DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
MEETING MINUTES – February 5, 2026

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 February 5, 2026, at 10:00 a.m. Chairperson Norma Hutcheson and Board members Charles Nottingham, Felice Smith, and Melissa Tucker attended the meeting in person. Board member Darrin Sobin attended the meeting virtually.

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 unanimously approved the agenda for the meeting and the minutes for the January 2026 meeting.

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 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:

29 requests for OMA advice;
11 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 seven (7) public body meetings. As a result of the monitoring, two (2) corrective measures were communicated. The public bodies failed to, respectively, (1) publish a complete meeting notice which should have included the location of the meeting (valid dial in number and access code or valid weblink and login information) pursuant to the Open Meetings Act and its Regulations; and (2) publish the full recording of its open session meeting in accordance with the District's open meetings laws.

C. Training/Outreach

1. BEGA Establishment and Comprehensive Ethics Reform Act Public Hearing

   On January 13, 2026, the District of Columbia Council (the "Council"), Committee of the Whole held a Public Hearing on B26-0325, "Board of Ethics and Government Accountability Authority Clarification Amendment Act of 2025." The Bill was introduced by Chairman Mendelson on July 11, 2025, referred to the Committee of the Whole on July 14, 2025, and it is under Council Review. This legislative measure seeks to "amend the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Act of 2011 to clarify the Board's ability to require certain individuals to file public financial disclosures." I attended the hearing in person, along with Senior Attorney Advisor Lynn Tran, Office of Government Ethics (OGE) General Counsel, Asia Stewart Mitchell, and OGE Legal Assistant, Coutnae Brown. BEGA Chairperson Norma Hutcheson and Director of Government Ethics, Ashley Cooks, provided testimony on behalf of the agency.

2. District of Columbia Government's General Counsel Wellness Retreat
   On January 16, 2026, Chief Counsel Neal attended DC Government's General Counsel Wellness Retreat at District of Columbia Department of Human Resources ("DCHR"). The retreat was facilitated by Christi Venable, Founder and CEO of Smile Therapy Services, LLC, Washington, DC. The theme of the retreat was "Leading Without the Weight: Breaking Stress Myths and Building a Healthier Leadership Mindset," and it focused on guiding general counsels and

other managing attorneys on how to lead with strength, clarity, and sustainable well-being. Among the topics covered were: "The Hidden Burden of Legal Leadership in DC Government"; "Understanding Stress: What Science Tells Us"; and "Building a Healthier Leadership Mindset in DC Government." The retreat concluded with relaxation exercises which included candle-making and sound bath therapy.

3. United States Department of Justice ("DOJ") "Privacy Considerations Training"

On January 21, 2026, Attorney Advisor Joan Lelma attended "Privacy Considerations Training," facilitated by Attorney Advisors Kaitlyn Krall, Caitlin Yuhas, and Michael Snytkin, of the Office of Information Policy, U.S. Department of Justice. The virtual training covered the application of Exemptions 6 and 7(c) of the federal Freedom of Information Act, when to provide a Glomar response to FOIA requests, and how to process Privacy Act requests.

4. Open Meetings Act Webinar for Department of Licensing and Consumer Protection ("DLCP") Boards and Staff

On January 23, 2026, Attorney Advisor Attorney J Scerbo facilitated an OMA webinar for DLCP's Boards and the members of staff. The session covered OOG's functions and an in-depth examination of the OMA's application to public bodies.

5. American Society for Access Professionals ("ASAP") FOIA Court Case Update

On January 29, 2026, I, along with Chief Counsel Neal, Attorney Advisors Lelma and Scerbo, and Trial Attorney Brandon Lewis attended virtually, the American Society for Access Professionals FOIA Cout Case Update. The training was facilitated by Attorney Advisor Michael Heise, Equal Employment Opportunity Commission, and Richard Huff, former Co-Director of Office of Information and Privacy, U.S. Department of Justice. Among the topics discussed by examining recent FOIA cases were Exemptions 1, 4, 5, 6, 7(A), 7(C), 7(D), and 7(E); procedural issues, such as expedited processing and record creation; and clawback.

