

MEETING MINUTES  
District of Columbia  
Board of Ethics and Government Accountability  
Monthly Meeting of the Board  
March 7, 2013 1:00 pm  
Suite 830 South – Hearing Room  
One Judiciary Square

**I. Call to Order**

- a. Meeting called to order at 1:03 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. Formal Adoption of the Minutes of the Monthly Meeting Held on February 7, 2013**

- 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. Complaints and Requests for Advisory Opinions are increasing
- b. New legislation for BEGA will go into effect on March 11, 2013
  - i. Hatch Act enforcement.
  - ii. Alternative Dispositions
- c. Budget looks good
  - i. Mayor approved \$100,000 for BEGA
    - A. Covers a senior-level attorney until the end of the year
    - B. BEGA will need to request an increase for next year
- d. Board of Ethics Director testified four times since the last Board meeting
  - i. Legislation hearing
  - ii. Oversight Hearing
  - iii. 2 Campaign Finance Reform hearings

## **VI. Update on Status of Board Operations**

- a. 16 pending investigations
  - i. 5 closed investigations
- b. 6 requests for an advisory opinion
  - i. 5 advisory opinions issued since last meeting
  - ii. 12 advisory opinions issued this year thus far
- c. ProLaw and Datanet will be up and running by March 15<sup>th</sup>
  - i. Datanet will be used for Lobbyist Registration and Financial Disclosure Filings
  - ii. Datanet delayed in order for MOUs to be obtained
- d. New Office Space for Board located on 5<sup>th</sup> Floor
  - i. Include large board room and 2 additional offices

## **VII. Publication Obligations**

- a. BEGA is in compliance with all of its publication requirements
  - i. Advisory Letters are being published within 30 days of issuance
  - ii. Lobbyist information will be published in March 8, 2013 D.C. Register
  - iii. Final Rules on Lobbyist Registration have been published
  - iv. Current on all website publication requirements
    - A. Redacted Advisory Opinions appear on website a week after issuance
  - v. Current on Quarterly Reports
    - A. Next Report expected to be issued on April 1, 2013
  - vi. BEGA Office currently working on revised Ethics Manual to include new Hatch Act provisions
    - A. Will be ready by the end of next week

## **VIII. Staffing and Job Announcements**

- a. Administrative Assistant has been interviewed and awaits Board's approval
- b. Job description for senior-level writer is awaiting classification from DCHR
  - i. Top salary of \$143,000
  - ii. Ms. Richards requested a copy of the job description submitted to DCHR

## **IX. Financial Disclosure and Lobbyist Registration Filing System**

- a. Datanet system will be capable of producing 26 separate forms
- b. Three forms total
  - i. Public Disclosure and Confidential ANC disclosure forms filed electronically with BEGA through Datanet
  - ii. All other FDS forms will printable from BEGA website and filed with the appropriate agency head

- A. Going forward, BEGA should decide if this stays the way it is or change to BEGA

**X. Training**

- a. The Attorneys, Samantha Riley and Yancey Burns, completed a week-long intensive Trial Advocacy training offered by NAAG
  - i. Both will also attend an appellate advocacy and writing CLE class in May 2013
- b. BEGA's two investigators will attend a two-day investigator training on April 22 and 23, 2013
- c. Darrin Sobin and Stacie Pittell will attend an advanced-level legal writing review for managers class on March 26, 2013
- d. BEGA received request from the Department of Small and Local Business Development employees to conduct a training for them the week of March 18, 2013
- e. BEGA will conduct a special training on the Hatch Act and Financial Disclosure Filing on March 28, 2013 for the Ethics Counselors.
  - i. BEGA is planning a special training for ANC Commissioners only since this will be the first time they are required to file

