

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

MEETING MINUTES – January 16, 2025

The District of Columbia Board of Ethics and Government Accountability held a hybrid meeting at the Board of Ethics and Government Accountability, 1030 15th Street, NW, Suite 700 West, and virtually on January 16, 2025, at 10:00 a.m. Chairperson Norma Hutcheson and Board members Charles Nottingham, Felice Smith, Darrin Sobin, and Melissa Tucker participated in the meeting.

Members of the public were welcome to attend, and a recording of the meeting is available on open.dc.gov and [BEGA's YouTube channel](#).

I. Call to Order

The meeting was called to order at 10:01 a.m.

II. Ascertainment of Quorum

All Board members were present at the start of the meeting.

III. Adoption of the Agenda/Approval of Minutes

The Board unanimously adopted the agenda and approved the December 2024 minutes.

IV. Report by the Director of Open Government

Good morning, 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”). Our mission is to ensure that all persons receive full and complete information concerning the affairs of the District of Columbia government and the actions of its officials. Since the last Board meeting, OOG has continued its work to ensure that District of Columbia government’s operations are transparent, open to the public, and promote civic engagement. To that end, OOG has enforced the Open Meetings Act, advised on the Freedom of Information Act’s requirements, and provided training on those transparency laws. OOG proudly served as advocates for an open and transparent government.

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

1. Advisory Opinions

I have not issued an advisory opinion since the Board’s last meeting.

2. Informal Advice

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

5 requests for OMA advice;
9 requests for FOIA advice; and
10 requests for technical assistance with open-dc.gov.

B. Meeting Monitoring

OOG's staff attends public bodies' meetings, in person and remotely, to ensure compliance with the OMA. They also inspect public bodies' websites and OOG's Central Meeting Calendar for public meeting notices and records. OOG attorneys provide legal advice on OMA compliance and take corrective action, if necessary.

Since the last Board meeting, OOG's legal staff attended twenty (20) public body meetings. As a result of the monitoring, five (5) corrective measures were communicated. The public bodies failed to do the following: (1) post detailed agenda; (2) conduct vote by roll call and maintain a quorum; and (3) provide proper meeting notice.

C. Training/Outreach

1. The Office of the Attorney General's ("OAG") Training on Juvenile Confidentiality

On December 9, 2024, I, along with Attorney Advisors Brandon Lewis and Joan Lelma attended the Juvenile Confidentiality Training presented by Senior Assistant Attorney General David Rosenthal of the Office of Attorney General Public Safety Division. This 2-hour course covered confidentiality of records and proceedings pertaining to juvenile arrests, litigation, and adjudication, including recent amendments to the statute made by the SECURE DC Act.

2. Practicing Law Institute's ("PLI") New Challenges for Section 230: Generative AI and Federal Legislation Training Course

On December 10, 2024, I completed a PLI Continuing Legal Education course on Generative AI and Federal Legislation. The course explored Section 230 of the Communications Decency Act, the most recent legislative effort to reform Section 230, by having it sunset at the end of 2025 to "force Congress and stakeholders to work together in good faith to develop a long-term solution" that "preserves the ability to innovate" and ensures "accountability for the harms platforms pose." The training provided an overview of the May 22, 2024, Congressional subcommittee hearing on the proposal to sunset Section 230. It also discussed connection between Generative AI (GAI) and Section 230 and whether GAI is covered by the Section 230 liability shield. The panel discussed the US Supreme Court's decisions in *Gonzalez v. Google* and *Twitter v. Taamneh* -- cases

involving the social media platforms' algorithms that allegedly promoted content that allegedly aided and abetted terrorism.

3. DC Office of Public Records (“OPR”) Records Transfer Training

On December 11, 2024, Attorney Lelma attended OPR's Records Transfer Training facilitated by OPR's DC Archivist William Branch. The training covered the process for transferring records to the Records Center and DC Archives.

4. Open Meetings Act Training for Sojourner Truth Public Charter School Board

On December 13, 2024, Attorney Lelma presented an Open Meetings Act (OMA) Training to the Board and Sub-committee members of Sojourner Truth Public Charter School. I, along with OOG's staff, attended the training virtually.

