

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

MEETING MINUTES – JANUARY 6, 2022

The District of Columbia Board of Ethics and Government Accountability held a meeting on January 6, 2022 at 12:00 p.m. The meeting was held remotely via WebEx. The Board’s Chairperson Norma Hutcheson participated as well as Board Members Charles Nottingham, Felice Smith, Darren Sobin and Melissa Tucker. Questions about the meeting may be directed to bega@dc.gov.

Members of the public were welcome to attend, and a recording of the meeting is available on open-dc.gov and <https://www.youtube.com/watch?v=HUB2Dhxq86o>.

I. Call to Order

The meeting was called to order at 12:17 p.m.

II. Ascertainment of Quorum

A quorum was established with all Members present for the meeting.

III. Adoption of the Agenda

The Board voted unanimously to approve the Agenda for the meeting.

IV. Approval of Minutes

The Board considered approval of the draft minutes for the December 2, 2021 and the December 13, 2021 meetings. Board Member Sobin requested confirmation that one of the matters on the December 2, 2021 draft minutes was a public matter. After receiving confirmation that the Board had voted to make that matter public, the Board voted unanimously to approve the minutes for the December 2, 2021 and the December 13, 2021 meetings.

V. Report by the Director of Open Government

Good afternoon Chairperson Hutcheson and Members of the Board. I am Niquelle Allen, Director of Open Government. I am pleased to present this report on the activities of the Office of Open Government (“OOG”). Today is the one-year anniversary of the January 6 Insurrection. I would like to acknowledge our brave DC and federal government colleagues who defended the US Capitol on that day, some of whom are no longer with us. In 1966, the thirty-fourth President of the United States, Lyndon Johnson, when he signed the Freedom of Information Act into law, said the following, “I have always believed that freedom of information is so vital that only the national security, not the desire of public officials or private citizens, should determine when it must be restricted.”

It is in that spirit that we continue our work to ensure that our statutory mission is fulfilled. Since the last Board meeting, the OOG has continued to fulfill its mission of ensuring that all

persons receive full and complete information regarding the affairs of the District government and the actions of those who represent them.

A. Open Meetings Act (“OMA”) and Freedom of Information Act (“FOIA”) Advice

1. Advisory Opinions

Since the last Board meeting, I issued two Advisory Opinions regarding the OMA.

a. OMA Advisory Opinion regarding the DC Public Charter School Board

On January 4, 2022, I issued advisory opinion #OOG-2021-0002-M_4.30.21, concerning the District of Columbia Public Charter School Board’s (“DC PCSB”) compliance with the OMA. The Complaint alleged the following OMA violations: (1) that DC PCSB failed to continuously make available for public inspection for five years, public meeting notices of seven board meetings it held in 2017 and 2018; (2) that DC PCSB’s public meeting records did not record important events, including board votes; and (3) that DC PCSB public meeting records possibly omitted an entire meeting.

Based upon my investigation and analysis of the facts, I find that: (1) DC PCSB’s website did not include links to public meeting notices or meeting records for seven DC PCSB meetings held between October 18, 2017, and October 31, 2018, prior to the filing of this Complaint; (2) the OOG’s March 2019, advisory opinion disposed of the allegations concerning the October 31, 2018, meeting stated in the Complaint; (3) the allegations concerning all but the October 16, 2017 and October 23, 2017, public meetings became moot once DC PCSB re-published the missing meeting notices; (4) once the issues became moot, the Complaint allegations concerning all but the October 16, 2017 and October 23, 2017, meetings were technical violations of the OMA and harmless error that did not infringe upon complainant’s rights; (5) DC PCSB’s failure to notice the public of the cancelled October 16, 2017, meeting and the rescheduling of the meeting to October 23, 2017, violated the OMA’s “Notice of meetings” provisions; and (6) the OMA “Notice of meetings” violations is not time-barred.

To ensure that all future DC PCSB meetings fully comply with the provisions of the OMA, the Director recommended the following for immediate implementation by the DC PCSB: (1) that DC PCSB adhere to the OMA’s and the District of Columbia School Reform Act’s public notice requirements; and (2) that DC PCSB attend an OMA training within 60 days of the issuance of this binding advisory opinion.

b. OMA Advisory Opinion regarding the Historic Preservation Review Board

On January 5, 2022, I issued advisory opinion #OOG-2021-0007-M_8.10.21, concerning the Historic Preservation Review Board’s (“HPRB”) compliance with the OMA. The complaint alleged the HPRB violated the

“Record of meetings” provision because the HPRB’s “Record of Action” summaries for its July 1, 2021, and July 24, 2021, public meetings differed from the findings and recommendations made during the public meetings. The complaint asked the OOG to investigate and the Director to issue a formal finding and stay the HPRB’s decisions rendered on July 1, 2021, and July 24, 2021.

