

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Board of Ethics and Government Accountability (“Board”), pursuant to the authority set forth in sections 101(47)(I) and 209 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (“Ethics Act”), effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code §§ 1-1161.01(47)(I) and -1162.09), hereby gives notice of the adoption of the following emergency rulemaking to amend Chapter 99 (Definitions) of Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (“DCMR”). The rulemaking will amend section 9900.1 by amending the definition of “public official” by adding a new paragraph (j) to add a new category of District of Columbia employees paid, regardless of pay schedule, at a rate equivalent to Excepted Service employees paid at a rate of Excepted Service 9 or above.

Emergency rulemaking action is necessary to protect and promote the public welfare by clarifying the definition of “public official,” so that those employees covered by the new paragraph (j), will be on notice that they are public officials for the purpose of filing public Financial Disclosure Statements by May 15, 2014, in accordance with section 224 of the Ethics Act (D.C. Official Code § 1-1162.24).

This emergency rulemaking was adopted by the Board on April 11, 2014, and became effective immediately. This emergency rulemaking will remain in effect for up to one hundred twenty (120) days, unless earlier superseded by a Notice of Final Rulemaking published in the *D.C. Register*.

The Board also gives notice of its intent to take final rulemaking action to adopt the proposed rulemaking in not less than thirty (30) days after publication of this notice in the *D.C. Register*.

Chapter 99 of Title 3 of the DCMR is amended as follows:

Section 9900.1 is amended as follows:

The definition of “Public official” is amended by adding a new paragraph (j), to read as follows:

- (j) A District of Columbia employee paid, regardless of pay schedule, at a rate equivalent to an Excepted Service employee paid at a rate of Excepted Service 9 or above, who makes decisions or participates substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, regulating, or auditing, or acts in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest.

All persons interested in commenting on the subject matter in the proposed rulemaking action may file comments in writing, not later than thirty (30) days after the publication of this notice in the *D.C. Register*, with Stacie Pittell, General Counsel, Board of Ethics and Government Accountability, 441 4th Street, N.W., 830 South, Washington, D.C. 20001. Comments also may be sent electronically to bega@dc.gov.