

**DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
MEETING MINUTES – December 4, 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 December 4, 2025, at 10:00 a.m. Chairperson Norma Hutcheson and Board members Charles Nottingham, Felice Smith, Darrin Sobin, and Melissa Tucker attended 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 10:00 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 voted unanimously to adopt the agenda for the meeting. The Board approved the minutes for the October 2025 and November 2025 meetings.

IV. Approval of 2026 Schedule of Meetings

The Board approved the schedule of meetings for 2026.

V. 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 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

a. OMA Advisory Opinion – Shining Stars Montessori Academy Public Charter School, #OOG-2025-0057

On December 4, 2025, I issued an Advisory Opinion #OOG-2025-0057, in response to a complaint regarding a meeting held by Shining Stars Montessori Academy Public Charter School Board on September 20, 2025. The Complaint requested that OOG clarify “if public comment has to be allowed per” the OMA, and requested that the Shining Stars Montessori Academy Public Charter School Board “[s]hare the document with the ASPIRE framework with the parents with at least 30 days to review...[t]hen hold another meeting with public comment and public access to the full meeting...[and] [a]llow public participation in the meeting the entire time.”

I concluded that: (1) the delay in being admitted to the virtual meeting was a technical issue and not an OMA violation; (2) revision of the draft agenda, posting the revised agenda within the “48 hours or 2 business days” prior to the meeting, and not treating the draft agenda as a final agenda, are not OMA violations; (3) there was no OMA requirement for a public comment period during this meeting, nor under the OMA generally, but public comment in OMA subject meetings should be both consistent and fair; (4) the DC PCSB provides for the public to submit both written and audio public comment, as well as the ability to register to testify at its public hearings regarding matters before it; (5) the OMA does not require that documents provided to, or acquired by, public body members in advance of a meeting be provided to the public - however, documents shared or considered during an OMA meeting must be included in the meeting minutes as part of the “full record;” (6) OOG advises that Shining Stars Montessori Academy Public Charter School Board immediately implement a registration option that allows registration and joining of its meetings in, or close to, real-time; and that (7) it must add the required governance language to all future draft and final meeting agendas according to the DC Municipal Regulations.

A copy of the Complaint and Advisory Opinion have been added to Dropbox.

2. Informal Advice

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

10 requests for OMA advice;
13 requests for FOIA advice; and
15 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 seven (7) public body meetings. No corrective measures were communicated to the public bodies.

C. Training/Outreach

1. Meeting with D.C. Commission on Arts and Humanities ("CAH")

On November 6, 2025, OOG held an inter-office meeting with D.C. Commission on Arts and Humanities ("CAH") General Counsel, David Martinez, and Attorney Advisor David St. John at BEGA's offices. They described the functions of CAH as the designated state art agency of the District of Columbia. Chief Counsel Louis Neal, Attorney Advisors Joan Lelma, Anthony J Scerbo, and Brandon Lewis, and Paralegal Specialist Kimberly Brown provided information on D.C. FOIA, the OMA, and the Office of Open Government's activities. OOG's team provided a tour of our facility after the meeting.

2. Board of Ethics and Government Accountability ("BEGA") Wellness Event

On November 13, 2025, Attorneys Lelma and Lewis, Paralegal Specialist Brown, and IT Specialist Kevin Brown attended "Smile Therapy Workshop," a segment of BEGA's Wellness Event, facilitated by Christi Venable, Founder and CEO of Smile Therapy Services, LLC, Washington, DC. The workshop provided tools for assessing and improving one's self-care and covered the following eight (8) dimensions of wellness: physical; emotional; social; spiritual; intellectual; occupational; environmental; and financial. The attendees were provided with the opportunity to determine where development is required in individual selfcare through a quiz.

3. "Open Meetings Act Training for Local School Advisory Teams"

On November 15, 2025, Attorney Lelma presented Open Meetings Act Training to Local School Advisory Teams (LSATs). The session provided detailed instructions for complying with the OMA, followed by a brief question and answer segment which covered meeting procedures under the statute. Chief Counsel Neal attended the training virtually.

4. Open Meetings Act Webinar

On November 20, 2025, Attorney Lewis facilitated an OMA webinar for public bodies' members and their support staff. The session covered OOG's functions and an in-depth examination of the OMA's application to public bodies. OOG's staff attended the training.

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.

On September 12, 2025, the District filed an Opposition to Plaintiff's Motion for Summary Judgment and Reply in Support of the District's Motion for Summary Judgment. On September 26, 2025, DCOGC filed its Reply to the District's Opposition to Summary Judgment. A Motions Hearing was held on December 2, 2025. The Court heard arguments from both parties regarding the pending Motions for Summary Judgment. The Court has indicated that it will issue an order from chambers. Copies of the filings remain in Dropbox. OOG's staff will continue to monitor this case.

