

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

MEETING MINUTES – October 5, 2023

The District of Columbia Board of Ethics and Government Accountability held a meeting on October 5, 2023, at 12:00 p.m. The meeting was held remotely via WebEx. Chairperson Norma Hutcheson and Board Members Charles Nottingham, Felice Smith, and Melissa Tucker participated in the meeting. Board Member Darrin Sobin did not attend the meeting. These draft minutes must be approved by the Board. Full meeting minutes will be posted after the next Board meeting. 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 will be made available on open-dc.gov and BEGA’s YouTube channel.

I. Call to Order

The meeting was called to order at 12:00 p.m.

II. Ascertainment of Quorum

A quorum was established with Chairperson Hutcheson and Board Members Nottingham, Smith, and Tucker present.

III. Adoption of the Agenda/Approval of Minutes

The Board members voted unanimously to adopt the agenda and approve the minutes of the September 14, 2023 meeting.

IV. Report by the Office 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”). Since the last Board meeting, OOG has continued to fulfill its mission of ensuring that all persons receive full and complete information regarding the affairs of the District of Columbia 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, OOG issued two Advisory Opinions on the implementation of D.C. FOIA (D.C. Official Code § 2-531, *et seq.*).

- a. MPD’s Release of Police Disciplinary Records: On September 22, 2023, the OOG issued Advisory Opinion, # OOG-2023-003_AO regarding the

Metropolitan Police Department's (MPD) compliance with D.C. FOIA. In this matter, MPD issued a justification for its denial of police disciplinary records to a requester that inaccurately described the relevant statute concerning the implementation of the requirement to release these records. OOG advised that MPD did not apply the inaccurate language in the analysis to deny the request for police disciplinary records. Thus, MPD's response complied with D.C. FOIA. A copy of the version published on open-dc.gov is in Dropbox.

- b. MPD's Release and Redaction of Body-Worn Camera ("BWC") Recordings: On September 15, 2023, OOG issued Advisory Opinion # OOG-2023-002_AO regarding MPD's compliance with D.C. FOIA. This matter concerned an individual's request for certain body-worn camera footage from the Metropolitan Police Department (MPD). MPD released a partly redacted recording, using Exemption 2 (D.C. Official Code § 2-534(a)(2) (permitting withholding where "public disclosure...would constitute a clearly unwarranted invasion of personal privacy")) to partly redact the video and audio recording, including faces, officers' badge numbers, and an interview of a possible witness-driver. OOG advised that (1) MPD incorrectly applied Exemption 2 to redact the faces or badge numbers of on-duty officers in uniform since the officers did not have an expectation of privacy under these circumstances; and (2) MPD correctly applied Exemption 2 in redacting the faces of any third-party passersby and the driver's statement, because the requester did not offer to OOG, and OOG did not find, a public interest in disclosure to outweigh the privacy interest. A copy of the version published on open-dc.gov is in Dropbox.

2. Informal OMA/FOIA Advice

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

OOG responded to 1 request for OMA advice.

OOG responded to 8 requests for FOIA advice; and

OOG responded to 12 requests for technical assistance with open-dc.gov.

B. Remote Meeting Monitoring

OOG attorneys attend remote public meetings to ensure compliance with the OMA and inspect public body websites and OOG's Central Meeting Calendar for public meeting notices and records. We provide legal advice on OMA compliance and take corrective action if necessary.

During September 2023, OOG's legal staff attended 37 remote public body meetings. As a result of the monitoring, four instances of written corrective measures were taken. The public bodies failed to do the following: (1) post meeting agendas; (2) post meeting agendas timely; and (3) provide access to meetings.

C. Training/Outreach

1. ASAP FOIA/Privacy Training

On September 5-8, 2023, Attorney DeBerry attended the ASAP FOIA/Privacy Training in Minneapolis, MN. The training covered customer service, Privacy Act disclosure issues, FOIA exemptions, and drafting FOIA documents.

2. Missouri Bar Annual Meeting

On September 14-15, 2023, Attorney Weil attended the Missouri Bar Annual Meeting. The meeting presented CLE programs including: “Insights and Perspectives on Best Practices at Trial and Pitfalls To Avoid in the Courtroom”, “Tips and Strategies for Effective Brief Writing and Oral Argument”, “Ethics in Mediation”, “Ethics Unveiled: Navigating Social Media in the Legal Realm”, and “From Facts to Fiction: The Art of Storytelling in Legal Persuasion.”

