

**DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT
ACCOUNTABILITY
MEETING MINUTES – May 7, 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 May 7, 2026 at 10:00 a.m. Chairperson Norma Hutcheson and Board members Charles Nottingham, Darrin Sobin, and Melissa Tucker attended the meeting in person. Board member Felice Smith 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 10:00 a.m.

II. Ascertainment of Quorum

All Board members 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 to approve the minutes from the April 2026 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

a. OMA Advisory Opinion – Board of Trustees for Harmony Public Charter School, #OOG-2025-0023

On April 8, 2026, I issued an Advisory Opinion #OOG-2025-0023, in response to a complaint which alleged that Harmony Public Charter School Board (“Harmony”) had not posted meeting links, or meeting locations and times on its meeting notices. The complaint also alleged that Harmony failed to publish dates for its fall 2024 meetings on the Public Charter School’s website.

I dismissed the Complaint pursuant to 3 DCMR §10403.1(b) because I found that Harmony did not violate the OMA based on OOG’s investigation. The investigation revealed that Harmony published complete and timely upcoming meeting notices. Harmony Public Charter School’s website included the location (login information and weblink) and the time of Harmony’s meetings. OOG’s investigation also revealed that Harmony published an annual schedule of its 2024 and 2025 meetings. I advised Harmony to ensure that its annual schedule is updated in a timely manner, if changes are made. I further advised that if a meeting notice is published and the meeting is cancelled, the word “Cancelled” must be printed on all the meeting notices as soon as the Board is aware of the cancellation.

A copy of the Complaint and Advisory Opinion have been added to Dropbox.

b. Dismissal of OMA Complaint – Harmony Public Charter School Board, #OOG-2026-0009

On May 4, 2026, I dismissed Complaint #OOG-2026-0009, with an allegation from the same complainant, which I addressed in Advisory Opinion #OOG-2025-0023, issued on April 8, 2026. The allegation pertains to the time within which Harmony PCSB updated its annual meeting schedule.

I dismissed this complaint as moot pursuant to 3 DCMR §10403.1(f) because the concerns raised were the same as the complaint I dismissed and Harmony is subject to ongoing oversight pursuant to the OMA advice issued on April 8, 2026. Thus, no further investigation or enforcement action by OOG is warranted because OOG is actively monitoring Harmony’s OMA compliance.

A copy of the Complaint and Dismissal Letter are in Dropbox.

c. OMA Advisory Opinion – Board of Trustees for Capital City Public Charter School, #OOG-2025-0009

On April 28, 2026, I issued an Advisory Opinion #OOG-2025-0009, in response to a complaint which alleged that Capital City Public Charter School Board (“Capital City PCSB”) had not published proper meeting notices.

I found that Capital City PCSB did not violate the Open Meetings Act (“OMA”). OOG’s investigation revealed no issues with the OMA’s Notice of meetings requirements. As such, I dismissed the Complaint. However, I recommended that if possible, Capital City PCSB provides access to its virtual meetings without a requirement of prior registration to access the meetings.

A copy of the Complaint and the Advisory Opinion are in Dropbox.

2. Informal Advice

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

19 requests for OMA advice;
15 requests for FOIA advice; and
14 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 nineteen (19) public body meetings. As a result of the monitoring, six (6) corrective measures were communicated. The public body failed to (1) publish a complete meeting notice with the agenda; (2) provide the statutory reason (OMA citation) for entering closed session on its agenda; (3) provide meeting cancellation notice; and (4) provide operable weblink and login information to its virtual meeting. Also, two public bodies failed to provide the regulatory statement on their agendas.

C. Training/Outreach

1. Open Meetings Act (“OMA”) Training for Boards of Trustees for DC Public Charter Schools

On April 8, 2026, Attorney Advisor Joan Jelma facilitated an OMA training for Boards of Trustees for DC Public Charter Schools. The training was the

second in OOG's 2026 training series for the Public Charter School Boards. I, along with OOG's staff attended the training.

2. "Managing the FOIA Process" Training

On April 9, 2026, Attorney Advisor Anthony J Scerbo facilitated "Managing the FOIA Process" training, which was accessible in-person at BEGA's Boardroom and virtually. This hybrid training provided a description of OOG's functions and an in-depth examination of the D.C. Freedom of Information Act process for D.C. FOIA officers. I, along with OOG's staff attended the training.

3. AI Values Alignment Public Meeting

On April 30, 2026, I participated in the Advisory Group on AI Values Alignment Public Meeting at the Shaw Library in Washington, DC. The meeting included an overview of the District of Columbia Government's implementation of AI Tools, and the members provided updates on their areas of expertise from the perspective of AI implementation. The next meeting is scheduled for May 19, 2026, at 6:00pm.

