

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

MEETING MINUTES – November 2, 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, Darrin Sobin and Melissa Tucker participated in 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 12:04 p.m.

II. Ascertainment of Quorum

A quorum was established with all members present at the start of the meeting.

III. Adoption of the Agenda/Approval of Minutes

The Board members voted unanimously to adopt the agenda for today's meeting. Four board members votes to approve the minutes of the October 5, 2023 meeting, with Board Member Sobin abstaining from the vote as he did not attend the October 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

a. Supplemental Advice Letter to MPD:

On October 6, 2023, OOG provided a legal advice letter to the Metropolitan Police Department's (MPD) General Counsel as a supplement to its advice rendered on September 22, 2023, regarding correctly stating the law in its

D.C. FOIA responses (#OOG-2023-003_A). OOG advised MPD to inform all D.C. FOIA requesters of the correct recitation of sections 134 and 135 of the Comprehensive Policing Act because MPD provided numerous requesters with D.C. FOIA denial letters that incorrectly stated this law. MPD has provided at least one requester a corrected letter as of the date of this meeting.

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 2 requests for OMA advice.
OOG responded to 3 requests for FOIA advice; and
OOG responded to 8 requests for technical assistance with open-dc.gov.

B. Remote Meeting Monitoring

OOG attorneys and the OOG paralegal 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 October 2023, OOG's legal staff attended 12 remote public body meetings. As a result of the monitoring, no instances of written corrective measures were taken.

C. Training/Outreach

1. Cybersecurity Training

On October 13, 2023, Attorney Weil, and on October 16, 2023, Attorney Scerbo, completed DC Department of Human Resources "Cybersecurity Training". The course included uncovering tactics used by cybercriminals, common threats, and a demonstration of a cyberattack. All BEGA employees are required to complete this training.

2. COGEL Connect: Engaging Training

On October 16, 2023, Assistant Executive Director & Legal Counsel at the Honolulu Ethics Commission Laurie Wong-Nowinski facilitated COGEL Connect: Engaging Training "Sub-Connect." The training consisted of COGEL members sharing experiences and advice to effectively conduct training online. Attorneys DeBerry, Weil, and Scerbo and Paralegal Specialist Brown attended the training.

3. Ethics Week 2023 – Sessions Attended by OOG

a. Introduction and Opening Remarks

On October 23, 2023, OGE Director Ashley Cooks opened Ethics Week with an overview of BEGA’s structure and function. The introduction highlighted the year’s theme, “Everyday Ethics” #cantgoadaywithoutit. Attorneys DeBerry, Weil, and Scerbo and Paralegal Specialist Brown attended the opening.

b. Ask BEGA

On October 23, 2023, “Ms. Ethics” along with OGE Attorney Advisor Echols, OGE Attorney Advisor Jones, and OGE Attorney Advisor Vann facilitated an open Q&A. “Ms. Ethics” presented ethics questions and OGE Attorney Advisors answered. Attorneys DeBerry, Weil, and Scerbo and Paralegal Specialist Brown attended the session.

c. Ethics Game Show

On October 23, 2023, OGE Senior Attorney Advisor Lynn Tran hosted “Ethics Game Show”. The interactive game provided ethics questions and answers in competition format for participants. I, along with Attorneys Scerbo and DeBerry and Paralegal Specialist Brown, attended the training.

d. Investigative Trends

On October 23, 2023, OGE Supervisory Investigator Ronald Cook, OGE Investigator Rhoda Glasgow, and OGE Investigator Tahja Reid presented “Investigative Trends”. The panel discussed trends and themes encountered while conducting investigations. I, along with Attorneys Weil and Scerbo and Paralegal Specialist Brown, attended the training.

e. The Campaign Legal Center Discusses Learning Management Systems

On October 23, 2023, Senior Legal Counsel for Ethics, Campaign Legal Center, Delaney Marsco, Legal Counsel for Ethics, Campaign Legal Center, Danielle Caputo, OGE Attorney Advisor Maurice Echols, and OGE Attorney Advisor Marissa Jones facilitated a discussion on the importance of Learning Management Systems in ethics. Attorneys DeBerry, Weil, and Scerbo and Paralegal Specialist Brown attended the training.

