order to fully understand Brown’s allegations, one must first understand the quixotic nature of both Brown and Gray’s campaigns against then-incumbent Mayor Fenty. At the start of the campaign, there was “the sense that Fenty will easily be reelected.”⁵² As late as one month before the primary, Fenty still had a substantial fundraising advantage, and was reportedly spending \$1.8 million on television ads.⁵³

A. Brown’s Poorly Funded Campaign

Brown began his campaign one year before the primary election. He said his priorities were “to target the HIV/AIDS epidemic and forge a better relationship with the D.C. Council.”⁵⁴ Brown told Committee investigators that, before entering the mayoral race, he discussed his plans with Gray and various members of the D.C. Council. “We agreed the goal was to defeat Fenty,” Brown said.⁵⁵ The Committee’s investigation could not independently confirm that account.

As of February 2010, Brown had raised a total of \$13,765 and had less than \$570 cash-on-hand.⁵⁶ Brown’s fundraising prowess did not improve over the next four months. By June 2010, Brown had raised an additional \$1,198, spent \$1,502 and was \$277 in debt.⁵⁷ In addition to floundering financially, Brown found it difficult to attract attention. In fact, he was excluded from the first mayoral forum for not being a “viable” candidate due to his poor fundraising.⁵⁸

During the campaign, Brown stated, he and Gray had reached an agreement: “Vince [Gray] was to stay on message, while [I] stayed on the attack [against Fenty].”⁵⁹ Brown’s campaign refrain was “If you don’t vote Brown, vote Gray,”⁶⁰ or “Go Brown. Go Gray. Go any color. But, please, don’t go Fenty.”⁶¹ Brown confirmed that to Committee investigators, saying he “was known” for telling voters to “vote for any color but not Fenty.”⁶² In addition, Brown even “urged the voters to cast their ballots for Gray” rather than for himself “because ‘this is such a close race.’”⁶³

⁵² Nikita Stewart, *Fenty at Risk of Triggering Donor Fatigue, Some Say*, WASH. POST, Jun. 18, 2009, at B1.

⁵³ *Who’s In The Money?* WASH. POST, Aug. 8, 2011, available at <http://voices.washingtonpost.com/local-breaking-news/loris-am-buzz/-we-have-our-second.html>.

⁵⁴ Nikita Stewart and Tim Craig, *Never Too Soon to Campaign*, WASH. POST, Jul. 2, 2009, at D1.

⁵⁵ Brown OGR Interview.

⁵⁶ *How They’re Faring in the Money Race*, WASH. POST, Feb. 3, 2010, at B3.

⁵⁷ Mike DeBonis, *Candidates for Offices in D.C. File Finance Reports*, WASH. POST, Jun. 11, 2010, at B5.

⁵⁸ Martin Austerhuhle, *First Mayoral Forum Announced, But Not Everyone Is Invited*, D.C. IST, Apr. 22, 2010.

⁵⁹ Brown OGR Interview.

⁶⁰ Alan Suderman, *The Curious Case of Sulaimon Brown*, WASH. CITY PAPER, available at www.washingtoncitypaper.com/blogs/looselips/2010/09/12.html.

⁶¹ Nikita Stewart, *Former Mayoral Candidate Sulaimon Brown Says He Struck a Job Deal with Vincent Gray Campaign*, WASH. POST, Mar. 6, 2011, available at www.washingtonpost.com/wp-dyn/content/article/2011/03/05/AR201103054378_pf.html.

⁶² Brown OGR Interview.

⁶³ Nikita Stewart, *Ward 8 Comes Through for Gray; Fenty Is Trounced in Straw Poll With a Lift from Barry*, WASH. POST, Aug. 22, 2010, at A12.

In the end, Brown finished last out of a field of five candidates, garnering just 209 votes – 39 fewer than write-in candidates.⁶⁴

B. Bizarre Behavior on the Campaign Trail

Brown also exhibited what one columnist called “bizarre behavior on the campaign trail.”⁶⁵ Two Gray campaign aides agreed with that characterization.⁶⁶ During a mayoral forum, “Brown accused Fenty of disrespecting his parents”⁶⁷ Brown even claimed Fenty “doesn’t like his own parents.”⁶⁸ Brown defended those comments during his Council testimony, saying “if you go back and look at the actual footage of the different debates and things of that nature, I never said anything to Adrian Fenty that wasn’t true.”⁶⁹ Brown was not invited to the last mayoral forum, “but showed up anyway,” and left only after the hosts threatened to call the police to remove him from the event.⁷⁰

Green said, as time wore on during the campaign, Brown began exhibiting what she called “less balanced behavior.”⁷¹ For example, Green said she “had been getting complaints from campaign staff regarding Brown’s aggressive behavior.”⁷² Green explained that behavior included harassing senior staff with phone calls, “trying to be right on Gray’s arm at events,” attempting to enter closed-door Gray campaign staff meetings, “walking with the candidate,” telling “exaggerated tales” about his relationship with Gray, representing himself as the reason Gray won the primary, and “other such grandiose ideas.”⁷³ Even though many of those events occurred in the presence of Mayor Gray, Green testified before the Council that she was “not sure” whether the Mayor knew of Brown’s “erratic behavior.”⁷⁴

As a result of those complaints, Green said she had a second meeting with Brown at the Center Café in Union Station, an open public area, because of concerns about her own security. During the meeting, Green told Brown that he was not part of Gray’s inner circle and that he should stop trying to ingratiate himself with the campaign. Green said Brown claimed she was

⁶⁴ D.C. Board of Elections and Ethics, Election Results: 2010 Primary, http://www.dcboee.org/election_info/election_results/results_2010.asp?prev=0&electionid=4&result_type=3.

⁶⁵ Alan Suderman, *Brown v. Gray, Who You Gonna Believe?*, WASH. CITY PAPER, available at www.washingtoncitypaper.com/blogs/looselips/2011/03/06.html.

⁶⁶ Green OGR Interview; Hall OGR Interview.

⁶⁷ Martin Austerhuhle, *Attacks Toned Down in Ward 8 Mayoral Forum*, D.C.ist, Aug. 10, 2010; see also Sarah Larimer and Kevin Robillard, *Fenty Asks for Apology from Detractor, Doesn’t Get it*, TBD, Aug. 10, 2010, available at <http://www.tbd.com/articles/2010/08/fenty-asks-for-apology-from-detractor-doesn-t-get-it-1268.html>.

⁶⁸ Alan Suderman, *Brown v. Gray, Who You Gonna Believe?*, WASH. CITY PAPER, available at www.washingtoncitypaper.com/blogs/looselips/2011/03/06.html.

⁶⁹ Council of the District of Columbia, COMM. GOV’T OPS AND THE ENVIRONMENT, Public Oversight Roundtable: The Executive’s Personnel Practices, Testimony of Sulaimon Brown, (Jun. 6, 2011), at 206 [hereinafter Brown D.C. Council Testimony].

⁷⁰ Alan Suderman, *The Curious Case of Sulaimon Brown*, WASH. CITY PAPER, available at www.washingtoncitypaper.com/blogs/looselips/2010/09/12.html.

⁷¹ Green OGR Interview.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ Council of the District of Columbia, COMM. GOV’T OPS AND THE ENVIRONMENT, Testimony of Lorraine Green, Unofficial Tr. (May 13, 2011) at 36 [hereinafter Green D.C. Council Testimony].

“disrespecting him. He told me [Gray] had said he’d be a part of the cabinet and I should respect him more.” Green said Brown “was very upset” about being told “to back off.”⁷⁵

Following that second meeting, Green spoke with two members of Gray’s private security detail and told them to keep Brown away from the mayoral candidate. Green said that, on a few occasions when Brown ventured too close to then-candidate Gray, she gestured to the security detail to push him back.⁷⁶ Green said that sometime after Gray became mayor, she told the head of his MPD security detail of her concerns about Brown.⁷⁷ The Committee’s investigation could not independently confirm that account.

Green said during the campaign she “had discussions with Howard Brooks about Brown,” telling Brooks and other men in Gray’s entourage that she wanted them to “keep an eye on Brown” during campaign events. Green explained, “The security detail was supposed to watch the crowd. I didn’t want them focusing on Brown, so I asked some men in the campaign to help out.”⁷⁸ Citing his right against self-incrimination, Brooks has declined to be interviewed. Thus, the Committee’s investigators could not independently confirm that account.

Testifying before the Council committee, Green stated that Brown “was very disruptive” at the transition office. She testified:

What happened that triggered that was the young man who sat at the front desk was under the instructions to ask everyone to sign in before they went to the conference room, **and Mr. Brown got upset because the young man asked him to sign in, and he said ‘you don’t know who I am? You wouldn’t have your job if it wasn’t for me. I’m the person who got Chairman Gray elected.’** He went on ranting and raving - I was told this so this is all second hand - and he went into the back without signing in, so the young man was upset, and this was one of several instances.⁷⁹

Reuben Charles, the transition team director, testified before the Council that Green asked him to essentially throw Brown out of the transition office.⁸⁰ For her part, Green said “I don’t remember having him banned from the transition office.”⁸¹ Brown acknowledged that Charles asked him not to return to the office.⁸²

After Green was interviewed, her attorney e-mailed Committee investigators to state that Green “remembered that she failed to tell” staff “about vague threats” from Brown. Green’s attorney explained, “[o]n several occasions, both in person and on the phone, Mr. Brown stated

⁷⁵ *Id.*

⁷⁶ Green OGR Interview.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ Green D.C. Council Testimony, at 30 (emphasis added).

⁸⁰ Council of the District of Columbia, COMM. GOV’T OPS AND THE ENVIRONMENT, Testimony of Reuben Charles, Unofficial Tr. (Mar. 28, 2011) at 15 [hereinafter Charles D.C. Council Testimony].

⁸¹ Green D.C. Council Testimony, at 31.

⁸² Brown OGR Interview.

in various ways: ‘you are going to regret disrespecting me.’”⁸³ Green’s attorney said those threats “were communicated to the FBI”⁸⁴

Green told Committee investigators that Stephanie Reich, the campaign’s Chief of Staff, complained that Brown “was stalking her.”⁸⁵ Brown’s cell phone records show that, between July 13, 2010 and September 13, 2010, there were 45 calls between Brown and Reich, 39 of which Brown placed.⁸⁶ In addition, the records show multiple calls on the same day, often within minutes of each other.⁸⁷

VI. Brown’s Allegations

FINDING: Donations to the Brown campaign of numerous money orders appear to have come from members of the Brooks family and persons connected to Brooks. Committee investigators could not independently corroborate Brown’s charges relating to the promise of employment.

Shortly after he was fired from HCF, Brown leveled some bombshell allegations. Brown specifically made two charges: (1) “that he struck a deal . . . with the campaign of Mayor Vincent C. Gray to continue his attacks on incumbent Adrian M. Fenty in exchange for a city job if Gray won,” and, (2) “that [Lorraine Green and Howard Brooks] gave him a series of cash payments to help finance his campaign.”⁸⁸

The Mayor, Green and Brooks have a long history together. Brooks has been described as “a close associate of” the campaign chairwoman.⁸⁹ Green once served as executive director of the D.C. Lottery and that experience “made her attractive” to Gray in 2009 when he “led the council in rejecting” a proposed lottery contractor.⁹⁰ Brooks and Green were involved in an opposing bid to run the lottery.⁹¹ After Gray held up a vote on the proposed contract, “a member of Mr. Gray’s inner circle made it known . . . that Mr. Gray’s support for a lottery deal could be secured if Ms. Green was involved.”⁹²

⁸³ E-mail from Thomas C. Green to Comm. Staff (Mar. 31, 2011).

⁸⁴ *Id.*

⁸⁵ Green OGR Interview.

⁸⁶ Verizon Cellular Telephone Records of Sulaimon Brown [hereinafter Brown Cell Phone Records].

⁸⁷ July 13, 2010: 7:50 pm, 8:23 pm; July 15, 2010: 7:20 pm, 7:25 pm; July 6, 2010: 9:56 am, 10:00 am, 2:42 pm, 3:16 pm, 4:32 pm; July 19, 2010: 6:18 pm, 8:16 pm; July 21, 2010: 4:35 pm, 6:29 pm, 8:14 pm; Aug. 4, 2010: 5:42 pm, 5:44 pm, 6:40 pm; Aug. 18, 2010: 5:09 pm, 6:24 pm, 6:26 pm, 6:34 pm, 6:35 pm; Aug. 20, 2010: 7:43 pm, 7:44 pm. *Id.*

⁸⁸ Nikita Stewart, *Former Mayoral Candidate Sulaimon Brown Says He Struck a Job Deal with Vincent Gray Campaign*, WASH. POST, Mar. 6, 2011, available at www.washingtonpost.com/wp-dyn/content/article/2011/03/05/AR201103054378_pf.html.

⁸⁹ Tim Craig, Mike DeBonis, and Nikita Stewart, *\$10 M is Sought from D.C. by Firm With Ties to Gray Campaign Adviser*, WASH. POST, Mar. 8, 2011, at 1.

⁹⁰ Jeffrey Anderson, *For Gray, Cronyism Issue Cuts 2 Ways*, WASH. TIMES, Sep. 7, 2010, at 1.

⁹¹ Mike DeBonis, *Howard L. Brooks, Consultant to D.C. Mayor Vincent Gray, Linked to Lottery Disputes*, WASH. POST, Mar. 9, 2010, at B1.

⁹² Jeffrey Anderson, *For Gray, Cronyism Issue Cuts 2 Ways*, WASH. TIMES, Sep. 7, 2010, at 1.

The Legality of Campaign Contributions

If Brown received cash from Green and Brooks to help finance his campaign, without reporting those contributions, he likely violated D.C. campaign law, which provides in pertinent part:

Every person who receives a contribution of \$50 or more for or on behalf of a political committee shall . . . within 5 days after receipt of such contribution, submit to the treasurer of such committee a detailed account thereof, including the amount, the name and address (including the occupation and the principal place of business, if any) of the person making such contribution, and the date on which such contribution was received.⁹³

It is unclear, however, whether Green, Brooks, or their family and associates broke any laws merely by donating to the Brown campaign, assuming there was no *quid pro quo* involved.⁹⁴

The Legality of Job Promises

Mayor Gray's authority to appoint Brown to a special assistant position is not in question. The mayor has the legal authority to hire up 220 staff to fill Excepted Service positions.⁹⁵ Those employees must "meet the minimum standards prescribed for the position to which [they are] appointed."⁹⁶ There apparently are no legal definitions of the "minimum standards" that Excepted Service personnel must meet.