2. Legislation

- a. Legislative Action regarding Climate Change: As I reported last week, B-26-0066, the "Youth Advisory Council on Climate Change and Environmental Conservation Establishment Act of 2025," passed the Council on final reading. The bill was signed by the Mayor on Nov 10, 2025, transmitted to Congress on Nov 17, 2025, enacted on Nov 21, 2025, as Act A26-0179, and has been published in the DC Register.

The Act creates a new public body "to provide an organized youth perspective on various issues that impact climate change," subject to the Open Meetings Act and conducting its business according to Roberts Rules of Order. It calls for "[i]nformational material provided by the Office of Open Government concerning the duties of Youth Climate Council members." The Act and Committee Report are in Dropbox.

- b. Legislative Action regarding the Freedom of Information Act: The "Fiscal Year 2026 Budget Support Emergency Act of 2025," B26-0340, which included the "Freedom of Information Clarification Emergency Amendment Act of 2025," expired on December 2, 2025. On May 27, 2025, Chairman Mendelson introduced B26-0265, the Fiscal Year 2026 Budget Support Act of 2025, passing 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 transmitted to Congress on September 10, 2025. The projected law date is December 17, 2025.

Both bills provide authority for implementing the District's FY26 budget and include "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.” Copies of the bills remain in Dropbox.

E. Administrative

Government Operations Meeting: On December 2, 2025, I along with Director Cooks and Chief of Staff Christina Mitchell met with the Assistant City Administrator, Dr. Christopher Rodriguez and his staff. As part of the Government Operations Cluster realignment, BEGA will submit its proposed budget to ACA Rodriguez, and he will also coordinate BEGA matters with the Executive Office of the Mayor going forward. The meeting was an introductory meeting and Director Cooks discussed coordination with EOM for ethics training.

FY 2027 Budget Formulation: BEGA has been working with the Office of the Chief Financial Officer on its budget submission to the Executive Office of the Mayor, which is due on Friday, December 5, 2025. We will have our meeting with the Office of the City Administrator on December 10, 2025, to formally present BEGA’s budget plan.

This concludes the Office of Open Government’s December 4, 2025, report. I am happy to answer any questions the Board may have.

Board member Nottingham asked whether we expected any big changes with respect to the FY 2027 budget. Director Allen stated that the Executive Office of the Mayor has advised that they would not entertain any requests for additional funding in the upcoming budget, unlike in prior years.

VI. 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 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	84
Open - Negotiations	0
Open - Show Cause Hearing	0
Grand Total	84

OPEN "UNDOCKETED MATTERS"	
Grand Total	10

PENDING/STAYED INVESTIGATIONS BY STATUS	
Closed - Pending Collection	33
Stayed - Pending DC Superior Court Case	3
Stayed - OAG False Claims Act Case	0
Stayed - OIG Investigation	3
Stayed - US District Court Case	2
Grand Total	41

REGULATORY MATTERS BY STATUS	
Closed - Pending Collection	48
Open	864
Grand Total	912

	Current	Last month	October
Investigations Open	84	77	67
Investigations Stayed	8	8	8

The number of open preliminary and formal investigations includes 11 new matters. The investigative team resolved 4 investigations since the Board last met. This total does not reflect the number of complaints that were dismissed for a lack of jurisdiction.

The Quarterly Complaint Report for Quarter 4 of Fiscal Year 2025, covering the period from July 1, 2025, through September 30, 2025, was published to the BEGA website on November 24th. The heatmap and press release were published yesterday. Copies are in the DropBox.

B. Training/Outreach

1. Professional Development Trainings Attended by Staff

Human Resources Specialist Megan Stoutamire completed training on Understanding the DC Budget, Job Code Creation, Position Management and FMLA Red Flags. Chief of Staff Christina Mitchell took training on Progressive Discipline. General Counsel Asia Stewart-Mitchell completed a Practicing Law Institute course entitled "Writing for Litigators 2025".

2. Conducted by staff

Since the last Board meeting, OGE conducted 3 training sessions: the November Monthly Ethics Training, and two New Employee Orientation Ethics segments. In November, 70 users entered 98 course completions on the LMS.

Seventy-five District employees completed ethics training using Peoplesoft and 70 new employees attended New Employee Orientation and received information on the District's ethics rules in November.