5. District of Columbia's Office of Notary Commissions and Authentications (“ONCA”) Notary Orientation

On December 18, 2024, Paralegal Kimberly Brown attended the District of Columbia's Office of Notary Commissions and Authentications (“ONCA”) Notary Orientation. This orientation provided an overview of performing notarial acts in the District of Columbia and instruction on the steps to become a notary public.

6. Practicing Law Institute's (“PLI”) “Legal Ethics for Paralegals” Training Course

On December 27, 2024, Paralegal Brown attended PLI's “Legal Ethics for Paralegals” Training. The training course covered the rules of conduct and regulations that govern paralegals' work, how legal ethics impacts professional responsibility, and paralegals' ethical obligations.

7. Practicing Law Institute's (“PLI”) Training Session: “How to Conduct an Effective International Discovery ... for Paralegals and Litigation Staff”

On January 8, 2025, Paralegal Brown attended PLI's Training Session “How to Conduct an Effective International Discovery (in the Constant-Changing World) for Paralegals and Litigation Staff.” The training session covered the role of paralegals in international litigation discovery, how to handle discovery from different legal systems, how to address cultural issues, the impact of international privacy laws on discovery requests, and best practices for handling data location.

8. Open Meetings Act Training for the Department on Disability Services

On January 14, 2025, Attorney Anthony J Scerbo presented an Open Meetings Act (OMA) Training to the Department on Disability Services – Rehabilitation Services Administration.

D. Litigation and Legislative Update

1. Litigation

- a. Gooch v. District (Metropolitan Police Dept.) (Case No. 2023-CAB-002404 (D.C. Super. Ct.))

I have previously reported on this case in which a requester-plaintiff sued the District for records “related to his...conviction.” The Plaintiff received partially redacted records from MPD.

On July 24, 2024, the District filed a Motion for Reconsideration of its Motion for Summary Judgment. Following the Court’s denial of Defendant’s motion, a status hearing was held on September 13, 2024. The parties agreed to work on redactions and the Vaughn Index before the next hearing.

At a status hearing on December 19, 2024, the Defendant provided an update on redactions. On December 24, 2024, the case was transferred to Judge Ebony Scott. A status hearing has been set for February 13, 2024. OOG Staff will continue to monitor.

- b. Tomell Dubose v. District (Case No. 2018-CA-000378-B) _

I have previously reported on this case involving Board of Dentistry’s disciplinary records. The District filed a Renewed Motion for Summary Judgment on September 13, 2024, arguing that the denial of a public interest fee waiver to the Plaintiff/Requester was fully justified and that the \$9,000 fee estimate was reasonable.

On October 31, 2024, the Plaintiff filed his Reply to Defendant’s Opposition to Plaintiff’s Rule 56(d) Motion and Alternative Motion for Enlargement of Time to Respond to Defendant’s Renewed Motion for Summary Judgment. The Plaintiff argued that the Defendant introduced evidence that was never previously introduced to the record prior to the remand of this case. The Plaintiff also asserts that he is eligible for the requested records with a fee waiver and attorney’s fees because the lawsuit was necessary for him to obtain records.

Copies of both motions have been added to Dropbox. On December 23, 2024, the case was transferred to Judge Robert D. Okun. A status hearing is set for February 14, 2025, at 11:00 am. OOG staff will continue to monitor.

- c. Tax Analysts v. District (Case No. 2020-CA-001999-B) _

I have previously reported on this case in which, Tax Analysts, a publisher of tax journals, and reporter Aaron Davis, sued the District under D.C. FOIA after the Office of Tax and Revenue (“OTR”) denied their requests for 24 private letter rulings, or PLRs (OTR response to circumstances and data submitted by particular taxpayers). Plaintiff argued that the advice given in

them in the PLR has broader applicability, and so, OTR must still release them after redacting specific details that would identify the underlying taxpayers.

At a December 2, 2024, status hearing, the Court gave its oral ruling concerning the documents and ruled in favor of Tax Analysts. The District is expected to turn over redacted documents by January 24, 2025.

