

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

DRAFT MEETING MINUTES – MARCH 2, 2023

The District of Columbia Board of Ethics and Government Accountability held a meeting on March 2, 2023 at 12:00 p.m. The meeting was held remotely via WebEx. The Board’s Chairperson Norma Hutcheson participated as well as Board Members Charles Nottingham, Felice Smith and Melissa Tucker. These draft minutes must be approved by the Board. Full meeting minutes will be posted after the next Board meeting. Questions about the meeting may be directed to bega@dc.gov.

Members of the public were welcome to attend, and a recording of the meeting will be made available on open-dc.gov and BEGA’s YouTube channel.

I. Call to Order

The meeting was called to order at 12:01 p.m.

II. Ascertainment of Quorum

A quorum was established with four Board members, Chairperson Hutcheson, Charles Nottingham, Felice Smith, and Melissa Tucker present.

III. Adoption of the Agenda/Approval of Minutes

The Board voted unanimously to adopt the agenda and approve the minutes from the February 2, 2023, meeting.

IV. Report by the Director of Open Government

Good afternoon, 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”). Since the last Board meeting, OOG has continued to fulfill its mission of ensuring that all persons receive full and complete information regarding the affairs of the District of Columbia government and the actions of those who represent them.

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

1. Advisory Opinions and Formal Legal Advice

On February 17, 2023, I issued advisory opinion, #OOG-2022-0005-M. The issue was whether the Alcoholic Beverage Control Board (“ABC Board”) provided proper public notice of its closed meeting to discuss an ongoing investigation of the Big Board, a liquor licensee regulated by the ABC Board. I found the following: (1) the ABC Board failed to cite the proper justification for entering into a closed session of a meeting to discuss the Big Board on January 26, 2022;

(2) the ABC Board's use of the OMA citation to enter a closed session of a meeting to discuss an ongoing investigation was improper; (3) that the proper citation for the ABC Board to enter closure on January 26, 2022, concerning the Big Board, was to deliberate upon a decision in an adjudication action or proceeding by a public body exercising quasi-judicial functions; and (4) the ABC Board violated the OMA's "Notice of meeting" requirements because it failed to provide the public notice that it would meet on January 26, 2022, in a closed session to deliberate upon a decision in an adjudication action or proceeding by a public body exercising quasi-judicial functions.

2. FOIA Advice on Publishing of Public Comments to Public Body's Website

On March 1, 2023, I responded to a public body inquiry on how to comply with the District of Columbia Freedom of Information Act of 1976 ("D.C. FOIA"), when publishing public comment submissions to its proposed new website. D.C. Official Code § 2-536(a)(5), which is the proactive publishing requirement of the D.C. FOIA, requires among other things that "the following categories of information are specifically made public information, and do not require a written request for information ... [c]orrespondence and materials referred to therein, by and with a public body, relating to any regulatory, supervisory, or enforcement responsibilities of the public body, whereby the public body determines, or states an opinion upon, or is asked to determine or state an opinion upon, the rights of the District, the public, or any private party." For both the current and planned, websites I advised that the public body must post relevant submissions pursuant to D.C. Official Code § 2-536(a)(5), which includes redacting from some submissions information that does not comply with D.C. Official Code § 2-536(a)(5) or contains personally identifiable information ("PII"). There is no statute excluding from D.C. FOIA the entity's public comment correspondence it receives to publish on its website. Therefore, it must post proactively to its website the records that fall under D.C. Official Code §2-536(a)(5). It must retain but does not have to publish proactively, correspondence that does not meet the requirements of D.C. Official Code §2-536(a)(5). The public may obtain this correspondence by submission of a D.C. FOIA request. I opined that the public body must also modify its current website language regarding policies on posting public comments and informal comments.

3. Informal OMA/FOIA Advice

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

OOG responded to three (3) requests for OMA advice.

OOG responded to eight (8) requests for FOIA advice; and

OOG responded to twenty-four (24) requests for technical assistance with open-dc.gov.

B. Remote Meeting Monitoring

OOG attorneys attend remote public meetings to ensure compliance with the OMA

and inspect public body websites and the OOG's central meeting calendar for public meeting notices and records. We provide legal advice on OMA compliance and take corrective action if necessary.