In fact, Councilmember Alexander noted that it was not uncommon for politicians to hire opponents:

I can state quite frankly there were two persons who ran against me during my campaign for Ward 7 council, and **I hired two people who were my opponents in the campaign, and it's really not an unusual occurrence.** . . . I understand that Mr. Brown ran for Mayor as well as Mr. Gray, and then in turn, he was hired. As a result of the campaign, he was hired into -- or he was appointed, I should say, to a position, and **that's not an unusual occurrence for people who are either on the campaign trail as opponents or who either work on the campaign.**⁹⁷

⁹³ D.C. CODE § 1-1131.03 (emphasis added).

⁹⁴ Willoughby OGR Interview.

⁹⁵ D.C. CODE § 1-610.3 (2).

⁹⁶ D.C. CODE § 1-609.01.

⁹⁷ Brown D.C. Council Testimony, at 106-7 (emphasis added).

On the other hand, the allegations that Brown attacked Mayor Fenty in exchange for a city job may violate a D.C. law barring corrupt influence. That statute states as follows:

Whosoever corruptly, directly or indirectly, gives any money, or other bribe, present, reward, promise, contract, obligation . . . in consideration that such official has nominated or appointed any person to any office or exercised any power in such official vested, or performed any duty of such official required, with partiality or favor, or otherwise contrary to law; and whosoever, being such an official, shall receive any such money, bribe, present, or reward, promise, contract, obligation, or security, with intent or for the purpose or consideration aforesaid **shall be deemed guilty of bribery** and upon conviction thereof shall be punished by imprisonment for a term **not less than 6 months nor more than 5 years.**⁹⁸

As a *Washington Post* columnist noted:

If Brown's allegations are true, it is unclear whether city or federal law would apply. District law at one time prohibited 'offering or receiving money, property or valuable consideration to procure office,' but that provision was repealed in 1982 as part of a sweeping rewrite of the city's criminal code. Some federal corruption laws, including the criminal bribery statute, specifically apply to District government. But while there is a federal law making it illegal to 'offer to procure appointive public office,' that statute does not appear to extend to the District government.⁹⁹

Inspector General Willoughby, a former Assistant U.S. Attorney for D.C., confirmed the newspaper account, telling Committee investigators that aside from D.C. campaign finance laws, he was not aware of a law that may have been violated.¹⁰⁰

A. Cash Payments to Help Finance His Campaign

Brown alleged that during a June 23, 2010 candidate forum, Gray asked him if he "had reached out to Lorraine Green."¹⁰¹ Brown told Committee investigators he had not done so because he had never heard of Green. According to Brown, the then-Council Chairman told Brown he "was doing a good job" in the campaign and that Green "would be in touch."¹⁰² Brown said that, after the forum, Green introduced herself, gave Brown her business card, and said she would be in touch.¹⁰³ Green denied giving Brown her card, and instead said that Gray himself gave Brown her cell phone number and told him to call. Green said this was not

⁹⁸ D.C. CODE § 22-704 (emphasis added).

⁹⁹ Tim Craig, Nikita Stewart and Mike DeBonis, *Gray Acknowledges 'Missteps,' Calls for Investigation*, WASH. POST, Mar. 7, 2011, available at www.washingtonpost.com/wp-dyn/content/article/2011/03/06/AAAAR2011030603034_pf.html.

¹⁰⁰ Willoughby OGR Interview.

¹⁰¹ Brown OGR Interview.

¹⁰² *Id.*

¹⁰³ *Id.*

unusual, since “[she] was the go-to person on the campaign.”¹⁰⁴ In her testimony before the Council, Green stated she “told the Mayor that Sulaimon Brown had contacted me, saying you [the Mayor] told him to do so, and he said yes, I did.”¹⁰⁵

Brown further said that “[t]he following day” Green called him and asked to meet her at the Circle Café in Union Station, near where she then worked as a senior Amtrak executive.¹⁰⁶ Green acknowledged receiving a call from Brown on, or about, June 24, 2010, but insisted he “initiated the call.”¹⁰⁷ Phone records Brown supplied to the Committee seem to bear out Green’s account, showing that Brown placed two calls to Green on June 24, 2010 – one at 9:37 am and the other at 12:02 pm.¹⁰⁸

During the course of that first meeting, Brown said he explained that he was in “a bad financial situation.”¹⁰⁹ He said Green asked him, “what I was looking for.” He responded that he was seeking financial assistance to continue his mayoral campaign.¹¹⁰ According to Brown, Green responded by saying “that’s doable,” and handed him an envelope containing approximately \$750 in cash. Brown claims to have spent this money on “personal items,” such as rent and food.¹¹¹ Green told Committee investigators she “does not remember making [such] a promise to him.” She said she did not hand Brown an envelope containing cash, in fact, never gave him any money in any form, and never used the phrase “that’s doable” when discussing Brown’s alleged demands for employment and cash.¹¹² Instead, Green maintains that she had this first meeting, because Brown “wanted to lend his . . . knowledge of the Fenty campaign.”¹¹³

Brown provided to Committee staff the envelope he claims to have obtained from Green at that first meeting, and allowed staff to photograph it. It is unclear whose handwriting is on the envelope.

¹⁰⁴ Green OGR Interview.

¹⁰⁵ Green D.C. Council Testimony, at 31.

¹⁰⁶ Brown OGR Interview.

¹⁰⁷ Green OGR Interview.

¹⁰⁸ Brown Cell Phone Records.

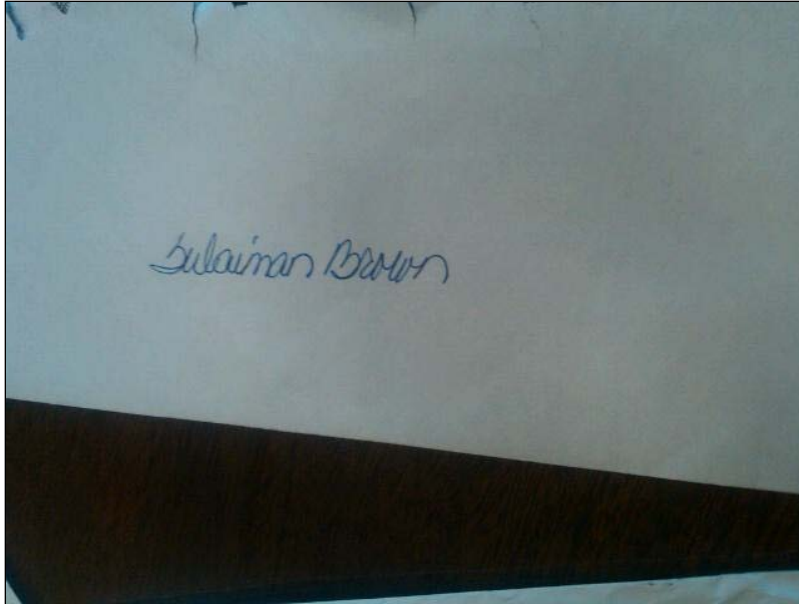
¹⁰⁹ Brown OGR Interview.

¹¹⁰ *Id.*

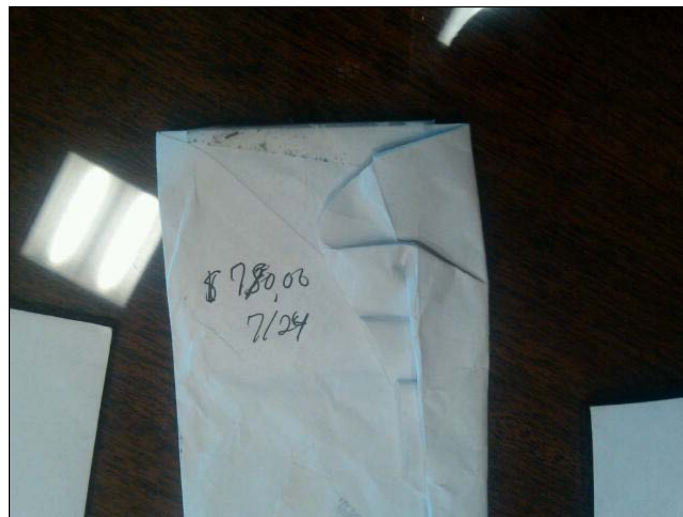
¹¹¹ *Id.*; see also Nikita Stewart, *Former Mayoral Candidate Sulaimon Brown Says He Struck a Job Deal with Vincent Gray Campaign*, WASH. POST, Mar. 6, 2011. www.washingtonpost.com/wp-dyn/content/article/2011/03/05/AR201103054378_pf.html.

¹¹² Green OGR Interview.

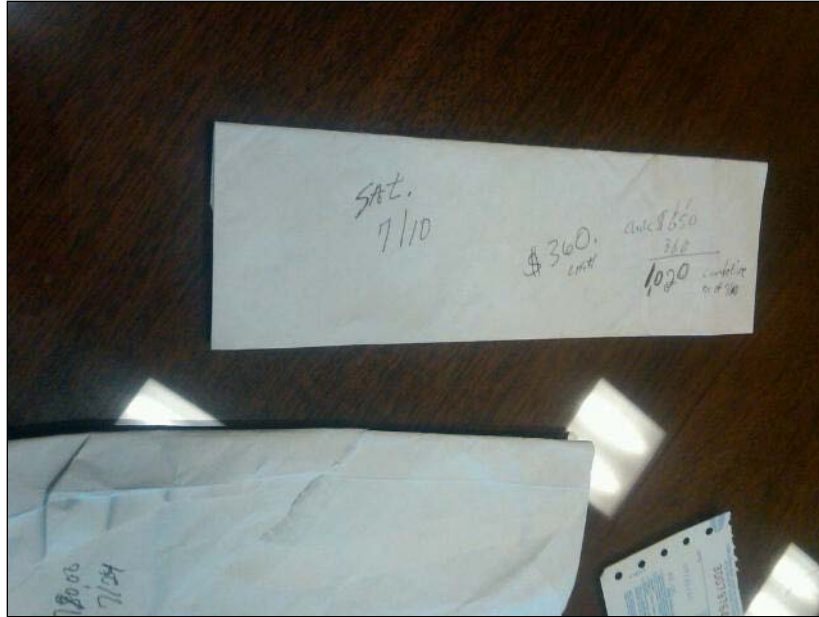
¹¹³ Green D.C. Council Testimony, at 2.



Brown also showed envelopes he claimed contained the cash. Brown explained he threw away the rest.¹¹⁴ Brown stated that **he wrote on the envelopes themselves the approximate dates on which he received them** (emphasis added), as well as the approximate amount contained therein:



¹¹⁴ Brown OGR Interview.



In his testimony before the Council, Brown contradicted that statement, telling the Council that Green had written on the envelope in the second photograph:

MR. BARRY: You're saying that at that first meeting she gave you an envelope with \$750 written on the outside of the envelope, right?

MR. BROWN: That's correct.¹¹⁵

The Washington Post observed that there is the “possibility that fingerprints or DNA evidence” might still be on the envelopes.¹¹⁶ As such, the Committee’s investigation cannot independently confirm what the envelopes contained, who handed them to Brown, or even if he actually received them from another person.

Green denied Brown’s account of what transpired at the meeting. She acknowledged that Brown said he needed financial help, but Green said Brown wanted Gray contributors also to donate to his campaign: “I laughed at him. We were running way behind Fenty, who had a multi-million-dollar war chest. The campaign was being run on a shoe string . . . we weren’t about to help out another candidate.”¹¹⁷

Green, incidentally, volunteered that she gave Brown white envelopes containing “campaign information,” but said the packages “were not for him specifically.”¹¹⁸ The *Washington Post* has subsequently reported that federal investigators fingerprinted both Brown

¹¹⁵ Brown D.C. Council Testimony, at 231 (emphasis added).

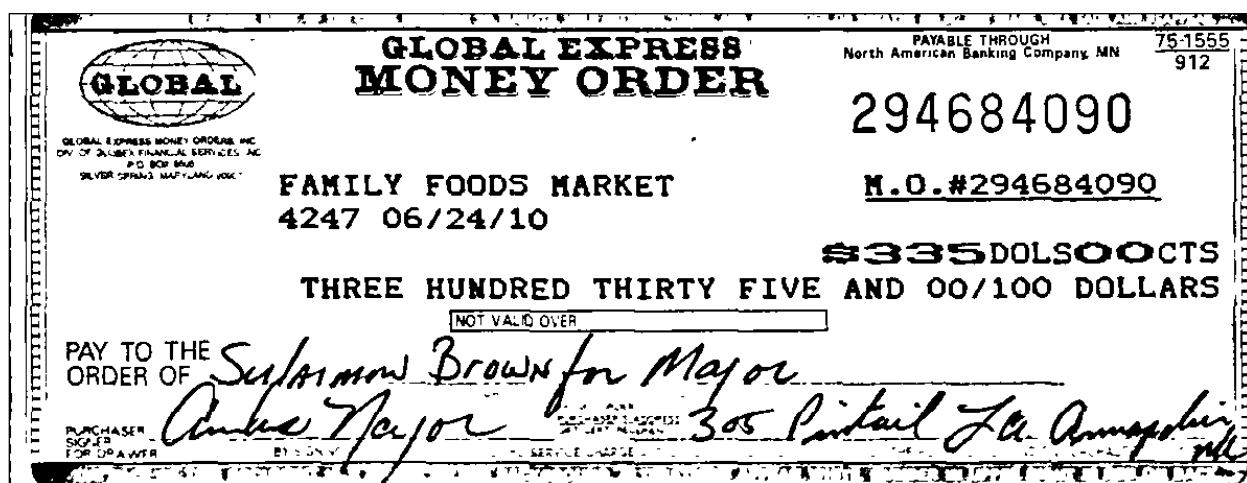
¹¹⁶ Robert McCartney, *In D.C. Campaign Scandal, Key Tests Are Physical Evidence, Gray Aide’s Interviews*, WASH. POST, Mar. 12, 2011, at B1.

¹¹⁷ Green OGR Interview.