Prior to making the findings, I reviewed the July 1, 2021, and July 22, 2021, public recordings and its corresponding “Record of Action” summaries. I reviewed notes from the OOG’s October 6, 2021, meeting with the HPRB and DC Office of Planning to discuss the complaint and the HPRB’s regulations. I found that the “Record of Action” is a summary prepared by HPRB and is not required by the OMA. The summaries are not meeting minutes or transcripts, nor does HPRB adopt the “Record of Action” into its official record. I found the inconsistencies between the “Record of Action” summaries and HPRB’s on the record findings made during the July 1, 2021, and July 24, 2021 meetings, permissible and not a violation of OMA. I advised the Complainant of my statutory authority, which does not permit me to stay a public body’s proceedings, and that no court action would be taken.

2. Informal OMA/FOIA Advice

Since the last Board meeting, OOG responded informally, via e-mail or telephone, to requests for assistance as follows:

OOG responded to fifteen (15) requests for OMA advice;
OOG responded to twelve (12) requests for FOIA advice; and
OOG responded to thirty-one (31) requests for technical assistance with open-dc.gov.

B. Training/ Outreach

1. 2021 COGEL Virtual Conference

Council on Governmental Ethics Laws (COGEL), a professional organization for government agencies and other organizations, hosted a digital conference on December 6-8, 2021. The conference focused on what’s new in the fields of campaign finance, governmental ethics, elections, lobbying, and FOIA. OOG staff and I attended the following webinars:

a. Monday, December 6, 2021

- “First Amendment Free Speech ‘Constitutional Rights’”;
- “Redistricting Around the Country: Who’s Been Naughty and Who’s Been Nice”;
- “Breaking Bad: Ethics During a Global Pandemic and Disasters – Should ethics rules cover ‘bad behavior’?”

b. Tuesday, December 7, 2021

- “Police Under the Microscope: What Role Will Transparency Laws Play In Law Enforcement's Future?”
- “FEC is Back, Baby! A Moderated Discussion Between FEC Chair Shana M. Broussard & Vice Chair Allen Dickerson”;
- “Lobbyists, Conflicts of Interest and the Role of the Regulator”;
- “Crisis Communications Basics – Reflections of a 27-year Communications Professional.”

c. Wednesday, December 8, 2021

- “Voters Versus Donors: Whose Rights Matter When Courts Consider the Role of Money in Politics?”

The COGEL conference was originally planned to be held in Denver, CO, but was moved to a virtual conference due to the pandemic. We look forward to the conference being moved back to in-person sessions to provide our new BEGA staff with the opportunity to interface with their State government colleagues across the US in-person, which is a highlight of COGEL.

2. FOIA Training - Department of Forensic Sciences

On December 7, 2021, Attorney DeBerry presented a FOIA training for the Department of Forensic Sciences. The training course focused on the basics of the FOIA process. Chief Counsel Barton attended the training.

3. OMA Training – DC Retirement Board

On December 10, 2021, Attorney DeBerry presented an OMA training with the DC Retirement Board. The training course discussed the OMA regulations and guidance for remote meetings. Chief Counsel Barton also attended this training.

4. Meeting with the Mayor’s Office of Legal Counsel (MOLC)

On December 3, 2021, I met with MOLC Director Eugene Adams and Assistant Director Vanessa Natale. We discussed FOIA Appeals, the FOIA Portal (FOIAXpress), and FOIA Officer training. They shared that they recently added a staff member to handle and assist with the FOIA Appeals backlog.

5. Department of Human Resources – Skillsoft Percipio Trainings

On December 14, 2021, IT Specialist, Kevon Bridges, completed the following trainings: 1) Writing Effective E-mails and Instant Messages; and 2) Getting E-mail Right Series. The trainings focused on the importance of proper email communication.