During February 2023, OOG attended thirteen (13) remote public body meetings. As a result of the monitoring, eight (8) instances of written corrective measures were taken. The public bodies failed to post agendas along with the OMA regulatory statement. The OMA requires each meeting notice to include the date, time, location, and planned agenda to be covered at the meeting. *D.C. Official Code § 2-576(5)*. Public bodies must post the OMA regulatory statement, "This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov," on all draft and final meeting agendas. *3 DCMR 10409.2*.

C. **Training/Outreach**

1. Privacy Training, Practicing Law Institute

On February 3, 2023, Attorney Weil attended the virtual course, "Health Privacy Foundations." The course "introduce[d] the key concepts and highlight[ed] the core laws to understand the connection between privacy law and...health and healthcare," including the Health Insurance Portability and Accountability Act of 1996, its Privacy Rule, and related federal and state statutes relating to privacy and security in health information. The panelists emphasized that the right of access is much more of a current focus by regulators than disclosure or breaches.

2. Office of Attorney General ("OAG") Training on Finding the Law of the District

On February 6, 2023, the OOG Legal Staff, Chief Counsel Barton, and I attended the OAG presentation of "Finding the Law of the District, Based on Chapter 1 of the D.C. Practice Manual." The presentation covered: the legal definition of the District of Columbia; the definitions and sources of law that apply in the District; real and prima facie evidence of law; the role of the D.C. Register and posting therein; governmental and private reference sources on researching the law of the District, including historical sources; the precedential effect of judicial decisions at the federal and local levels; and administrative rules and decisions as sources of law.

3. Juvenile Confidentiality Laws Training, Office of Attorney General ("OAG")

On February 14, 2023, Attorney DeBerry, Attorney Weil and Attorney Scerbo attended the Juvenile Confidentiality for Civil Attorneys & General Counsel staff training presented by the OAG. The training discussed confidentiality of records regarding juvenile proceedings and how to obtain juvenile records for litigation purposes. The training was very informative as well as insightful.

4. Advisory Neighborhood Commissioners ("ANC") Annual FOIA Trainings

On February 15, 2023, I conducted 2 FOIA trainings via WebEx for the Advisory

Neighborhood Commissioners. The trainings were held at 1 pm and 6 pm to allow for optimal participation. There was a total of 23 attendees at the 1 pm training and a total of 21 attendees at the 6 pm training. The ANC's annual FOIA training takes place in accordance with D.C. Official Code § 1-309.04(d)(6). The training was well received.

5. Committee on Executive Administration and Labor

On February 16, 2023, I along with Director Cooks, Attorney Tran, and Chief of Staff Mitchell met with Councilmember Anita Bonds and her staff. We provided an overview of our programs and our operations and answered questions from Councilmember Bonds.

D. Litigation and Legislative Update

1. Litigation

a. Attorney General's FY 2022 FOIA Report to Council

On February 1, 2023, Attorney General Schwalb submitted his FY 2022 FOIA Report to the D.C. Council. The report lists the details of the 29 FOIA cases that were open in the District's courts at the start of the 2022 fiscal year. Of those, 19 remain open.

The report is in Dropbox.

b. Staley v. Bowser ("Sunshine Act" case) (Case Nos. 2021 CA 003930 B (D.C. Super. Ct.); 22-CV-0303 (D.C. Ct. App.))

On October 28, 2021, three residents of Brentwood invoked the rarely litigated Sunshine "Act" in suing the Mayor and the District to enjoin the construction of a school-bus terminal at Montana Ave. and W Street N.E. The complaint included four claims, among them the allegation that "[d]ecisions made by" the applicable "[a]gencies of the D.C. Government have not been open to the public" (Compl. at 33–35).

