

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

**MINUTES OF REGULAR MEETING  
June 1, 2017**

The District of Columbia Board of Ethics and Government Accountability held its Regular Monthly Meeting on Thursday, June 1, 2017, at 11:00 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 Carol Schwartz. 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://bega.dc.gov/publication/june-1-2017-board-meeting-minutes>

**AGENDA**

- I. Call to Order  
--Chairman Collier called the meeting to order.
- II. Ascertainment of Quorum  
--The Chairman established that a quorum was present.
- III. Adoption of the Agenda  
--**The Board voted unanimously** to adopt the agenda.
- IV. Report by the Director of Open Government
  - a. Yates litigation status.
  - b. Summary of opinions and informal advice.
- 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	March 2017
Investigations Opened:	8	11	3
Investigations Closed:	3	2	0
Investigations Currently Open:	18	16	7
Investigations Stayed (Inactive):	23	22	22

<b>Stayed Cases</b>	
Nature of Stay	Number
Court (pending motions and one fugitive)	2
OEA (pending motions)	1
OIG	15
OAG (pending civil False Claims Act complaint)	1
Council (pending post-employment action on CCC)	3
IRS/OTR (potential criminal complaint)	1

b. Publication and Reporting Obligations

We have no updates in this area. We are current on all of our reporting obligations.

c. Trainings/Outreach –

i. Attended by staff –

I had the pleasure of appearing on a panel with the Attorney General and a representative of the Council on the topic of Campaign Finance Reform in the District, hosted by the Ward 3 Democrats. General Counsel Flowers attended a seminar on Essential Supervisory Skills offered in conjunction with the Office of the Attorney General.

ii. Conducted by staff –

12, which is one more than the 11 conducted last month. The 12 trainings include two new employee orientations and MSS (FDS) trainings, one general Board and Commission training, a training session for Excepted Service Employees sponsored by the Mayor’s Office of Talent and Appointments, 2 for managers at the Department of Recreation, one each for the Alcohol Beverage Control Board members, and dispatchers at the Office of Unified Communication. I also met with the Deputy Mayor for Greater Economic Opportunity to provide her with a personalized ethics training.

d. Advisory Opinions/Advice –

Informal Advice: 66, since the last meeting, slightly up from 61 last month.

The comment period on the proposed sua sponte advisory opinion on the ethical standards that apply to ANC Commissioners was extended (by notice published in the DC Register), at the request of an ANC Commission and the Office of ANC's until June 21, 2017. We have received at least one set of comments on the proposed opinion.

e. Ethics Legislation/Comprehensive Code of Conduct

I have nothing to report since the last Board meeting, on our Ethics legislation. Everyone has been busy with finalizing the budget.

f. Rulemaking

The final rulemaking that you approved at the March meeting clarifying our authority to impose late fees on a confidential filer who fails to timely file a true, accurate and fully completed financial disclosure statement was sent for publication and will become effective upon publication in the DC Register.

g. Budget:

As you can see from the drop box, a follow-up meeting of the Committee on the Judiciary & Public Safety was held on May 18th to consider and vote on its Report and Recommendations on the Fiscal Year 2018 Budget for the Agencies under its purview. I am very happy to report that our request for additional administrative support was granted and we received not one, but two additional Full Time Employees with an increase in personal service funds of \$125,000 to pay for them. We will also be receiving a \$50,000 boost in NPS funds to pay for upgrades and maintenance to the e-filing system for 2018.

Speaking of the e-filing system, I am very pleased that the Mayor has made good on her promise to identify NPS funds to replace our antiquated e-filing system immediately so we don't have to wait until the new Fiscal Year in October to get started. \$250,000 was uploaded to our budget yesterday and we will be commencing work with OCTO in the next week.

This is all good news, but we are now at a point where we are physically limited by our facilities and will need our Board Room for the additional FTEs by October 1. Perhaps we can inquire with Ms. Hughes the status of her search for separate offices for the Office of Open Government.

h. Staffing – I’m pleased to report that we have made an offer to a very well qualified individual from a top ten accounting firm to fill the vacant auditor position and he will be joining the BEGA team on June 12<sup>th</sup>.

i. Lobbyist/Financial Disclosure Matters

a. Public Financial Disclosure Statements

1. As of today, approximately 3,058 Public Financial Disclosure Statements have been filed via our e-filing system; approximately 382 designated employees have not yet filed. The list of filers and non-filers will be published in the DC Register on June 16, 2017. We have been able to maintain a 24-hour response time for all FDS inquiries and questions.
2. You may recall that last year two FDS public filers challenged their designations and requested a waiver of the FDS filing requirement. After the Board denied their waiver requests, the employees filed appeals in D.C. Superior Court. OAG, who is handling these appeals for us, informed us that one of the employees (Edwin Edokwe) failed to file a pleading as directed by the Court. As a result OAG moved to dismiss that appeal. A status hearing is scheduled in that matter for July 21st. The other employee (Charlene Dickens) filed the appropriate pleadings and OAG is preparing its response. There is a status hearing in that matter set for August 18th. We will continue to provide you with updates as they occur.

b. Confidential Financial Disclosure Statement Enforcement

1. Yesterday we sent out an email to all ethics counselors reminding them of today’s Confidential Review Report deadline.
2. As of today, approximately 52 employees are still non-compliant with their 2016 confidential financial disclosure statement requirements. We have been working to notify non-compliant designated filers and prompt them to file. Of the 52 non-filers, 35 are current District employees, 16 are former employees, and one employee is on extended leave. We’ll use our resources to focus on enforcement for the current District employees, since it will be difficult to collect a fine from those who are no longer employed with the District. We are now ready to move forward to fine collection and have prepared a fine notification letter to be sent to

non-compliant employees. The letter will be distributed via email to the employees' work email addresses and hard copy sent to their home addresses. At the end of the month we will request a paycheck garnishment in the fine amount of \$300 for all employees who are still non-compliant and have not paid the fine.

c. Lobbyists

We are once again gearing up for our lobbyist filing season. In mid-June we will begin sending reminder notifications to all registered lobbyists regarding the July 10, 2017 lobbyist activity report filing deadline.

j. Non-Confidential Investigations

VI. Opportunity for Public Comment

VII. The **Board voted unanimously** 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

- i. *#1031-007: In re K. Henderson* - The Chairperson reported that the Board voted unanimously to make the matter public, and authorized the issuance of subpoenas.
- ii. *#1344-002: In re J. Bazemore* -- The Chairperson reported that the Board voted unanimously to authorize a formal investigation, make the matter public, and authorized the issuance of subpoenas.

IX. Adjournment