6. Department of Human Resources – Skillsoft Percipio Trainings

On December 16, 2021, IT Specialist, Kevon Bridges, completed the following trainings: 1) Organizing your E-mail; and 2) Sending E-mails to the Right People. The trainings focused on the importance of proper use and arrangement of emails.

7. Mayor’s Agency Director’s Call

On December 19, 2021, Mayor Bowser held an emergency meeting for Agency Directors regarding the Coronavirus surge in the District of Columbia. She provided a briefing on the increased infection rate in the District and requested that Agency Directors move staff to a telework posture, on a temporary basis, to assist in reducing the incidence of infection.

8. 2021 BEGA FOIA REPORT

On December 27, 2021, Attorney DeBerry timely submitted BEGA’s annual FOIA report. District of Columbia agencies are required to submit a report to the Mayor on their FOIA activities of the previous calendar year. The Mayor transmits that report to the District of Columbia Council. BEGA processed thirty-four (34) FOIA requests during FY 2021 in a manner consistent with FOIA’s statutory requirements and as amended by the emergency and temporary legislation enacted due to the public health emergency. A copy of the 2021 FOIA Report is in the Dropbox for your review.

9. Meeting with the Mayor’s Office of General Counsel

On January 4, 2022, I participated as a guest at the Mayor’s General Counsel, Betsy Cavendish’s staff meeting. I met her new legal staff and provided them with a briefing of open government issues. We discussed FOIA Officer training, FOIAXpress, and Remote Meetings. OOG will be collaborating with the Mayor’s Office of General Counsel to provide more training opportunities for FOIA Officers.

C. Litigation and Legislative Update

1. Litigation

OOG is monitoring FOIA-related cases in D.C. Superior Court and the D.C. Court of Appeals. The agency is not a party to any of the lawsuits. I am providing this information for the Board’s awareness of litigation that may impact the operation and interpretation of D.C. FOIA law.

a. Tormell DuBose lawsuit re: Board of Dentistry resumes, experts, complaints, and decisions

On January 20, 2018, Tormell DuBose, D.D.S. sued the District under D.C. FOIA, seeking certain records from the Board of Dentistry and challenging the assessment of fees. This matter remains in the Court of Appeals (Case

No. 19-CV-1239). The court heard an oral argument on November 30, 2021, and disposition is pending.

b. Washington Post lawsuit re: requests arising out of Capitol riot

On June 23, 2021, *The Washington Post's* legal entity, WP Company LLC (hereinafter "*Post*"), sued the District in Superior Court for declaratory and injunctive relief. (Case No. 2021 CA 002114 B.)

The *Post* alleges that, between January 7, 2021 and April 20, 2021, it requested certain records as follows:

(1) from the Executive Office of the Mayor (EOM) all messages sent by Mayor Bowser on her WhatsApp account and email account between January 5 and January 8, 2021;

(2) from the Office of Unified Communications, all 911 recordings, dispatch communications and computer-aided dispatch entries related to the Jan. 6, 2021 protest and subsequent riot at the U.S. Capitol (limited to 1st and 2nd police districts);

(3) from the Metropolitan Police Department (MPD), all audio, video and written documents provided to the U.S. House Judiciary Committee or its representatives related to the Jan. 6, 2021 protest and riot at the U.S. Capitol;

(4) from MPD video taken from fixed security camera that show the protest and riot on Jan. 6, 2021

(5) from MPD audio and transcripts of audio between D.C. police officers and other law enforcement agencies on Jan. 6, 2021 regarding the rally and the subsequent riot at the U.S. Capitol; and

(6) from the Office of the Chief Medical Examiner, the autopsy report for Brian D. Sicknick, a Capitol Police officer who died Jan. 7.

The *Post* also requested fee waivers and seeks declaration that records they are seeking are subject to D.C. FOIA. They request that the Court issue an injunction requiring the District to produce the records.

On November 29, the District moved to dismiss the *Post's* first claim (regarding the request for the Mayor's WhatsApp and e-mail messages) for mootness. The District argued that EOM had determined that there were no responsive WhatsApp messages and the District already produced several dozen responsive emails with few redactions supported by exemptions from disclosure under DC law. The District appeared not to contest that a WhatsApp message *could* be a "public record" for D.C. FOIA purposes.

On December 13, the *Post* responded that EOM's response was "belated and paltry" and that, on the District's motion to dismiss to prevail, the District bears the burden of showing that it conducted an adequate search for records.