3. “Future of Work: A New Innovation Playbook” Seminar by *The Washington Post*

On Thursday, September 21, 2023, Director Allen attended *The Washington Post*’s live event “Future of Work: A New Innovation Playbook” seminar. Rep. Ted Lieu (D-Calif.), member of the bipartisan Congressional AI Caucus, Christina Janzer, Slack’s senior vice-president of research and analytics, and Michael Crow, president of Arizona State University, presented and received questions from reporters and the audience. The topics discussed were artificial intelligence and its impact on jobs and education and the best approaches to teleworking.

4. “Train the Trainer” Training

On September 22, 2023, Attorneys Weil and Scerbo attended Part II of “Train the Trainer” training, conducted by Alex Kipp, Director of Education & Engagement for New York City’s Conflicts of Interest Board. This training introduced participants to presentation fundamentals, including vocal dynamics, audience engagement, and techniques for presenting online.

5. Supreme Court Term Review

On September 29, 2023, OAG’s Solicitor General Caroline Van Zile and Principal Deputy Solicitor Ashwin Phatak facilitated the Supreme Court Term Review and Preview. Director Allen, Attorney DeBerry, Attorney Weil, Attorney Scerbo, and Paralegal Brown attended the presentation. The training provided an update of recent decisions issued by the Supreme Court and an overview of cases pending in the upcoming term.

6. Digging in DC Event with the DC Open Government Coalition

On Saturday, September 30, 2023, Attorney Scerbo presented on accessing

public records and FOIA at the “Digging into DC” Event with the DC Open Government Coalition.” Attorney DeBerry and Attorney Weil attended the event, which took place at the Anacostia Neighborhood Library.

D. Litigation and Legislative Update

1. Litigation

- a. *DuBose v. District: Remanded for Consideration of the Merits of the Denial of Fee Waiver and Reasonableness of Fees* (Case Nos. 19-CV-1239 (D.C. Ct. App.); 2018-CA-000378-B (D.C. Super. Ct.))

I have previously reported on this case, and a three-judge division of the D.C. Court of Appeals has now handed down its opinion.

The requester-plaintiff-appellant (Dr. DuBose) “requested copies of all decisions of the Board [of Dentistry] rendered against licensed D.C. dentists . . . since 2010; a list of experts hired by the Board in connection with decisions issued since 2010; all decisions by the current members of the Board since their appointment; all complaints against D.C. dentists settled confidentially or dismissed since 2010; the resumes of the current Board members; and all appeals of the Board’s decisions since 2010.” (Slip op. at 2.) He also requested waiver of fees. (*Id.*)

DC Health responded on behalf of the Board of Dentistry—after D.C. FOIA’s response deadline—declining to waive fees and demanding \$9000 in advance fees for the estimated cost of the search and review. (*Id.* at 3.)

The Superior Court granted summary judgment in substantial part, and DuBose appealed. (*See id.* at 3, 4.)

First, the appellate judges disagreed with Dr. DuBose’s argument that the untimeliness entitled him to a fee waiver *per se*. (*Id.* at 6–9.) The Court acknowledged that the federal FOIA does provide for waiver of fees when the agency was delinquent in its response. (*Id.* at 8, 9.) However, D.C. FOIA “contains no such provision. Although [the courts] generally look to federal FOIA in interpreting . . . D.C. FOIA, that principle does not apply ‘where the two acts differ,’ as here.” (*Id.* at 8 (quoting *Doe v. M.P.D.*, 948 A.2d 1210, 1220 (D.C. 2008)).)

Next, the District argued that Dr. DuBose could not challenge the demand of prepayment of fees unless he actually paid such fees—*i.e.*, that he instead should have appealed to the MOLC; otherwise, he has not exhausted administrative remedies. (*See id.* at 10, 11.)

The parties disagreed about whether a public body has unreviewable discretion to deny a fee waiver because of the word “may” in section 202(b) of D.C. FOIA, *see* D.C. Official Code § 253-2(b). The judges disagreed with that general principle—*i.e.*, the Court of Appeals could potentially vacate an