- d. Leslie Richards v. D.C. Finance and Treasury (Case No. 24-CV-0034 (D.C. Court of App.); Case No. 2021-CA-003762-B (Super. Ct.)) _

I have previously reported on this *pro se* case in which the Plaintiff-Appellant sought information about a disbursement. The Superior Court dismissed the complaint because the Plaintiff failed to properly serve the District and state a claim upon which relief could be granted. The Plaintiff appealed.

On July 8, 2024, the District filed a Motion for Summary Affirmance of the Superior Court's dismissal. The District argued that on appeal, the Plaintiff failed to challenge the reasons for the dismissal and offered no basis for reversal. The Plaintiff-Appellant filed a response to the District's motion on July 15, 2024.

On September 30, 2024, the Court denied the District's Motion for Summary Affirmance. A Motion for Oral Arguments was filed by the Plaintiff-Appellant, on January 10, 2025. This motion has not yet been uploaded to the Court of Appeals website. OOG Staff will continue to monitor.

- e. Phillips v. District of Columbia (Case No. 1:22-cv-00277-JEB (D.D.C.)) _

I have previously reported on this case in which Amy Phillips alleged in a Federal "section 1983" action that the Metropolitan Police Department maintains a "watchlist" targeting certain D.C. FOIA requesters. On May 17, 2023, Ms. Phillips moved to amend her complaint to add a (supplemental jurisdiction/ "state") claim under D.C. FOIA. The original complaint alleged U.S. Constitutional violations only.

In an August 12, 2024, Memorandum Opinion, the District Court for the District of Columbia denied the Plaintiff's Motion for Partial Summary Judgment and granted in part and denied in part the District's Motion for Summary Judgment.

The Plaintiff sought partial summary judgment for Defendant's alleged policy of subjecting FOIA requests for "high profile" materials to additional scrutiny. The Court found that the Plaintiff's characterization of her Amended Complaint was inaccurate. Specifically, the Court found that at no prior point did the Plaintiff intimate that her suit included a challenge to the District's policy on high-profile materials, stating that she cannot amend her complaint

through summary-judgment briefing. The Court denied the motion on this basis.

The Defendant’s Motion for Summary Judgment states that Plaintiff lacks standing to seek prospective relief, has not established that the policy she wishes to challenge ever existed or caused her harm, and cannot show that this policy is attributable to the District. The Court granted summary judgment to the Defendant regarding the Plaintiff’s claim for injunctive relief. However, the Court concluded that the Plaintiff had produced enough evidence for a reasonable jury to find that the Police Chief’s subordinates created a custom of burdening FOIA requests coming from MPD critics and that the Chief was aware or at least should have been aware of this practice.

Following the issuance of its opinion, the Court referred the case to a magistrate judge for mediation. Mediation proceedings were held on December 16, 2024, and December 18, 2024. A joint status report was issued by the parties on December 19, 2024. Mediation is ongoing and the Court has ordered the parties to file a further joint status report by January 22, 2025. A copy of the joint status report has been added to Dropbox. OOG Staff will continue to monitor.

2. Legislation

a. DC Water Critical Infrastructure Freedom of Information Clarification Amendment Act of 2024

I reported on the “DC Water Critical Infrastructure Freedom of Information Clarification Amendment Act of 2024” last year. The bill was transmitted to Congress and became law on December 10, 2024. This bill exempts from disclosure critical infrastructure information or plans that contain critical infrastructure information for the critical infrastructures of the District of Columbia Water and Sewer Authority.

E. Administrative Matters

1. Performance Oversight Hearing

Director Cooks and I received correspondence from Councilmember Brooke Pinto on January 8, 2025, in her capacity as Chairperson of the Committee on the Judiciary and Public Safety (the “Committee”). The Committee will hold its annual performance hearing for the District of Columbia Board of Ethics and Government Accountability on Wednesday, February 5, 2025. I look forward to reporting on OOG’s accomplishments in FY24 and OOG’s goals for FY25.

2. FOIA Portal Public Comment Portal

On February 12, 2025, at 4:00 pm, the Office of Open Government, in partnership with the Office of the Chief Technology Officer (OCTO) will host a public forum on OCTO’s new FOIA Portal. The forum will include a demonstration of the new portal, provide a question-and-answer session, and an opportunity for the public to comment on the FOIA Portal.