¹¹⁸ Green OGR Interview.

and Brooks, apparently in an attempt to identify who handled money orders or the envelopes that Brown claims to have been handed by individuals connected to the Gray campaign.¹¹⁹

Despite Green's denials to Committee investigators and before the Council, bank records show that the Sulaimon Brown for Mayor Campaign received a \$335 money order dated June 24, 2010, the date of the first meeting with Green.¹²⁰ The name on the money order is barely legible, but the address is 305 Pintail Lane, Annapolis, MD,¹²¹ which real estate records show is owned by Aundra C. Naylor.¹²² According to *The Washington Post*, Naylor is "a cousin to Howard Brooks' wife."¹²³ Interestingly, Brown contends he did not meet Brooks until early July,¹²⁴ and cell phone records indicate the first contact with Brooks occurred on or around July 30, 2010.¹²⁵ A copy of this money order is displayed below:



Brown said "the same pattern was repeated throughout the campaign" – Green would call him and request a meeting, where she would give him envelopes stuffed with cash.¹²⁶ Brown's cell phone records show that Green only telephoned him four times over the course of the mayoral campaign.¹²⁷ *The Washington Post* quoted Brown as saying "he got payments [from Green and Brooks] through the September primary, but he did not know how much money he received. Brown said he spent the money as fast as he got it. 'It was definitely thousands. It

¹¹⁹ Nikita Stewart, *Vincent Gray Campaign Under Vigorous Federal Scrutiny*, WASH. POST, Oct. 15, 2011, available at http://www.washingtonpost.com/local/dc-politics/vincent-gray-campaign-under-vigorous-federal-scrutiny/2011/10/13/gIQAfz0QnL_print.html.

¹²⁰ Money Order from Aundra Naylor to Sulaimon Brown for Mayor (Jun. 24, 2010) BAML-DC-0034.

¹²¹ *Id.*

¹²² Westlaw, Real Property Tax Assessor Record, Aundra C. Naylor, 305 Pintail Lane, Annapolis, MD 21401 (accessed on Jun. 29, 2011).

¹²³ Nikita Stewart, *Brown Shows Money Orders*, WASH. POST, Jun. 5, 2011, at C5.

¹²⁴ Brown OGR Interview (emphasis added).

¹²⁵ Brown Cell Phone Records (emphasis added).

¹²⁶ Brown OGR Interview.

¹²⁷ Brown OGR Interview; Brown Cell Phone Records.

was not hundreds,' he said."¹²⁸ Ultimately, despite repeated inquiries, Brown could not remember how many times he met Green, nor the exact amount of money he received from her. He could not even state whether the total was in the hundreds or thousands or more.¹²⁹

Brown told Committee investigators that sometime during July, Green called him and asked to meet at Union Station for lunch.¹³⁰ Green explained to Committee investigators that she only met people regarding Gray campaign activities either at lunch or dinner.¹³¹ Cell phone records show that the only calls from Green to Brown that month occurred on July 10, 2010 – at 4:50 pm, 6:51 pm and at 7:15 pm.¹³² Brown said he saw Green in front of Union Station inside a dark-colored Volkswagen sedan with an unknown man in the driver's seat. Brown said he was reluctant to talk in front of the man, but Green introduced him as Howard Brooks and said that "from now on, you be dealing with him."¹³³ Brown said he leaned into the car and Green handed him another envelope "stuffed with cash," which he stuck into his back pocket.¹³⁴

Green said that during the campaign she often travelled with Brooks in a dark-colored VW, and said "it is possible" that Brown saw her in such a car with Brooks at Union Station. Green acknowledged "it is possible" that Brown approached the car and spoke with her, but said she had "no specific recollection" of such a meeting.¹³⁵ There is no existing video footage that would corroborate the locations and times of the alleged meetings at Union Station between Brown and Green and/or Brooks.

In her sworn testimony before the D.C. Council, Green told differing accounts of whether Brooks paid any money to Brown. Green first said she did not know if Brooks paid any money to Brown; was "not aware" of "any indication" that Brooks "had an occasion to provide money" to Brown, or that she knew of "any actions" by Brooks "that would implicate him in criminal activity with respect to Mr. Brown or the campaign."¹³⁶ She later acknowledged that she speaks with Brooks "[m]aybe daily, sometimes every other day," and that she had talked with Brooks about Brown's allegations.¹³⁷ When asked whether she and Brooks discussed whether there was any truth to those allegations, Green refused to answer "[u]pon advice of counsel" because "the discussions I've had with Mr. Brooks we feel may intrude on the ongoing [federal criminal] investigation, so I would prefer not to answer those questions"¹³⁸

Brown remembers the first instance of getting cash from Brooks as having been at a Ward 7 mayoral forum. "I remember it because Chancellor Rhee and that guy she was dating

¹²⁸ Nikita Stewart, *Former Mayoral Candidate Sulaimon Brown Says He Struck a Job Deal with Vincent Gray Campaign*, WASH POST, Mar. 6, 2011. www.washingtonpost.com/wp-dyn/content/article/2011/03/05/AR201103054378_pf.html.

¹²⁹ Brown OGR Interview.

¹³⁰ *Id.*

¹³¹ Green OGR Interview.

¹³² Brown Cell Phone Records.

¹³³ Brown OGR Interview.

¹³⁴ *Id.*

¹³⁵ Green Interview.

¹³⁶ Green D.C. Council Testimony, at 24.

¹³⁷ *Id.* at 37.

¹³⁸ *Id.* at 38.

from California was there,” Brown recalled.¹³⁹ After the forum, Brown said Brooks approached him and asked for Brown’s jacket. “I thought it was odd. . . .Then he gave me this look, and I realized what it was about,” Brown said. He handed Brooks the jacket and, when Brown got it back, “there was an envelope in the inside pocket.”¹⁴⁰ According to Brown, at other times, Brooks “would just walk up to me and stuff an envelope into my side [jacket] pocket.”¹⁴¹

Brown cannot remember how many times he met Brooks, and has no estimate of how many times Brooks gave him cash.¹⁴² Cell phone records show that between July 30, 2010 and January 6, 2011, there were 50 telephone calls between Brooks and Brown, all but nine of which lasted one minute or less. Brooks initiated only nine of those calls, the longest of which, on December 29, 2010 at 10:56 pm, lasted 17 minutes.¹⁴³

Brooks initially told the press he “didn’t remember calling” Brown, but when told about the cell phone records, Brooks changed his story, saying “he talked to several candidates during the election and that he reached out to Brown to compliment him on his performance during a debate.” Brooks “declined to comment further without an attorney present.”¹⁴⁴

Brown recalls that Brooks gave him eight blank money orders in the amount of \$500 each. He cashed four of them at Ace Check Cashing on Georgia Avenue, in northwest Washington, spending the proceeds on food and other personal expenses. Brown acknowledged he did not have any records to verify those expenses. Brown says he remembers that because the clerk “gave me a hassle about them being blank [without a payee name].”¹⁴⁵ He said there were closed-circuit TV cameras at the store.¹⁴⁶

¹³⁹ Brown OGR Interview.

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

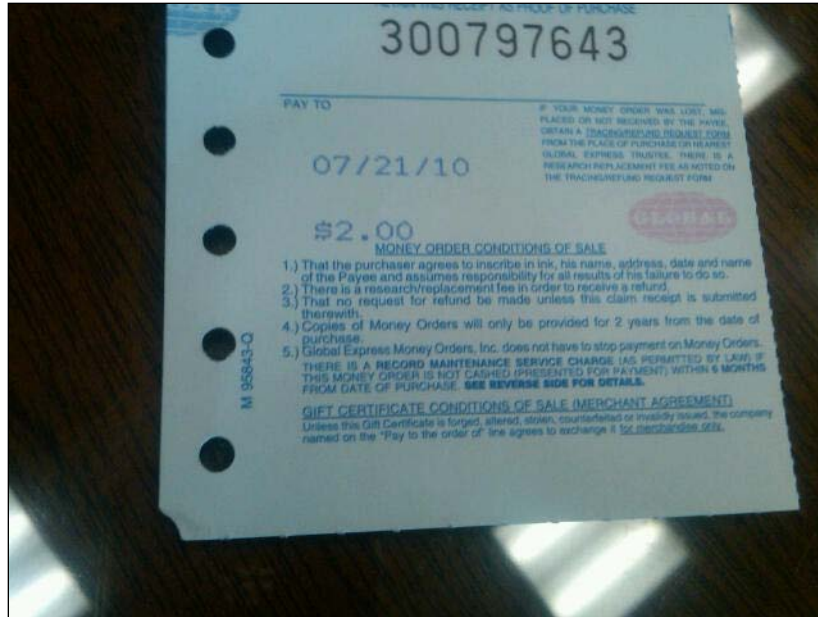
¹⁴² *Id.*

¹⁴³ Brown Cell Phone Records.

¹⁴⁴ Nikita Stewart, *Former Mayoral Candidate Sulaimon Brown Says He Struck a Job Deal with Vincent Gray Campaign*, WASH. POST, Mar. 6, 2011. www.washingtonpost.com/wp-dyn/content/article/2011/03/05/AR201103054378_pf.html.

¹⁴⁵ Brown OGR Interview.

¹⁴⁶ *Id.*



From this document, it is not possible to verify who purchased the money order, where it was cashed, or the amount of the order.¹⁴⁷

Brown told the press “**he deposited some of the money into his mayoral [campaign] account under false names.**”¹⁴⁸ The *Washington Post*’s review of the Brown campaign finance reports show four deposits after June 24, the date he said he got his first payment from Green. At least one of the donor names listed on Brown’s report after that date does not appear to be real. Three other names appeared to be misspelled when the names and addresses were matched with public records.¹⁴⁹ Brown did not repeat those comments to Committee investigators, saying only that he gave the remaining four money orders received from Brooks to his campaign treasurer and instructed that they be deposited into the campaign.¹⁵⁰

Brown’s campaign committee bank records show a number of money orders that appear to be linked to relatives of Brooks. As previously noted, on the date of the first meeting with Green, the Sulaimon Brown for Mayor Campaign received a \$335 money order from a woman identified as a cousin of Brooks’s wife.¹⁵¹ In the same deposit batch, the campaign also received three Safeway money orders all dated June 28, 2010 in the amounts of \$100, \$25, and \$100 from a person whose name is illegible but whose address is 11004 Bradbury Manor Court, Silver Spring, MD.¹⁵² That address corresponds to M. Peyton Brooks, the son of Howard Brooks:¹⁵³

¹⁴⁷ *Id.*

¹⁴⁸ Tim Craig, Nikita Stewart, Mike DeBonis, *Gray Urges Probe of Reports*, WASH. POST, March 7, 2011, at A1 (emphasis added).



¹⁴⁹ *Id.*

¹⁵⁰ Brown OGR Interview.

¹⁵¹ Money Order from Aundrea Naylor to Sulaimon Brown for Mayor (Jun. 24, 2010) BAML-DC-00034; Nikita Stewart, *Brown Shows Money Orders*, WASH. POST, Jun. 5, 2011, at C5.

¹⁵² Money Orders to Sulaimon Brown for Mayor (Jun. 28, 2010) BAML-DC.00036; BAML-DC-00035; BAML-DC-00037.

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ONE HUNDRED ~~THOUSAND~~
DOLLARS 00 CENTS



PAY TO THE ORDER OF / PAGAR A LA ORDEN DE: Selma and Brown For Mayor
IMPORTANT - SEE BACK BEFORE CASHING


PURCHASER, SIGNER FOR DRAWER / COMPRADOR, FIRMA DEL LIBRADOR
PURCHASER, BY SIGNING YOU AGREE TO THE SERVICE CHARGE AND OTHER TERMS ON THE REVERSE SIDE

ADDRESS / DIRECCION: 11004 Bradbury Manor Ct
Payable Through Wells Fargo Bank, N.A. ISSUER/DRAWER: SS mid 20901
MONEYGRAM PAYMENT SYSTEMS, INC.

6220427370237
0177544179170.54
TO AUTHENTICATE RUB CIRCLE PARA AUTENTICAR RESTREGAR EL CIRCULO

THE FRONT OF THE DOCUMENT HAS A MICRO-PRINT AMOUNT BOX AND THERMOCHROMIC. ABSENCE OF THESE FEATURES WILL INDICATE A COPY. ISSUING AGENT 75-53
919

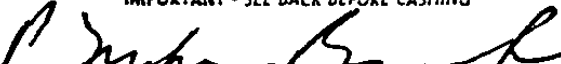
SAFeway  **MoneyGram** 
Money Orders
INTERNATIONAL MONEY ORDER

06-28-2010

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MONEY ORDER
▼ PAY ONLY THIS AMOUNT ▼
***225.00
TWENTY-TWO ~~THOUSAND~~
DOLLARS 00 CENTS

PAY TO THE ORDER OF / PAGAR A LA ORDEN DE: Selma and Brown For Mayor
IMPORTANT - SEE BACK BEFORE CASHING


PURCHASER, SIGNER FOR DRAWER / COMPRADOR, FIRMA DEL LIBRADOR
PURCHASER, BY SIGNING YOU AGREE TO THE SERVICE CHARGE AND OTHER TERMS ON THE REVERSE SIDE

ADDRESS / DIRECCION: 11004 Bradbury Manor Ct
Payable Through Wells Fargo Bank, N.A. ISSUER/DRAWER: SS mid 20901
MONEYGRAM PAYMENT SYSTEMS, INC.



6220427370237
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TO AUTHENTICATE RUB CIRCLE PARA AUTENTICAR RESTREGAR EL CIRCULO

¹⁵³ Westlaw, Real Property Tax Assessor Record, 11004 Bradbury Manor Court, Silver Spring, MD 20901 (accessed on Jun. 29, 2011); See Banks D.C. Council Testimony at 21; Charles D.C. Council Testimony, at 6.

THE FRONT OF THE DOCUMENT HAS A MICRO-PRINT AMOUNT BOX AND THERMOCHROMIC ABSENCE OF THESE FEATURES WILL INDICATE A COPY
ISSUING AGENT

75-53
919

06-28-2010

SAFeway  **MoneyGram** 
Money Orders
INTERNATIONAL MONEY ORDER

68902662554

6890266255

PAY TO THE ORDER OF: / PAGAR A UN ORDEN DE: Sulaimon Brown for Mayor
IMPORTANT - SEE BACK BEFORE CASHING


P. [Signature]
PURCHASER, SIGNER FOR DRAWER / COMPRADOR, FIRMA DEL LIBRADOR
PURCHASER, BY SIGNING YOU AGREE TO THE SERVICE CHARGE AND OTHER TERMS ON THE REVERSE SIDE

ADDRESS: / DIRECCION: 11004 Bradley Manor CT
Payable Through Wells Fargo Bank, N.A. ISSUER/DRAWER: SS MD 20901
Faribault, MN MONEYGRAM PAYMENT SYSTEMS, INC.