D. Litigation and Legislative Update

1. Litigation

a. Carlton Theodore Landis v. Federal Bureau of Prisons (Case No. 21-0504 (D.D.C.))

This is a federal Freedom of Information Act ("FOIA") case in which the Plaintiff, an inmate at a federal penitentiary, challenged the responses of the Federal Bureau of Prisons ("BOP") and the Office of Personnel Management

("OPM") to his FOIA request. The Plaintiff sought "all data fields concerning all employees of the Bureau of Prisons" to include each employee's name, title series, grade, salary, and duty station for calendar years 2017 and 2018. OPM maintained responsive records in its Enterprise Human Resources Integration ("EHRI") database.

The Court found that Exemption 6 of federal FOIA allows OPM to withhold the names and duty stations of BOP employees. Records maintained in the EHRI database qualify as personnel files within the scope of federal FOIA's Exemption 6. BOP employees have a substantial privacy interest in their names and duty stations. The Court stated that information that reveals little or nothing about an agency's own conduct does not further federal FOIA's statutory purpose. Further, the Court found that the Defendant had plausibly asserted that releasing the names and duty stations of BOP employees would cause foreseeable harm by opening them to pressure from inmates to commit illegal acts under duress and subject them and their families to being searched on the internet or otherwise located by prisoners, former prisoners, or their families. The Court granted the Defendant's Motion for Summary Judgment. A copy of the Court's decision is in Dropbox.

b. Chicago Justice Project v. District (Case No. 2022-CA-001175-B (D.C. Super. Ct.))

I previously reported on this case in which the Chicago Justice Project ("CJP") filed suit to compel the Metropolitan Police Department ("MPD") to release certain records concerning the Gang Tracking and Analysis System, in a dispute regarding an advanced fee that MPD demanded for its D.C. FOIA review, and a similar amount that CJP demanded in attorney's fees.

An oral motions hearing was held on September 25, 2025. The Court heard the parties' arguments and took the Motion for *In Camera* Review under advisement. On January 29, 2026, the Court issued an order denying both CJP's Motion for *In Camera* Review and the District's Cross Motion for Enforcement of the Settlement Agreement.

The District's opposition to Plaintiff's motion was twofold. First, the District argued that the terms of the Settlement Agreement preclude CJP from litigating the request for *in camera* review and that, under the terms of the Agreement, CJP had waived its right to any further production. Second, it was the District's contention on the merits that its most recent production and Vaughn indices satisfied FOIA and that *in camera* review by the Court was not warranted.

The Court determined that the terms of the Settlement Agreement did not prevent CJP from litigating the request for *in camera* review and that CJP had not waived its right to further production. Having found that CJP had not waived it's right to litigate the matters in dispute, the Court turned to the substance of the parties' disagreement. The Court found that the District had adequately justified its reliance on the law enforcement exemption and thus, no *in camera* review of documents was necessary.

A remote status hearing has been scheduled for February 27, 2026, to discuss how the case will proceed. A copy of the Order has been added to Dropbox, and OOG's staff will continue to monitor this case.

c. Terris, Pravlik & Millian, LLP v. District (Case No. 2020-CA-003087-B (D.C. Super. Ct.))

I previously reported on this case in which Travis, Pravlik & Millian, LLP (TPM) sued the District under D.C. FOIA, alleging that the District failed to produce and post online various budget-related documents related to the Office of the State Superintendent of Education (OSSE) and the District of Columbia Public Schools (DCPS).

D.C. Superior Court denied the Mayor's Motion to Dismiss and granted TPM's Motion for Summary Judgment. The Court ordered the Mayor to produce the requested documents and to comply with the publication requirements of D.C. Official Code § 2-536. The Mayor appealed.

On appeal, the D.C. Court of Appeals affirmed the Superior Court's order requiring the production and online publication of the requested budget documents for fiscal years 2019 to the present. The Court vacated and remanded the portion of the order requiring the publication of other documents under D.C. Official Code § 2-536 and instructed the lower court to clarify the scope of the required publication.