agency’s or public body’s fee decision—but first, they remanded to the Superior Court for first-level review of the fee waiver and fee amount. (Slip op. at 10–18.) The appellate panel did, however, list several factors and questions that the Superior Court might include in its analysis: “(1) the standard of review . . . ; (2) who bears the burden of proof on . . . whether waiver would be in the public interest; (3) what materials may properly be considered by the trial court in reviewing an agency’s waiver determination; (4) Dr. DuBose’s claim that his request was in the public interest rather than for a commercial purpose; (5) . . . prior fee-waiver decisions by the Board, [DC Health], and other District agencies[; (6)] Dr. DuBose’s claim that . . . considerable portions of the requested records were easily accessible . . . and therefore did not require significant resources . . . ; ([7]) Dr. DuBose’s argument that no fee should be imposed for . . . those records . . . that . . . must be [uploaded proactively] . . . ; ([8]) Dr. DuBose’s claim that the Board was required to provide him with information that would permit Dr. DuBose to reduce the fee by narrowing the . . . categories of documents; and ([9]) Dr. DuBose’s argument that the District acted in bad faith.” (*Id.* at 14–16.)

The opinion is in Dropbox.

- b. *Tax Analysts v. District Remanded for in camera Review of Private Letter Rulings* (Case Nos. 21-CV-0031 (D.C. Ct. App.); 2020 CA 001999 B (D.C. Super. Ct.))

As I have reported, Tax Analysts, a publisher of tax journals; and reporter Aaron Davis, both sued the District under D.C. FOIA after the Office of Tax and Revenue (“OTR”) denied their request for 24 private letter rulings, or PLRs. PLRs respond to circumstances and data submitted by particular taxpayers, but the advice given in them has broader applicability, and so the requester-appellants argued that OTR must still release them after redacting specific details that would identify the underlying taxpayers.

D.C. Official Code § 47-4406(a) provides that “an officer, employee, or contractor, or a former officer, employee, or contractor, of the District of Columbia shall not divulge or make known in any manner . . . federal, state, or local tax information either submitted by the taxpayer or otherwise obtained.” The District argued that this subsection supersedes D.C. FOIA because (1) it is more specific and (2) the PLRs in question would contain such “tax information” that, even if it could be partially redacted, “would leave the requested rulings with no informational value” (slip op. at 2).

On July 27, 2023, a division of the District of Columbia Court of Appeals (Deahl, Steadman, & Glickman, JJ.) handed down its opinion.

The panel agreed with OTR that “[t]here is no question that” D.C. Official Code § 47-4406 is an “other statute” to which Exemption 6 defers. (Slip op. at 10, 11 & n.16.) Then, the judges held that a PLR potentially falls under D.C. Official Code § 47-4406(a). Comparing section 47-4406 to the corresponding federal tax provision (section 6103 of the Internal Revenue

Code of 1986), the judges reasoned that, because PLRs may contain “ ‘data’ . . . ‘furnished’ by taxpayers . . . ‘with respect to the determination of the existence, or possible existence, of liability (or the amount thereof),” PLRs “may contain ‘return information’ (and, therefore, ‘tax information’).” (Slip op. at 12 & n.19, 14 & n.21.)

However, the panel ultimately “h[e]ld that the Superior Court erred in granting summary judgment to the District without first examining the PLRs in camera to determine whether any non-exempt portions of the documents were reasonably segregable from the exempt tax information . . . such that the PLRs should be disclosed in redacted form.” (*Id.* at 2, 3.) The judgment reversed and remanded for further consideration by the Superior Court. (*See id.* at 18 & n.25.)

The slip opinion, judgment, and Superior Court reassignment/scheduling order are in Dropbox. OOG staff will continue to monitor the proceedings on remand.

c. Washington Post Lawsuit Re: Police Officer’s Disciplinary Records (Case No. 2023-CAB-000951 (D.C. Super. Ct.))

On June 3, 2023, *The Washington Post’s* legal entity WP Company LLC (“*The Post*”) appealed to the Mayor’s Office of Legal Counsel (“MOLC”) from the Metropolitan Police Department’s (“MPD”) denial of a reporter’s requests for certain disciplinary records. (Compl. at 11–13, exs. F–N; Ans. at 2, 6, 7; Plaintiff’s Memo. in Supp. at 1, 2, 6, 7; Dist. MSJ at 2, 3.) The MOLC affirmed MPD’s denial of the requests and, on February 14, 2023, *The Post* filed a complaint in Superior Court for judicial review under D.C. FOIA. (Compl. at 1, 14–16, ex. Q; Plaintiff’s Memo. in Supp. at 7; Dist. MSJ at 4.)

The District filed its answer on April 28, 2023, including 12 numbered defenses, including that *The Post’s* “FOIA requests are unduly burdensome.” (Ans. at 10.)