On December 20, the District replied that (1) the declaration it filed demonstrates that the search and production were proper; (2) the *Post* failed to advance any meritorious arguments in opposition; (3) the *Post*'s implication that the District searched inadequately was purely speculative, and (4) the *Post* did not provide any evidence or argument to challenge the District's redaction decisions.

There is a scheduling/status conference set for January 21, 2022. The complaint, the District's partial motion to dismiss, and the parties' supporting memoranda are uploaded to the Dropbox.

c. Judicial Watch lawsuits re: autopsy records

On March 19, 2021 (Case No. 2021 CA 000875 B) and May 24, 2021 (Case No. 2021 CA 001710 B), Judicial Watch, Inc., filed complaints in Superior Court seeking specific performance and appealing the denials of D.C. FOIA requests from the OCME and the MPD. The requested records relate to the breach of the Capitol on January 6, 2021.

The initial scheduling conference remains set for February 4, 2022. The parties are required to file a joint status report by January 19, 2022. The District must also file its answer in both cases.

OOG staff will continue to monitor these cases.

2. Legislation

a. District of Columbia

On December 7, 2021, the Council of the District of Columbia, enacted B24-0549, the "Research Partnership Clarification Emergency Amendment Act of 2021." The emergency legislation was in response to concerns raised by this office that the District of Columbia Research Practice Partnership ("RPP"), an independent, non-government entity would schedule meetings for and assist with the drafting bylaws for the Advisory Committee. The RPP had scheduled an Advisory Committee meeting for December 6, 2021, without providing public notice of the meeting. The OOG's initial research is: (1) that the Advisory Committee is a public body subject to the OMA; (2) that its meetings should be open to the public; and (3) that it would be unlawful for the RPP to schedule Advisory Committee meetings and draft its by-laws. The emergency act provides that the RPP and its executive director may provide staff support to the Advisory Committee, including the scheduling of meetings and the drafting of documents. It was signed into law by the Mayor on December 22, 2021, as Act 24-0254. Act 24-0254 applies retroactively to December 6, 2021 and expires on March 2,

2022. The OOG's continues its research to support its initial conclusion that the Advisory Committee is subject to the OMA. A copy of the act is in the Dropbox for your review.

After a question from Board Member Sobin, Director Allen confirmed that the legislation passed December 22, 2021 did not address the question pending before OOG as to whether the Advisory Committee was a public body.

b. Federal/National

i. Protection of Federal Judges' Privacy: Daniel Anderl Judicial Security and Privacy Act of 2021

On July 19, 2020, an assailant targeted the home of a United States District Judge. Impersonating a delivery driver, he availed himself of personally identifying information (PII) from the internet, knocked on the judge's door, and, when the door opened, shot, and killed the judge's son and wounded her husband.

On September 24, 2020, and October 13, 2020, in the United States Senate and House of Representatives respectively, members introduced the Daniel Anderl Judicial Security and Privacy Act of 2020. According to the Congressional Research Service's summary, this bill addresses the security of federal judges and their immediate families. Federal agencies may not publicly post a protected individual's PII; and, upon receiving a written request, an agency must remove the PII that has already been posted within 72 hours. The bill also provides grants to state and local governments to help prevent the release of PII. Additionally, the bill prevents data brokers from selling the PII of a protected individual.

The companion measure was reintroduced in this Congress. On December 2, 2021, the Senate Judiciary Committee considered its version and reported it out with an amendment in the nature of a substitute. The original and newest version of the measure (S. 2340, Calendar No. 190) are available in the Dropbox.

ii. Other Legislation

A committee of the national Uniform Law Commission is drafting a Public Meetings During Emergencies Act. The committee will next meet on April 22 and 23, 2022.

OOG staff will continue to monitor this and other legislative activity.

D. Administrative Matters

1. Office Relocation

I, along with Director Cooks and General Counsel Raj met with the Department of General Services (DGS) regarding BEGA’s office relocation on December 17, 2021. We refined our plans with the DGS architect and narrowed the lease location to one space. DGS is negotiating with the lessors and we will provide more information once that process is completed. DGS is also working with us to get temporary space for BEGA in our current location in the Barry Building to accommodate our new employees.