On November 12, 2025, TPM filed a Motion for Contempt and for Further Injunctive Relief, asking the Court to hold the District in contempt of the Superior Court's July 23, 2021, Order requiring the District to produce to TPM and to post online the documents requested in TPM's October 18, 2019, D.C. FOIA request. TPM contends that the Mayor continues to withhold the documents despite the Superior Court's order compelling disclosure and the opinion of the D.C. Court of Appeals upholding that order and rejecting the Mayor's legal defenses. TPM also asked the Court to order further injunctive relief that requires the Mayor to post online the required budget materials for DCPS and OSSE on an ongoing basis.

On November 26, 2025, the District filed an Opposition to TPM's Motion. The District contends that it was working in good faith to identify and produce additional responsive documents when TPM chose to move for contempt. TPM filed a Reply in Support of its Motion on December 3, 2025. TPM contends that the Mayor's opposition confirms that she is in contempt of the Courts' FOIA response and online publication orders.

On January 30, 2026, TPM filed a "Notice of Recent Development Related to its Pending Motion" to call the Court's attention to a Memorandum to all Deputy Mayors and Agency Heads issued by the Chief of Staff of the Executive Office of the Mayor, which instructs them to refuse to produce to the District of Columbia Council (Council) any "agency's budget enhancement requests (such as 'Form B') submitted as part of FY25 and FY26 budget formulation." TPM contends that the instruction contained in the memo is directly contrary to the decisions of both the D.C. Superior Court and the D.C. Court of Appeals, and that the issuance of the memo is further evidence that the Mayor will not comply with the Court's order or D.C. FOIA. A status hearing has been set for February 20, 2026.

Copies of the motions and replies have been added to Dropbox. OOG's staff will continue to monitor.

2. Legislation

a. Legislative Action with Implications for the D.C. Freedom of Information Act: On February 2, 2026, Chairman Mendelson introduced PR26-0521, the "Budget Enhancement Request Litigation Authorization Resolution of 2026." By this measure "[t]he Council authorizes the Council's Office of the General Counsel to initiate, defend, intervene, participate, or take any other action in a matter in any court or tribunal on behalf of and in the name of the Council of the District of Columbia to assert the interest of the Council in obtaining certain agency budget enhancement requests that must be furnished to the Council pursuant to D.C. Official Code § 47-318.05a." In light of the appellate decision in *District Of Columbia v. Terris, Pravlik & Millian, LLP*, concerning the Mayor's disclosure and publication obligations under the D.C. FOIA, primarily with respect to agency budget-request documents (which I reported on during the July Board meeting), the Council appears to be preempting any potential delays in receiving the Mayor's budget package or required documents, particularly in light of the challenges experienced last year during the budget cycle and the ongoing litigation and recent motion to hold the Mayor in contempt of court for failing to follow the court's orders. The Council retained the measure on February 3, 2026, by a vote of 8-5.

The resolution, appellate decision, and related statute are in Dropbox.

E. Administrative

1. BEGA's Performance Oversight Hearing: On January 28, 2026, Chairperson Hutcheson, Director Cooks, and I presented information and testified before the DC Council Committee on the Judiciary and Public Safety, chaired by the Honorable Brooke Pinto, for the Board of Ethics and Government Accountability's annual performance oversight hearing. Due to the Snow Emergency, the hearing was conducted virtually. I highlighted OOG's FY25 and FY26 achievements within its existing programs, and OOG's goals for FY26. I requested that the Committee consider certain changes to the District's government transparency laws that would lead to the establishment of new programs at OOG to advance government openness and transparency. We also answered questions from Chairwoman Pinto. A copy of my testimony regarding the Office of Open Government is in Dropbox.

This concludes the Office of Open Government's February 5, 2026, report. I am happy to answer any questions the Board may have.

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 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	93
Open - Negotiations	0
Open - Show Cause Hearing	0
Grand Total	93

OPEN "UNDOCKETED MATTERS"	
Grand Total	6

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	47
Open	655
Grand Total	702

	Current	Last month	December
Investigations Open	93	95	84
Investigations Stayed	8	8	8

The number of open preliminary and formal investigations includes 9 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, Program Support Specialist Tionna Smith completed a Peoplesoft course entitled "Using/Managing the DC P-card". Chief of Staff Christina Mitchell attended Americans with Disabilities Act training.

