

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

MEETING MINUTES – May 1, 2025

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 May 1, 2025, at 10:00 a.m. Chairperson Norma Hutcheson and Board members Felice Smith, Darrin Sobin, and Melissa Tucker attended the meeting and Board member Charles Nottingham joined the meeting virtually.

Members of the public were welcome to attend, and a recording of the meeting will be 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

All Board members were present at the start of the meeting. Chairperson Hutcheson and Board members Smith, Sobin, and Tucker attended the meeting in person and Board member Nottingham attended the meeting virtually.

III. Adoption of the Agenda/Approval of Minutes

Board members voted unanimously to adopt the agenda and approved the April 2025 meeting minutes.

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 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:

11 requests for OMA advice;
5 requests for FOIA advice; and
9 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 attended twelve (12) public body meetings. As a result of the monitoring, five (5) corrective measures were communicated. The public bodies failed to (1) post a proper agenda pursuant to the regulations - the agenda did not have the governing language; (2) post a meeting notice and a complete meeting notice; and (3) publish notice of meeting in the DC Register.

C. Training/Outreach

1. Introduction to the Open Meetings Act ("OMA") for Boards of Trustees for DC Public Charter Schools ("DC PCS")

On April 9, 2025, Attorney Advisor Joan Lelma presented "Introduction to the Open Meetings Act for Boards of Trustees for DC Public Charter Schools." The training provided a brief account of OOG's function and an overview of the application of the Open Meetings Act ("OMA") to public bodies (in particular, Boards of Trustees for DC PCS), which included meeting procedures and before and after-meeting requirements under the OMA. This training was the first in OOG's new educational training series for Boards of Trustees for DC PCS, the schedule for which has been published. OOG's staff and I attended the training virtually.

2. "Understanding the Open Meetings Act" Training

On April 17, 2025, Attorney Advisor Brandon Lewis presented "Understanding the Open Meetings Act" training to DC public body members and their staff. The training covered the basics of the Open Meetings Act ("OMA") and best practices concerning the statute and constitutes a part of OOG's ongoing monthly OMA training series. OOG's staff and I attended the training virtually.

3. Open Meetings Act (“OMA”) Training to DC Department of Licensing and Consumer Protection (“DC DLCP”) Board

On April 25, 2025, Attorney Advisor Anthony J Scerbo presented an Open Meetings Act (“OMA”) training to DC Department of Licensing and Consumer Protection (“DC DLCP”) Board members and Commissioners. The training covered the basics of the OMA.

4. District of Columbia Judicial & Bar Conference – “The Future of the Profession: Shaping the Next Generation of Legal Practice”

On April 25, 2025, I, along with Attorneys Lelma and Lewis attended the District of Columbia Judicial & Bar Conference “Call to Order and Report” session presented by The Honorable Anna Blackburne-Rigsby, Chief Judge, District of Columbia Court of Appeals and The Honorable Milton C. Lee, Jr., Chief Judge, Superior Court of District of Columbia. Chief Judges Blackburne-Rigsby and Lee Jr. reported on the state of the DC Court of Appeals and Superior Court of DC, respectively.

5. District of Columbia Judicial & Bar Conference – “The Future of Law: Navigating Challenges and Opportunities in the Legal Profession” Panel Discussion

On April 25, 2025, I, along with Attorneys Lelma and Lewis attended DC Judicial & Bar Conference “The Future of the Law: Navigating Challenges and Opportunities in the Legal Profession” panel discussion with the following panelists. Brian L. Schwalb Attorney General for the District of Columbia, Vikram Swarup Executive Director, DC Legal-Aid Clinic, Gwendolyn Prothro Renigar Chair, Steptoe, LLP, and George L. Washington Jr. Chief Litigation Counsel, Orange Business Services. Roger A. Fairfax, Jr. Dean, Howard University School of Law moderated the panel discussion on how the legal profession is adapting to the changes brought on in part by artificial intelligence (AI), with a cross-sector focus, which included legal education, law firm governance, in-house counsel-client relationships, and legal aid.