(MPD relied on Exemptions 2 and 3(C) in its denial. (Compl. exs. G, J, M, Q.))

On September 14, 2023, the Superior Court awarded summary judgment to *The Post*. The Court balanced the public and privacy interests with respect to the question and concluded that they favored disclosure. (Order at 8–14.) MPD was required to “produce the requested records by September 29, 2023,” and *The Post* was allowed to move for fees and costs by September 29, 2023. (Order at 17.)

The complaint, answer, cross-motions, and order are in Dropbox.

2. Legislation

Advisory Neighborhood Commissions Remote Operations
Emergency/Temporary Amendment Acts of 2023 (D.C. Act No. 25-191;
Bill No. 25-362)

Although the Advisory Neighborhood Commissions are exempt from the Open Meetings Act, I am noting this legislation to show the Council's support of remote attendance. These bills extend the pandemic-era amendment to the Advisory Neighborhood Commissions Act of 1975 that provides that: (1) commissions may meet, and commissioners may appear and vote, "without being physically present[,] through a teleconference or through digital means identified by the Commission for this purpose"; and (2) members present count towards quorum whether they appear physically or remotely.

The emergency act is set to expire on October 24, 2023. The temporary bill passed final reading on September 19, 2023.

The bills are in Dropbox.

E. Administrative Matters

1. Chief Counsel Position Vacancy

BEGA is currently soliciting applications for the position of Chief Counsel of the Office of Open Government. The position will be posted on internal and external recruiting websites until October 8, 2023.

2. BEGA's Office Relocation

The BEGA team continued weekly meetings with the Department of General Services ("DGS") and its contractors regarding the agency's relocation to 1030 15th Street, NW. Director Allen, Director Cooks, Chief of Staff Mitchell, and IT Specialist Brown met with the DGS project managers and construction team to discuss the progress of the agency's relocation to its new facility. The projected date of the relocation/move is mid-November 2023. Chief of Staff Mitchell is coordinating the agency's move. Director Cooks will provide additional details in her report.

This concludes the Office of Open Government's October 5, 2023, report. I am happy to answer any questions the Board may have at this time.

Board Member Nottingham asked whether MPD was asked to correct the rationale for its denial of FOIA requests for police disciplinary records. Director Allen stated that OOG can amend the opinion to instruct MPD to send a corrected letter to requesters.

V. 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 because of actions taken by the Board during today’s meeting.

OPEN INVESTIGATIONS BY STATUS	
Open	35
Open - Negotiations	0
Open - Show Cause Hearing	0
Grand Total	35

OPEN "UNDOCKETED MATTERS"	
Grand Total	1

PENDING/STAYED INVESTIGATIONS BY STATUS	
Closed - Pending Collection	35
Stayed - Pending DC Superior Court Case	3
Stayed - OAG False Claims Act Case	1
Stayed - OIG Investigation	2
Stayed - US District Court Case	0
Grand Total	41

REGULATORY MATTERS BY STATUS	
Closed - Pending Collection	26
Open	27
Grand Total	53

	Current	Last month	August
Investigations Open	35	36	33
Investigations Stayed	6	6	9

The number of open preliminary and formal investigations includes 7 new matters. The investigative team resolved 8 investigations since the Board last met. This total does not reflect the number of complaints that were dismissed for a lack of jurisdiction.

Pursuant to the Board of Ethics and Government Accountability Delinquent Debt Recovery Amendment Act of 2022, BEGA may discretionarily transfer delinquent debts associated with settlements and judgements for ethics and Open Meeting Act violations to the Office of

the Chief Financial Officer's Central Collection Unit ("CCU") for collection. The Act requires that funds collected on BEGA's behalf be deposited into the Ethics Fund or OMA Fund. OGE has finally received a fully executed Memorandum of Agreement for Debt Collection Services with the CCU. This week, we began the process of transferring delinquent debts to the CCU for collection, starting with the 35 "Closed - Pending Collection" investigations I previously mentioned.

B. Trainings/Outreach

1. Professional Development Trainings Attended by Staff

September was again a busy training month for OGE. All OGE staff attended CMTS Training to learn basic and advanced techniques in using our case management software.

Following last month's meeting, Investigators Ileana Corrales, Rhoda Glasgow, and Tahja Reid, as well as Attorney Advisors Fran Vann and Marissa Jones attended The National Institute for Trial Advocacy's Investigative Questioning Techniques Program at American University Washington College of Law. The hands-on course focused on Admissions Seeking and Theory Testing.