2. BEGA Reopening

The Office planned to move to a regular schedule on January 3, 2022, and commence in-person services. However, due to the coronavirus surge, Director Cooks and I decided to move the date to February 28, 2022. Mayor Bowser declared a public health emergency on December 20, 2021. I encouraged OOG staff to telework during the surge in the Covid-19 infection rate, which commenced during the month of December 2021. Mayor Bowser reimplemented the mask mandate and face coverings must be worn indoors.

This concludes the Office of Open Government’s January 6, 2022, report.

Addressing a question from Board Member Tucker about the FOIA backlog, Director Allen noted that the MOLC brought in a detailee to handle the backlog and asked OOG to keep the MOLC apprised of any complaints OOG received so the office could make those matters a priority.

VI. Report by the Director of Government Ethics

Good afternoon Chairperson Hutcheson and Members of the Board. I am Ashley Cooks, the Director of Government Ethics. I am pleased to present this report on the activities of the Office of Government Ethics (OGE).

A. Update on Status of OGE Operations

The information reported today regarding OGE’s cases will not reflect any status changes that may occur as a result of actions taken by the Board during today’s meeting.

OPEN INVESTIGATIONS BY STATUS	
Open	52
Open - Negotiations	1
Open - Show Cause Hearing	0
Grand Total	53

OPEN "UNDOCKETED MATTERS"	
Grand Total	4

PENDING/STAYED INVESTIGATIONS BY STATUS	
Closed - Pending Collection	24
Closed - Pending DC Superior Court Case	4
Stayed - OAG False Claims Act Case	4
Stayed - OIG Investigation	8
Stayed - US District Court Case	2
Grand Total	42

REGULATORY MATTERS BY STATUS	
Closed - Pending Collection	23
Open	
Grand Total	23

	Current	Last month	November
Investigations Currently	53	57	66
Investigations Stayed	14	14	14

The number of open preliminary and formal investigations includes 5 new matters opened since the Board last met. The investigative team resolved 9 preliminary investigations since the Board last met.

B. Trainings/Outreach

1. Professional Development Trainings Attended by staff

Monday, December 6th through Wednesday, December 8th, OGE attorneys and Investigator Bradley attended the 2021 virtual conference by The Council on Governmental Ethics Laws (COGEL). Supervisory Attorney Stewart-Mitchell and Attorney Advisor Echols attended Maximizing Direct Examination Testimony (Lay Witness) given by the Office of the Attorney General. Senior Attorney Tran and I attended Anticorruption Enforcement by State Attorneys General Webinar presented by the D.C. Bar. Administrative Officer Tyrell Dow completed PeopleSoft Core HR, PeopleSoft Position Management, and PeopleSoft Job Creation Codes for Independent Agencies. Program Specialist Stan Kosick took Project Management Introduction. Auditor Amanueil Tujuba completed the following trainings: Writing Effective E-mails and Instant Messages, Expert Insights on Managing a Culturally Diverse Team, Resolving Workplace Conflict, Ethics and Project Management, and Becoming More Professional Through Business Etiquette. Finally, members of OGE completed the annual mandatory cyber security training offered by the Office of the Chief Technology Officer.

2. Conducted by staff

Since the last Board meeting, OGE attorneys conducted 4 ethics trainings, which included the monthly training, ethics training for Department of Housing and Consumer Developments, and two Hatch Act trainings. On December 8th and December 21st, Attorney Advisor Echols and Program Specialist Kosick offered lobbying trainings entitled, “Lobbyist Code and Policy Review, LRR E-File Training”. Of the lobbyists and clients who were invited, 42 attended the December 8th session and 25 attended the Dec 21st session. This was the first of what will be ongoing trainings for the lobbyist community.

We did not host an Ethics Counselor virtual brown bag for the month of December. However, the next session is scheduled for Monday, January 31st.

61 employees completed our online ethics training via PeopleSoft.

C. Advisory Opinions/Advice

1. Informal Advice

OGE’s legal staff provided advice for approximately 20 ethics inquires, which is 14 less than the 34 reported at the December meeting. This number does not include responses we have provided to questions regarding the Lobbyist and FDS e-filing systems. OGE has not drafted any Advisory Opinions since the last Board meeting.

2. 2021 Annual Best Practice Report

Per D.C. Official Code § 1–1162.02(b), on December 31, 2021, BEGA submitted its Annual Best Practices Report to the Mayor and each Member of the Council. The Report highlights the functional achievement of both OOG and OGE from fiscal year 2019 until December of the current fiscal year. The Report sets forth ethics recommendations for legislative enactment of a Comprehensive Code of Conduct, strengthening the outside employment rules to require written approval prior to engaging in outside employment, and suggests consideration for incorporating anti-discriminations provisions within a Comprehensive Code of Conduct.