f. Ethics Updates

On October 24, 2023, OGE Attorney Advisor Fran Vann presented “Ethics Update”. The presentation included current ethics stories and provided OGE updates. I attended this training along with Attorneys DeBerry, Weil, and Scerbo and Paralegal Specialist Brown.

g. Ethics for Managers

On October 24, 2023, OGE Supervisory Attorney Asia Stewart-Mitchell presented “Ethics for Managers”. The course addressed the demands of managing and supervising District government employees. I attended this training along with Attorneys DeBerry and Scerbo.

h. Blowing the Whistle in the District

On October 24, 2023, OGE Attorney Advisor Maurice Echols moderated a discussion on “Blowing the Whistle in the District”. The course featured Siri Nelson, Executive Director, National Whistleblower Center, Rashee Raj, BEGA General Counsel, and Matt Wilcoxson, OIG Deputy Inspector General for External Affairs as Panelist. This discussion included laws that help curb retaliation against government employees and steps initiated after blowing the whistle or being retaliated against. I attended this training along with Attorneys DeBerry, Weil, and Scerbo and Paralegal Specialist Brown.

i. Being Ethical is Harder Than You Think!

On October 26, 2023, Michel Bret Hood, Owner of 21st Century Learning and Consulting, facilitated “Being Ethical is Harder Than You Think”. This interactive session provided participants with methods on how to mitigate processes that may inadvertently promote unethical behaviors. I attended this training along with Attorneys DeBerry and Scerbo and Paralegal Specialist Brown.

j. Fireside Chat: Artificial Intelligence and Ethics

On October 26, 2023, OGE Attorney Advisor Maurice Echols facilitated a panel discussion along with Hersh Gupta, OCTO Data Scientist, Todd Smith, OCTO General Counsel, and Matthew Sokol, OCTO Chief Data Officer. The panelist presented information on artificial intelligence and its current and future impact on workplace ethics. I attended the training with Attorneys DeBerry, Weil, and Scerbo and Paralegal Specialist Brown.

k. Legal Ethics for Government Attorneys

On October 26, 2023, Erika Stillabower, Senior Legal Ethics Counsel, DC Bar Nakia L. Matthews, Legal Ethics Counsel, DC Bar, Rashee Raj, BEGA General Counsel and Asia Stewart-Mitchell, OGE Supervisory Attorney presented a CLE-accredited course for government attorneys on legal ethics rules. I attended this training along with Attorneys Weil and Scerbo and Paralegal Specialist Brown.

l. The Intersection of DEI and Ethics

On October 27, 2023, Dr. Amber Hewit, Chief Equity Officer, Office of Racial Equity presented “The Intersection of DEI and Ethics”. This training

provided a discussion of the interplay between diversity, equity, inclusion, and ethics in government work. I attended this training with Attorneys DeBerry, Weil, and Scerbo and Paralegal Specialist Brown.

m. Fireside Chat: Local Ethics Authorities

On October 27, 2023, OGE Supervisory Attorney Asia Stewart-Mitchell moderated “Fireside Chat: Local Ethics Authorities” with Director Cooks; Todd Turner, Executive Director of the Prince Georges County Office of Ethics and Accountability; G. Stewart Petoe, Executive Director of the Virginia Conflicts of Interest and Ethics Advisory Council; and Johann C. Amberger, Director of the Baltimore City Ethics Board. This discussion highlighted a myriad of local government ethics topics. I attended the training with Attorneys Weil and Scerbo, and Paralegal Specialist Brown.

n. Mental Health and Ethics

On October 27, 2023, Palesa Osei-Tutu, LCSW, presented “Mental Health and Ethics”. The training provided mental health implications of ethical issues in the workplace, tips to manage stress, and minimize the negative impact work issues might have on mental health. I attended the training with Attorney Anthony J. Scerbo and Paralegal Specialist Brown.

4. Ethics Week 2023 – Trainings Facilitated & Attended by OOG

a. FOIA and OMA Introduction from OOG Director

On October 25, 2023, I presented “FOIA and OMA Introduction from the OOG Director”. This session provided an overview of D.C. FOIA and the OMA, an introduction to the Office of Open Government, and an update on OOG’s activities. I also presented on Electronic Meeting Best Practices where I covered the relevant OMA provisions concerning electronic (virtual) meetings and best practices based on OOG’s experience attending remote meetings. Attorneys DeBerry and Scerbo and Paralegal Specialist Brown attended the training.

b. Who Wants to Be a FOIA Officer?