6. District of Columbia Judicial & Bar Conference – “Shaping the Future of AI: A Fireside Chat with Visionary Leaders”

On April 25, 2025, I, along with Chief Counsel Neal, Attorneys Lelma, Lewis, and Scerbo attended the panel discussion “Shaping the Future of AI: A Fireside Chat with Visionary Leaders,” with panelists Victoria A. Espinel Chief Executive Officer, Business Software Alliance and Miriam Vogel President and Chief Executive Officer, EqualAI. The moderator Ed Walters Chief Strategy Officer, vLex and Adjunct Professor, Georgetown Law School, led the panelists to a discussion on the implications of artificial intelligence (AI) for policy, ethics, and innovation, including the following: the role of government and private sector collaboration in AI policy; ethical considerations in AI

development and deployment; and strategies for fostering transparency, accountability, and trust in AI systems.

7. District of Columbia Judicial & Bar Conference – “So You Want to Be a Judge on the District of Columbia Courts?” Forum

On April 25, 2025, I, along with Chief Counsel Neal and Attorney Lelma attended the forum, with speakers, The Honorable Vijay Shanker Associate Judge, DC Court of Appeals, The Honorable Tanya M. Jones Bosier Associate Judge, Superior Court of DC, Marie C. Johns Chair DC Judicial Nomination Commission (“JNC”), and Addy R. Schmitt Commissioner DC JNC. Tracy Brinkley Nutall Executive Director, DC JNC, moderated the forum where the speakers discussed the following processes: judicial application; nomination; and the appointment process for DC Court of Appeals and Superior Court of DC. The speakers provided information on the qualifications for judicial office.

8. District of Columbia Judicial & Bar Conference – “Generative AI for Attorneys: A Hands-On Workshop”

On April 25, 2025, Attorney Advisors Scerbo and Lewis attended the “Hands-On Workshop” with presenter Elizabeth Hopkins Legal Research Consultant, LexisNexis and moderator Lisa L. Leibow Co-Director, Paralegal Studies Graduate Program, Georgetown University. The interactive workshop provided attendees with the opportunity to explore platforms such as Lexis+AI, Casetext’s CoCounsel, and ChatGPT, for the attendees to be equipped with the skills and insights to integrate generative AI tools effectively in their practice.

9. District of Columbia Judicial & Bar Conference – “Can a Robot Write My Brief? ...” Training Session

On April 25, 2025, I, along with Chief Counsel Neal, and Attorneys Lelma, Scerbo, and Lewis attended the training session “Ethical and Practical Advice on Using AI for Legal Research and Writing,” presented by Maryam Hatcher Senior Counsel, Corporate Sustainability, Mars, Inc. and Laura Moorer Law Librarian, DC Court of Appeals. The session provided a comprehensive overview of the current ethical landscape surrounding AI in the legal field, and highlighted the risks and responsibilities associated with the adoption of AI and how to skillfully leverage it to enhance efficiency and effectiveness in the workspace.

10. EQS Group Reception Week – AI in Real World Compliance Programs Discussion

On April 28, 2025, at the invitation of EQS Group’s Managing Director Marco Goldberg, Chief Counsel Neal attended one of EQS’ Reception Week events at Boqueria Restaurant in Washington, DC. EQS Group is an international cloud provider for corporate compliance and ethics, data privacy, sustainability management, and investor relations, headquartered in Munich, Germany, with

operations in New York City. The reception discussion subject was how AI is being applied in real world compliance programs.

D. Litigation and Legislative Update

1. Litigation

- a. Dr. Patrick Lenz v. Internal Revenue Service (Case No. 24-5276 (USCA D.C. Cir.); Case No. 06-0599 (D.D.C.) (Formerly Pauline Stonehill v. Internal Revenue Service))

I have previously reported on this federal FOIA case, which is an attempt to overturn a longstanding ruling regarding a dispute concerning a federal FOIA production of documents. The facts of this case date back to 1962 and concerns documents about an IRS judgment rendered against Henry Stonehill's business. Prior to his passing away, Mr. Stonehill filed suit regarding a federal FOIA production related to the IRS judgment. He claimed the IRS' search and production of records was deficient. The executor of his estate, Dr. Patrick Lenz, continues to pursue this matter alleging the IRS failed to produce records regarding Mr. Stonehill's FOIA requests.

