

**DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY**

**MINUTES OF REGULAR MEETING
January 4, 2018**

The District of Columbia Board of Ethics and Government Accountability held its Regular Monthly Meeting on Thursday, January 4, 2018, at 10:00 a.m. at One Judiciary Square, 441 Fourth Street, N.W., Room 540 South, Washington, D.C. 20001. The Board’s Chairperson Tameka Collier was present, as well as Board Members Norma Hutcheson and Shomari Wade. Also present on the dais was John (Jack) Grimaldi, the Board’s Senior Counsel.

The full discussion and the meeting is on audio file, and may be found at <https://www.open-dc.gov/meeting/board-ethics-and-government-accountability-monthly-meeting>

- I. Call to Order
Chairperson Collier called the meeting to order.
- II. Ascertainment of Quorum
Chairperson Collier established that a quorum was present.
- III. Adoption of the Agenda
Board Member Hutcheson moved to adopt the agenda, Member Wade seconded the motion. The motion was unanimously approved.
- IV. Report by the Director of Open Government
- V. Report by the Director of Government Ethics
 - a. Update on Status of Office of Government Ethics (OGE) Operations – Recap of previous month’s activities (statistics)

	Current	Last month	Nov 2017
Investigations Opened:	0	0	1
Investigations Closed:	1	11	5
Investigations Currently Open:	8	9	12
Investigations Stayed (Inactive):	9	9	14

Stayed (Inactive) Cases		
Nature of Stay	Number	Date Rec
Court (fugitive)	1	Jan. 2016
OEA (pending motions)	1	

OIG	5	Jan. 2016
OAG (pending civil False Claims Act complaint)	2	Sept. 2016
Total Stayed Cases	9	

b. Publication and Reporting Obligations

We have no outstanding publication or reporting obligations. The Best Practices Report was delivered to the Mayor and all Councilmembers on Friday, December 29. Our Quarterly Complaint Report will be posted to the website early next week. Our Agency Performance Measures will be completed before the next meeting.

c. Trainings/Outreach –

i. Attended by staff – None

ii. Conducted by staff –

During the past 2 week period, we conducted only 2 training sessions, consisting of a new employee orientation and a MSS presentation, considerably less than the 14 conducted last month. Some of this is likely attributable to the holiday season.

d. Advisory Opinions/Advice –

Informal Advice: approximately 20 since the last meeting, down from 71 last month. This measures our performance over a 2 week, rather than a 6 week period.

Formal Advice requests:

We have one pending request for a formal advisory opinion. The subject matter of that opinion is permissible activities involving hosting “meet and greets” [not fundraisers] for partisan political candidates under the District of Columbia Hatch Act, ethics laws or election expenditures laws.

e. Ethics Legislation/Comprehensive Code of Conduct

We are not aware of any recent developments with respect to ethics legislation or the CCC. Since this is the budget season, the Budget Support Act (“BSA”), is a vehicle that is often used to tweak agency operations. We do not have any concrete proposals for the BSA at this time although we are researching whether we need to have BEGA statutorily established as a law enforcement agency to

enhance our enforcement authority.

f. Rulemaking

We have reached out to the Mayor's Office of Talent and Appointments for their input on our proposal to adopt rules that require additional board and commission members to file public financial disclosure statements.

g. Budget:

BEGA's Budget Review Team meeting is scheduled for January 5. We have continued to hold monthly budget meetings.

h. Staffing –

We still have 2 new administrative positions to fill. Interviews were conducted for the paralegal specialist position and those applications are currently under review.

i. Lobbyist/Financial Disclosure Matters

a. Public Financial Disclosure Statements

We are still working to get all non-compliant public financial disclosure statement filers to file their forms via our e-filing system. Since our last board meeting, we discovered that some non-filers are separated from the District. There are 7 non-filers. We have submitted garnishment memos to OCFO in the fine amount of \$300 for each non-filer. Our next step is to reach out to the non-filers' supervisor or agency head.

b. Confidential Financial Disclosure Statements for Calendar year 2017

We are currently reviewing CFDS reports and following up with ethics officers. We will soon compile a list of CFDS non-filers and begin the enforcement process.

c. Lobbyists

- The 2018 lobbying season has started, with activity reports reflecting lobbying activity during the last six months of 2017 due next Wednesday, January 10, 2018 and re-registrations due by January 16, 2018. We've responded to a number of legal questions and handled issues with the current e-filing system.

The Relevant filing statistics thus far:

- 57 registrations filed for 2018
- 15 January 2018 Lobbying Activity Reports filed
- 37 Termination Reports filed
- In addition, OCTO is continuing to work on modifications to the new lobbying e-filing site. We are scheduled to preview the new site next Thursday, January 11th.

j. Non-Confidential Investigations

1. #1641-001, *In re*: R. French

At the September meeting, you approved a Notice of Violation for Mr. French. Mr. French filed both his 2016 and 2017 Confidential Financial Disclosure forms on November 6, 2017, 18 months and six months late, respectively – and after being served with a Notice of Violation. Though Mr. French ultimately filed his forms, he filed them extremely late and has only been fined \$300 thus far. On December 7, 2017, we interviewed Mr. French, but have been unable to resolve this matter thus far.

2. #1398-001 *In re*: C. Snowden -- This is an investigation referred by the Office of the Inspector General involving the Deputy Mayor for Greater Economic Opportunity. According to the OIG's Report of Investigation, on three occasions in late-summer 2015, Ms. Snowden used government resources for other than official business and ordered, directed, or requested subordinate employees to perform personal services, in violation of DPM §§1807.1 (b) and (c).

VI. Opportunity for Public Comment

VII. **The Board unanimously approved a motion to deliberate in Executive Session** (non-public) to Discuss Ongoing, Confidential Investigations pursuant to D.C. Official Code § 2-575(b), to deliberate on a decision in which the Ethics Board will exercise quasi-judicial functions pursuant to D.C. Official Code § 2-575(b)(13), and Personnel matters pursuant to D.C. Official Code § 2-575(b)(10).

VIII. Resumption of Public Meeting

a. Discussion of any remaining public items

IX. Adjournment