On October 25, 2023, Attorneys DeBerry and Weil presented “Who Wants to Be a FOIA Officer?” The interactive presentation consisted of multiple-choice questions and answers. Participants were able to also ask questions throughout the presentation. I attended along with Attorney Scerbo and Paralegal Specialist Brown.

c. Newcomers Guide to the Open Meetings Act

On October 25, 2023, Attorney Scerbo presented the “Newcomers Guide to the OMA.” This presentation covered the basics of the OMA and offered a Q & A for attendees. I along with Attorneys DeBerry and Weil and Paralegal

Specialist Brown attended the training.

d. How to Post on the Central Meetings Calendar

On October 25, 2023, IT Specialist Kevin Brown presented “How to Post on the Central Meetings Calendar” training. The course provided step-by-step guidance on how to post to the District’s Central Meetings Calendar. I, along with Attorneys DeBerry and Scerbo and Paralegal Specialist Brown attended the training.

e. Overview of Recent OMA and FOIA Advisory Opinions and Advice

On October 25, 2023, I provided an overview of the latest OMA and FOIA Advisory Opinions published by our office and advice given. The training session covered the facts of each advisory opinion and conclusions/findings. OOG’s legal advice rendered respecting changes to the OMA was also discussed. Attorneys DeBerry and Scerbo and Paralegal Specialist Brown attended the training.

5. OMA Training for the Mayor’s Office on Caribbean Community Affairs and the Advisory Council to the Office on Caribbean Community Affairs.

On October 25, 2023, Attorney Scerbo conducted an additional evening training of the “Newcomers Guide to the OMA” for the Mayor’s Office on Caribbean Community Affairs and the Advisory Council to the Office on Caribbean Community Affairs. The entire OOG legal staff attended the training as well. This presentation covered the basics of the OMA, offered a Q & A for attendees and OOG began a relationship with these D.C. public bodies that we plan to expand and extend with training, advice, and support.

D. Litigation and Legislative Update

1. Litigation

a. Chicago Justice Project (“CJP”) FOIA Suit Against District re: Gang Database; Opposing Fee Demands (Case No. 2022 CA 001175 B (Super. Ct.))

This is an update on CJP’s suit to compel the Metropolitan Police Department to release certain records concerning the Gang Tracking and Analysis System.

As I have reported, the parties were engaged in a dispute between an advanced fee that MPD demanded for its FOIA review, and a similar amount that CJP demanded in attorney’s fees.

It now appears that CJP and MPD have agreed “in principle” to a settlement and are “cooperatively working” to finalize it. The consent motion that reports this status is in Dropbox.

- b. Meta Platforms, Inc. v. District: Consumer Content Was Not an Excuse from Compliance with Subpoena Where the Content Had Been Publicly Posted (Case Nos. 22-CV-0239 (D.C. Ct. App.); 2021-CA-004450-2 (D.C. Super. Ct.))

During the public health emergency, the District subpoenaed the social-media company Meta for its records regarding Facebook’s policing and de-platforming of COVID-19 misinformation. The District petitioned for enforcement of that subpoena through the District’s consumer-protection law. On March 9, 2022, the Superior Court granted the District’s petition. Meta appealed.

On September 14, 2023, a three-judge division of the D.C. Court of Appeals released its opinion. The following summary is from the *Daily Washington Law Reporter*: “Neither the Stored Communications Act (SCA) nor the First Amendment prohibits government subpoena against a social media company seeking public statements regarding its content moderation practices alleged to have been deceptive and in violation of [Chapter 39 of Title 28 of the D.C. Official Code (consumer protection procedures)]. The SCA does not authorize a service provider’s refusal to comply with valid legal process The general prohibition on disclosure in [18 U.S.C.] § 2702(a) . . . does not bar compliance with a government subpoena because the users have consented to the disclosure of their communications by publicly posting them. When the SCA permits the disclosure of electronic communications to a third party, a service provider must comply with a valid subpoena requiring such disclosure. In order for the exacting scrutiny standard to apply to a government subpoena, the party claiming a First Amendment privilege must make a prima facie showing that the discovery requests will result in consequences ‘which objectively suggest an impact on, or “chilling” of, the members’ associational rights.’ Even if the First Amendment protects the ability of a private social media company to make unfettered content moderation decisions, enforcing the subpoena would not chill Appellant from engaging in that activity, so exacting scrutiny is unwarranted.”