OGE attorneys and OOG attorneys Nick Weil and Anthony Scerbo attended part 2 of a 2-part series on "Train the Trainer" with Alex Kipp from the New York Conflict of Interest Board. This series was designed to help our attorneys become more dynamic and engaging presenters, especially in terms of giving training. The last session had participants give presentations using the skills learned in the first session. Alex Kipp has been the Director of Education & Engagement at NY COIB for over 16 years. He has a diverse performance and theater background in addition to his ethics work. OGE reconnected with him at COGEL last December via his presentations.

Program Support Assistant Naquita Titus and IT Specialist Kevin Brown attended the QuickBase app-a-thon sponsored by the Office of the Chief Technology Officer ("OCTO").

General Counsel Rashee Raj attended the Supreme Court Term Review and Preview Training put on by Office of the Attorney General last week prior to the start of the new term.

2. Conducted by staff

Since the September Board meeting, OGE has conducted four training courses, which includes two DC One Fund trainings, a Lobbyist Reporting and Registration training, and the monthly Brown Bag Session. On Monday, September 25th, Attorney Advisor Fran Vann presented the September Ethics Counselor Brown Bag Session on the DC One Fund. Twenty-four ethics counselors were in attendance and engaged in discussion about the ethical propriety of fundraising under the DC One Fund. A copy of the presentation was placed in the DropBox.

During the month of September, 23 employees completed our online ethics training via PeopleSoft and 7 users completed courses using the Learning Management System. The most completed training this month using the LMS was BGA919, General Boards and Commissions Ethics Training.

3. Outreach

OGE is preparing for Ethics Week 2023! The week-long event will take place on October 23-27, 2023. This year's theme is "Everyday Ethics" #cantgoadaywithoutit. The coordination committee, led by Supervisor Stewart-Mitchell, has finalized the agenda, scheduled speakers, and purchased memorabilia. In addition to new sessions, we are reviving sessions with perennial favorites such as the Campaign Legal Center, guest speaker Michael Bret Hood from last year, and of course, the DC Bar for Legal Ethics for Government Attorneys. A final schedule was published on our website and placed in the DropBox.

4. BEGA Newsletter

On Friday, August 18th, OGE published volume eight, issue four of its newsletter, "Ethically Speaking." The newsletter provided financial disclosure statement fine information for non-filers; informed readers of the ethical issues within the three branches of the federal government; and included enforcement actions taken by this agency and other state ethics boards. This issue is available on the BEGA website. The next issue will be published on October 13th.

C. Advisory Opinions/Advice

1. Informal Advice

OGE's legal staff provided advice for approximately 33 ethics inquiries, which is 8 less than the 41 reported at the last Board meeting. This number does not include responses we have provided to questions regarding the Lobbyist and FDS e-filing systems.

2. Formal Advisory Opinions

On August 2nd, OGE issued an Advisory Opinion upon request by the Executive Director of the Poverty Commission regarding outside activity restrictions. The opinion addresses whether the Director can serve as an Adjunct Professor at American University without the role conflicting with his government service. This opinion provides guidance on the Conflict-of-Interest statute and the outside activity restrictions. Based on the facts, there is no apparent conflict with the Director's official duties and his potential employment as an Adjunct Professor; therefore, the outside activity is permissible, but still subject to ethical restrictions. This opinion has been finalized on the BEGA website.

OGE is in the process of drafting an advisory opinion that addresses the obligation surrounding cooperating with ethics investigations and the prohibition on retaliation. As well as an advisory opinion on the use of official social media accounts opposed to personal accounts.

D. Legislation Updates

1. Comprehensive Code of Conduct

As defined in the Ethics Act, the Code of Conduct consists of seven different statutes and regulations with variable applicability. The Comprehensive Code of Conduct (“CCC”) is legislation that consolidates the District’s ethics laws and standardizes the ethical practices between the legislative and executive branches. OGE’s legal team will again review and update the CCC with the goal of submitting an updated version of the legislation to the Board and then the Council.

E. OGE Administrative Matters

1. OGE Staffing

There are no updates on staffing since OGE is now fully staffed.

2. Office Relocation

Our office relocation is still underway and we are approaching the finish line! OGE and OOG continue our weekly meetings with the Department of General Services, and the project management team to discuss construction and technology needs for the boardroom and staff areas. According to the construction team, the ceilings have been closed and OCTO is in the process of completing technology installations. The construction is nearly complete and most of the furniture has been installed. On September 29th, IT Specialist Kevin Brown visited the office space and confirmed the delivery of our three xerox machines. The proposed move-in date remains mid November 2023 but may take place sooner.