6890266255
MONEY GROUP
PAY ONLY THIS AMOUNT
\$ 100.00
ONE HUNDRED AND NO CENTS
62214273702737
0177344179110099
TO AUTHENTICATE (FEB CIRCLE) PARA AUTENTICAR (RESTREGAR EL CIRCULO)

Within the same deposit batch, there also was a \$100 money order¹⁵⁴ from someone with the last name of Livingston who listed an address of 2723 Cornet Court, Silver Spring, MD.¹⁵⁵ The owner of that residence is Litonya Livingston,¹⁵⁶ who, according to a press report, is Peyton Brooks's girlfriend.¹⁵⁷

WESTERN UNION MONEY ORDER **WESTERN UNION FINANCIAL SERVICES INC. - ISSUER**
Payable at Wells Fargo Bank Grand Junction - Downtown, N.A., Grand Junction, Colorado Englewood, Colorado

 A 241858 D 061510
T 1527 07
140849336120 L 032389

14-084933612
\$ 100.00

(ISSUING AGENT)
NOT GOOD OVER \$500

PAY EXACTLY ONE HUNDRED DOLLARS AND NO CENTS
PAY TO THE ORDER OF: Sulaimon Brown for Mayor PAYMENT FOR/ACCT. #
2723 Cornet Court PURCHASER'S ADDRESS: SS MD 20904 [Signature]
PURCHASER'S SIGNATURE

On August 2, 2010, the Brown campaign deposited another money order in the amount of \$500,¹⁵⁸ the same amount Brown alleges Brooks gave him in money orders. The name of the purchaser is illegible, and the address corresponds to a building with more than 125 residents.¹⁵⁹

¹⁵⁴ Money Order to the Sulaimon Brown for Mayor campaign (undated) BAML-DC-00038.



¹⁵⁵ Money Order to the Sulaimon Brown for Mayor Campaign (undated) BAML-DC-00038. While the deposit slip is dated, the money order itself is undated.

¹⁵⁶ Westlaw, Real Property Tax Assessor Record, 2723 Cornet Court, Silver Spring, MD, 20904 (accessed on Jun. 29, 2011).

¹⁵⁷ Nikita Stewart, *Brown Shows Money Orders*, WASH. POST, Jun. 5, 2011, at C5.

¹⁵⁸ Money Order to the Sulaimon Brown for Mayor campaign (undated) BAML-DC-00042.

¹⁵⁹ Westlaw, Real Property Tax Assessor Record, 1413 T Street, NW, Washington, DC (accessed on Jun. 29, 2011).

WESTERN UNION	MONEY ORDER	WESTERN UNION FINANCIAL SERVICES INC. - ISSUER <small>Payable at Wells Fargo Bank Grand Junction - Downtown, N.A., Grand Junction, Colorado Englewood, Colorado</small>	
	A 203550 D 073010 T 1338 16 140853324623 L 025403	14-085332462	\$ 500.00
<small>(ISSUING AGENT)</small> NOT GOOD OVER \$500	PAY EXACTLY FIVE HUNDRED DOLLARS AND NO CENTS		
PAY TO THE ORDER OF	<u>Sulaiman Brown For my</u>	PAYMENT FOR/ACCT. #	
<u>1713</u> PURCHASER'S ADDRESS			<small>PURCHASER'S SIGNATURE</small>

In its report, the Council Committee concluded, “it is clear that Howard Brooks gave money to Mr. Brown and his campaign. Whether Mr. Brooks took this action on his own or was directed to by someone else cannot be established.”¹⁶⁰

In his Council testimony, Brown directly implicated Mayor Vincent C. Gray for the first time, alleging that the Gray campaign paid him to disparage Fenty in the 2010 primary race. Brown stated that **Gray “was present during one of the other cash and money order payments that I received,** and that was at Eatonville”¹⁶¹ Brown further elaborated on this allegation:

I went to Eatonville and sat with Gray, who was talking on the phone at the time. He put up a finger, and I waited. Brooks showed up. **Gray** ended his phone call and said, "Let's talk outside." While we were outside, he thanked me for my help at the earlier Ward 4 debate, and **said, "I think Howard" -- referring to Howard Brooks -- "has something for you." Howard handed me an envelope that contained two money orders.** There was **one for \$500 and one for \$50 along with some cash,** and these are the two money orders here. It's money order number 14085332525 and 14085332524.¹⁶²

Brown later testified that, at the Eatonville event, **the Mayor “directed [Brooks] to give [me] the envelope.”**¹⁶³ The *Washington Post* further reported that “[p]hotos of the event place Brown, Brooks, Green and Gray at Eatonville, but Gray has denied such an exchange took place.”¹⁶⁴

¹⁶⁰ D.C. Council Report, at 35.

¹⁶¹ Brown D.C. Council Testimony, at 6 (emphasis added).

¹⁶² *Id.*, at 53 (emphasis added). The money orders referred to by Brown were not included in those deposited into his campaign account.

¹⁶³ *Id.* at 130 (emphasis added).

¹⁶⁴ Nikita Stewart, *Vincent Gray Campaign Under Vigorous Federal Scrutiny*, WASH. POST, Oct. 15, 2011, available at http://www.washingtonpost.com/local/dc-politics/vincent-gray-campaign-under-vigorous-federal-scrutiny/2011/10/13/gIQAfz0QnL_print.html.

The Mayor's attorney, Robert Bennett, stated unequivocally that, "There is absolutely no merit to any accusations that Mayor Gray knew or participated in or authorized any payments to Sulaimon Brown."¹⁶⁵ The Council committee concluded: "There is clear evidence that Mr. Brown received money from persons associated with the Gray campaign. . . . Yet, there is no evidence, other than Mr. Brown's own testimony, to substantiate his additional claims that he received thousands of dollars from Mr. Brooks and that Mayor Gray personally approved these payments."¹⁶⁶ The Council panel also concluded that "while Ms. Green may have had knowledge of Mr. Brooks' payments to Mr. Brown, there is insufficient evidence that she was involved in the payments themselves," and "there is insufficient evidence to link Mayor Gray to the payments or knowledge about them."¹⁶⁷

B. The Promise of D.C. Government Employment

Brown said that, at his initial meeting with Green, he asked for a job as well as financial assistance.¹⁶⁸ He told Green that he wanted jobs for both himself and his brother, and requested that his salary fall between \$100,000 and \$150,000.¹⁶⁹ The fact that Brown pressed Green for jobs for both himself and his brother is one of the few points on which Green and Brown agree. She confirmed to Committee investigators that Brown sought a job in the Gray administration for both himself and his brother, who was a law enforcement officer in South Carolina. "I told him this is a little premature. We have to win first," Green said.¹⁷⁰ She stated that Brown "expected to be appointed to a position, and I explained the process to him" – meaning he would have to submit a résumé, deemed qualified and placed "in a proper spot."¹⁷¹

In his Council testimony, Brown contended that Mayor Gray also promised him a job.

MR. CATANIA: When did Vincent Gray first promise you a job, Mr. Brown?

MR. BROWN: July 15, when I followed up with him, 2010. He assured me, he reiterated the conversation that he said he had with Lorraine Green, and that's when he promised me that he would fulfill that commitment of a job.¹⁷²

After the primary election, Brown "reached out to" Green and asked for a paid campaign position for the general election. Green said, "I told him those positions were reserved for people who [had] worked during the primary campaign."¹⁷³ Sometime between the September primary and late October, Brown told Green he "wanted to be part of the [Gray] inner circle"

¹⁶⁵ Freeman Klopott, *Grand Jury Reviewing Gray Campaign*, WASH. EXAMINER, Jun. 21, 2011, at 5.

¹⁶⁶ D.C. Council Report at 25-26.

¹⁶⁷ *Id.* at 27.

¹⁶⁸ Brown OGR Interview.

¹⁶⁹ *Id.*; Hall OGR Interview.

¹⁷⁰ Green OGR Interview.

¹⁷¹ *Id.*

¹⁷² Brown OGR Testimony, at 38 (emphasis added).

¹⁷³ Green OGR Interview.

handling policy and strategy.¹⁷⁴ He also asked her for a “job within the administration.”¹⁷⁵ As to the former position, Green said “you had to earn that right” by being part of the Gray team from the beginning; as to the latter, Green said she “laughed,” explaining “everyone else also was seeking appointments.”¹⁷⁶

Brown said after the general election “he had his eye on a paid position with Gray’s transition team.”¹⁷⁷ He said “Vince [Gray] told me to work with Lorraine.”¹⁷⁸ Green stated that Brown asked to be appointed deputy transition team director. Green refused, explaining the position was reserved for a senior campaign staffer.¹⁷⁹ Instead, Brown, like hundreds of others, was given a volunteer position on the economic development committee.¹⁸⁰ Green told Committee investigators she did not want to include Brown and the others on the transition teams, “[i]f it was up to me, we would have limited access to the teams, but the Mayor wanted it to be inclusive.”¹⁸¹

Green said Brown “was very upset” with the unpaid position, and “didn’t take ‘no’ for an answer.”¹⁸² Brown’s subsequent actions show he was upset about the voluntary position. On, or around, November 29, 2011, Brown sent a text message to Gray stating, “I was hoping for a paid transition position with responsibilities, not a volunteer role. I think I’ve earned it.”¹⁸³ Brown supplied the Committee with copies of the same text messages; however, they are undated so there is no way to verify when they were sent. The phone number to which the text was sent belonged to Gray.¹⁸⁴

Another portion of the same text message implied that Brown and Gray had reached an agreement regarding Brown’s attacks on Fenty and employment with the District:

Also, **what exactly is my job going to be in January** [after the inauguration]? I know there are more important people than me in the world, but I delivered when you needed help the most. **Now it’s your turn.** My position is simply [sic]. **Do we still have an agreement and will it be honored?** My brother and I are counting on you to keep your word. Lorain [sic] **gave me her word as well on your behalf that we would be placed by jan.** [sic] If that’s [sic] true. [sic] Why haven’t our resumes been asked for? If I sound upset. I am [sic]. Because without me. [sic] All of us would be packing our bags right

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

¹⁷⁷ Brown OGR Interview.

¹⁷⁸ Nikita Stewart, *Former Mayoral Candidate Sulaimon Brown Says He Struck a Job Deal with Vincent Gray Campaign*, WASH. POST, Mar. 6, 2011. www.washingtonpost.com/wp-dyn/content/article/2011/03/05/AR201103054378_pf.html.

¹⁷⁹ Green OGR Interview.

¹⁸⁰ Brown OGR Interview.

¹⁸¹ Green OGR Interview.

¹⁸² *Id.*

¹⁸³ Text Messages of Sulaimon Brown [hereinafter Brown Text Messages]; Nikita Stewart, *Former Mayoral Candidate Sulaimon Brown Says He Struck a Job Deal with Vincent Gray Campaign*, WASH. POST, Mar. 6, 2011. www.washingtonpost.com/wp-dyn/content/article/2011/03/05/AR201103054378_pf.html.

¹⁸⁴ Production from the Executive Office of Mayor Vincent C. Gray, Apr. 4, 2011.

now. My effort on the campaign made the difference between winning and losing [sic]. **I was clear from the beginning what I wanted**, which is not much for what I put in.¹⁸⁵

The Mayor-elect replied:

Your position is an outrage. **I am not even in office yet You know as well as I do that we did not renege on any commitments to you. You know and we know what agreements had been reached. And none has been breached.** . . . I have told you and Lorraine [Green] has told you **we intend to carry out our commitment.**” When Brown stated that was not how Green had expressed it, Gray said, “I have no idea how she expressed it, but I know that in our discussions **she and I had the same understanding.**¹⁸⁶

Mayor Gray told the newspaper that, in the text message above, he was referring to a job interview, “not the promise of a position in his administration.”¹⁸⁷

Green told Committee investigators “the only commitment” to Brown was that he would be interviewed for a position, presuming he was qualified for the slot.¹⁸⁸ Green explained, “I know he expected an interview,” which she said “was not problematic.”¹⁸⁹ Green testified before the Council “what we agreed to was that I would talk to Chairman [now Mayor] Gray about the possibility of being interviewed at the end of the campaign, not the guarantee of a job.”¹⁹⁰ Green said she told Mayor Gray of her conversation with Brown, and the mayor “was fine with that” commitment.¹⁹¹

In addition to the text messages between Brown and the Mayor, cell phone records show Brown placed 35 calls to Gray’s cell phone.¹⁹² All but four of those calls lasted one minute or less, likely indicating that Brown attempted to contact then-Chairman Gray unsuccessfully.¹⁹³ The lengthier calls consisted of a four-minute call on June 18, 2010; a two-minute call on June 23, 2010; a three-minute call on July 15, 2010; and a 14-minute call on July 14, 2010.¹⁹⁴ Regarding the July 14th call, Gray told the press “he didn’t remember the phone call.”¹⁹⁵ The Mayor said, “I honestly don’t have a clue what that [call] was about. . . . I don’t know that I had

¹⁸⁵ Brown Text Messages (emphasis added).

¹⁸⁶ *Id.* (emphasis added).

¹⁸⁷ See Nikita Stewart, *Former Mayoral Candidate Sulaimon Brown Says He Struck a Job Deal with Vincent Gray Campaign*, WASH. POST, Mar. 6, 2011, www.washingtonpost.com/wp-dyn/content/article/2011/03/05/AR201103054378_pf.html.

¹⁸⁸ Green OGR Interview; Green D.C. Council Testimony, at 4.

¹⁸⁹ Green OGR Interview.

¹⁹⁰ Green D.C. Council Testimony, at 4.

¹⁹¹ *Id.* at 10.

¹⁹² Brown Cell Phone Records.