On December 3, 2024, Dr. Lenz filed a notice of appeal to the U.S. Court of Appeals for the D.C. Circuit. Dr. Lenz filed an appellate brief on March 12, 2025, and the IRS filed its appellee brief on April 9, 2025. The matter is awaiting scheduling for oral arguments. Copies of the briefs have been added to Dropbox. OOG's staff will continue to monitor.

2. Legislation

- a. Legislative Action regarding the OMA: At the last Board meeting, I reported on PR26-0156, the Open Meetings Clarification Emergency Declaration Resolution of 2025, and the companion bills, B26-0199 – the Open Meetings Clarification Emergency Amendment Act of 2025 and B-26-0200 – the Open Meetings Clarification Temporary Amendment Act of 2025, introduced by Council Chairman Phil Mendelson, on March 28, 2025.

On April 1, 2025, the D.C Council passed, by a vote of 10-2, Bill 26-199 and Bill 26-200, emergency and temporary legislation, that made sweeping amendments to the OMA. The resolution and declaration of an emergency passed unanimously. The emergency legislation has been enacted and is in effect until July 6, 2025. The temporary legislation must be passed in a second reading by the D.C. Council and that vote is expected to occur on May 6, 2025.

The bill to repeal the Open Meetings Clarification Emergency Amendment Act of 2025, enacted by the DC Council was introduced at Congress by Senator Mike Lee, Republican Senator of Utah, on April 10, 2025. The bill was read twice and referred to the Committee on Homeland Security and Governmental Affairs. OOG's staff will continue to monitor.

- b. Legislative Action Regarding D.C. FOIA: I also reported at the last Board meeting on B26-0217, the Transparency Is Accountability Amendment Act of 2025, that was introduced by Councilmember Zachary Parker, on March 31, 2025. As introduced, the bill will improve public access to critical records, including 911 transcripts and recordings, documents regarding government misconduct, and deliberative materials when the public interest in disclosure outweighs the District's interest in secrecy. The bill has been referred to the Committee of the Whole and a copy of it is in Dropbox.
- c. Reports to the Council: The Mayor of the District of Columbia (EOM) is required to provide an annual FOIA report to the Council of the District of Columbia (Council). The Executive Office of the Mayor submitted its FY 2024 FOIA report to the Council on March 26, 2025. The report provides information on the public-record-disclosure activities of each public body of the District government for FY 2024 (October 1, 2023, to September 30, 2024). A copy of the Mayor's letter to the Council and the report have been added to Dropbox.

E. Administrative

- 1. DC Council Public Hearing on B26-208, the Open Meetings Clarification Act of 2025, before the Committee of the Whole

On April 22, 2025, I testified before the Committee of the Whole on B26-208, the Open Meetings Clarification Act of 2025. I reminded the Council of the vital role of open meetings in promoting public trust and transparency in the DC government and urged the Council to abandon the permanent bill (B26-208) and respectfully asked that the Council vote against the temporary measure, B26-200. I explained to the Council that permanent changes to the OMA are unnecessary to address the Council's stated concerns and would negatively impact government transparency, thereby weakening public trust. I also submitted written testimony to the Committee of the Whole concerning the legislative measures.

Oral and written testimonies were provided by members of the public, Advisory Neighborhood Commissioners, and former Councilmember David Catania. A copy of my oral testimony, and written testimony submitted to the Committee of the Whole, and the written testimonies submitted by others, along with the link to access the recording of the hearing have been added to Dropbox.

2. Mayor's Order Regarding the FY25 Budget

The U.S. Congress passed a \$1.1 billion cut last month in its continuing resolution that treated Washington, D.C. as a federal agency and required it to revert to 2024-level spending, even though most of the District's revenue is derived from local funds. As a result, D.C. Mayor Muriel Bowser issued an order on April 15, 2025, freezing spending on personnel and non-personnel expenses across all D.C. government agencies, including BEGA. The freeze includes pay raises, bonuses and special awards. Overtime will be frozen for work performed after April 27, 2025. The Mayor's Order also provides for potential furloughs and facility closures. Hiring for new employees is also frozen. BEGA's Chief of Staff, Christina Mitchell, is working with the City Administrator's office on BEGA's contemplated expenditures for the remainder of FY25, in conformity with the order.