Section 742 of the Home Rule Act, D.C. Official Code § 1-207.42 is commonly known as the Sunshine Act. Subsection (a) of the Sunshine Act reads: "All meetings (including hearings) of any department, agency, board, or commission of the District government, including meetings of the Council . . . , at which official action of any kind is taken shall be open to the public. No resolution, rule, act, regulation, or other official action shall be effective unless taken, made, or enacted at such meeting." The Superior Court dismissed the plaintiffs' complaint for lack of standing and, as such, did not reach the Sunshine claim on the merits. (Order at 8 & n.2.) Still, the plaintiff-appellants have argued the Sunshine provision on appeal, including urging the court to adopt a Florida court's rationale that sunshine" implies *advance notice*: " 'Although the [Florida Sunshine Law does not specifically mention such a requirement, as a practical matter in order for a . . . meeting to be in

essence ‘public,’ we hold reasonable notice thereof to be mandatory.’ ” (Op. Br. at 31–33 (quoting *Hough v. Stembidge*, 278 So. 2d 288, 291 (Fla. Dist. Ct. App. 1973)).) The District and the Mayor respond that the appellants did not adequately plead any relevant “official action taken in a non-public meeting.” (A’ee Br. at 39.)

Oral argument is scheduled for March 7, 2023.

Pertinent documents are in Dropbox: the complaint, the motion-to-dismiss papers from Superior Court, and the appellate briefs (the brief of *amicus curiae* Empower DC does not address the Sunshine claim).

c. *WP Company LLC v. Dep’t of Homeland Sec’y re: fees and costs in a federal FOIA case* (Case No. 1:20-cv-1487-TNM (D.D.C.))

On February 6, 2023, the United States District Court awarded *The Washington Post* \$55,741.55 in attorneys’ fees and litigation costs in relation to its federal Freedom of Information suit against the Departments of State and Homeland Security.

The Post’s legal entity had alleged that 34 of its record-requests were erroneously denied or less-than-fulfilled by the agencies. (Op. at 1, 2). The agencies argued that the delays were “justified” by the COVID-19 pandemic’s “upend[ing the Department of] State’s processing capabilities” and by the need for “external and internal consultations” to process “most of the requests.” (*Id.* at 6 (citations omitted).) But the agencies eventually began complying and, “after two years,” *The Post* “decided it was satisfied with their responses” and “ ‘d[id] not wish to challenge any withholdings or the searches,’ ” which “resolved the core of this case.” (*Id.* at 1, 2 (citation omitted).) At the last stage, *The Post* moved for attorneys’ fees and costs.

The District Court considered four factors from *Jud. Watch, Inc. v. U.S. Dep’t of Commerce*, 470 F.3d 363, 369 (D.C. Cir. 2006), in evaluating *The Post*’s eligibility for fees and costs: “ ‘(1) the public benefit derived from the case; (2) the commercial benefit to the plaintiff; (3) . . . the plaintiff’s interest in the records; and (4) the reasonableness of the agencies’ withholding.’ ” (Op. at 4 (quotation cleaned up).) The Court awarded *The Post* about 60% of its petitioned-for amount.

The opinion, and the parties’ filings for and against fees/costs, are in Dropbox.

d. *Phillips re: alleged Metropolitan Police Department watchlist* (Case No. 1:22-cv-00277-JEB (D.D.C.))

The District Court has reset the post-discovery status conference for June 16, 2023.

OOG staff will continue to monitor these cases.

2. Legislation

a. Fiscal Year 2022-2023 Performance Oversight Hearing

On March 1, 2023, Chairperson Hutcheson, Director Cooks and I appeared in person before the Committee on Executive Administration and Labor for BEGA's Performance Oversight Hearing. We provided testimony on behalf of BEGA to the Committee Chairperson, Councilmember Anita Bonds. Respecting OOG, I focused on our increased training and outreach efforts in the past two fiscal years. I also highlighted our performance concerning drafting legal opinions on the OMA and FOIA in response to complaints and inquiries. I recommended several changes to the OMA and FOIA. Most significant is the inclusion of ANCs into the OMA. I plan to submit revised testimony for the record that will include draft legislation. I also support the DC Open Government Coalition proposed legislation to create a Commission to provide recommendations to the Committee about open government legislative reforms. Councilmember Bonds received the idea of a "Task Force" very well and would like to create two – one for open government and the other for ethics. Our testimony was well received, and we ably responded to Chairperson's Bonds follow-up questions. We will also provide to the Committee timely any supplemental information that was requested by March 11, 2023, the date the official record closes.

b. Comprehensive Cannabis Legalization and Regulation Act of 2023 (B25-0052)

Eight D.C. Councilmembers are sponsoring the Comprehensive Cannabis Legalization and Regulation Act of 2023. Section 13 would amend D.C. FOIA so as to add a new Exemption 18, permitting withholding of "[i]nformation related to the location of the premises owned by a cultivator or manufacturer licensee."