**XI. Campaign Finance Reform**

- a. Councilmember McDuffie has scheduled four hearings on Campaign Finance Reform, each with a narrow subject area
  - i. Two have already occurred and Darrin Sobin testified at both
    - A. Issues covered were contributions from LLCs, limits on money orders, constituent services funds, and mandatory training for candidates
  - ii. Two more are scheduled and Darrin Sobin is expected to testify at these as well
    - A. March 21<sup>st</sup> hearing will address contributions from contractors
    - B. March 28<sup>th</sup> hearing will be a general hearing to address anything not yet covered

**XII. Discussion: Best Practices Report**

- a. The Board engaged in an extensive discussion of the Best Practices Report and suggested a number of changes and additions.
- b. BEGA has enlisted the services of a pro bono attorney to assist with drafting and finalizing the Report
  - i. The issue of how outside Counsel on pro bono basis is selected by BEGA was raised

- A. Suggestion to add a statement on the BEGA website and including a solicitation from the public was agreed upon
- c. First issue raised, “Should the District Adopt Local Laws Similar in Nature to Federal Ethics Laws?”
  - i. Board agreed that the Federal law should be incorporated into the D.C. Code of Conduct
  - ii. Revised Ethics Manual should be completed by end of March 2013
- d. Second issue raised, “Should the District Adopt Post-Employment Restrictions?”
  - i. Board agreed that no additional changes need to be made to rule regarding post-employment found in the DPM
- e. Third issue raised, “Should the District Adopt Ethics Laws Pertaining to Contracting and Procurement?”
  - i. Board agreed to engage in outreach efforts with the Board of Contract Appeals and other government entities to ensure no issues with jurisdictional overlap
  - ii. Board agreed to explore more options regarding this question
    - A. Research other jurisdictions
    - B. Examine issue again after “Pay to Play” hearing before the City Council
- f. Fourth issue raised, “Should the District Adopt Nepotism and Cronyism Prohibitions?”
  - i. Distinction made between “nepotism” and “cronyism”
  - ii. Board agreed to recommend expansion of the definition of “nepotism” to include a wider range of familial relationships
  - iii. Board agreed to remove mention of “cronyism” as it is too broad and too vague to be enforced
- g. Fifth issue raised, “Should the District Criminalize Violations of Ethics Laws?”
  - i. Board agreed to recommend that the Council criminalize Conflicts of Interest violations and Contingent fees
- h. Sixth issue raised, “Should BEGA be Able to Expel a Member of the Council for Certain Violations of the Code of Conduct?”
  - i. Board agreed that this would constitute overreaching by BEGA
- i. Seventh issue raised, “Should the District Regulate Campaign Contributions from Affiliated or Subsidiary Corporations?”
  - i. Issue has become moot since the passage of Hatch Act legislation
  - ii. BEGA is on record as supporting it
- j. Additional Recommendations
  - i. BEGA recommended that the Ethics Act be amended to address:
    - A. Requirement for employees to report suspected ethics violations to BEGA

- B. Requirement for employees to cooperate with BEGA
- C. Lengthen from 14 to 30 days the deadline for the Director to present initial evidence to the Board after receipt of a suspected ethics violation
- D. Civil contempt penalty

**XIII.** Comments from the Public

- a. Michael Sindram, member of the public, requested information regarding a complaint he submitted to BEGA
  - i. Mr. Sindram inquired as to what further information was need by BEGA to pursue the complaint because it is so obvious that there is a violation
  - ii. Board Chair informed Mr. Sindram that what may seem obvious to him is not necessarily obvious to others and that staff members would like to interview him
  - iii. At the request of the Board, Mr. Sindram read aloud the two letters he had been sent, requesting an interview
  - iv. Mr. Sindram insisted that he has provided BEGA with all of the information required.
    - 1. Just after the conclusion of the meeting, the BEGA General Counsel spoke to Mr. Sindram in an effort to schedule an interview. Mr. Sindram insisted that a letter be sent detailing what information is required. He was told no such letter will be sent.

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

- a. Board adjourned to Executive Session at 2:35 pm.

**XV.** Adjournment

- a. Board adjourned at time 4:15 pm.