D. Legislation Updates

On October 27, 2021, the Committee on the Judiciary and Public Safety held a virtual, public hearing on the Pro Bono Legal Representation Expansion Amendment Act of 2021, Bill 24-0298. The Bill is an amendment to Section 223 of the Ethics Act, which will allow employees to provide pro bono legal representation before District courts and federal courts, and District and federal agencies. The Committee is preparing the Bill for mark-up at the next hearing.

E. OGE Administrative Matters

1. OGE Staffing

OGE extended an offer of employment to fill one of the Attorney Advisor vacancies. The offer was accepted by Millicent Jones, who will begin on January 17th. OGE is working with the Department of Human Resources to post vacancy announcements for a Human Resources Specialist and Program Support Assistant.

2. Budget

On November 4, 2021, Director Allen and I submitted BEGA's 2023 Budget Submission to the Office of the City Administrator. The submission included budget enhancement requests for office relocation, legal fellows, a Supervisory Investigator, a Public Information Officer, and OOG reclassifications. There are not updates at this time.

F. Financial Disclosure Statement (FDS)

The FDS Team is preparing for the 2022 filing season by drafting letters to Agency Directors and Ethics Counselors and confirming agency contacts.

On December 29th, the Office of Contracting & Procurement approved the contract with Abstract Evolutions for Phase III of the e-filing systems upgrades. The upgrades will improve reporting for Advisory Neighborhood Commissioners, require an e-signature for all filers, and increase editing controls for OGE's staff.

The FDS Team continues to work on the Financial Disclosure Standard Operating Procedures Manual. Auditor Tujuba completed an audit of checks collected for FY2021 and sent questions to the Office of the Chief Financial Officer. He also completed a calendar year 2020 CFDS and PFDS completeness and accuracy audit, an audit of Confidential FDS Filers, a Conflict-of-Interest audit, and discussed findings with the FDS Team. Enforcement and collection activities continue.

G. Lobbying Registration and Reporting (LRR)

The LRR team identified 3 enforcement issues, which included 2 late renewals and 1 late activity report. Enforcement letters have been prepared for these three occurrences. Additionally, Auditor Tujuba found discrepancies where it appeared a few entities filed activity reports without having filed annual registration reports. Upon review of the e-file system, it was discovered the entities did indeed file timely renewals, but the e-file system did not report as such. Program Specialist Kosick is working with OCTO to correct this situation.

On December 29th, a reminder notice was sent to 343 registrants to file their CY 2022 Renewal Registrations and their 2021 Quarter 4 Activity Reports by January 18, 2022. Typically, the due date would be January 15th however, since January 15th falls on a

Saturday and the following Monday January 17th is Martin Luther King Jr. Day, OGE extended the deadline to January 18th.

F. Formal Investigations

1. **22-0002-F In re Neil Albert** – This matter is a formal investigation, pursuant to D.C. Official Code § 1-1162.12(b) and is based on allegations that the Respondent, former-Chairperson of the DC Housing Authority’s Board of Commissioners, voted to award contracts to Moya Design Partners (“Moya Design”) and failed to disclose a close personal relationship with the owner of Moya Design. OGE is continuing its efforts to investigate this matter by gathering evidence and interviewing witnesses.

This concludes the Office of Government Ethics’ January 6, 2022 report.

VII. Public Comment – if received

No public comments were received.

VIII. Executive Session (nonpublic)

The Board voted unanimously to enter into Executive Session to discuss ongoing, confidential investigations pursuant to D.C. Official Code § 2-575(b)(14), to consult with an attorney to obtain legal advice and to preserve the attorney-client privilege between an attorney and a public body pursuant to D.C. Official Code § 2-575(b)(4)(A), to discuss personnel matters including the appointment, employment, assignment, promotion, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials pursuant to D.C. Official Code § 2-575(b)(10), and 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).

IX. Resumption of Public Meeting

The Board reconvened the public meeting at 1:42 pm.

The Board approved the negotiated disposition in **21-0070-P In re T. Brooks**.

X. Adjournment

The Board will meet again on February 3, 2022 at 12:00 p.m.