This concludes the Office of Open Government’s January 16, 2025, report. I am happy to answer any questions the Board may have.

Board Member Nottingham asked for an update on the Washington Post case regarding medical examiner records. Director Allen will provide the Board with an update on the status of that case.

V. Report by the Director of Government Ethics

Good morning, 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	51
Open - Negotiations	0
Open - Show Cause Hearing	1
Grand Total	52

OPEN "UNDOCKETED MATTERS"	
Grand Total	3

PENDING/STAYED INVESTIGATIONS BY STATUS	
Closed - Pending Collection	37
Stayed - Pending DC Superior Court Case	1
Stayed - OAG False Claims Act Case	0
Stayed - OIG Investigation	4
Stayed - US District Court Case	3
Grand Total	45

REGULATORY MATTERS BY STATUS	
Closed - Pending Collection	35

Open	52
Grand Total	87

	Curre	Last	Octobe
Investigations	52	53	61
Investigations	8	8	10

The number of open preliminary and formal investigations includes 12 new matters. The investigative team resolved 13 investigations since the Board last met. This total does not reflect the number of complaints that were dismissed for a lack of jurisdiction.

Yesterday, the Quarterly Compliant Report for Quarter 1 of Fiscal Year 2025 was published to the BEGA website, as well as a press release and heatmap, which outlines the number and types of cases that were closed in the quarter.

During FY2025 Q1, OGE closed 85 matters. Thirty-four percent of the matters closed during this quarter (29 out of 85 matters) involved allegations that were outside of BEGA’s jurisdiction. For the 56 closed matters within BEGA’s jurisdiction, allegations related to potential violations of the rules governing outside employment or activities topped the list, accounting for 16 matters (29%). Allegations of preferential treatment and lack of impartiality accounted for 13 matters (23%), while misuse of government resources allegations were involved in 8 matters (14%), allegations of use of public office for private gain in 5 matters (9%), and potential violations of the nepotism rules were at issue in 4 matters (7%). Rounding out the list, matters involving potential conflicts of interest and violations of the gifts rule each accounted for 3 matters (5%), while there was one matter (2%) each for allegations of failure to adhere to laws, failure to put forth host effort in the performance of official duties, violations of the Local Hatch Act, and actions that substantially threatens the public trust.

B. Training/Outreach

1. Professional Development Trainings Attended by Staff

From December 8th through the 11th, Board member Felice Smith, Supervisory Investigator Ron Cook, Supervisory Attorney Advisor Asia Stewart-Mitchell, Senior Board Attorney Lynn Tran, General Counsel Rashee Raj, Attorney Advisor Maurice Echols, and I attended the annual conference for the Council on Governmental Ethics Laws (“COGEL”) in Los Angeles, California.

I presented on a panel titled “Turning Crises into Opportunities: Strategies for Building and Restoring Public Trust in Government.” The premise of the panel was to explore how controversies can serve as catalysts for positive change and strategies for transparent communication, accountability, and proactive measures within government. The panel was moderated by Peter Lewandowski, the Executive Director of the State of Connecticut Office of Ethics. Other participants included Kavita Bhatt, the Deputy General Counsel at the New York State

Commission on Ethics and Lobbying in Government, and Max Huntsman, the Inspector General for the County of Los Angeles. The panel provided practical insights on how to turn challenging situations into opportunities for rebuilding public trust and fostering a more resilient government.

Senior Board Attorney Lynn Tran presented on a panel titled “Federal Insights: How Did We Get Here? The Good, Bad, and Ugly.” The panel was moderated by Donald Sherman, Executive Director and Chief Counsel for the Citizens for Responsibility and Ethics in Washington. The discussion looked at ethics trends post-election and the state of ethics reform, with a focus on Congress and the Supreme Court. Other panelists included Omar Ashmawy, Staff Director and Chief Counsel for the Office of Congressional Ethics, and Kedric Payne, Vice President, General Counsel, and Senior Director of Ethics at the Campaign Legal Center. All panelists provided interesting war stories, challenges faced, and lessons learned.

