

**DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
MEETING MINUTES – March 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 March 5, 2026, at 10:00 a.m. Chairperson Norma Hutcheson and Board members Felice Smith, and Darrin Sobin attended the meeting in person. Board member Charles Nottingham 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 10:01 a.m.

II. Ascertainment of Quorum

Four Board members, Chairperson Hutcheson and Board members Nottingham, Smith, and Sobin 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 and approved the minutes from the February board 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:

8 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 fourteen (14) public body meetings. As a result of the monitoring, four (4) corrective measures were communicated. The public bodies failed to, respectively, (1) publish a meeting notice; (2) publish an annual schedule of its meetings; (3) publish a complete meeting notice, which includes the OMA citation on the agenda for entering closed or executive session; and (4) failure to state the reason/(s) for entering closed session in open session of its meeting, pursuant to the Open Meetings Act.

C. Training/Outreach

1. Open Meetings Act ("OMA") Training for Commission on African American Affairs

On February 6, 2026, Attorney Advisor Anthony J Scerbo facilitated an Open Meetings Act training for the staff and new members of the Commission on African American Affairs, which supports the Mayor's Office on African American Affairs.

2. Law and Economic Center George Mason University, "Privacy in 2026: What Changed and What's Next?" webinar

On February 11, 2026, Attorney Scerbo and I attended the "Privacy in 2026: What Changed and What's Next?" webinar, hosted by the Law & Economics Center at the Antonin Scalia School of Law at George Mason University. The webinar discussed major 2026 shifts in Federal Trade Commission and state privacy policies.

3. Open Meetings Act ("OMA") Training for Boards of Trustees for DC Public Charter Schools

On February 26, 2026, Attorney Advisor Joan Lelma facilitated an OMA training for Boards of Trustees for DC Public Charter Schools. The training was the first in OOG's 2026 training series for the Public Charter School Boards.

4. PLI: Litigation Readiness for Attorneys and Paralegals: A Roadmap to Data Preservation and Legal Holds

On February 24, 2026, I completed this Practicing Law Institute webinar. This course covered the essential steps for implementing effective legal holds to prevent loss of electronic evidence. Designed for attorneys and paralegals, it focused on practical strategies for preserving data, managing discovery, and implementing legal holds.

D. Litigation and Legislative Update

1. Litigation

a. American Wild Horse Campaign v. U.S. Bureau of Land Management (Case No. 22-2972 (D.D.C.))

This is a federal Freedom of Information Act (“FOIA”) case in which the Plaintiff, American Wild Horse Campaign (“Campaign”) sued the U.S. Bureau of Land Management (“Bureau”) for attorney’s fees and costs after the Bureau finished producing records in response to the Campaign’s FOIA request. The Court held that an advocacy organization was entitled to attorney’s fees after its FOIA lawsuit prompted a federal agency to complete its search and release 3,500 pages of documents. The agency’s shifting positions showed that the production occurred only because of court orders and the Plaintiff’s efforts. The Court also found it unnecessary to determine bad faith to conclude that the agency lacked a reasonable basis for its delays, including its late response, motion to dismiss, and slow agreement to search terms. The Plaintiff reasonably spent 36.2 hours drafting a 23-page opposition to a motion that challenged multiple aspects of its FOIA request. Fees for reviewing the agency’s final production were appropriate to confirm that nothing remained to litigate after nearly two years of litigation. The motion for fees and costs was granted in part and denied in part. 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 FOIA review, and a similar amount that CJP demanded in attorney’s fees. 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. A remote status hearing was held on February 27, 2026, to discuss how the case will proceed. The parties are discussing an

agreement, and a status hearing has been set for May 1, 2026. 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.))

This is an update on the lawsuit filed by Travis, Pravlik & Millian, LLP (TPM) against 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 and the District of Columbia Public Schools. At the last Board meeting, I provided details on the Plaintiff's Motion for Contempt and for Further Injunctive Relief. The Court ruled on this motion on February 11, 2026, and issued an order granting it, in part. On February 26, 2026, the Court heard arguments on the Motion for Contempt. The Court set a deadline of March 4, 2026, for the District to produce the records, with a status report to be filed by March 13, 2026. A status hearing is set for March 17, 2026. Copies of the Court's Order on the Motion for Contempt and the Scheduling Order have been added to Dropbox. OOG's staff will continue to monitor this case.

2. Legislation

- a. Legislative Action regarding the "Body-Worn Camera Regulation and Reporting Requirements Act of 2015" (FOIA-related): These two Council measures expand the Body-Worn Camera (BWC) law to require faster, automatic public release of key footage in serious incidents, going beyond the slower and more limited disclosure normally available through FOIA. The resolution makes transparency the default, not something only available after a FOIA request, and the bills temporarily expands the law so BWC footage must be released whenever an MPD officer is **present** during a serious use-of-force incident, even if the force was used by another agency (like a federal officer). They also require the release of all names of law enforcement officers involved. Mayor Bowser sent a letter to the Council before the legislative meeting opposing the legislation expressing her view that these are federal matters appropriately handled by Congress.
- i. B26-0614, the "Full Accountability in Arrest Reporting Emergency Amendment Act of 2026" and PR26-0562, the "Full Accountability in Arrest Reporting Emergency Declaration Resolution of 2026.": On March 2, 2026, Councilmember Robert White, along with 8 co-sponsors, introduced B26-0614 and PR26-0562. The legislation is to "require Metropolitan Police Department officers to document identifying information for all law enforcement officers present at the scene of an arrest and any use of force in arrest reports and probable cause affidavits; and to amend the Body-Worn Camera Regulation and Reporting

Requirements Act of 2015 to require body camera footage transparency in use-of-force events.” On March 3, 2026, the Council voted unanimously to pass the resolution and the bill, both of which took effect immediately. Copies of the resolution and bill are in Dropbox.