¹⁹³ *Id.*

¹⁹⁴ *Id.*

¹⁹⁵ Nikita Stewart, *Former Mayoral Candidate Sulaimon Brown Says He Struck a Job Deal with Vincent Gray Campaign*, WASH. POST, Mar. 6, 2011, [available at www.washingtonpost.com/wp-dyn/content/article/2011/03/05/AR201103054378_pf.html](http://www.washingtonpost.com/wp-dyn/content/article/2011/03/05/AR201103054378_pf.html).

any other conversations with him other than when I saw him at forums.”¹⁹⁶ More than a month later, the Mayor said the 14-minute discussion with Brown “was most likely in reference to a WPFW radio debate earlier that morning with mayoral candidates, from which Brown was excluded.”¹⁹⁷

Brown testified before the Council that the Mayor promised him a job with a salary of at least \$100,000 per-annum:

MS. CHEH: Well, you said **you had an agreement with the Mayor for a salary at between \$100,000 and \$150,000**. You said, yes. I want to know when you entered that agreement with the Mayor?

MR. BROWN: **I spoke with Lorraine Green**. She said she was speaking for the Mayor, talking to her was like talking to the Mayor when I first met her on June 24 in Union Station. **I told her at that meeting what the salary range I wanted**. I knew if I set the salary range there, number one, I wouldn't be going backwards because I was already making \$100,000 a year, and I didn't want to go back -- or \$80,000 plus bonuses, and set it from the beginning.

On the 15th when I had the telephone conversation that lasted -- I think they said in the media was like 15 minutes or whatever -- **I reiterated that to him, and we had the same discussion, so we were on the same page because I'm very clear when I make an agreement** with some what the agreement is . . .

MS. CHEH: **So you had a telephone conversation with the Mayor at which you discussed your salary, and there was an agreement with the Mayor that you would get a job at that salary?**

MR. BROWN: **That is correct.**¹⁹⁸

On or around December 29, 2010, Brown called Green and “demanded the job I promised him” – that of Deputy Mayor for Finance at a salary of \$180,000.¹⁹⁹ “I told him there was no such position and I had never made such a promise. There is no way I would have made such a promise because I still had not seen his résumé,” she said.²⁰⁰ Although Green told Committee investigators she informed Gray about Brown’s repeated demands for jobs, she did not indicate when that conversation took place, or describe Gray’s reaction to the information.²⁰¹

¹⁹⁶ *Id.*

¹⁹⁷ Aaron Morrissey, *Mayor Gray Finally Remembers Sulaimon Brown Phone Call*, D.C.IST, Apr. 15, 2011.

¹⁹⁸ Brown D.C. Council Testimony, at 155-56 (emphasis added).

¹⁹⁹ Green OGR Interview.

²⁰⁰ *Id.*

²⁰¹ *Id.*

After examining much of the evidence outlined above, the Council panel concluded that “the evidence strongly supports the conclusion that Mr. Brown was promised a job in the Gray administration. . . . There is significant evidence to support the conclusion that Mr. Brown was promised a job in the Gray administration, or at least given a promise that fairly could be construed as a job offer.”²⁰² The Council committee further determined that Brown “was either explicitly promised a job or that he was made a promise that reasonably would be understood as a promise of a job in the Gray administration.”²⁰³

VII. Attempts to Find Brown Employment with the District

Both Green and Mayor Gray’s then-Chief of Staff, Gerri Mason Hall, attempted to find Brown a position within the D.C. government. Hall first attempted to place him in an auditing job in the Inspector General’s Office. Because that position had been filled, she placed him as a special assistant at HCF.

A. *The Inspector General’s Office*

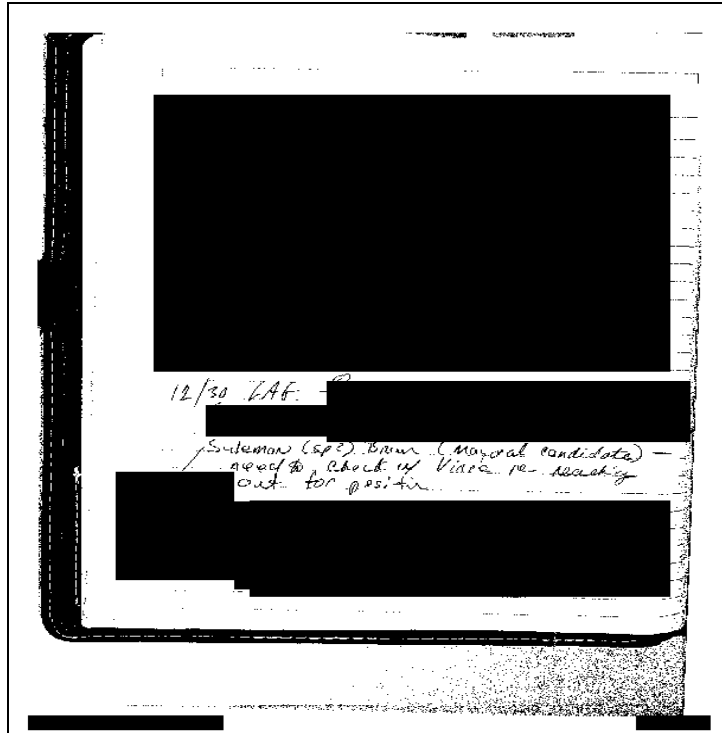
Hall said she “came to know Brown through his search for employment” with the District.²⁰⁴ She described Brown as being “very aggressive in pursuit of a job.”²⁰⁵ On December 30, 2010, Hall received a phone call from Green about Brown. She could not recall details of her conversation, but a contemporaneous handwritten note she provided to the Committee indicates that Green suggested she speak with Gray about finding a position for Brown.

²⁰² D.C. Council Report, at 28.

²⁰³ *Id.* at 31.

²⁰⁴ Interview by House Comm. on Oversight & Gov’t Reform with Gerri Mason Hall (Apr. 6, 2011) [hereinafter Hall OGR Interview].

²⁰⁵ *Id.*



Green testified before the Council that Hall initiated that call “to ask if it was ok for [Brown] to be interviewed.”²⁰⁶ Green stated, “I think Ms. Hall wanted to make sure I was okay with pursuing the interview. My response was that I wouldn’t let my personal feelings interfere with a commitment the Mayor had made.”²⁰⁷

Around the time of the Mayor’s inauguration, Hall said she met Brown at a Gray press conference, where Brown pressed her for a job. Rather than engage in a discussion then and there, Hall scheduled a date for them to meet in her office at the Wilson Building. Brown brought both his résumé and that of his brother to the meeting,²⁰⁸ which she thought was “strange.”²⁰⁹ They discussed his qualifications as an auditor with a background in healthcare.²¹⁰ Brown has a different recollection memory of the meeting; he said Hall contacted him “to offer” him “an unnamed job.”²¹¹ Hall said Brown had a printout of unfilled Excepted Service auditing positions, including one within the Inspector General’s office. Brown told Committee investigators that he had identified an auditor’s position within the IG’s office.²¹² He said he was interested in it because it “was an auditor’s job and it paid more than \$100,000 a year.”²¹³ Hall told Brown she “didn’t mind making a courtesy call” to the IG’s office, but stressed the

²⁰⁶ Green D.C. Council Testimony, at 8.

²⁰⁷ *Id.*

²⁰⁸ Hall OGR Interview.

²⁰⁹ *Id.*

²¹⁰ *Id.*

²¹¹ Brown OGR Interview.

²¹² Hall OGR Interview; Brown OGR Interview.

²¹³ Brown OGR Interview.

office was independent, the Mayor did not appoint staff there, and that Brown “had to go through the IG’s hiring process.”²¹⁴

While neither Hall nor Brown could recall the exact date of the meeting, on January 10, 2011, Hall sent Brown a release “for the background check,” which she said he should submit at his earliest convenience. In the same e-mail, Hall informed him that Lynnette Jones, her executive assistant would “be in touch with you regarding a meeting with the Inspector General.”²¹⁵ Green told the Council, “[t]he decision for Mr. Brown’s background investigation was made before January. I believe I made that decision.”²¹⁶

Inspector General Willoughby told Committee investigators that he received a call from Hall “regarding a vacancy” on January 14, 2011.²¹⁷ The date is important because the previous day, January 13, 2011, Hall’s executive assistant requested that MPD “Please Expedite!” a “full background check” on Brown.²¹⁸ The assistant said, “[a]ll results should be forwarded to Ms. Gerri Mason Hall only.”²¹⁹ Hall told Committee investigators that this vetting request was in anticipation of Brown being hired by the IG.²²⁰ Green testified before the Council, “[i]n the chance that he got a job, I didn’t want him not to be vetted.”²²¹

Willoughby thought the initial contact from Hall was odd, because “I didn’t know what vacancy she was talking about.”²²² The IG said he told Hall he had no openings in his office at the time.²²³ Hall said the IG did not tell her the auditing position was filled before Brown went to meet with Willoughby.²²⁴ Brown said the IG informed him at the meeting the position had been filled nearly a year earlier.²²⁵ Willoughby stated that, while the job was still listed as vacant on the city’s Human Resources Department website, it had been filled in June 2010. In fact, the IG said it continued to be listed as vacant by the city as late as March 2011.²²⁶

On the following business day, January 18, 2011, the IG and Brown met.²²⁷ Brown told Committee investigators he “interviewed with the IG” for between 45 minutes and an hour.²²⁸ In this meeting, Brown claimed that the IG told him Willoughby “had spoke[n] to the Mayor” about him.²²⁹ Willoughby said the conversation “wasn’t an interview,” describing it instead as “a courtesy to the Mayor.”²³⁰ Willoughby said the entire meeting took between 15 and 20 minutes

²¹⁴ Hall OGR Interview.

²¹⁵ E-mail from Gerri Mason Hall to Sulaimon Brown (Jan. 10, 2011).

²¹⁶ Green D.C. Council Testimony, at 5.

²¹⁷ Willoughby OGR Interview.

²¹⁸ E-mail from Lynette Jones to Rodney Parks, Assistant MPD Chief (Jan. 13, 2011).

²¹⁹ *Id.*

²²⁰ Hall OGR Interview.

²²¹ Green D.C. Council Testimony, at 22.

²²² Willoughby OGR Interview.

²²³ *Id.*

²²⁴ Hall OGR Interview.

²²⁵ Brown OGR Interview.

²²⁶ *See* Cheh Committee March Hearing.

²²⁷ *Id.*

²²⁸ Brown OGR Interview.

²²⁹ *Id.*

²³⁰ Willoughby OGR Interview.

and denied talking with Gray about Brown.²³¹ The Mayor said Brown’s meeting with the IG “supports his position that he promised Brown only an interview.”²³²

B. Department of Health Care Finance

Around the same time as Brown met with the IG, Hall called Green and asked whether she had any objections to hiring Brown for an Excepted Service position. Green responded that she had no such problem, but “warned” Hall not to let Brown “get too close to the Mayor,” explaining that Brown “thought he should get a Deputy Mayor position, or some other high-ranking slot.”²³³ Green confirmed that account in her interview with Committee investigators.²³⁴

Green testified before the Council that Hall called her to ask “if I had any objections to him being interviewed for a position, because she knew that our relationship had deteriorated. I told her that just because I had a problem with Mr. Brown that was no reason to back up on what the Mayor-Elect had agreed to, that Mr. Brown would be interviewed for a position.”²³⁵ She went on to state that she thought Hall “wanted to make sure I was okay with pursuing the interview. My response was that I wouldn’t let my personal feelings interfere with a commitment the Mayor had made.”²³⁶

Hall told Committee investigators she decided to help Brown “due to his persistence,” the conversation with Green related above, and her impression that he was broke and, thus, “would be satisfied with any job” within D.C. government.²³⁷ She testified before the Council that she assisted Brown because “he was very aggressive in his pursuit of employment, and he was always around the Mayor, and I made the decision to remove that distraction.”²³⁸

After Hall failed to find Brown a position within the IG’s office, he returned to her office in search of another job in D.C. government. Brown asserted that Hall told him he should “give her some time to figure it out.”²³⁹ Brown said Hall told him, “I guarantee you will be on the clock by the end of the next pay period [January 31st] or I’ll kill myself.”²⁴⁰ In her meeting with Committee staff, Hall admitted that “[i]t is possible. I could have said it. I can be sarcastic.”²⁴¹

At virtually the same time that Hall was trying to find a position for Brown, she was also helping Talib Karim obtain a position at the Department of Health Care Finance (HCF), where

²³¹ *Id.*

²³² Nikita Stewart, *Former Mayoral Candidate Sulaimon Brown Says He Struck a Job Deal with Vincent Gray Campaign*, WASH. POST, Mar. 6, 2011, available at www.washingtonpost.com/wp-dyn/content/article/2011/03/05/AR201103054378_pf.html.

²³³ Hall OGR Interview.

²³⁴ Green OGR Interview.

²³⁵ Green D.C. Council Testimony, at 4.

²³⁶ *Id.* at 8.

²³⁷ Hall OGR Interview.

²³⁸ Council of the District of Columbia, COMM. GOV’T OPS AND THE ENVIRONMENT, Testimony of Gerri Mason Hall, Unofficial Tr., Apr. 7, 2011 at 3 [hereinafter Hall D.C. Council Testimony].

²³⁹ Brown OGR Interview.

²⁴⁰ *Id.*

²⁴¹ Hall OGR Interview.

he would later become the Chief of Staff.²⁴² HCF Executive Director Wayne Turnage told Committee investigators that on the day Mayor Gray appointed him, he met Karim, “who said he would be working for me at the agency.”²⁴³ Turnage said he “had never heard of” Karim, so he called Hall, who said “it was up to me if I wanted to keep” him on staff.²⁴⁴ Turnage, who previously served as chief of staff to Virginia Governor Tim Kaine, appointed Karim as his chief of staff because of his local knowledge and expertise.²⁴⁵

During her conversations with Karim in guiding him through the vetting and personnel process, Hall said she “became aware” of a vacant auditing position at HCF.²⁴⁶ Hall told Committee investigators she spoke with Karim “about hiring Sulaimon Brown and sent him [Karim] an e-mail.”²⁴⁷ She said, “I sent Sulaimon Brown over [to HCF] with the expectation he would be hired.”²⁴⁸ Both Brown and Karim, in his Council testimony, confirm that account. Brown agreed that Hall “identified a position” for him within HCF.²⁴⁹ Karim told the Council that Hall notified him that Brown was being considered for an unnamed slot at HCF, and that he fulfilled her directive by identifying a specific position and processing Brown’s paperwork.²⁵⁰

Documents produced by the Executive Office of the Mayor also confirm these accounts. Hall notified Karim of a new HCF employee: “The candidate’s name is Sulaimon Brown . . . we are looking for an auditor-type position, with an anticipated starting salary of \$110,000. . . . We are **looking for a start date of January 31.**”²⁵¹ The same day, Karim told Brown, “I plan to work with HR to identify a good fit for you in the Department of Health Care Finance. **Would you be available to start Monday, January 31?**”²⁵² An internal HCF email shows that, **on January 31, 2011, Brown started as a new HCF employee.**²⁵³

These three documents are significant due to Brown’s contention that Hall’s guaranteed that he would be on the D.C. payroll by January 31, 2011. They also show that Brown was being offered a job before the city knew into which position to place him.