Finally, General Counsel Rashee Raj with Alex Kipp, Director of Education and Engagement at the New York City Conflicts of Interest Board, presented a session titled "Present with Presence: Improv Skills to Boost Collaboration and Connection in our Presentations." This participatory workshop explored how to present with more authenticity and personality. Participants worked in small groups and together as a large group to run through some fun improvisational exercises geared towards creating more dynamic and flexible trainings without any loss of content or integrity.

Aside from the panel discussions that included our speakers, some of the standout sessions attended included: Small but Mighty: Strategies for Success for the Small Government Agency; Lobbying Update: U.S. and Canadian Federal, State, Provincial, and Local Lobbying Laws; and annual favorites, Ethics Updates, Ethics Roundtable, and Enforcement Updates 2024

Program Support Assistant Naquita Titus and IT Specialist Kevin Brown both attended District of Columbia – Importing and Exporting. Program Coordinator Stan Kosick attended Developing a Mindset of Growth and Learning. One hundred percent of agency employees and Board members completed the Annual Mandatory Cybersecurity Training Course by the deadline of December 31, 2024.

2. Conducted by staff

Since the last Board meeting, OGE conducted nine training sessions: the December and January Monthly Ethics Trainings, a Board & Commissions training for the DC State Board of Education, three New Employee Orientation Ethics trainings, the January Quarterly Lobbyist Training, our new Quarterly Outside Employment Training, and a customized scenario-based training for the Department of Disability Services.

During the month of December, 65 employees completed ethics training using PeopleSoft and 11 employees were added to the Learning Management System. OGE is the final stage of updating the financial disclosure statement course on the

Learning Management System, which will be available in time for the new filing season.

3. Outreach

On Friday December 20th, OGE published the sixth issue of its bi-monthly newsletter, Ethically Speaking. A copy was placed in the Dropbox.

On January 22nd, Chairperson Hutcheson, Director Allen, and I are meeting with Councilmember Brooke Pinto and her team. The purpose of the meeting is to make introductions and to discuss opportunities for partnership around shared goals. BEGA has been assigned to the Committee on the Judiciary and Public Safety. We look forward to establishing our relationship.

C. Advisory Opinions/Advice

1. Informal Advice

OGE's legal staff provided advice for approximately 26 ethics inquiries, which is 2 less than the 28 reported at the December 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 issued one advisory opinion this month. The advisory opinion on Lobbyist Registration and Reporting is to provide guidance for lobbyists and to inform District Government employees of their obligations regarding lobbyists. A copy was placed in the Dropbox for your review. OGE has another advisory opinion in the works on Widely Attended Gatherings and is in the process of editing the Advisory Neighborhood Commissioner Sign-on Letters advisory opinion pursuant to comments received.

3. Annual Best Practices Report

Pursuant to D.C. Official Code § 1-1162.02(b), BEGA transmitted its Annual Best Practices Report to the Mayor and each Member of the Council on Wednesday, December 18, 2024. The report highlights the functional achievement of both OOG and OGE from fiscal year 2024 until December of this fiscal year. It included recommendations for actions that will strengthen the District's ethics rules and transparency laws, thereby strengthening the District's public integrity.

D. Legislation and Rulemaking Updates

1. Financial Disclosure Rulemaking

On November 1, BEGA's most recent financial disclosure rulemaking was published in the D.C. Register for a 30-day comment period. This financial disclosure rulemaking addresses technical and minor substantive changes to the

financial disclosure regulations, provides clarity for regulations that are ambiguous, and corrects language that aligns with the Ethics Act and Chapter 18 of the District Personnel Regulations. The comment period ended Monday, December 2, 2024, and no comments were received. The final rulemaking was published on December 20th and is now in effect.

E. OGE Administrative Matters

1. Vacancies

OGE closed its Attorney Advisor and Human Resources Specialist vacancies and is now reviewing resumes. The Administrative Officer vacancy closed on January 13th and will be reviewed at that time. The office is in the process of posting the vacancy announcement for its Legal Fellow position.

2. FY26 Budget

On November 20th, OGE and OOG presented the agency's FY26 budget submission to the Office of the City Administrator. We have requested a budget enhancement for funding to the non-personnel services fund. OGE requested funding to hire two full-time Auditors who will enable the agency to meet its statutory requirement of auditing all financial disclosure statements on an annual basis. We have not received any updates on our requests.