2. Conducted by staff

Since the last Board meeting, OGE conducted 9 training sessions: the January Monthly Ethics Training, the January Monthly Hatch Act training, two New Employee Orientation Ethics segments, an ethics training for the Department of Licensing and Consumer Protection ("DLCP"), an outside employment training for the Office of Human Rights ("OHR"), a Hatch Act training for the DC Health Benefits Exchange ("DCHBX"), the quarterly Boards and Commissions training, and an Ethics Counselor Financial Disclosure training. In January, 20 users entered 47 course completions on the LMS.

Sixty-eight District employees completed ethics training using Peoplesoft and 66 new employees attended New Employee Orientation and received information on the District's ethics rules in January.

C. Advisory Opinions/Advice

1. Informal Advice

OGE's legal staff provided advice for approximately 29 ethics inquiries, which is 1 less than the 30 reported at the January 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.

D. Legislation and Rulemaking Updates

1. Council Legislation Affecting Financial Disclosure

Chairperson Hutcheson and I testified at a public hearing regarding B26-0325 - Board of Ethics and Government Accountability Authority Clarification Amendment Act of 2025 on January 13, 2026. BEGA received support from former Advisory Neighborhood Commissioner Robert Brannum and Kedrick Payne, Vice President for the Campaign Legal Center. This legislation is in response to BEGA's rulemaking which designated 47 boards and commissions as public financial disclosure statement filers. It would repeal BEGA's authority to designate employees and public officials as financial disclosure filers. I will continue efforts to express the agency's position on this legislation.

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 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. The Notice of Final Rulemaking was published in the DC Register on January 23, 2026, and became final upon publication.

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. OGE intends to send notice to all designated filers, including those boards and commissions listed in 3 DCMR § 5710, regarding their 2026 filing requirement which will be due on May 15, 2026.

E. OGE Administrative Matters

1. Staffing

OGE is in the process of filling its vacancies for Investigator and Supervisory Attorney Advisor.

2. 2025/2026 Performance Oversight

On January 28, 2026, I, along with Chairperson Hutcheson and Director Allen, gave testimony at our FY25-26 Performance Oversight Hearing before the Committee on Judiciary and Public Safety. I updated Councilmember Pinto on OGE's operations, including information on our training and advice efforts, investigations and enforcement and our two administrative programs: Financial Disclosure and Lobbying. I answered questions regarding pending legislation, Bill 26-0325, the potential passage of a Comprehensive Code of Conduct, and OGE's efforts to educate employees on the outside employment restrictions.

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.

We are excited to kick off FDS Season 2026! The FDS team sent out the 2026 Agency Head Memo, which is OGE's initial request for information and instructions that launches the Financial Disclosure season. The Agency Head Memo informs Directors, Councilmembers, and Ethics Counselors to send their agencies' filer lists to OGE on or before March 2, 2026. We are looking forward to another successful filing 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.

Lobbyist quarter four registration renewals and activity reports were due January 15, 2026. An average of 97% of the filings were submitted on time. The LRR team is in the process of completing enforcement for the registrants who failed to timely file activity reports for quarter three.

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 today, February 5, 2026.

Thank you. This concludes the Office of Government Ethics' February 5, 2026, report.

Board member Nottingham asked about the 702 matters being tracked in the system. Director Cooks advised those matters were regulatory matters by status. These include lobbyists who fail to timely file reports as well as financial disclosure filers who have failed to file. The matters pending collection include those pending collection from the Office of Pay and Retirement Services or the Central Collections Unit. The number of pending regulatory matters has decreased from almost 900 at the start of the year.

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 11:39 a.m.

The Board approved a negotiated disposition in **25-0075-P In re C. Franklin**. The Board also approved a Notice of Final Rulemaking for the Office of Open Government.

The Board will meet next for its monthly board meeting on March 5, 2026 at 10:00 a.m.

The meeting adjourned at 11:39 a.m.