

MEETING MINUTES

District of Columbia

Board of Ethics and Government Accountability

Monthly Meeting of the Board

February 7, 2013 1:00 pm

Suite 830 South – Hearing Room

One Judiciary Square

- I.** Call to Order
 - a. Meeting called to order at 1:07 pm by Chairman Robert Spagnoletti in Board of Ethics Hearing Room at One Judiciary Square, 441 4th Street NW, 830 South, Washington, DC 20001.

- II.** Ascertainment of Quorum
 - a. All Board Members (Robert Spagnoletti, Laura Richards, Deborah Lathen) in attendance.
 - i. Quorum ascertained.

- III.** Adoption of the Agenda
 - a. Deborah Lathen moved to adopt Agenda.
 - b. Laura Richards seconded the motion.
 - i. Agenda adopted unanimously.

- IV.** Adoption of the Minutes of any previous meetings of the Board not already adopted, including the minutes from the Regular Monthly Meeting held on January 10, 2013 and the Special Meeting held on January 18, 2103.
 - a. Deborah Lathen moved to adopt the Minutes.
 - b. Laura Richards seconded the motion.
 - i. Minutes adopted unanimously.

- V.** Report by the Director of Government Ethics
 - a. Office renovations are completed and the office is ready for staff.

- VI.** Update on Status of Board Operations
 - a. 15 pending investigations
 - i. 3 closed investigations

- b. 4 requests for an advisory opinion
 - i. 5 advisory opinions issued to be published
- c. ProLaw will be up and running within four weeks.
 - i. Staff has already participated in ProLaw training.
 - 1. ProLaw will provide BEGA with a great tool for processing statistics.

VII. Discussion: Recent Council Legislation Affecting BEGA

- a. Local Hatch Act
 - i. BEGA is being tasked with enforcement authority.
 - 1. Board agrees that it makes sense for BEGA to enforce the Local Hatch Act.
 - a. \$100,000 will be re-programmed to allow for the hiring of another attorney for Local Hatch Act enforcement.
 - i. The re-programmed funds will cover personnel costs (computer, desk, salary).
 - ii. The \$100,000 figure comes from an OCFO assessment.
 - b. DGS has surveyed BEGA's current office space issues but has not provided a plan yet.
 - i. Funds left over from lapse funds will be used to cover the cost of build out.
 - ii. The Local Hatch Act will be made a part of the Code of Conduct.
 - 1. Once incorporated, the same procedural requirements that apply to the Code of Conduct will apply to the Local Hatch Act.
 - iii. Will Local Hatch Act Enforcement increase the anticipated case load?
 - 1. Yes, DC never had enforcement authority before, the Federal government did.
 - a. Case load will go from zero to something, may increase quite a bit.
- b. Alternative Dispositions
 - i. Proposed legislation would provide BEGA with a graduated series of penalties.
 - 1. Censure
 - a. Currently, BEGA can only censure elected officials.
 - b. The proposed legislation would provide BEGA with authority to censure any DC employee.
 - 2. Informal Non-Public Admonition
 - a. For de minimis violations.

- b. Would admonish the employee, but not publicly, so they don't risk losing their job.
 - ii. Though not all of the proposed sanctions will be public, they will still be transparent.
 - 1. Letters would be posted with names redacted.
 - a. This would allow for tracking and provide information on areas where there is a need for ethics training.
 - iii. Board doesn't feel that informal admonitions should be available to elected officials.
 - 1. Unlike employees, who are disciplined by management, Councilmembers have no other disciplinary body other than BEGA.
 - c. Public Roundtable, Thursday, February 14, 2013.
 - i. BEGA staff will draft testimony for Board review.
 - 1. Darrin Sobin, Director of Government Ethics, will present.
 - 2. BEGA Board Members Deborah Lathen and Laura Richards will attend.
 - d. Hearings on Campaign Finance Reform - Councilmember McDuffie
 - i. BEGA has been requested to attend and weigh in on Campaign Finance Reform because it is addressed in the BEGA Best Practices Report.
 - 1. OAG has provided BEGA their recommendations.
 - a. Board recommends using OAG recommendations as a starting point for BEGA staff review and recommendations.
 - b. Board recommends reaching out to BOEE for their thoughts as well.