Brown testified before the Council that he had never been given a job description for his new position. Chairwoman Cheh read Brown the duties and functions of this special assistant position, which was filed in D.C. Superior Court as part of the subpoena process, and asked if that was his understanding of his duties:

²⁴² See: E-mail from Gerri Mason Hall to Lorraine Green (Dec. 30, 2010); E-mail from Talib Karim to Gerri Hall (Dec. 31, 2010); E-mail from Gerri Mason Hall to Lynnette Jones (Jan. 5, 2011); E-mail from Lorraine Green to Gerri Hall (Jan. 6, 2011).

²⁴³ Turnage OGR Interview.

²⁴⁴ *Id.*

²⁴⁵ *Id.*

²⁴⁶ Hall OGR Interview.

²⁴⁷ *Id.*

²⁴⁸ *Id.*

²⁴⁹ Brown OGR Interview.

²⁵⁰ Cheh Committee March Hearing.

²⁵¹ E-mail from Gerri Mason Hall to Talib Karim (Jan. 23, 2011) (emphasis added). Hall told the Committee that Brown had sought \$150,000, but she “thought that was a little unrealistic,” and settled on the lower amount. Hall Interview.

²⁵² E-mail from Talib Karim to Sulaimon Brown (Jan. 23, 2011) (emphasis added).

²⁵³ E-mail from Kim McRae to Herbert Massey II, et al. (Jan. 31, 2011) (emphasis added).

MR. BROWN: **That was the first time I've ever seen a job description for that position.** I just want to make that clear.

MS. CHEH: **So they didn't give you a job description?** They didn't –

MR. BROWN: No –

MS. CHEH: -- specify –

MR. BROWN: -- I never –

MS. CHEH: -- particularly –

MR. BROWN: -- received it -- **I never received a job description at all.**²⁵⁴

Judy Banks, then the city's personnel director, testified before the Council that Hall effectively ordered her to hire Brown at HCF: "**I was told [by Hall] this was a special case,** and it will happen."²⁵⁵ She went on to state: "Hall indicated that this was very important, that we needed to do it. She hired Mr. Brown on her [own] accord. **She told me this was a special case.**"²⁵⁶

Turnage stated that he never interviewed Brown. Much to his surprise, during his first week on the job, he held an all-staff meeting at which "Sulaimon Brown was sitting in the front row."²⁵⁷ After the meeting, Brown approached Turnage and said he would be working at the agency. Turnage said Karim "explained [the mayor's office] wanted him" there.²⁵⁸ Brown testified before the Council that, at the inauguration, the Mayor "told me that he was going to give me the [HCF] job, and he told me, 'Don't f*** it up.'"²⁵⁹

²⁵⁴ Brown D.C. Council Testimony, at 119-20 (emphasis added).

²⁵⁵ Council of the District of Columbia, COMM. GOV'T OPS AND THE ENVIRONMENT, Testimony of Judy Banks, Unofficial Tr., Apr. 29, 2011, at 24 [Hereinafter Banks D.C. Council Testimony] (emphasis added).

²⁵⁶ *Id.* at 25.

²⁵⁷ Turnage OGR Interview.

²⁵⁸ *Id.*

²⁵⁹ Brown D.C. Council Testimony, at 124.

VII. Poor Vetting of Brown

FINDING: The Mayor’s Office did not properly screen Brown before he was hired. Although Green was aware of his criminal background, that information was not properly transmitted to City officials responsible for his hiring.

On January 18, 2011, four days after the initial vetting request from Hall, the contractor providing pro-bono background checks on potential mayoral appointees produced its report on Brown.²⁶⁰ The contractor cautioned Green, “[t]here are some issues here.”²⁶¹ The report found Brown may have been a Maryland resident during the mayoral campaign, was registered to vote there, and “has had at least three criminal cases filed against him, including one in which he was accused of stalking a young woman and impersonating a police officer. One of the criminal misdemeanor cases resulted in a guilty verdict against Brown”²⁶²

Green said she read this information about Brown, and forwarded the material to Hall.²⁶³ Hall acknowledged receiving the report.²⁶⁴ Green later received a copy of Brown’s driving history and vehicle registration in D.C.²⁶⁵ and a copy of Brown’s credit report. Green forwarded both of these documents to Hall.²⁶⁶

Green’s attorney denied that his client vetted candidates, saying “that in her volunteer [transition] role [Green] did not vet [job candidates]”²⁶⁷ In her testimony before the Council, Green admitted that she effectively vetted candidates by running and reviewing background checks on them.²⁶⁸

On February 21, 2011, two days after the initial *Washington Post* story about Brown’s hiring, the pro-bono vetting company used by the Gray transition team provided Green with a copy of a temporary protection order issued by the Domestic Violence Unit of the D.C. Superior Court in 2007.²⁶⁹ The contractor informed Green the firm did not have a copy of the order at the time it submitted the original Brown vetting report, “[b]ut I assumed the matter was closed. Should have learned by now that one never assume[s]. I may have let the Mayor down on this one. This could be a problem.”²⁷⁰

²⁶⁰ E-mail from Ken Cummins to Lorraine Green (Jan. 18, 2011).

²⁶¹ Green OGR Interview.

²⁶² Capitol Inquiry, Inc., *Due Diligence Report of Sulaimon Maurice Brown* (Jan. 17, 2011).

²⁶³ *Id.*

²⁶⁴ Hall OGR Interview.

²⁶⁵ E-mail from Ken Cummins to Lorraine Green (Jan. 26, 2011).

²⁶⁶ E-mail from Lorraine Green to Gerri Mason Hall (Jan. 27, 2011); e-mail from Lorraine Green to Gerri Mason Hall (Jan. 27, 2011).

²⁶⁷ Nikita Stewart, *Profile of Lorraine Green, D.C. Mayor Gray’s Campaign Chairwoman*, WASH. POST, Apr. 7, 2011, at A1.

²⁶⁸ Green D.C. Council Testimony, at 20.

²⁶⁹ Temporary Protection Order, [*FEMALE NAME REDACTED*] v. *Sulaimon Brown*, SUPERIOR CT. OF THE DIST. OF COLUMBIA, DOMESTIC VIOLENCE UNIT, No. 07 CPO 725 (Mar. 30, 2007); e-mail from Ken Cummins to Lorraine Green (Feb. 21, 2011).

²⁷⁰ E-mail from Ken Cummins to Lorraine Green (Feb. 21, 2011).

On or about February 24, 2011, around the day the article ran on Brown’s criminal record, Green called Hall to ask if she had reviewed Brown’s background check.²⁷¹ Green told Hall she needed to find the report and read it immediately.²⁷² Hall acknowledged that she had received all the background reports except for the last one outlining the stalking incident.²⁷³ She explained the reports “came in at a very busy time,” when she was receiving hundreds of e-mails a day, and “putting in 20-hour days, but that’s no excuse.”²⁷⁴ Discussing the Brown background reports containing negative information, Hall said, “**I failed to see it.**”²⁷⁵ She said, “I had been remiss” in reviewing the documents when she received them. “**It was my screw-up. It had been sent to me. I hadn’t reviewed it** [before Brown was hired].”²⁷⁶

VIII. Brown’s Short-Lived City Career

FINDING: Brown had extensive personnel and performance problems at HCF. Brown’s career at HCF proved to be extremely short-lived. Contemporaneous documents paint a picture of a troubled employee who could not handle the work assigned to him.

A. Workplace Problems

Turnage assigned Karim to be Brown’s supervisor, but “quickly discovered that was like putting a match into gasoline,” explaining that the two men “hated each other.”²⁷⁷ But Brown did not just clash with Karim.

Starting on February 1, 2011, the day after he was hired, Linda Elam, the director of Health Care Policy and Planning Administration at HCF, complained about Brown’s behavior to Karim. Elam explained that “some” of Brown’s “actions [upon being hired on January 31, 2011] were a bit unusual and somewhat pushy to me . . . He made it very clear that he was here as an [Excepted Service] appointment because of his close relationship with the Mayor’s office.”²⁷⁸ She related that, “[o]ver the next couple of days, I began to hear complaints that Mr. Brown was asking for information from various areas within the agency. . . .”²⁷⁹ Elam noted that Brown “also had the unsettling habit of reaching for papers in people’s workspaces without asking permission and proceeding to photocopy them.”²⁸⁰

²⁷¹ Green OGR Interview; Hall OGR Interview.

²⁷² Green OGR Interview.

²⁷³ Hall OGR Interview.

²⁷⁴ *Id.*

²⁷⁵ *Id.* (emphasis added).

²⁷⁶ *Id.* (emphasis added).

²⁷⁷ Turnage OGR Interview.

²⁷⁸ Statement of Linda Elam (undated) attached to e-mail from Talib Karim (Feb. 8, 2011) [hereinafter Elam Statement].

²⁷⁹ *Id.*

²⁸⁰ *Id.*

Two days later, Banks told Hall that Brown “**is a problem child**” who was “acting out already in his new workplace.”²⁸¹ Hall replied that Brown was a “**special case**” that she “will have to address” the issue with Brown personally.²⁸² Hall stated she “wanted to handle it personally because Judy [Banks] can be volatile and I thought [that] would exacerbate the situation.”²⁸³ Hall said she called Brown “a special case” out of concern for him, “not because of any agreement” to hire him or keep him on the payroll.²⁸⁴ In her testimony before the Council, Banks stated: “The reference to special case came after he was employed, and when there were discussions about his behavior in the agency, which ultimately led to his termination. So that reference to special was in the context of his behavior, not in the context of his employment.”²⁸⁵ As previously noted, Banks testified that, even before Brown was hired, Hall referred to him as “a special case” in the context of his expedited hiring process.²⁸⁶

In an interesting side note to Brown’s status as a “problem child” at HCF, Green told Committee investigators she was not aware that Brown had been hired at HCF until she “read about it in the newspapers” around February 19, 2011.²⁸⁷ Green, however, had received a carbon copy of Banks’s February 2nd e-mail discussing Brown’s personnel issues.²⁸⁸ Banks testified before the Council that following the “problem child” e-mail, she had a conversation with Brown in which she “said basically, ‘get your act together or you’re out of there.’”²⁸⁹

As a result of the internal HCF complaints she expressed to Karim, Elam held a meeting with Brown. She directed him to channel requests for information through her “because I didn’t want him to interface with other staff without some controls and potentially to alarm, if not outright insult them.”²⁹⁰ Brown replied by “making veiled references to ‘who he really reports to’ and ‘what he came to do.’”²⁹¹

Elam, Karim, and Brown met on February 8, 2011. In that meeting, Elam stated that she did not believe Brown was “a viable fit for my office” due to “his lack of respect for both Mr. Karim and me, and his clear and inappropriate disdain and anger towards me”²⁹²

Elam also stated that “Mr. Brown **misrepresented some of our interactions and, in fact, lied about others.**”²⁹³ According to Elam, “**Brown’s somewhat delusional views about his place in this agency,** and possibly the city and federal governments, make him a management challenge that I do not wish to take on, particularly in light of the limited

²⁸¹ E-mail from Judy Banks to Gerri Mason Hall (Feb. 2, 2011) (emphasis added).

²⁸² E-mail from Gerri Mason Hall to Judy Banks (Feb. 2, 2011) (emphasis added).

²⁸³ Hall OGR Interview.

²⁸⁴ *Id.*

²⁸⁵ Hall D.C. Council Testimony, at 3.

²⁸⁶ Banks D.C. Council Testimony, at 24, 25 (emphasis added).

²⁸⁷ Green OGR Interview; *see also* Nikita Stewart, *Gray Hires More Senior Staffers than Fenty Did, and Is Paying Them Significantly More*, WASH POST, Feb. 19, 2011, available at www.washingtonpost.com/wp-dyn/content/article/2011/02/19/AR2011021903424_pf.html.

²⁸⁸ E-mail from Judy Banks to Gerri Mason Hall (Feb. 2, 2011).

²⁸⁹ Banks D.C. Council Testimony, at 25.

²⁹⁰ Elam Statement.

²⁹¹ *Id.*

²⁹² *Id.*

²⁹³ *Id.* (emphasis added).

contribution he is likely to make.”²⁹⁴ Elam got her wish. That same day, Turnage informed Brown that he would report directly to the Executive Director.²⁹⁵

On February 15, 2011, Karim informed Banks that Brown “has told us that [Banks] advised [him] that he has to report to [Turnage] directly,” and asked if there were any rules limiting Turnage from having a mayoral appointee be supervised by another staff person.²⁹⁶ Referring to Karim’s query, Banks asked Turnage, “are there any personnel issues at HCF we need to discuss?”²⁹⁷ Prompted by reports of tensions between Brown and Karim, Hall sent Brown a message “[j]ust touching base” to “see how you are doing Hope all is well.”²⁹⁸

The next day, HCF’s human resource director informed senior agency officials:

Brown has given a Student Intern a gift She has approached me with the information and I told her to return the gift that he has given. Please feel free to address this issue with him. He is an Excepted Service Special Assistant and she is a student intern and he should not be giving her any gifts.²⁹⁹

Turnage described the gift as a CD of romantic music.³⁰⁰ Karim mentioned the gift during his Council testimony, claiming that Brown harassed an unnamed female employee.³⁰¹ Despite the testimonial and documentary evidence of the gift, Brown denied under oath that it had occurred:

MS. CHEH: If I can ask you, there was testimony, for example, by Mr. Karim that said there had been several **reports of sexual harassment of female employees by you. Is there any truth to that?**

MR. BROWN: **There is no truth to that,** and you should ask him for some documentation to support anything. **I can show you emails from him. I still have them here . . . that supports . . . what I’m saying.**³⁰²

Brown provided no documents to congressional investigators in support of these statements before the D.C. Council. Two days later, on February 18, 2011, more staff complaints about Brown surfaced:

The complaints are that he is asking a lot of questions, he stands at your cubicle or outside your office with no purpose or no meeting. **Some individuals have expressed a concern of being afraid of him based on**

²⁹⁴ *Id.* (emphasis added).