3. Outreach

Next week, OGE Supervisory Investigator Ronald Cook, General Counsel Stewart-Mitchell and I will attend the annual conference for the Council on Governmental Ethics Laws (COGEL) in Atlanta Georgia from December 7-10th. On Monday, December 8th, Supervisory Investigator Cook will participate in a panel discussion titled, Building the Case II: Planning, Drafting, and Executing Your Blueprints for a Successful Case, which will cover 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 9th, I will moderate a panel discussion titled, Fine Tuning Enforcement: Alternative Sanctions in Ethics Accountability which will include panelist: 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 will focus on the impacts of monetary and alternative sanctions. Also, on Tuesday I will participate in the plenary session titled, Independence Under Fire: How to Protect Ethics Commissions from Political Interference. This session will highlight real-world examples of challenges to ethics commissions' independent decision making and discuss tested strategies and successful tactics to protect and preserve independent oversight. We are looking forward to COGEL and will give a full summary of the conference at the next board meeting.

C. Advisory Opinions/Advice

1. Informal Advice

OGE's legal staff provided advice for approximately 17 ethics inquiries, which is 17 less than the 34 reported at the November 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), BEGA is in the final stage of completing its Annual Best Practices Report, which will be transmitted to the Mayor and each Member of the Council by December 31st. The report will highlight the functional achievements of both OOG and OGE from fiscal year 2025

until December of this fiscal year. It will also include 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. Lobbyist Registration and Reporting

OGE published a Notice of Proposed Rulemaking for the Lobbyist section of BEGA's regulations on September 26, 2025. The proposed amendment to Title 3 DCMR changes the date on which each Activity Report is due from the 10th to the 15th of January, April, July, and October (Section 5803.2). The 30-day comment period closed on October 26th and we did not receive any comments. The Board voted to publish the Final Notice of Proposed Rulemaking at the last meeting. The Notice of Final Rulemaking was published in the DC Register on November 21, 2025 and the rulemaking is now final.

2. Financial Disclosure Amendment 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 corrects the list of designated boards and commissions in 3 DCMR § 5710. The Board approved the Notice of Proposed Rulemaking at the last board meeting. The Notice was published in the register on November 21, 2025 and the 30-day comment period closes on December 21, 2025. We will ask you to consider the Notice of Final Rulemaking for this rulemaking at the January board meeting.

On this Tuesday, 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 legislations halt the applicability date for 3 DCMR § 5710 to the 47 boards and commissions that were designated as filers 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. According to Chairman Mendelson, B26-0325 - Board of Ethics and Government Accountability Authority Clarification Amendment Act of 2025, will be introduced in January, which is legislation that repeals BEGA's authority to designate employees and public officials as financial disclosure statement filers.

E. OGE Administrative Matters

OGE is in the process of filling its vacancies for Investigator and Supervisory Attorney Advisor. I am pleased to announce that we have filled our Program Support Assistant vacancy. Please welcome Tionna Smith. She has several years of program support and customer service experience in the private and public sectors.

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 internal preparations for the season will begin in January.

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 September 19, Program Coordinator Stan Kosick opened the e-filing system for 2025 Quarter 3 Reporting. This Activity Report filing covered July 1 to September 30, and those Reports were due on October 15th. To date, 478 Q3 reports were filed (5 have been filed since the last board meeting). Enforcement for the first and second quarters is underway. Lastly, the lobbyist team is preparing a timeline for the 2026 lobbying reporting periods.

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' December 4, 2025, report.

Board member Nottingham asked about the number of regulatory matters by status. Director Cooks advised that the regulatory matters are the lobbyist waivers pending before the Board and financial disclosure filers who failed to timely file, including those who have failed to pay the fine for late filing. She expects that these numbers will decrease once OGE reconciles matters that were sent to garnishment or collections and closes out those matters.

VII. Public Comment

There were no public comments.

VIII. Executive Session (nonpublic)

The Board voted unanimously to enter into Executive Session to discuss ongoing, confidential investigations pursuant to D.C. Official Code § 2-575(b)(14), to consult with an attorney to obtain legal advice and to preserve the attorney-client privilege between an attorney and a public body pursuant to D.C. Official Code § 2-575(b)(4)(A), to discuss personnel matters including the appointment, employment, assignment, promotion, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials pursuant to D.C. Official Code § 2-575(b)(10), and to deliberate on a decision in which the Ethics Board will exercise quasi-judicial functions pursuant to D.C. Official Code § 2-575(b)(13).

IX. Resumption of Public Meeting

The meeting resumed at 11:32 a.m.

The Board approved an Amended Notice of Violation and Amended Scheduling Order in **25-0002-F In re Trayon White**.

The Board will meet next on January 8, 2026 at 10:00 a.m.

The meeting adjourned at 11:33 a.m.