

**DISTRICT OF COLUMBIA**  
**BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY**  
**MEETING MINUTES – January 8, 2026**

The District of Columbia Board of Ethics and Government Accountability held a hybrid meeting at the Board of Ethics and Government Accountability, 1030 15<sup>th</sup> Street, NW, Suite 700 West, and virtually on January 8, 2026, at 10:00 a.m. Board members Charles Nottingham, Felice Smith, Darrin Sabin, and Melissa Tucker attended the meeting. Board member Tucker presided over the meeting in the absence of Chairperson Norma Hutcheson.

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 10:00 a.m.

**II. Ascertainment of Quorum**

Presiding Board member Melissa Tucker and Board members Nottingham, Smith, and Sabin were present at the start of the meeting.

**III. Adoption of the Agenda/Approval of Minutes**

The Board voted unanimously to adopt the agenda and approve the minutes for the December 2025 meeting.

**IV. Report by the Director of Open Government**

Good morning, Presiding Board Member Tucker, 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 the 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 has 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:

- 7 requests for OMA advice;
- 16 requests for FOIA advice; and
- 13 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's attorneys provide legal advice on OMA compliance and take corrective action, if necessary.

Since the last Board meeting, OOG's legal staff have attended ten (10) public body meetings. No corrective measures were communicated to the public bodies.

**C. Training/Outreach**

1. 47<sup>th</sup> Annual Council on Governmental Ethics Laws (“COGEL”) Conference

On December 7-10, 2025, Chief Counsel Neal and I attended the 47<sup>th</sup> Annual COGEL Conference in Atlanta, Georgia. The conference included a variety of learning sessions on ethical obligations and enforcement, conducting investigations, and transparency and privacy laws, among others. A list of the seventeen (17) training courses we attended is included in Dropbox for your information.

2. Open Meetings Act Training for Local School Advisory Teams (“LSAT”)

On December 9, 2025, Attorney Advisor Joan Lelma facilitated an OMA webinar for Local School Advisory Teams. Attorney Advisor Anthony J Scerbo attended the training virtually.

3. Open Meetings Act Training for Boards of Trustees for Public Charter Schools

On December 10, 2025, Attorney Lelma facilitated an OMA webinar for Boards of Trustees for DC Public Charter Schools. Attorneys Scerbo and Brandon Lewis, Paralegal Specialist Kimberly Brown, and IT Specialist Kevin Brown attended the training.

4. Digital Government Institute (“DGI”) “Electronic Transfer Best Practices” Workshop

On December 11, 2025, Attorney Lelma attended DGI's “Electronic Records Transfer Best Practices” virtual workshop facilitated by Rebeccah Baker, Director of Digital Access, the U.S. National Archives and Records

Administration (“NARA”) and Kathryn Nevins, Principal Records Management Consultant, Feith Systems and Software, Inc. This virtual workshop covered current electronic transfer protocols, transfer best practices, and provided updates on future changes.

5. “Chief FOIA Officers Council Meeting”

On December 15, 2025, Paralegal Brown attended “Chief FOIA Officers Council Meeting” facilitated by Sean Glendening, Director of the Office of Information Policy (“OIP”), U.S. Department of Justice (“DOJ”) and Alina M. Semo, Director of the Office of Government Information Services (“OGIS”), NARA, who are also Co-chairs of the Chief FOIA Officers Council. The meeting included fiscal year 2024-2025 highlights and updates from OIP, OGIS, the Committee on Cross-Agency Collaboration and Innovation, and the Technology Committee.

6. Mayor’s Cabinet Meeting

On December 17, 2025, I attended the Mayor’s Cabinet meeting. The meeting provided an opportunity to congratulate former Metropolitan Police Department Chief, Pamela Smith, on her retirement. Former Chief Smith also provided remarks. Mayor Bowser provided an overview of her goals for the remainder of her term in office and agency directors highlighted recent accomplishments.

**D. Litigation and Legislative Update**

1. Litigation

a. D.C. Open Government Coalition v. District (Case No. 2023-CAB-007251 (D.C. Super. Ct.))