VIII. Staffing and Job Announcements

- a. Staffing – Investigators and Attorneys
 - i. One investigator is currently in the office.
 - ii. One investigator and one attorney will start on Monday, February 11, 2013.
 - iii. One more attorney will be hired for the Local Hatch Act.
 - iv. One more attorney will be hired for Fiscal Year 2014 to handle BEGA's increasing workload.
- b. Staffing – Staff Assistant
 - i. Position opening has been posted.
 - 1. Due to BEGA's handling of Financial Disclosure Statements and Lobbyist Registration Forms, another Staff Assistant will likely be needed.
- c. Director of Open Government

- i. 16 candidates are currently being evaluated.

IX. Proposal by Member of the Public that Unapproved Board Minutes be Posted Prior to Adoption

- a. Board does not support posting minutes that are still in draft form.
 - i. A time frame will be developed to approve Meeting Minutes by email prior to the Board's monthly meeting so that a finalized version may be posted sooner.

X. Quarterly Report Format

- a. Board approves format.
 - i. Board recommends adding a column to reflect the date received.
 - ii. Board recommends including advisory opinions on the Report.
- b. Board approves posting the Quarterly Report.

XI. Financial Disclosure and Lobbyist Registration Filing System

- a. The system will be operational no later than March 15, 2013.
 - i. Technical issues are currently delaying launch of the system.
- b. Filing was completed by hand this time.
 - i. A special thanks to Sandra Peterson for all her hard work on the project.
 - 1. Thanks to OCTO as well, who published them to the web without extra charge.
- c. Late Fees – waived?
 - i. Board agrees that late fees should be waived for this round of filings to give people time to adjust to the new system.
 - 1. Board approves a 15 day grace period.
 - a. The 15 days will be calculated in accordance with the statute.

XII. Public Comment on Lobbyist and Financial Disclosure Filing Rulemaking

- a. The public comment period has been open for 30 days and no comments have been received.
 - i. Board approves proceeding to final rulemaking.

XIII. Update: Best Practices Report

- a. BEGA received the Report from the outside firm assisting with its drafting.
- b. BEGA staff revised and added to the Report, sent it back to the outside firm.
- c. The outside firm has returned the Report to BEGA staff who have not yet had an opportunity to review.
 - i. Board requests that the Report be sent to the Board in its current state.

XIV. Update: BEGA Trainings

- a. Training will include comprehensive ethics training with a focus on how Agency Ethics Counselors fit in with what BEGA does.
 - i. Their role is now more advisory, they can no longer provide whistleblower protection.
 - 1. They would now send an employee to BEGA for whistleblower protection.
- b. After Agency Ethics Counselors are trained, the training will be taken on the road.
 - i. Director of Government Ethics will be presenting to the public in March as a result of a Hillcrest Community Meeting that he and Board Member Laura Richards attended.
- c. BEGA has been receiving about 12 requests for informal advice per week.
 - i. Half of those from Ethics Counselors, half from individuals.
- d. Strategy for reaching the public?
 - i. Board feels it is time to develop a strategy.
 - ii. Much of the work is promoting the BEGA website.
 - 1. The website is ready to be further promoted.
- e. Website servicing separate from OCTO?
 - i. Many independent Boards and Agencies are separate from OCTO.
 - 1. Board feels it is something to consider.

XV. Board Discussion: Councilmember Jim Graham Investigation

- a. Chairman read a summary of the Memorandum Opinion at 1:45 pm.
- b. Board thanks BEGA staff for their work on the matter.

XVI. Executive Session (non-public) to Discuss Ongoing Investigations and Personnel Matters

- a. Board adjourns to Executive Session at 1:58 pm.

XVII. Adjournment

- a. Board adjourns at 3:10 pm.