Also, OGE plans to submit a Budget Support Act proposal which will amend the Lobbyist section of the Ethics Act by repealing § 1-1162.28(a)(4), which excludes 501(c)(4) organizations from registering as lobbying entities, and adding language that requires those entities to register in the same manner as 501(c)(3) organizations.

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 is gearing up for the Spring 2025 Financial Disclosure filing. Program Coordinator Kosick has reached out to Agencies' Ethics Counselors to confirm their contact information. Supervisory Attorney Advisor Asia Stewart-Mitchell has met with a few Agencies to discuss Board and Commission members who have been designated as filers per the recent rulemaking. The team has scheduled 3 sessions to meet with the board members and commissioners to address any concerns they may have. The Agency Head Letter is scheduled to go out on February 2, 2025. Enforcement activities continue for the 2024 late/non filings.

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.

The 2024 Quarter 4 Activity Reports and calendar year 2025 Registrations were due yesterday, January 15, 2025. Notices went out to 395 Registrants and Points of Contact on December 20, 2025. Support tickets have remained constant. The categories “Adding a DC Official” and “Assist with Filing a Report” encompassed 68% of the requests for technical assistance. As mentioned earlier, Attorney Advisor Echols and Program Coordinator Kosick provided the Quarterly Lobbyist training on January 8, 2025.

H. Public Investigations

1. 24-0010-F In re Marcellus Willis – This is a formal investigation based on a complaint that the Respondent, former employee of the University of the District of Columbia, used a government purchase card to make unauthorized purchases. Respondent worked at UDC for five years and was responsible for handling procurement for the University. The Board approved a Notice of Violation which contains assertions that Respondent violated DPM § 1800.3(g) by using public office for private gain and DPM § 1808.1 by failing to protect and conserve government property. A public hearing is scheduled for March 6-7, 2025.

2. 24-0016-F In re Trayon White – This is a formal investigation based on a criminal indictment in which Respondent, Council member for Ward 8, alleged agreed to receive \$156,000 in bribes and accepted \$35,000 in cash from a business owner in exchange for assisting with renewing the company’s violence-interruption contracts with the D.C. government. Respondent was indicted on one count of bribery. This matter is stayed pending the outcome of the criminal court case, which is scheduled for trial on January 12, 2026.

3. 25-0002-F In re Trayon White – This is a formal investigation based on allegations that the Respondent, Council member for Ward 8 violated the Code of Conduct. Specifically, this office is investigating whether the Respondent filed full and complete public financial disclosure statements pursuant to D.C. Official Code § 1–1162.24 and whether he violated any other rules with the Council’s Code of Conduct that are separate from the ongoing criminal case.

Thank you. This concludes the Office of Government Ethics’ January 16, 2025, report.

Board Member Sobin thanked Director Cooks for breaking down the types of investigations in the complaint summary. He noted that he was asked questions about the types of cases before the Board at his confirmation hearing and expected that the agency would face these types of questions at the upcoming oversight hearings.

VI. Public Comment – if received

The Board received one public comment at the meeting. Dorothy Brizill asked how OOG handles public meeting monitoring and expressed concerns about the ability of the public to monitor the post-elections audits conducted by the Board of Elections. Chief Counsel Neal stated that OOG staff attend meetings or review minutes of meetings as part of their monitoring. With respect to the specific questions as to the Board of Elections, Chief Counsel Neal stated that OOG enforces open meetings laws but would not have authority to enforce other laws that agencies may be subject to. Ms. Brizill expressed her frustration and indicated that she would raise concerns about enforcement of open government laws at the upcoming oversight meetings.

Board Member Nottingham noted Ms. Brizill's concerns and reiterated that BEGA can only enforce laws that the agency has been authorized to enforce. He encouraged staff to work with Ms. Brizill about her complaint and reach out to the Board of Elections regarding her concerns about public access to the post-election audits.

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 meeting resumed at 11:17 a.m.

The Board approved an amended negotiated disposition in **24-0009-F In re Aretha Chapman**.

The Board will meet next on February 6, 2025, at 10:00 a.m.

The meeting adjourned at 11:26 a.m.