The bill (as introduced) is in Dropbox. The proposed D.C. FOIA amendment appears on page 69, *ll.*1593–96. This language previously appeared in an unenacted bill from 2021.

c. Virginia Freedom of Information Act – Electronic Payment of Public Records Charges (HB 2006 (Va.)) and Posting of Fee Policy (HB 2007 (Va.))

House Bill 2006 (from Virginia's House of Delegates) would permit "[a]ny local public body that charges for the production of records" under The Virginia Freedom of Information Act to allow "electronic method[s] of payment."

As I previously reported, House Bill 2007 would add clarity to the FOIA fee structure and abolish subjective fees and costs. The bill would require that any public body subject to The Virginia Freedom of Information Act, "any

county or city, any town with a population of more than 250, and any school board shall make available . . . to the public,” and upload, “[a] written policy (i) explaining how the public body assesses charges for accessing or searching for requested records and (ii) noting the current fee charged, if any.”

Both bills passed their second chamber on February 13, 2023, and go to the governor next. The enrolled versions are in Dropbox.

OOG will continue to monitor the legislation.

D. Administrative Matters

1. BEGA 1030 15th Street, NW Relocation

On February 8, 2023, February 16, 2023, and February 22, 2023, I, along with Director Cooks, Chief of Staff Mitchell, and Administrative staff members met with the Department of General Services and the Office of the Chief Technology Officer to discuss the progress of the agency’s relocation to its new facility at 1030 15th Street, NW.

2. Office of the Chief Financial Officer

On February 13, 2023, I along with Director Cooks and Chief of Staff Mitchell met with Assistant CFO Angelique Rice to discuss BEGA’s service from the OCFO. We discussed our AFO service and the agency’s needs respecting financial matters and the performance of the OCFO’s DIFS system. We also subsequently learned that due to the FY24 CFO’s projections, the Mayor needs to reduce the budget by 25%. Since BEGA’s program budget has been leaned out to the maximum capacity, the agency will not be included in this round of budget cuts.

This concludes the Office of Open Government’s March 2, 2023, report. I am happy to answer any questions the Board may have at this time.

Chairperson Hutcheson commended Director Allen and Director Cooks for their testimony at the Performance Oversight Hearing before the Committee on Executive Administration and Labor held yesterday.

V. Report by the Director of Government Ethics

General Counsel Rashee Raj presented the report on behalf of Ashley Cooks, the Director of Government Ethics.

Good afternoon, Chairperson Hutcheson and Members of the Board. 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	53
Open - Negotiations	0
Open - Show Cause Hearing	0
Grand Total	53

OPEN "UNDOCKETED MATTERS"	
Grand Total	2

PENDING/STAYED INVESTIGATIONS BY STATUS	
Closed - Pending Collection	26
Stayed - Pending DC Superior Court Case	3
Stayed - OAG False Claims Act Case	3
Stayed - OIG Investigation	4
Stayed - US District Court Case	0
Grand Total	36

REGULATORY MATTERS BY STATUS	
Closed - Pending Collection	26
Open	5
Grand Total	31

	Current	Last month	January
Investigations Open	53	55	54
Investigations Stayed	10	10	17

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. Trainings/Outreach

1. Professional Development Trainings Attended by staff

During the month of February, Senior Attorney Advisor Lynn Tran attended a PLI training titled Corporate Social Responsibility: Evaluating Political Activity Compliance in the Current Crossfire. Attorney Advisor Maurice Echols attended three National Black Prosecutors Association Trial Masters Courses: Opening Statement/Closing Argument, Cross Examination, and Direct Examination. Investigator Ralph Bradley attended two trainings, Communicating Non-

Defensively and How to Manage Conflict Effectively. Most of OGE's staff attended BEGA WebEx Training presented by OOG's Kevon Bridges about how to navigate the application more effectively.