I have previously reported on this case which involves the D.C. Open Government Coalition’s (“DCOGC”) lawsuit against the District seeking an accounting of the backlog of public-records requests submitted through the FOIAxpress Public Access Link, which was maintained through the Office of the Chief Technology Officer (“OCTO”).

On December 15, 2025, D.C. Superior Court Judge Katherine Oler issued a split decision, granting partial summary judgment to both the Plaintiff, DCOGC, and the Defendant, the District of Columbia. The Court upheld OCTO’s denials of DCOGC’s first four FOIA requests, which asked for tallies of pending FOIA requests on specific dates. The Court found that these requests necessitated the creation of a record which agencies are not required to do under FOIA.

On this point, the Court stated that “[b]ecause the total number of requests in a certain status was not already a data field in FOIAxpress, and OCTO did not regularly produce reports showing that number, the FOIA officer was

required to perform analysis of FOIA Xpress data to ascertain the number. Accordingly, the Court concludes that responding to Plaintiff’s first four requests required creation of a record.”

Concerning the fifth FOIA request, the Court found that OCTO had failed to meet its preservation obligations. The agency converted the requested data into an “unstitched” format while migrating from FOIA Xpress to the District’s new platform, GovQA. In other words, the data was not connected and ready for end-user consumption. While OCTO assured the Court that FOIA Xpress data would remain preserved in an accessible state, the agency later argued that the old data had become so inaccessible that it would take more than eight hours to search, exceeding the time limit imposed by D.C. FOIA. Accordingly, the Court found that Plaintiff was entitled to summary judgment on this request and ordered the District to produce responsive records regardless of the time now required to respond.

A copy of the Court’s Order is in Dropbox.

- b. United States of America v. District of Columbia Board of Elections (Case No. 25-cv-04403 (D. D.C.))

On December 18, 2025, the U.S. Department of Justice (“DOJ”) filed suit against the District of Columbia Board of Elections (“DCBOE”) for refusing to turn over the District’s complete, unredacted voter registration list. The factual allegations are that on July 11, 2025, the Attorney General of the United States, through her representatives, contacted DCBOE seeking information regarding the District’s compliance with federal election law. DCBOE responded by letter on August 6, 2025, and provided data which DOJ alleges was selective and incomplete. On August 14, 2025, the U.S. Attorney General made a written demand for DCBOE to produce the complete voter file – including voters’ full names, dates of birth, residential addresses, and either driver’s license numbers or the last four digits of Social Security numbers – as part of a nationwide investigation into alleged non-compliance with federal voter list-maintenance requirements under the National Voter Registration Act (“NVRA”) and Help America Vote Act (“HAVA”).

DOJ further alleges that DCBOE refused to provide the requested data, citing D.C. privacy law, specifically D.C. FOIA Exemption 2 (D.C. Official Code § 2-534(a)(2)). DOJ argues that this refusal violates Title III of the Civil Rights Act of 1960 (52 U.S.C. § 20703), and is asking the Court to order production of the complete voter records. A copy of the Complaint and DOJ’s Memorandum in Support of Motion to Compel Production are in Dropbox. OOG’s staff will continue to monitor this case.

## 2. Legislation and Proposed Rulemaking

- a. Legislative Action regarding the Freedom of Information Act: I have previously reported on B26-0265, the Fiscal Year 2026 Budget Support Act of 2025, which was introduced by Chairman Mendelson, On May 27, 2025. The bill passed unanimously on first reading, and by a vote of 10-2 on final reading on July 28, 2025. It was signed by the Mayor on September 4, 2025, receiving Act Number A26-0148, and was transmitted to Congress on September 10, 2025. It became law on December 6, 2025.

The bill provides authority for implementing the District's FY26 budget and includes "Freedom of Information Clarification Emergency Amendment Act of 2025." This emergency amendment of D.C. FOIA was introduced to clarify the scope of exemptions and created a new exemption for particular data or records that the Criminal Justice Coordinating Council ("CJCC") and District of Columbia Sentencing Commission receive from a "court, federal agency, or federally established agency." A copy of the bill remains in Dropbox.

