

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

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

The District of Columbia Board of Ethics and Government Accountability held its Regular Monthly Meeting on Thursday, June 6, 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, Carol Schwartz, 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 <http://bega.dc.gov/publication/july-6-2017-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. FOIA Advice Requests
- 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:	1	8	11
Investigations Closed:	3	3	2
Investigations Currently Open:	16	18	16
Investigations Stayed (Inactive):	23	23	22

Stayed (Inactive) Cases		
Nature of Stay	Number	Date Rec
Court (pending motions and one fugitive)	2	Jan. 2016
OEA (pending motions)	1	
OIG	15	Jan. 2016
OAG (pending civil False Claims Act complaint)	1	Sept. 2016
Council (pending post-employment action on CCC)	3	June 2016
IRS/OTR (potential criminal complaint)	1	Jan. 2016

b. Publication and Reporting Obligations

June 30 marked the end of the 3rd Quarter of FY 17, so we updated the Quarterly Complaint Report for publication as required. It is in the drop box. We will also be completing our performance measures for the 3rd Quarter prior to the next meeting.

c. Trainings/Outreach –

i. Attended by staff –

Today, 3 staff members were scheduled to be trained on the application that is used to maintain our website. Since the migration of the site back to OCTO, we have to receive this training to make changes to our website, otherwise we have to forward the information to OCTO to make the change. Approximately 2 weeks ago, all staff received Active Shooter and CPR training from HSEMA.

ii. Conducted by staff –

9, which is less than the 12, conducted last month. The 9 trainings include two new employee orientations and MSS (FDS) trainings, one general Board and Commission training at the Commission on Aging, a training session at the Child and Family Services Agency, and an ethics training program conducted for L.E.A.P. (Learn, Earn, Advance, Prosper) program

participants at DOES. We also met with the Dean of the DC School of Law to provide training on the local Hatch Act.

iii. Ethics Day- Last year BEGA held its annual Ethics Day and Best Practices Symposium on October 20th at the UDC David A. Clarke School of Law. While the Ethics Day, which was a day filled with a variety of ethics courses, obtained a favorable amount of attendance, the Symposium did not. This year, OGE is proposing that the Board only host an Ethics Day that would be equivalent to last year's program, but not include a Symposium. With the Board's approval, Ethics Day could include a presentation by former Councilmember Michael Brown, who agreed in his negotiated disposition to conduct 12 in-person, ethics presentations to District employees within 18 months of his release from federal custody. Mr. Brown was released last month. We have reached out to his attorney to determine his availability. His attorney seems receptive to that approach.

d. Advisory Opinions/Advice –

Informal Advice: approximately 78, since the last meeting, slightly up from 66 last month. This includes some of the inquiries relating to lobbyist registration matters, likely driven by the looming deadline on Monday.

The comment period on the proposed sua sponte advisory opinion on the ethical standards that apply to ANC Commissioners closed on June 21, 2017. We received more than a dozen comments on the rulemaking, most from ANC Commissioners in opposition to applying the DPM to themselves. Those comments are in the drop box.

e. Ethics Legislation/Comprehensive Code of Conduct

You may recall that last winter Councilmember Cheh contacted BEGA with questions about lobbying filing requirements in connection with her investigation into DGS's contracting and personnel management. As a result of that investigation and in consultation with BEGA, she introduced the "Lobbying Disclosure Amendment Act of 2017," to update the District's lobbying disclosure law to cover contracts, reprogrammings, and procurements. The bill was co-introduced by nine other councilmembers, including Councilmember Allen, to whose committee the bill has been referred. It has been placed in the drop box.

f. Rulemaking

The final rulemaking that was 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 became effective upon publication in the DC Register on June 23, 2017.

- g. Budget:

- h. Staffing – I’m pleased to report that our new auditor began working on June 12th. Mr. Ishmail Okai is a very well qualified individual from a top ten accounting firm and is filling the vacant auditor position. On that note, our former auditor, Clara Olawumni has returned twice to help acclimate Mr. Okai to the some of the processes and procedures that she used during her tenure. We will also be bringing onboard another employee who formerly worked with us on assignment from a temporary staffing agency.

- 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. Approximately 90% of designated filers for this year have filed their forms. On June 16, 2017 we published the list of filers and non-filers to the DC Register. We have also published that information to our website, which we believe may encourage additional employees to file. We will continue to update that list as employee file their forms. We have been able to maintain a 24-hour response time for all FDS inquiries.

- b. Confidential Financial Disclosure Statement Enforcement

Using the ethics officers’ confidential filers reports, we are keeping track of confidential filer compliance and responding to any issues the ethics counselors find while reviewing confidential financial disclosure statements.

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d. Confidential Financial Disclosure Statement Enforcement (for last year)

Last month, we informed you that we would be sending out fine letters to Confidential Financial Disclosure Statement filers who failed to file last year. On June 21, 2017 we sent out 21 letters to filers who failed to file after our attempts to notify them of their non-compliance with the 2016 filing requirements. So far, we have not received any fine payments but three (3) employees have filed their forms. We'll give the filers a few more weeks to voluntarily pay the fine and then we will begin coordinating wage garnishments.

e. Lobbyists

1. Lobbying Activity Reports for the first six months of 2017 are due next Monday, July 10, 2017. Lobbyists have been filing their reports for the last few weeks and we expect many more reports to be filed up until the filing deadline. As of this Monday, 70 activity, and 14 termination reports have been filed.

j. Non-Confidential Investigations

1. #1031-007: *In re Kaya Henderson* - This matter is a formal complaint, pursuant to D.C. Official Code § 1-1162.13 (a)(1), based on a Report of Investigation (ROI), received from the Inspector General containing a finding that former Chancellor Henderson violated DPM § 1800.3 (h), that requires employees to “act impartially and not give preferential treatment to any private organization or individual.” According to DCPS, there was no formal record keeping process for the discretionary transfer requests received by the Chancellor. Those requests would have most likely been received then approved or denied via telephone or email. DCPS in the process of obtaining any such emails and has agreed to release all of the documentation that was provided to the Inspector General during his investigation. We are also in the process of gathering and reviewing the Chancellor’s emails and conducting interviews of DCPS employees who served under the Chancellor.

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. The Board unanimously voted to appoint Brian Flowers as the Interim Director.

IX. Adjournment