2. Conducted by staff

Since the February Board meeting, OGE conducted 8 trainings: the February Monthly Ethics Training, Board and Commissions Training for the DC Developmental Disabilities Council Annual Retreat, three Ethics Counselor Financial Disclosure Statement Trainings, two Advisory Neighborhood Commission Ethics Trainings, and the first of two trainings for the DC Office of Risk Management.

This past Monday, Attorney Advisor Maurice Echols and General Counsel Rashee Raj presented the February Ethics Counselor Brown Bag Session on Employee Cooperation & Retaliation laws. Several Ethics Counselors were in attendance and enjoyed participating in a long and involved hypothetical scenario touching on the intersection of these concepts. A copy of the presentation was placed in the drop box for your review.

During February, twenty employees completed our online ethics training via PeopleSoft. Since the launch of the Learning Management System in April 2022, 432 employees have registered and completed training modules. In the past month, 51 new users have completed 102 courses with BGA920 "Advisory Neighborhood Commissioners Ethics Training" and BGA 909 "Conflicts of Interest: An Overview" having the most attendees and completions. We continue to meet with our LRN program manager to discuss ways to optimize the system and increase employee registration.

3. Outreach

OGE and OOG are finalizing the changes to the new BEGA website. The website team, which consists of Director Cooks, Director Allen, Chief of Staff Mitchell, Senior Attorney Tran, and IT Specialist Bridges, recently submitted final changes to the new website. We are scheduled to meet with the Office of the Chief Technology Officer's website development staff on March 10th to discuss completion of the project.

4. BEGA Newsletter

On February 15th, OGE published volume eight, issue one of its newsletter, "Ethically Speaking." This issue highlights African American leaders who are making positive strides in the ethics and compliance field; provides information on the U.S. Office of Government Ethics' recently issued opinion on the application of 18 U.S.C. § 208 to official social media usage; notifies of BEGA's most recent case dispositions; and provides updates on state and local ethics news that occurred outside of the District. The next issue will be released in April. A copy was placed in the drop box for your review.

C. Advisory Opinions/Advice

1. Informal Advice

OGE's legal staff provided advice for approximately 39 ethics inquiries, which is 14 more than the 25 reported at the last Board meeting. This number does not include responses we have provided to questions regarding the Lobbyist and FDS e-filing systems. OGE has not issued any formal advisory opinions since the last board meeting.

D. Legislation Updates

1. 2022-2023 Performance Oversight

Yesterday, Chairperson Hutcheson, Director Allen, and Director Cooks provided testimony and information on the agency's performance before the Committee on Executive Administration and Labor. Director Cooks' testimony included updates on OGE's education and training, which included 106 ethics trainings conducted in Fiscal Years 22 and 23. According to OGE's FY 22 key performance indicators 95% of training evaluations completed by attendees resulted in an overall positive rating of three or higher on the BEGA training evaluation form. OGE responded to 385 requests for informal advice during FY 22, plus an additional 173 informal requests in FY 23, as calculated as of February 15. Director Cooks highlighted OGE's investigations and enforcement by informing the Committee that in FY 22 and FY 23, OGE received 251 complaints and initiated 163 preliminary and formal investigations. In FY 22, OGE closed 127 investigations and in FY23 we closed 43 investigations. Of the closed investigations, 12 resulted in negotiated dispositions, with fines ranging from \$750 to \$15,000, totaling \$46,050.00. During that same time period, Director Cooks imposed \$2,000.00 in ministerial fines. Regarding OGE's lobbying activities, in calendar year 2022, OGE received 339 lobbyists' registrations and 1,854 activity reports, which resulted in \$113,850.00 in registration fees. In calendar year 2023, as of February 15th, OGE has received 279 lobbyists' registrations and 464 activity reports, resulting in \$88,550.00 in registration fees. An update of the Financial Disclosure program revealed that the FY 22 filing season was successfully completed in June 2022 with 3,830 public filers submitting their financial disclosure statements using the e-filing system and 3,614 confidential filers submitting statements within their agency. Director Cooks' testimony also highlighted OGE's plans for the remainder of this fiscal year, along with the agency's persistence on the passage of a Comprehensive Code of Conduct. A copy of Director Cooks' complete testimony was placed in the drop box for your review.