²⁹⁵ *Id.*

²⁹⁶ E-mail from Talib Karim to Judy Banks (Feb. 9, 2011).

²⁹⁷ E-mail from Judy Banks to Wayne Turnage (Feb. 9, 2011).

²⁹⁸ E-mail from Gerri Mason Hall to Sulaimon Brown (Feb. 15, 2011); Hall OGR Interview.

²⁹⁹ E-mail from Kim McRae to Brenda Emanuel, et al. (Feb. 16, 2011) (emphasis added).

³⁰⁰ Turnage OGR Interview.

³⁰¹ Cheh Committee March Hearing.

³⁰² Brown D.C. Council Testimony, at 149 (emphasis added).

his behavior. . . . agency personnel are concerned about their safety and concerned about his behavior. . . . I am hearing information [about Brown] basically daily.³⁰³

Turnage confirmed the incidents, adding that Brown “threatened support staff” after they refused to fax a document for him.³⁰⁴

Within a week, HCF’s HR director sent yet another e-mail about Brown, informing agency officials that one of her staff members “**was very upset based on” unspecified actions by Brown** “and she had to leave the office and take a walk to get fresh air.”³⁰⁵ Turnage confirmed that incident.³⁰⁶ Banks testified before the Council that on or around February 24, 2011, the day *The City Paper* reported about Brown’s criminal past, “Turnage decided that he was going to have to have a discussion with Mr. Brown about him either turning it around or resigning.”³⁰⁷

B. Performance Issues

In addition to the workplace problems discussed above, Turnage stated that Brown had problems performing his assigned tasks. For example, Turnage said, Brown “didn’t know what an RFP was” and “had no knowledge of Excel.”³⁰⁸ Turnage also said that Brown’s work product was replete with spelling and grammatical errors.³⁰⁹

Brown denied he had workplace performance issues while at HCF, claiming before the Council to “have e-mails from Director Turnage that said I was doing a good job. I got plenty of thank yous and kudos for the work that I was doing”³¹⁰ Documents supplied to the Committee by HCF support Turnage’s comments and do not support Brown’s testimony before Council. For example, a spreadsheet Brown prepared for HCF officials was illegible and undecipherable.³¹¹ Another document prepared by Brown regarding the United Medical Center (UMC) contains numerous spelling and grammatical errors. For example, Brown wrote, “It would **mislead if UMC financial position was excluded from the Districts financial statements.**”³¹² After listing a number of points, Brown said, the items “being the **bases for the application**” of various criteria.³¹³ Discussing maintenance problems at UMC, he noted, “[t]he elevators has an estimated cost of 1.7 million dollars, but **do to cash flow problems** at UMC, this has proven difficult to accomplish.”³¹⁴

³⁰³ E-mail from Kim McRae to Brenda Emanuel, et al. (Feb. 18, 2011) (emphasis added).

³⁰⁴ Turnage OGR Interview.

³⁰⁵ E-mail from Kim McRae to Wayne Turnage, et al. (Feb. 23, 2011) (emphasis added).

³⁰⁶ Turnage OGR Interview.

³⁰⁷ Banks D.C. Council Testimony, at 27.

³⁰⁸ Turnage OGR Interview.

³⁰⁹ *Id.*

³¹⁰ Brown D.C. Council Testimony, at 147.

³¹¹ E-mail from Sulaimon Brown to Brenda Emanuel (Feb. 11, 2011). The e-mail includes a spreadsheet attachment.

³¹² E-mail from Sulaimon Brown to Wayne Turnage (Feb. 16, 2011) (emphasis added).

³¹³ *Id.*

³¹⁴ *Id.*

Sometime in mid-February, Turnage and Hall had “a preliminary conversation,” in which the HCF director said Brown “was not working out.”³¹⁵ Turnage said his options were to ask Brown to resign or to fire him.³¹⁶ Hall “told him it was his decision.”³¹⁷ Turnage confirmed that conversation, telling Committee investigators he called Hall and said **Brown “has no value, the staff is scared of him. I’m going to have to fire him.”**³¹⁸ Hall told the director, “If you’ve got to fire him, go ahead and do it.”³¹⁹ In her testimony before the Council, Hall confirmed that it was Brown’s workplace behavior that resulted in his termination:

Cheh: **Now according to Mr. Turnage and Mr. Karim, they had difficulty with Mr. Brown almost from the beginning, and they were planning on removing him even before it came out in the papers about his allegations and so on.** And you were brought in on that, and they testified basically you said do what you have to do. Is that fair?

Hall: **That’s correct.**³²⁰

C. Legal Troubles

Subsequent media accounts prompted Turnage to act. On February 23, 2011, the *Washington City Paper* reported that Brown had “run into legal trouble here in the District. Court records show gun charges against Brown were dropped in 1991 in exchange for Brown going into a diversion program, and a jury found Brown guilty in 1995 for unlawful entry. More recently, a restraining order against Brown was signed by a judge in 2007 . . .”³²¹ Officials in the Gray administration reportedly “became alarmed when they later learned that the restraining order involved allegations of stalking [a] 13-year-old girl . . .”³²²

Documents produced by the District show that, “[I]n March 2007, [FEMALE NAME REDACTED] obtained a Temporary Restraining Order from the Domestic Violence Unit of the Superior Court of the District of Columbia” against Brown. “It appears that they have a child in common as [Brown] was ordered to also stay away from [the child].”³²³

³¹⁵ Hall OGR Interview.

³¹⁶ Turnage OGR Interview.

³¹⁷ Hall OGR Interview.

³¹⁸ Turnage OGR Interview (emphasis added).

³¹⁹ *Id.*

³²⁰ Hall D.C. Council Testimony, at 21-22 (emphasis added).

³²¹ Alan Suderman, *The Bigger Scandal (Updated)*, WASH. CITY PAPER, Feb. 23, 2011, available at www.washingtoncitypaper.com/blogs/looselips/2011/02/23.

³²² Nikita Stewart and Tim Craig, *Sulaimon Brown, Aide to D.C. Mayor, Is Fired After Allegations of Criminal Record*, WASH POST, Feb. 24, 2011, available at www.washingtonpost.com/wp-dyn/content/article.2011/02/24/AR2011022406792_pf.html.

³²³ Office of the Attorney General for the District of Columbia document production (Apr. 20, 2011) [hereinafter MPD Production].

Those documents show that Brown was charged with aggravated battery in Chicago, and the disposition of that case was “unknown.”³²⁴ In the gun case, Brown was ordered to stay away from a woman. In 1995, he received one-year unsupervised probation and was ordered to stay away from the Howard University campus due to a charge of unlawful entry. Brown was arrested in July 2002 on a robbery charge (“broken down to simple assault and Theft II”) and “[l]ater dismissed. As part of [the] conditions of release, [Brown] was to [be] ordered to attend Anger Management Class.”³²⁵

On March 15, 2011, *The Washington Post* reported that Brown faced a 1988 attempted murder charge in Chicago.³²⁶ It is unclear whether that is the case mentioned in the District production. *The Post* also reported that Brown was arrested in 2008 on suspicion of assault in East Orange, New Jersey, for which he was not indicted.³²⁷ These two incidents were not listed in the District’s document production.

When asked by the press if he had a criminal record, Brown asserted, “I have no criminal record. . . . That’s not true.”³²⁸ He further stated that there was an old trespassing conviction based on “mistaken identity” and being “railroaded” by campus police at Howard University.³²⁹ Brown “credited a ‘Gray administration spin machine’ with destroying his reputation by fabricating court documents [relating to the restraining order]”³³⁰

On the morning of February 23, 2011, Turnage was attending a meeting in the Wilson Building. After it was over, Councilman David Catania approached Turnage and indicated that, while the subject of Brown’s criminal history would arise at his confirmation hearing, it would not hold up his nomination.³³¹ Councilman Catania confirmed the gist of Turnage’s version.³³² Brown, on the other hand, claimed Turnage “said Catania wanted me gone and he would hold up [Turnage’s] confirmation unless he fired me.”³³³ Turnage called Brown’s version of events “an unmitigated lie.”³³⁴ Councilman Catania told Brown his allegations about the councilman’s comments regarding Turnage’s confirmation hearing are “a figment of your imagination.”³³⁵

Turnage placed a telephone call to the Mayor’s office on February 23, 2011. A call sheet prepared by Hall says the HCF director “will call [the Mayor] at some point this evening on an urgent personnel matter (I think it’s about SB).”³³⁶ The next day, Turnage met with Brown.³³⁷

³²⁴ *Id.*

³²⁵ *Id.*

³²⁶ Nikita Stewart, *Brown Had Six Run-Ins with Law Enforcement Before Landing D.C. Job*, WASH. POST, Mar. 15, 2011, at A1.

³²⁷ *Id.*

³²⁸ Alan Suderman, *The Circus, Sulaimon Brown Style*, WASH. CITY PAPER, Feb. 24, 2011, available at <http://www.washingtoncitypaper.com/blogs/looselips/2011/02/24/the-circus-sulaimon-brown-style/#more-4688>.

³²⁹ *Id.*

³³⁰ Mike DeBonis, *Sulaimon Brown Stands To Be a Thorn in Gray’s Side*, WASH. POST, Feb. 28, 2011, available at http://voices.washingtonpost.com/debonis/2011/02/sulaimon_brown_stands_to_be_a.html.

³³¹ *Id.*

³³² Cheh Committee March Hearing.

³³³ Brown OGR Interview.

³³⁴ Turnage OGR Interview.

³³⁵ Brown D.C. Council Testimony, at 31.

³³⁶ E-mail from Gerri Mason Hall to Mayor Gray (Feb. 23, 2011).

He told Brown his employment at HCF was being terminated. Brown told Turnage, “You can’t fire me, only the Mayor can fire me.”³³⁸ Turnage stated that Brown demanded a “huge severance package,” and essentially threatened him, stating that without such a package, “there will be repercussions.”³³⁹

A contemporaneous e-mail from a senior HCF official confirmed Turnage’s account, saying Brown “stated this is not the last of what you will hear from Suliamon Brown [sic] this is not over and the Director can not [sic] terminate him, he is a Mayoral appointee and the only person who can terminate him is the mayor . . . [he said] again this is not the end of this agency hearing from Suliamon [sic] Brown.”³⁴⁰

Turnage left to attend a budget meeting with the Mayor. Before leaving, he instructed his senior staff not to take any action with respect to Brown until he returned.³⁴¹ Brown also acknowledged that before he left, Turnage said they would speak when he returned.³⁴² Yet, Karim violated Turnage’s instructions. Turnage said that Karim, “against my orders” ordered the HR director to “get Brown out of the building,” that the MPD be called and that Brown “be escorted out of the building by cops in handcuffs.”³⁴³ Indeed, the MPD did escort Brown from the building, albeit without handcuffs.

Brown said that shortly after Turnage left, the agency’s HR director came into his office to ask if there was anything he needed. Brown requested some time to clear out his desk and a few minutes to collect his thoughts and call some friends. Brown said the HR director agreed. To his surprise, Brown added, “[a] couple of minutes later, my office was filled with cops,” who escorted him out of the building.³⁴⁴ When they got downstairs, Brown asked one of the officers why they showed up, and an officer told him “they were called for a disturbance.”³⁴⁵ Turnage said Brown created no disturbance.³⁴⁶ Hall agreed with his assessment.³⁴⁷

While he was on his way to the budget meeting, Turnage received an e-mail informing him that Brown “was escorted off the premises.”³⁴⁸ Judging by his response, Turnage was furious: “This is not supposed to have happened. . . . How did we bungle that?”³⁴⁹ Turnage told the agency’s HR director that he preferred “to meet with him and hand deliver the [termination] letter after hours. Did anyone of my staff instruct you to do otherwise?”³⁵⁰ The HR director replied, “Yes. Talib [Karim] informed me to meet with [Brown] and have him removed from the

³³⁷ E-mail from Wayne Turnage to Talib Karim (Feb. 24, 2011).

³³⁸ Turnage OGR Interview.

³³⁹ *Id.*

³⁴⁰ E-mail from Kim McRae to Brenda Emanuel, Talib Karim, Wayne Turnage (Feb. 24, 2011).

³⁴¹ Turnage OGR Interview.

³⁴² Brown OGR Interview.

³⁴³ Turnage OGR Interview.

³⁴⁴ Brown OGR Interview.

³⁴⁵ *Id.*

³⁴⁶ Turnage OGR Interview.

³⁴⁷ Hall OGR Interview.

³⁴⁸ E-mail from Kim McRae to Brenda Emanuel, Talib Karim, Wayne Turnage (Feb. 24, 2011).

³⁴⁹ E-mail from Wayne Turnage to Brenda Emanuel, Talib Karim, Kim McRae (Feb. 24, 2011).

³⁵⁰ E-mail from Wayne Turnage to Kim McRae (Feb. 24, 2011).

premises prior to you all leaving for your meeting. I explained I will probably have to get MPD involved and he told me to handle it.”³⁵¹

A timeline of the events produced by HCF shows Karim’s active involvement in Brown’s removal from the building. According to HCF’s HR director, shortly after Turnage left for his meeting with the Mayor, Karim “communicated that [Brown] needed to be removed from the premises and that you and him did not have time to do this [prior to the budget meeting].”³⁵² Karim “requested” that Kim McRae, the HR Director, “handle the removal of S. Brown from the office.”³⁵³ McRae told Karim “we are getting MPD involved,” and he “stated whatever was necessary, handle it.”³⁵⁴ Shortly thereafter, McRae called two protective service officers, who were followed by two MPD officers, all of whom “escorted [Brown] out of the office nicely (NO HANDCUFFS).”³⁵⁵

Within minutes of Brown’s removal from the building, the *Washington City Paper* reported about the incident.³⁵⁶ Hall said, “[i]t is incredulous to me that *Loose Lips* had the story [on its Web site] so quickly.”³⁵⁷ Later, a reporter had already called Turnage about the incident.³⁵⁸ At that time, only Turnage, Karim and other senior HCF personnel knew about Brown’s termination and removal from the premises.