The Court of Appeals opinion, a concurring opinion, the judgment, and the underlying Superior Court order are in Dropbox.

- c. Proposed Amendment to District Court Rules re: Jurors’ Personally Identifying Information

On October 26, 2023, the United States District Court published a notice proposing an amendment to its local rules to protect the “addresses, telephone numbers, email addresses, and employment information” of federal jurors in the District (including grand jurors and prospective jurors). The current rules only cover jurors’ names.

Any comments on the proposed amendment are due on December 11, 2023.

2. Legislation

Proposed New D.C. FOIA Exemption: Physical and Mental Evaluations and Reports

On October 20, 2023, Chairman Mendelson, at the request of Mayor Bowser, introduced the Council the Health Occupations Revision General Amendment Act of 2023. This bill would provide that “[m]edical records, Orders for Fitness to Practice Evaluations, or other types of physical and mental evaluations, and the resulting reports, shall be exempt from disclosure under” D.C. FOIA.

The bill is in Dropbox. The pertinent language appears on page 48, //1133, 1134, and page 49, //1135, 1136.

E. Administrative Matters

BEGA’s Office Relocation

The BEGA team continued our weekly meetings concerning the office relocation in October 2023. Director Cooks and I attended the final walk-through on October 18, 2023. We are in the process of moving and have secured the services of a moving company. The agency’s new facility is substantially complete and will be ready to occupy on November 13, 2023.

This concludes the Office of Open Government’s November 2, 2023, report. I am happy to answer any questions the Board may have at this time.

Board Member Sobin asked what information is currently disclosed for jurors given the proposed amendment to the District Court’s rules. Director Allen stated that she would confirm what was being disclosed but thought the legislation was intended to provide additional support for not disclosing addresses, telephone numbers, email addresses, and employment information.

Board Member Sobin also asked whether BEGA had been asked to weigh in on the proposed new D.C. FOIA exemption. Director Allen stated that BEGA had not been asked for our position but thought that the proposed exemption was consistent with records that were already exempt under D.C. FOIA.

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	33
Open - Negotiations	0
Open - Show Cause Hearing	0
Grand Total	33

OPEN "UNDOCKETED MATTERS"	
Grand Total	0

PENDING/STAYED INVESTIGATIONS BY STATUS	
Closed - Pending Collection	36
Stayed - Pending DC Superior Court Case	3
Stayed - OAG False Claims Act Case	1
Stayed - OIG Investigation	5
Stayed - US District Court Case	0
Grand Total	45

REGULATORY MATTERS BY STATUS	
Closed - Pending Collection	27
Open	36
Grand Total	63

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

The number of open preliminary and formal investigations includes 8 new matters. The investigative team resolved 10 investigations since the Board last met. This total does not reflect the number of complaints that were dismissed for a lack of jurisdiction. OGE is currently finalizing the Quarterly Complaint Report for the fourth quarter of fiscal year 2023 with the intent on publishing it by the end of next week.

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 received a fully executed Memorandum of Agreement for Debt Collection Services with the CCU last month.

Since that time, approximately 76% of OGE's closed pending collection cases were referred for collections. We will continue to send over cases that are delinquent over 90 days on a rolling basis.

B. Trainings/Outreach

1. Professional Development Trainings Attended by Staff

Senior Board Attorney Lynn Tran attended Corporate Political Activities 2023: Complying with Campaign Finance, Lobbying, and Ethics Law. General Counsel Rashee Raj, Auditor Courtney Walker, and Program Coordinator Stan Kosick all completed the Office of the Chief Technology Officer's 2023 Security Awareness course by Kevin Mitnick. Program Coordinator Kosick and Program Support Assistant Naquita Titus also attended Intro to Microsoft Forms.

2. Conducted by staff

Aside from Ethics Week, since the October Board meeting, OGE conducted one training course, which was the monthly Ethics Training. During the month of September, 34 employees completed our online ethics training via PeopleSoft and 11 users completed courses using the Learning Management System. The most completed training this month using the LMS was the Board of Ethics and Government Accountability Ethics Training (BGA923).