2. Meeting with Councilmember Bonds

In addition to the performance oversight hearing, Director Allen and Director Cooks, as well as Senior Attorney Tran and Chief of Staff Mitchell, met with Councilmember Bonds on February 16th at the Wilson Building. We provided information on the agency's operations and priorities. We also answered questions

regarding the agency's jurisdiction. By the end of the meeting, all parties agreed to achieving certain goals in the best interest of the District government.

E. OGE Administrative Matters

1. OGE Staffing

After reviewing resumes and interviewing candidates, OGE selected Ms. Franshun Vann to fill its Attorney Advisor vacancy. Ms. Vann started this past Monday. She previously served as an Associate at Goldberg Segalla LLP where she was a part of their civil litigation division. Prior to that she served as an Attorney Advisor at the Small Business Administration and as a Judicial Law Clerk for the Honorable Sharon M. Grayson Kelsy at Prince George's County Circuit Court. Ms. Vann began her legal career as an Assistant State's Attorney for Charles County State's Attorney's Office. We would like to welcome Ms. Vann to the BEGA team.

This past Tuesday, OGE selected Ronald Cook to serve as the office's first Supervisory Investigator. Mr. Cook will manage the daily operations of OGE's investigative team, including establishing and approving investigative procedures and performance standards, advising on the implementation of program techniques, and aiding in the directing of activities for optimum utilization of investigative unit personnel, equipment, and materials. Supervisor Cook has served at the agency since it was initially opened in 2013 and he has assisted in the gradual improvement of the agency's investigative operations. Congratulations Supervisor Cook. OGE plans to fill its Auditor and Program Coordinator vacancies soon.

2. Office Relocation

Our office relocation is still underway! OGE and OOG continue our bi-weekly meetings with the Department of General Services, and the project management team to discuss the build-out of the space, furniture, and finishes. On February 16th, we attended the third furniture design session at the Hayworth Design's showroom. We chose the furniture and finishes for the office area, boardroom, and public areas. The proposed move-in date remains July 2023.

F. Financial Disclosure Statement (FDS)

The FDS 2023 season preparations are underway. The FDS Team has determined which District employees will serve as Agency Ethics Counselors. Last month, Attorney Advisor Jones sent a survey for feedback from Ethics Counselors about BEGA offering the e-filing system for Confidential as well as Public Filers. Survey feedback was overwhelmingly positive in that all who responded agreed with the move and fully supports BEGA's effort. As stated at the last board meeting, the FDS Agency Head memos, which provide details for employee designations and filings, was sent out at the beginning of last month. We are looking forward to the start of this year's filing season.

G. Lobbying Registration and Reporting (LRR)

Calendar year 2023 renewals and 2022 Quarter 4 activity reports were due Tuesday, January 17, 2023. On December 29, the LRR team sent a due date reminder notice to 498 active lobbyists and their clients reminding them of the upcoming deadline. In response, the e-file system received: 399 new and renewal registrations; 43 terminations, and 460 activity reports. These numbers are down slightly compared to the same period in 2022. February 6th marked the 15th business day after the due date. Program Specialist Kosick actively monitors late filers and generated eight fine letters for LRR filers who filed 15 days late.

	Year To Date			January			February		
	2023	2022	Δ	2023	2022	Δ	2023	2022	Δ
New	40	73	-45%	20	65	-69%	20	8	150%
Renewals	359	386	-7%	348	383	-9%	11	3	267%
Terminations	43	53	-19%	42	52	-19%	1	1	0%
Activity Reports	460	466	-1%	456	464	-2%	4	2	100%

Thank you. This concludes the Office of Government Ethics' March 2, 2023, report.

VI. Public Comment – if received

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 Board resumed the public meeting at 12:59 pm.

The Board approved a negotiated disposition in **23-0012-P In Re C Troxler** and opened a formal investigation in **23-0045-P In re M Webster**.

IX. Adjournment

The Board will next meet on April 6, 2023, at 12:00 p.m.