3. Accolades for OOG Employees:

Chief Judge Anna Blackburne-Rigsby of the D.C. Court of Appeals and Chief Judge Milton C. Lee, Jr., of the D.C. Superior Court released the 14th annual Capital Pro Bono Honor Roll, recognizing the contributions of those D.C. Bar members and other lawyers authorized to perform pro bono legal work in the District of Columbia who completed 50 hours or more of pro bono legal service during the prior calendar year. OOG is proud to announce that Attorney Anthony J Scerbo made the 2024 Capital Pro Bono Honor Roll. Congratulations to Attorney Scerbo for being recognized on this distinguished list.

The Office of Notary Commissions and Authentications approved and commissioned OOG Paralegal, Kimberly Brown, as a DC notary public. Congratulations to Ms. Brown for achieving this honorable role.

This concludes the Office of Open Government's May 1, 2025, 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 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	48
Open - Negotiations	0
Open - Show Cause Hearing	1
Grand Total	49

OPEN "UNDOCKETED MATTERS"	
Grand Total	1

PENDING/STAYED INVESTIGATIONS BY STATUS	
Closed - Pending Collection	36
Stayed - Pending DC Superior Court Case	2
Stayed - OAG False Claims Act Case	0
Stayed - OIG Investigation	3
Stayed - US District Court Case	3
Grand Total	44

REGULATORY MATTERS BY STATUS	
Closed - Pending Collection	39
Open	74
Grand Total	113

	Current	Last month	March
Investigations Open	49	47	53
Investigations Stayed	8	9	8

The number of open preliminary and formal investigations includes 15 new matters. The investigative team resolved 13 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 2 of Fiscal Year 2025 was published to the BEGA website, and the press release and heatmap, which outlines the number and types of cases that were closed in the quarter will be published by the end of the week. A copy of the Report for Quarter 2 was placed in the DropBox for your review.

B. Training/Outreach

1. Professional Development Trainings Attended by Staff

Human Resources Specialist Megan Stoutamire took the Annual ADA Coordinator Training Part I. Investigator Ileana Corrales took two Wicklander Zuluwski courses: Measuring Interview Success and Cognitive Load Theory. Supervisory Attorney Advisor Asia Stewart-Mitchell attended DCHR's MSS course titled Giving and Receiving Feedback. General Counsel Rashee Raj

attended Family Law and Public Benefits training from the DC Bar's Pro Bono Center. I completed The Art of Feedback: Transform Your Leadership Communication by D.C. Bar's John Payton Leadership Academy.

2. Conducted by staff

Since the last Board meeting, OGE conducted 7 training sessions: two New Employee Orientation Ethics Segments, the April Monthly Ethics Training, a custom Ethics Training for the Office of Administrative Hearings, a Board and Commission Training for the Department of Licensing and Consumer Protection specifically for new Financial Disclosure Filers, the Quarterly Board and Commission Ethics Training, and the April Brown Bag Session.

On Monday, April 28th, Supervisory Attorney Advisor Stewart-Mitchell, Auditor Courtney Walker, and Program Coordinator Stan Kosick presented the April Ethics Counselor Brown Bag Session on Financial Disclosure Review Reports and FDS Enforcement. Thirty-two Ethics Counselors attended the session, and a copy of the presentation was placed in the DropBox.

During the month of April, 136 employees were added to the Learning Management System.

The Training Team has been meeting with LRN to discuss creating new courses and updating existing courses to make them more accessible to users. Last month, OGE launched BGA601 Financial Interests and Disclosures, which is an updated version of the previous financial disclosure training course. OGE is currently working to create BGA929 Outside Employment, which will address issues that employees should avoid when maintaining employment outside of the government. Additionally, OGE launched a training campaign which invited 314 Advisory Neighborhood Commissioners to complete BGA920 Advisory Neighborhood Commission Ethics Training.

3. Outreach

On April 11th, OGE issued its bi-monthly newsletter, Ethically Speaking. This particular issue focused on the importance of the financial disclosure statement program and the filing deadline. It also covered topics such as upcoming training, recent enforcement actions, and ethics enforcement in the federal government and other state agencies.

C. Advisory Opinions/Advice

1. Informal Advice

OGE's legal staff provided advice for approximately 21 ethics inquiries, which is 14 less than the 35 reported at the April 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 two advisory opinions in the works on Widely Attended Gatherings and an edited Advisory Neighborhood Commissioner Sign-on Letter opinion.