3. Outreach – Ethics Week

OGE is proud to have completed another successful Ethics Week. The 2023 event took place last week, October 23-27, 2023. This year's theme was "Everyday Ethics" #cantgoadaywithoutit. The coordination committee, led by Supervisory Attorney Stewart-Mitchell, hosted an entire week of engaging presentations. As Director Allen mentioned, Wednesday, October 25th was dedicated solely to OOG trainings. All the event's sessions were well attended, and we've received positive feedback. Some of the sessions with highest attendance were: Legal Ethics for Government Attorneys (in conjunction with the DC Bar) – about 120 attendees - and Ethics Updates – about 100 attendees. The following courses had approximately 80 attendees: Being Ethical is Harder Than You Think!; Fireside Chat: Artificial Intelligence and Ethics; Blowing the Whistle in the District; Ethics for Managers; and Investigative Trends.

I'd like to thank Supervisory Attorney Stewart-Mitchell and her committee for coordinating the event and all the staff members who participated and attended. The Ethics Weeks presentations and sessions will be available to view on BEGA's YouTube and the website soon.

4. BEGA Newsletter

On Friday, October 13th, OGE published volume eight, issue five of its newsletter, "Ethically Speaking." The newsletter informed readers of recent enforcement

actions taken by this agency and other federal, state, and local ethics boards; ethics advisory opinions; and notable activities at BEGA. This issue is available on the BEGA website. The next issue will be published on December 15th. A copy was placed in the DropBox

C. Advisory Opinions/Advice

1. Informal Advice

OGE's legal staff provided advice for approximately 18 ethics inquiries, which is 15 less than the 33 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

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. FY 25 Budget

On October 17th, Director Allen, Administrative Officer Tyrel Dow and I attended the FY25 Budget kickoff meeting which provided information on budget formulation updates for the next fiscal year. BEGA's FY 2025 budget is \$3.9 million which is the same as the FY 24 budget. We are currently working with our agency fiscal officer to prepare our operating budget submission.

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. We have received notice that the new office will be available for use beginning November 13th. We will begin the moving process on November 9th. We are truly excited to have an office space that is suitable for the entire agency.

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. A list of the late filers were sent to the Office of Pay and Retirement for wage garnishment and former employees were sent notice to pay their fine using our online payment portal. The FDS Team has scrubbed the list for OPRS removing those seeking waivers and those who have left District employment. Of those recipients, several filed fine waivers, requesting that the Board waive the fines assessed.

Lastly, the Council member's biannual financial disclosure statements are due on November 15th. On October 13th, Attorney Advisor Vann and Program Specialist Kosick sent notices to the 13 Councilmembers and their Chiefs of Staff regarding the requirement. On October 27th, a second notice was sent.

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.

According to the LRR team, Lobbyist reporting remained steady this month. October with a dramatic increase in Renewal Filings. This uptick is due to the e-filing system enhancement requiring an entity to have a current registration to file an Activity Report. Based on this information, it is apparent some entities were filing activity reports without having completed their 2023 Registration.

As I mentioned last month, on September 22nd, OCTO deployed the LRR e-filing system enhancements. 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 a result of the enhancement, there are 12 Registrants who failed to file their 2023 renewal in time. The LRR team has identified the entities and will be moving forward with fines in the weeks to come.

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 served the Respondent with the Notice of Violation; however, he failed to submit a response.

Thank you. This concludes the Office of Government Ethics’ November 2, 2023, report.

Board Member Sobin asked whether the Board was thinking of reconvening in person with the move to the new office space. He noted that the DC Bar is moving to more in person for committee meetings and he recommends that the Board consider coming back in person in the future.

Chairperson Hutcheson agreed that the Board should discuss resuming in-person meetings and asked whether it would be possible to do hybrid meetings. Director Allen noted that the new hearing room was set up to allow hybrid meetings.

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 1:46 p.m.

The Board approved the scheduling order and notice of hearing in **23-0006-F In re David DeBoer**.

The Board approved a negotiated disposition **23-0092-P In re C Mclaughlin**.

The Board dismissed **24-0001-F In re L Mitchell** and **24-0002-F In re C Keys**.

The Board voted to change the date of the December monthly meeting from December 7, 2023 to December 14, 2023.

IX. Adjournment

The Board will next meet on December 14, 2023 at 12:00 pm

DRAFT