Turnage stated that upon arriving at the Wilson Building for his budget meeting, “the Mayor’s first words to me were, ‘What the f*** happened?’”³⁵⁹ Turnage said the Mayor claimed not to have known Brown was employed at HCF until that day.³⁶⁰ Hall’s version of what the Mayor knew about Brown and when he knew about it conflicts with Turnage’s account. Hall told Committee investigators that when the Mayor spoke to HCF staff sometime around January 31, 2010, Brown “was sitting front and center.”³⁶¹ In the car returning from the agency, Hall stated the Mayor remarked, “I didn’t know [Brown] was at HCF. When did that happen?”³⁶² Hall told the Council a slightly different version of the same anecdote:

[W]hen he returned to the office, he said “I saw Sulaimon Brown at the Health Care Finance agency,” and I said yes. And he said did you know he worked there? And I said yes, I facilitated that. He’s in an auditing position. I said is there a problem, and he said no, I just was surprised to see him.³⁶³

³⁵¹ E-mail from Kim McRae to Wayne Turnage (Feb. 24, 2011).

³⁵² E-mail from Kim McRae to Wayne Turnage (Feb. 25, 2011).

³⁵³ *Id.*

³⁵⁴ *Id.*

³⁵⁵ *Id.*

³⁵⁶ Alan Suderman, *Breaking: Sulaimon Brown Escorted Out of Office*, WASH. CITY PAPER, Feb. 24, 2011, available at <http://www.washingtoncitypaper.com/blogs/looselips/2011/02/24/breaking-sulaimon-brown-escorted-out-of-office-by-police>.

³⁵⁷ Hall OGR Interview.

³⁵⁸ E-mail from Kim McRae to Brenda Emanuel, Talib Karim, Wayne Turnage (Feb. 24, 2011)

³⁵⁹ Turnage OGR Interview.

³⁶⁰ *Id.*

³⁶¹ Hall OGR Interview.

³⁶² *Id.*

³⁶³ Hall D.C. Council Testimony, at 15.

IX. Brown's Credibility

FINDING: Brown has credibility issues. His erratic behavior and poor grasp of the facts undercut his claims of veracity.

The D.C. Council Committee observed that “Much of Mr. Brown’s testimony appears to be unreliable, unsubstantiated, and exaggerated.”³⁶⁴

Partial Production of Text Messages

On January 7, 2011, Green received a series of text messages from Brown.³⁶⁵ Green said the messages “were rambling comments about how I disrespected him and his family, and he wasn’t going to let me get away with it.”³⁶⁶ Green also said the text messages contained references to the “Republican Congress.”³⁶⁷ A copy of the text messages Brown provided to the Committee contained no such references; however a full copy of the exchange with Green produced by the District shows many comments not contained in the texts Brown produced. When repeatedly questioned, Brown told Committee investigators that he produced all relevant text messages with Green.³⁶⁸ That proved to be inaccurate, as demonstrated by the full transcripts of the two versions of the exchanges:³⁶⁹

➤ **Brown Version**

SB: I’m not going to sit back and let you screw me and my family. It won’t happen. Lying to me is one thing, but my brother, that’s different.

LG: Who is this? What are you talking about?

SB: This is Sulaimon Brown and I’m talking about the childish unnecessary [sic] games your [sic] playing. I’m done playing. You can keep the job. I’m going to plan B and C.

LG: I have no idea what you are talking about. I thought you met with the chief of staff about an audit position and everything was fine.³⁷⁰

³⁶⁴ D.C. Council Report, at 26-27.

³⁶⁵ Green OGR Interview; Brown OGR Interview.

³⁶⁶ Green OGR Interview.

³⁶⁷ *Id.*

³⁶⁸ Brown OGR Interview.

³⁶⁹ For clarity sake, Brown’s messages start with SB; Green’s with LG; and the differences are shown in **bold face font**.

³⁷⁰ Brown Cell Phone Records. Green explained that the audit position she was referring to was the one with the Inspector General. Green OGR Interview.

➤ **MPD Version**

SB: Thank you for not keeping your word. I'm sure the new Republican Congress. I'm not going to sit back and let you screw me and my family. It won't happen. Lying to me is one thing, but my brother, that's different.

LG: Who is this? What are you talking about?

SB: This is Sulaimon Brown and I'm talking about the childish unnecessary [sic] games that your [sic] playing. I'm done playing. You can keep the job. I'm going to plan B and C.

LG: I have no idea what you are talking about. I thought you met with the chief of staff about an audit position and everything was fine.

SB: She has been screwing me around and I'm tired.

LG: I don't understand your comment about the new Republican Congress.

SB: Apparently, you have chosen to pick an unnecessary [sic] fight with me.

LG: ???

SB: Steve Glade told Jerry [apparently referring to Gerri Mason Hall] to screw me as well. FYI.³⁷¹

Green said she “shared” the texts with the Amtrak police who, in turn, passed the matter on to MPD.³⁷² According to an MPD report:

On January 13, 2011, Inspector Neil Trugman of Amtrak reported that he was notified by Lorraine Green regarding a series of text messages she received from a subject known to her as Sulaimon Brown. Ms. Green is an executive for Amtrak and had worked on Mayor Vincent Gray's mayoral campaign. A review of the text messages did not reveal any criminal threats but the messages did not appear to be fully coherent.

Ms. Green was contacted and she reported that she did not feel threatened but felt that someone should be notified of this incident. Additionally, she was advised that if she received any additional text messages from Brown and/or if she felt threatened in any way to contact MPD immediately.³⁷³

³⁷¹ Phone Records of Lorraine Green (Jan. 7, 2011).

³⁷² Green OGR Interview.

³⁷³ MPD Production.

MPD discovered that Brown “volunteered to and worked on Adrian Fenty's campaign for mayor. In October of 2006, it was reported” that he “had threatened members of Fenty's staff.”³⁷⁴ After MPD interviewed several members of Fenty's campaign, “it was determined there were no threats made” by Brown,³⁷⁵ but MPD reported that Brown became **“bizarre” and “confrontational” regarding “employment and/or payment of services [from the Fenty campaign].**³⁷⁶

Apparent Threats to City Officials

On March 7, 2011, Turnage received a call from Brown in which he “expressed concern that the [separation] letter indicates he will not receive a severance payment [because he was not legally entitled to one].”³⁷⁷ Brown actually called Turnage twice that day.³⁷⁸ During the second call, Brown “asked about severance again, this time **warning me he has thus far spared me and Brenda Emanuel from public attacks.**”³⁷⁹ Brown called Turnage again two days later.³⁸⁰

Turnage received another call from Brown on March 11, 2011, saying “I did not answer and will not call him back.”³⁸¹ Brown called Turnage again on March 25, 2011. While Turnage did not answer, Brown spoke with Turnage’s assistant. According to Turnage, Brown “said **that he wanted us to pay him severance or he would stop being ‘nice’ to us.** Not sure if I should take that as a threat or an intention on his part to try and publicly embarrass us through his well demonstrated tendency to prevaricate.”³⁸² Turnage received a final call from Brown in early April 2011. He described that call as Brown’s “**continued attempt to press us for severance pay in exchange for a promise to not fabricate stories** about his experiences at DHCF.”³⁸³

Potential Perjury

The Council Committee contends that Brown effectively committed perjury by violating the District’s false statements statute.³⁸⁴ When he applied for District employment in January 2011, Brown affirmed under oath that he had not “given, transferred, promised or paid any consideration for or in expectation or in hope of receiving assistance in securing” a position within D.C. government.³⁸⁵

³⁷⁴ *Id.*

³⁷⁵ *Id.*

³⁷⁶ E-mail from Acting Capt. Wilfredo Manlapaz to Lorraine Green (Jan. 21, 2011) (emphasis added).

³⁷⁷ E-mail from Wayne Turnage to Judy Banks (Mar. 7, 2011).

³⁷⁸ E-mail from Wayne Turnage to Gerri Mason Hall, et al. (Mar. 9, 2011).

³⁷⁹ *Id.* (emphasis added).

³⁸⁰ *Id.*

³⁸¹ E-mail from Wayne Turnage to OGR Staff (Mar. 11, 2011).

³⁸² E-mail from Wayne Turnage to OGR Staff (Mar. 25, 2011) (emphasis added).

³⁸³ E-mail from Wayne Turnage to OGR Staff (Apr. 8, 2011) (emphasis added).

³⁸⁴ See D.C. Council Report, at 37.

³⁸⁵ District of Columbia Government Appointment Affidavits, executed by Sulaimon Brown (Jan. 31, 2011).

Yet, Brown testified before the Council that Gray campaign officials “gave me cash and money orders to maintain my campaign for mayor, cover living expense, and attack then-Mayor Fenty during the 2010 mayoral race. In addition to monies received in the form of cash and money orders, I was also promised a job for myself and my brother, a job I later received but my brother did not.”³⁸⁶

Council Testimony: Bizarre Behavior

Throughout his testimony to the Council, Brown was hostile and combative. For example, during his entire appearance, Brown wore mirrored sunglasses despite being asked to remove them by Chairwoman Cheh.³⁸⁷ Brown also got into a near shouting match with Councilmember Barry over ethics:

MR. BARRY: The point I'm making here is I want the public to understand that this Council believes in and respects the laws of the land and believes in innocent until proven guilty and –

MR. BROWN: Half of the Council is under investigation including Harry Thomas today --

MR. BARRY: Mr. Brown –

MR. BROWN: -- and you're telling me integrity? . . . you got to be kidding me. You don't even . . . have the tags on your car. . . . You got to be kidding me. . . .

MR. BARRY: Now you're out of your goddamn –

MR. BROWN: You got locked up by the same FBI I'm talking to. You got to be kidding me.

MR. BROWN: I'm not going to be railroaded, Mr. Barry. It's not going to happen. . . . I understand you like the Mayor, but it's not going to happen. Not this time.

MR. BARRY: This witness has been disrespectful to this Committee, but moving on. I want the public to know –

MR. BROWN: I've been disrespected as well.

³⁸⁶ Brown D.C. Council Testimony, at 5-6.

³⁸⁷ See: Robert McCartney, *Manic Antics Aside, Brown Testimony Rings True*, WASH. POST, Jun. 9, 2011, at B5; Marc Fisher, *Shades Did Nothing to Brighten Hearing*, WASH. POST, Jun. 7, 2011; Brown D.C. Council Testimony, at 6.

MR. BARRY: You know you're out of your goddamn mind, all right. . . .
Man, why don't you shut up?³⁸⁸

On the day of his testimony, the Council issued a subpoena to Brown for various documents, with a production date of June 15, 2011.³⁸⁹ One day after the deadline, the Council extended the production date by a week, granting Brown “additional time to retain counsel and review [the] subpoena.”³⁹⁰ When that deadline passed, the Council gave Brown until June 27, 2011 to produce the documents or the Council “will ask the Superior Court to enforce the subpoena and compel the production of these documents and records.”³⁹¹ Once again, the deadline passed, Brown did not produce the documents, and the Council has sought a court order to compel production.³⁹² The court ordered a September 15, 2011 hearing to decide whether to compel Brown to comply with the subpoena.³⁹³ This court date is still pending.

X. Recent Developments

On October 15, 2011, the *Washington Post* reported that federal investigators looking into Brown’s allegations “appear to be focusing on” Howard Brooks “and possibly others in the Gray campaign.”³⁹⁴ Federal authorities are trying to determine whether Brooks actually made the payments that Brown claimed to have received.³⁹⁵

The report also contends that Peyton Brooks, the son of Howard Brooks, received immunity from federal prosecutors “months ago in return for his cooperation with the investigation,”³⁹⁶ and that federal investigators fingerprinted both Brown and Brooks, apparently in an attempt to identify who handled money orders or the envelopes that Brown claims to have been handed by Gray campaign officials or operatives.³⁹⁷ Furthermore, on October 18, 2011, WRC-TV reported that Howard Brooks “is cooperating with the FBI and has worn a wire.”³⁹⁸

³⁸⁸ *Id.* at 250-53.

³⁸⁹ Council of the District of Columbia, Comm. on Gov’t Operations and the Env’t, Subpoena to Sulaimon Brown (Jun. 6, 2011).

³⁹⁰ E-mail from DC OAG Staff to Sulaimon Brown (Jun. 16, 2011).

³⁹¹ E-mail from DC OAG Staff to Sulaimon Brown (Jun. 24, 2011).

³⁹² *See*: Petitioner’s Mem. Supp. Mot. Modify Ct. Order, *Council of the District of Columbia v. Sulaimon Brown*, D.C. Sup. Ct., Civ. Div., 2011-CA-3957 (Jul. 13, 2011).

³⁹³ Order Granting in Part Petitioner’s Mot. Modify Ct. Order, *Council of the District of Columbia v. Sulaimon Brown*, D.C. Sup. Ct., Civ. Div., 2011-CA-03957 2 (Aug. 8, 2011).

³⁹⁴ Nikita Stewart, *Vincent Gray Campaign Under Vigorous Federal Scrutiny*, WASH. POST, Oct. 15, 2011, available at http://www.washingtonpost.com/local/dc-politics/vincent-gray-campaign-under-vigorous-federal-scrutiny/2011/10/13/gIQAfz0QnL_print.html.

³⁹⁵ *Id.*

³⁹⁶ *Id.*

³⁹⁷ *Id.*

³⁹⁸ Tom Sherwood, *FBI Seeks Fingerprints, Offers Immunity in Gray Campaign Probe*: Post, NBC WASHINGTON, Oct. 18, 2011, available at <http://www.nbcwashington.com/news/local/FBI-Seeks-Fingerprints-Offers-Immunity-in-Gray-Campaign-Probe-132005958.html>.

XI. Conclusion

Both the documentary record and witness testimony show Brown has a history of erratic behavior that likely contributed to his termination from HCF. He also has significant credibility issues.

Although Committee investigators discovered numerous money orders that appear to have come from members of the Brooks family and persons connected to Brooks, there are no independent facts to corroborate Brown's charges relating to the promise of employment. While there is some circumstantial evidence that may support Brown's allegations, including cell phone records, internal city e-mails, and text messages between Brown, the Mayor, Green, and Hall, these facts must be balanced against Brown's lack of credibility. In sum, based on the documents and materials evaluated, it is not possible to conclude that Mr. Brown was improperly offered employment in exchange for his attacks on then-Mayor Fenty.