F. Financial Disclosure Statement (FDS)

Pursuant to D.C. Official Code §§ 1-1162.24 and 1-1162.25, public officials and certain government employees must file a financial disclosure statement as a means of transparency and to prevent engaging in conduct that violates the financial conflicts of interest statute. BEGA is responsible for ensuring that employees and public officials, who meet the statutory requirement, file their annual financial disclosure statement.

The FDS Team has identified designated filers who have not filed or were late in filing. The affected persons received a notice on August 7th that they are being assessed a fine. Of those recipients, several filed fine waivers, requesting that the Board waive the fines assessed. The FDS Team has scrubbed the list for OPRS removing those seeking waivers and those who have left District employment.

The month of October marks the beginning of the Councilmembers' Biannual Financial Disclosure. Attorney Advisor Vann and Program Specialist Kosick intend to notify the Councilmembers and their Chiefs of Staff of the requirement on October 13th with the filing due by November 15, 2023.

G. Lobbying Registration and Reporting (LRR)

Pursuant to D.C. Official Code § 1-1162.27(a), a person who receives compensation or expends funds in an amount of \$250 or more in any 3-consecutive-calendar-month period for lobbying shall register with the Director of Government Ethics and pay the required registration fee. According to D.C. Official Code § 1-1162.30, each registrant shall file a quarterly report concerning the registrant's lobbying activities during the previous quarter.

OGE sent fine letters to 3 separate entities for late Activity Reports in August. The fourth quarter activity reports are due on October 15th and the LRR team sent notice to all registered lobbyists.

On September 22nd, OCTO deployed the LRR e-filing system enhancements. End users will see the following notable changes:

- 1) Reporting entities will not be able to file activity reports without a current registration or if there are any outstanding fees or fines;
- 2) Registrants will have to pay the registration fee before submitting a registration;
- 3) When filing a termination report, the Registrant will no longer have to manually deactivate the client. When certified, the termination report will automatically deactivate the relationship. This will eliminate delinquent notices to those who are no longer active;
- 4) There is now a clear delineation between Client, Registrant, and Lobbying Entity. This has caused confusion on the reporting side and for LRR staff audits and review. Registrants and clients will now see how they are reported and can make the necessary changes if incorrect;
- 5) The turnaround time for adding DC Officials has been shortened by the LRR team's ability to designate or add the names as necessary.

For the LRR team, the enhancements will allow for better tracking of contributions, fine payments, and fine assessments. All in all, these tools improve the LRR e-filing file systems and will allow the LRR team to provide better customer service in the months and years to come.

As previously stated in the Training section, on September 20th, Attorney Advisor Maurice Echols and Program Coordinator Stan Kosick conducted a Lobbyists Reporting and Registration training.

H. Public Investigations

1. 23-0006-F In re David Deboer: This is a formal investigation based on a complaint filed by the Criminal Justice Coordinating Council (“CJCC”) and referred by the Office of the Inspector General. According to the complaint, David DeBoer (“Respondent”), former IT Specialist with the Department of Employment Services provided IT services to CJCC through a vendor, Enlightened Inc., during his government tour of duty. During this time, Respondent submitted timesheets to DOES which reflected his normal District government tour of duty from 8:30 a.m. to 5:00 p.m., Monday through Friday. Respondent’s alleged conduct violates DPM § 1807.1, which prohibits employees from using government time or resources for other than official business, or government approved or sponsored activities. Respondent also failed to report Enlightened on his 2022 Financial Disclosure Statement and failed to file a 2023 Statement. OGE is in the process of serving the Respondent with the Notice of Violation.

Thank you. This concludes the Office of Government Ethics’ October 5, 2023, report.

Chairperson Hutcheson encouraged Board Members to attend Ethics Week and asked about plans for the Board to view the new office space. Director Cooks noted that a site visit was planned for next week and that a time could be scheduled for Board Members after that.

VI. Public Comment – if received

No public comments were received.

VII. 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).

VIII. Resumption of Public Meeting

The Board resumed the public meeting at 12:56 p.m.

The Board voted to approve an Amended Notice of Violation and Order authorizing email service in **23-0006-F In re David Deboer**. The Board approved a negotiated disposition in **23-0075-P In re R Broadnax**.

IX. Adjournment

The Board will next meet on November 2, 2023 at 12:00 p.m.