- b. Legislative Action with Implications for the D.C. Freedom of Information Act: On December 22, 2025, Councilmember Nadeau introduced B26-0555, the "Deadline Accountability Amendment Act of 2025." This legislation seeks to address a persistent problem of missed deadlines in District government. The bill creates an accountability mechanism: if a deadline has passed for any report or other document that the Council has required by a date certain, deliberative process privilege can no longer be used to withhold the draft document from a response to a D.C. Freedom of Information Act (D.C. FOIA) request.

Deliberative process privilege is a long-established common-law principle to protect pre-decisional, deliberative government communications, and to encourage candid internal discussions needed for governments to reach a formal decision. This bill's exemption "would narrowly apply to any document already required to be produced by law. While committees can address missing or overdue reports in the course of agency oversight, this can be time-consuming and distracts from other critical oversight priorities. Establishing an accountability mechanism – making a deadline mean more than just words – will also create an incentive for closer communication and collaboration between the Council and Executive to ensure that government is responsive to residents of the District." The bill has been added to Dropbox.

- c. Director of Open Government's Notice of Proposed Rulemaking Regarding the Open Meetings Act Closed Meeting Requirements: On January 7, 2026, the Director of Open Government issued a Notice of Proposed Rulemaking which creates a new section that sets forth the

procedural requirements public bodies must follow to enter closed meetings. The proposed amendments to Title 3 DCMR create a new section, 10411, which provides specific instructions for the procedures public bodies must follow before entering closed meetings or closing portions of a meeting. Specifically, the newly added section clarifies that public bodies must hold closed sessions immediately after the public body votes to close the meeting, except for adjudicatory public bodies, which may vote to close a meeting no earlier than the public meeting that occurs directly before the date of the planned closed session. The notice will be published to the D.C. Register for a 30-day comment period, which I will report back on next month.

- d. BEGA Board's Notice of Proposed Rulemaking Regarding the Director of Open Government: On December 12, 2025, BEGA issued a Notice of Proposed Rulemaking for the Board Meetings section of BEGA's regulations to the D.C. Register. The proposed amendment to Title 3 DCMR formalizes that the Director of Open Government shall present a report of the activities of that position at each regularly scheduled meeting of the Board of Ethics and Government Accountability. The notice was published to the D.C. Register on December 19, 2025, for a 30-day comment period, which will conclude on January 19, 2026.

#### **E. Administrative**

1. FY27 Budget Meeting with City Administrator: On December 10, 2025, I, along with Director Cooks, presented BEGA's FY27 budget submission to the Office of the City Administrator. The Mayor did not permit agencies to present budget enhancement requests for additional funding, but we made them aware that the proposed budget was insufficient to meet BEGA's requirements.
2. BEGA's Performance Oversight Hearing: Chairperson Hutcheson, Director Cooks, and I received correspondence from Councilmember Brooke Pinto on December 19, 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, January 28, 2026. I look forward to reporting on OOG's accomplishments in FY25 and OOG's goals for FY26, later this month.
3. OOG Congratulates Trial Attorney Brandon Lewis: OOG is pleased to announce that Attorney Lewis has been promoted to serve as OOG's Trial Attorney. Attorney Lewis served remarkably well as OOG's Attorney Advisor and we wish him great success in his new role.

**This concludes the Office of Open Government's January 8, 2026, report. I am happy to answer any questions the Board may have.**

Board member Sabin asked for more information about the pending legislation on deliberative process privilege. Director Allen indicated that the legislation would allow the Council to obtain drafts of required reports that would otherwise be exempt from production under D.C. FOIA. Board member Sabin raised concerns that this could have a chilling effect on the formulation of positions by the executive. Director Allen advised that OOG would formulate a position and weigh in on the legislation. Board Member Nottingham also noted that Council had tools other than FOIA to hold agencies accountable for late submissions such as appropriations and oversight hearings.