D. Legislation and Rulemaking Updates

1. Budget Support Act Proposal

OGE has completed a draft Budget Support Act proposal which will amend the Lobbyist section of the Ethics Act by repealing § 1-1162.28(a)(4), which excludes 501(c)(4) organizations from registering as lobbying entities, and adding language that requires those entities to register in the same manner as 501(c)(3) organizations. The amendment will also require lobbyists to file a termination report when they do not intend on engaging in lobbying activity and prior to the next filing deadline. A copy will be sent to the Council pending our budget oversight hearing, which is not currently scheduled.

2. Lobbyist Registration and Reporting

OGE is in the process of amending the Lobbyist section of BEGA's regulations to make technical changes and clarify reporting requirements. Specifically, the amendments change the registration fee and late filing fine amounts to the new fee schedule that was implemented at the beginning of this fiscal year. The amendments will also include language that notifies registrants that the best course of action is to file a termination report when they don't intend to engage in lobbying activity. A copy was placed in the Dropbox for the Board's review.

E. OGE Administrative Matters

1. Vacancies

OGE's Human Resources Specialist and Attorney Advisor vacancies have been filled and both new employees have started with the office.

Attorney Advisor Shannon Monk spent the last four years working for the U.S. Office of Government Ethics providing advice and training to government ethics officials. She received her JD from Syracuse Law and MPA from Florida International University. She is a Tampa native but has lived in Northern VA for the last 10 years.

Human Resources Specialist Megan Stoutamire joined the BEGA team bringing three years of experience from the Metropolitan Police Department. At MPD, she supported a range of human resources functions with a focus on recruitment and employee services. Megan is excited to contribute her expertise to BEGA's

mission and support the agency's growing workforce. Please join me in welcoming them both to BEGA.

The vacancy announcement for the Legal Fellow position closed, OGE reviewed resumes, and interviewed candidates. OGE will post its Program Support Assistant vacancy announcement soon. OGE has requested a waiver to hire for both vacancies amidst the city-wide hiring freeze.

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 in the middle of the 2025 Financial Disclosure season! As I previously mentioned in past meetings, the team provided three Ethics Counselor FDS Trainings and three trainings for new filers. Attorney Stewart-Mitchell and Program Coordinator Kosick participated in a session for board members specifically for new Financial Disclosure Filers on April 25. These training sessions demonstrated how-to-file the Financial Disclosure Statement using BEGA's E-File.

The deadline for agencies to have identified and provided their lists of filers to OGE was March 3rd. OGE received most of the lists and staff uploaded 10,147 filers to the e-filing system. On April 1st, Program Coordinator Kosick coordinated mailing with our vendor and on April 15th, he emailed filing notices to all filers. As of April 30, 3,690 public officials have filed their Financial Disclosure Statements. Program Coordinator Kosick will send 2 more reminders this season and the filing deadline is May 15th.

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 March 28th, Program Coordinator Kosick sent a notice to active lobbyists to file their 2025 second quarter activity reports. Second quarter activity reports were due on April 15th. Lobbyist activity remains strong in 2025, and activity is increased in April 2025 compared to April 2024. First quarter enforcement began with review of timely filings.

H. Public Investigations

1. 24-0016-F and 25-0002-F In re Trayon White – These are formal investigations based on: (1) the criminal indictment in which Respondent, Council member for Ward 8, alleged agreed to receive \$156,000 in bribes and accepted \$35,000 in cash from a business owner in exchange for assisting with renewing the company’s violence-interruption contracts with the D.C. government; and (2) allegations that the Respondent violated the Code of Conduct by failing to file a full and complete public financial disclosure statements pursuant to D.C. Official Code § 1-1162.24. Investigation 24-0016-F is stayed pending the outcome of the criminal court case, which is scheduled for trial on January 12, 2026.

Thank you. This concludes the Office of Government Ethics’ May 1, 2025, report.

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 12:09 p.m.

The Board dismissed **24-0012-F In re Ruth Nivar**. The Board opened a formal investigation in **25-0005-F In re Tara Jones**.

The Board will meet next on June 5, 2025 at 10:00 a.m.

The meeting adjourned at 12:10 p.m.