- ii. B26-0617, the “Body-Worn Camera Transparency for Use of Force Temporary Amendment Act of 2026.”: On March 2, 2026, Councilmember Brooke Pinto introduced B26-0617, which was co-sponsored by Chairman Mendelson, “to amend, on a temporary basis, the Body-Worn Camera Regulation and Reporting Requirements Act of 2015 and Chapter 39 of Title 24 of the District of Columbia Municipal Regulations to require release of body-worn camera recordings of Metropolitan Police Department Officers present in the event of an officer-involved death or serious use of force by a law enforcement officer other than a Metropolitan Police Department officer.” The measure passed unanimously during the Council Legislative Meeting on March 3, 2026. A copy of the bill is in Dropbox.

E. Administrative

FY 2027 Proposed Budget: On February 11, 2026, Mayor Bowser held a public meeting with the D.C. Council on her DC Fiscal Year 2027 budget proposal, expected in early April 2026. The budget faces a projected \$1.1 billion shortfall, with rising costs far outpacing the District’s \$9.6 million in expected new revenue. As a result, Mayor Bowser is preparing for major program cuts, including previously unfunded FY2026 initiatives and potential reductions to the Healthcare Alliance. BEGA has been historically underfunded, especially as it relates to the Office of Open Government, so we do not anticipate any further cuts to our FY2027 budget proposal.

This concludes the Office of Open Government’s March 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	83
Open - Negotiations	0
Open - Show Cause Hearing	0
Grand Total	83

OPEN "UNDOCKETED MATTERS"	
Grand Total	7

PENDING/STAYED INVESTIGATIONS BY STATUS	
Closed - Pending Collection	34
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	42

REGULATORY MATTERS BY STATUS	
Closed - Pending Collection	47
Open	666
Grand Total	713

	Current	Last month	January
Investigations Open	83	93	95
Investigations Stayed	8	8	8

The number of open preliminary and formal investigations includes 8 new matters. The investigative team resolved 18 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 1 of Fiscal Year 2026, covering the period from October 1, 2025, through December 30, 2025, was published yesterday to the BEGA website with a press release and heatmap. During Quarter 1, OGE closed 60 matters. Twenty-nine of the closed matters were within BEGA's jurisdiction. Of the matters that were investigated, cases involving the rules governing outside employment or activities accounted for eleven matters (36%), while allegations of misuse of government property/resources/vehicle accounted for five matters (16%) and allegations surrounding using public office for private gain and conflicts of interest accounted for three matters (10%) each. Potential violations of the nepotism rule and failure to adhere to laws and regulations accounted for 2 matters (6%) each. While allegations of preferential treatment, post-employment, failure to put forth an honest effort, and gifts rule violations accounted for 1 matter (3%) each. Copies of the quarterly report, heat map, and press release were placed in the DropBox.

B. Training/Outreach

1. Professional Development Trainings Attended by Staff

Since the last board meeting, General Counsel Asia Stewart-Mitchell completed a Peoplesoft course entitled “Leadership Skills for Supervisors”. Administrative Officer Naquita Titus completed a Peoplesoft course entitled “FMLA Coordinator Training”. Program Support Assistant Tionna Smith completed a Peoplesoft course entitled “PASS Buyer”.

2. Conducted by staff

Since the last Board meeting, OGE conducted 6 training sessions: the February Monthly Ethics Training, the February Monthly Hatch Act training, two New Employee Orientation Ethics segments, an ethics training for the Commission on the Arts and Humanities (“CAH”), and a monthly Virtual Brown Bag session for Ethics Counselors. In February, 42 users accessed the LMS and completed course.

Fifty-four 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 February.

C. Advisory Opinions/Advice

1. Informal Advice

OGE’s legal staff provided advice for approximately 26 ethics inquiries, which is 3 less than the 29 reported at the February 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

B26-0325 - Board of Ethics and Government Accountability Authority Clarification Amendment Act of 2025 is still pending. This legislation is in response to BEGA’s rulemaking which designated 47 boards and commissions as public financial disclosure statement filers and would repeal BEGA’s authority to designate employees and public officials as financial disclosure filers. As you will recall, Chairperson Hutcheson and I attended a public hearing regarding the legislation on January 13, 2026. I will continue efforts to express the agency’s position on this legislation.

2. Financial Disclosure Rulemaking

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 in response to BEGA amendment to 3 DCMR § 5710, which designated members of 47 boards and commissions as public financial disclosure statement filers. 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 will on-board a new Investigator on March 9, 2026. OGE conducted Supervisory Attorney Advisor interviews and will select a candidate soon.

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 agencies' filer lists were due to OGE on March 2, 2026. We will send notification to this year's filers on April 15, 2026.

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 February 6, we sent a 15-day notice to those lobbyists who failed to file their Q4 activity reports in a timely manner. We will send a 30-day notice to those who failed to file their Q4 activity report and registration renewal in a timely manner.

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, March 5, 2026.

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

VI. Public Comment

There were no public comments.

VII. Executive Session

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 11:00 a.m. The Board did not report any matters from the Executive Session.

The Board will meet next for its monthly board meeting on April 2, 2026 at 10:00 a.m.

The meeting adjourned at 11:01 a.m.