## V. Report by the Director of Government Ethics

Good morning and happy new year, Board member Tucker 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 Investigations

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	95
Open - Negotiations	0
Open - Show Cause Hearing	0
Grand Total	95

OPEN "UNDOCKETED MATTERS"	
Grand Total	12

PENDING/STAYED INVESTIGATIONS BY STATUS	
Closed - Pending Collection	33
Stayed - Pending DC Superior Court Case	2
Stayed - OAG False Claims Act Case	0
Stayed - OIG Investigation	3
Stayed - US District Court Case	2
Grand Total	40

REGULATORY MATTERS BY STATUS	
Closed - Pending Collection	48
Open	662
Grand Total	710

	Current	Last month	October
Investigations Open	95	77	67
Investigations Stayed	7	8	8

The number of open preliminary and formal investigations includes 24 new matters. The investigative team resolved 11 investigations since the Board last met. This total does not reflect the number of complaints that were dismissed for a lack of jurisdiction.

**B. Training/Outreach**

**1. Professional Development Trainings Attended by Staff**

Since the last board meeting, Chief of Staff Christina Mitchell completed a Peoplesoft course entitled “Leadership, the 6th Sense” on December 12, 2025. Attorney Advisor Brenda Keels attended a Practising Law Institute training entitled “Writing for Litigators” on January 5, 2026. Program Support Assistant Tionna Smith completed Peoplesoft courses “Introduction to DIFS” and “Using and Managing DC P-card”.

**2. Conducted by staff**

Since the last Board meeting, OGE conducted 7 training sessions: the December Monthly Ethics Training, two New Employee Orientation Ethics segments, an ethics training for the Office of Neighborhood Safety and Engagement (“ONSE”), a quarterly lobbyist training and a two seeking, negotiating and post-employment trainings for the Executive Office of the Mayor. In December, 19 users entered 15 course completions on the LMS.

Forty-six District employees completed ethics training using Peoplesoft and 57 new employees attended New Employee Orientation and received information on the District’s ethics rules in December.

**3. Outreach**

OGE Supervisory Investigator Ronald Cook, General Counsel Stewart-Mitchell and I attended the annual conference for the Council on Governmental Ethics Laws (COGEL) in Atlanta Georgia from December 7-10th. At the conference, we attended several panel discussions and presentations such as: “Adjusting to Changing Times While Holding True to Unchanging Principles”; “Staying Steady in the Storm: Lessons for Local Ethics Amid Washington’s Chaos”; “Where is the Line? Examining When Advice Intersects with Enforcement”; and “Government Social Media: Best Practices for Engagement.” We also attended conference regulars such as Ethics Update I and II, and Lobbying Update. On Monday, December 8<sup>th</sup>, Supervisory Investigator Cook participated in a panel discussion titled, Building the Case II: Planning, Drafting, and Executing Your Blueprints for a Successful Case, which covered tools to build a case from the ground up using a step-by-step model of the life cycle of an investigation.

On Tuesday, December 9<sup>th</sup>, I moderated a panel discussion titled, Fine Tuning Enforcement: Alternative Sanctions in Ethics Accountability with panelists: Jeremy Farris, Executive Director of New Mexico State Ethics Commission; Christopher Burton, Assistant Chief of Enforcement, California Fair Political Practices Commission; and Erin Ambrose, Staff Attorney at the City of Philadelphia Board of Ethics. The discussion focused on the impacts of monetary and alternative sanctions. Also, on Tuesday December 9<sup>th</sup>, I participated in the plenary session titled, Independence Under Fire: How to Protect Ethics Commissions from Political Interference. This session highlighted real-world examples of challenges to ethics commissions' independent decision making and discussed tested strategies and successful tactics to protect and preserve independent oversight. All sessions BEGA representatives participated in were well received. COGEL 2025 was educational and encouraging, as usual.

## **C. Advisory Opinions/Advice**

### **1. Informal Advice**

OGE's legal staff provided advice for approximately 30 ethics inquiries, which is 13 more than the 17 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 has not issued any formal advisory opinions since the last Board meeting.

### **3. Annual Best Practices Report**

Pursuant to D.C. Official Code § 1-1162.02(b), the Annual Best Practices Report, was completed and transmitted to the Mayor and each Member of the Council by December 31st. The report highlights the functional achievements of both OOG and OGE from fiscal year 2025 until December of this fiscal year. It also includes recommendations for actions that will strengthen the District's ethics rules and transparency laws, thereby strengthening the District's public integrity. A copy is in the Dropbox.

## **D. Legislation and Rulemaking Updates**

### **1. Council Legislation Affecting Financial Disclosure**

B26-0325 - Board of Ethics and Government Accountability Authority Clarification Amendment Act of 2025 is legislation that repeals BEGA's authority to designate employees and public officials as financial disclosure statement filers. This legislation is in response to BEGA's rulemaking which designated 47 boards and commissions as public financial disclosure statement filers. The amending language states: *Section 101(47)(I) (D.C. Official Code § 1-1161.01(47)(I)) is amended by striking the phrase "and any additional*

*employees designated by rule by the Board of Ethics and Government Accountability who make decisions or participate substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, regulating, or auditing, or act in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest”*

The Council is holding a public hearing on this legislation on January 13, 2026. Chair Hutcheson and I will testify at the hearing. We believe that the Campaign Legal Center (“CLC”) will also testify at the hearing.

## 2. Financial Disclosure Rulemaking

On September 27, 2024, pursuant to D.C. Official Code § 1-1161.01(47)(I), this Board designated members of 47 boards and commissions as public financial disclosure statement filers. Shortly after the rulemaking was finalized, OGE became aware that many of the boards had been repealed or merged with other designated boards. As a result, OGE has drafted a Notice of Proposed Rulemaking, which corrected the list of designated boards and commissions from 47 to 43, in 3 DCMR § 5710. The Notice was published in the register on November 21, 2025, and the 30-day comment period closed on December 21, 2025, without any comments.

On December 2, 2025, the D.C. Council passed B26-0518 and B26-0519, District of Columbia Boards and Commissions Financial Reporting Emergency and Temporary Amendment Act of 2025. Both pieces of legislation halt the applicability date for 3 DCMR § 5710 until April 3, 2026. With this legislation, the Council aims to exempt those board and commission members as filers in the 2026 financial disclosure season.

## E. OGE Administrative Matters

OGE is in the process of filling its vacancies for Investigator and Supervisory Attorney Advisor. The Supervisory Attorney Advisor vacancy opened on December 29, 2025.

## 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 D.C. Council’s fall Financial Disclosure filings were due on November 15, 2025. The FDS team has drafted a timeline for the 2026 Financial Disclosure season and begun internal preparations for the season.

## **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.

On December 17, 2025, Attorney Advisor Echols and Program Coordinator Kosick provided the quarterly lobbyist training to 21 attendees. We are currently in the 2025 Quarter 4 activity reporting and calendar year 2026 renewal registration periods. Both filings are due next Thursday, January 15th.

## **H. Public Investigations**

**24-0016-F and 25-0002-F In re Trayon White** – These are formal investigations based on: (1) the criminal indictment of the Ward 8 Council member for, allegedly agreeing to receive and accepting bribes and (2) allegations that he violated the Code of Conduct by failing to file a full and complete public financial disclosure statements. The Board scheduled a hearing in 25-0002-F to take place on February 5, 2026.

**Thank you. This concludes the Office of Government Ethics' January 8, 2026, report.**

Board member Nottingham asked about the pending legislation on the financial disclosure, asking whether the legislation is retroactive or prospective. Director Cooks advised the legislation is not retroactive and that the Chairman believes that BEGA should not have the authority to designate public officials. Director Cooks agreed that if legislation passes only the Council would be able to designate new public filers when they create the new boards and commissions.

## **VI. Public Comment**

There were no public comments.

## **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 11:58 a.m.

The Board approved an Amended Notice of Hearing in **25-0002-F In re Trayon White**.

The Board will meet next on February 5, 2026 at 10:00 am.

The meeting adjourned at 11:58 a.m.