4. "EQS Compliance Week" Dinner

On May 6, 2026, Chief Counsel Neal joined Marco Goldberg, Managing Director at EQS Group for EQS's Compliance Week Executive Dinner. This function was a part of EQS's Compliance Week sessions held at the Mayflower Hotel in Washington, DC. The sessions focused on how leading AI models perform across real-world ethics and compliance tasks, and how senior ethics and compliance leaders rethink the ways in which they activate their data in today's ever-changing world.

D. Litigation and Legislative Update

1. Litigation

a. Council of the District of Columbia v. Muriel Bowser (Case No. 2026-CAB-001463 (D.C. Super Ct.))

This is an update on the lawsuit filed by the Council of the District of Columbia (the "Council") against Mayor Muriel Bowser, in her official capacity as Mayor of the District of Columbia (the "Mayor"). The Complaint alleges that the Mayor unlawfully refused to provide the Council with certain agency budget enhancement requests for FY 2025 and FY 2026 requested by Council Committees as part of the Council's ongoing performance oversight process. The Complaint further alleges that the Council anticipates the Mayor's refusal to provide any agency budget enhancement requests for FY 2027.

The Mayor filed a Motion for an Extension of the Briefing Schedule on April 11, 2026. The Council filed an Opposition to this motion on April 13, 2026. The Mayor filed a Reply Brief in Support of Her Opposed Motion for an Extension of the Briefing Schedule that same day. On April 14, 2026, the Court issued an Order granting in part the Mayor's Motion for an Extension of the Briefing Schedule.

On April 23, 2026, the Mayor filed a Combined Motion for Summary Judgment and Opposition to the Plaintiff's Motion for Summary Judgment and Declaratory and Permanent Injunctive Relief. On April 30, 2026, the Council filed its Combined Reply in Support of its Motion for Summary Judgment and Cross-Opposition to Defendant's Cross-Motion for Summary Judgment. A Status Hearing has been set for May 15, 2026.

Copies of the documents have been added to Dropbox and OOG's staff will continue to monitor this case.

2. Legislation and Rulemaking

- a. Legislative Action regarding the OMA - B26-0632, the "Open Meetings Clarification Emergency Amendment Act of 2026;" and B26-0633, the "Open Meetings Clarification Temporary Amendment Act of 2026"

As reported last month, on March 31, 2026, the Council passed the emergency bill number B26-0632. The bill was transmitted to the Mayor on April 2, 2026, and returned from the Mayor on April 17, 2026. It was enacted on April 18, 2026, without the Mayor's signature, as A26-0297, and will expire on July 17, 2026. B26-0633, the temporary bill, passed on May 5, 2026, and will become effective retroactively as of March 29, 2026, and will be effective for no more than 225 days.

- b. Legislative Action regarding the "Body Worn Camera Regulation and Reporting Requirements Act of 2015" (FOIA-related)

I reported on these Council measures at the last two Board meetings. The bills temporarily require MPD to release body worn camera footage whenever an MPD officer is present during a serious use-of-force incident, even if the force was used by federal officers. They also require the release of all names of law enforcement officers involved.

- i. B26-0614, the "Full Accountability in Arrest Reporting Emergency Amendment Act of 2026": As previously reported, the Mayor vetoed bill number B26-0614 on March 23, 2026, and the Council voted unanimously on March 31, 2026, to override the Mayor's veto of the

bill and voted unanimously to approve the measure. It was enacted without the Mayor's signature on March 31, 2026, as A26-0290, and was published in the D.C. Register on April 10, 2026. The Act will expire on June 29, 2026.

- ii. B26-0615, the "Full Accountability in Arrest Reporting Temporary Amendment Act of 2026": On March 31, 2026, the bill passed unanimously after its second reading. It was transmitted to the Mayor on April 13, 2026, and returned unsigned on April 23, 2026. The measure was enacted without the Mayor's signature, as A26-0304, on April 29, 2026.
- c. B26-0617, the "Body-Worn Camera Transparency for Use of Force Temporary Amendment Act of 2026": I also reported on this measure at the last Board meeting. This legislation requires MPD to release body worn camera recordings in the event of an officer-involved death or serious use of force by a law enforcement officer other than an MPD officer. On March 31, 2026, B26-0617 passed unanimously and the measure was transmitted to the Mayor on April 13, 2026. The legislation was signed by the Mayor on April 22, 2026, and it was enacted with Act Number A26-305. The Mayor returned the measure the next day. It was transmitted to Congress on April 29, 2026 and published in the D.C. Register on May 1, 2026.
- d. Legislative Action regarding the D.C. Freedom of Information Act: On April 6, 2026, Chairman Mendelson introduced B26-0655, the "Protecting Judicial Privacy Act of 2026." This measure "would prohibit government agencies, individuals, businesses, private associations and organizations from, upon receipt of a written request, publicly displaying available content that includes a judicial officer's personal information." The bill has been referred to the Committee on Judiciary and Public Safety, with comments from the Committee of the Whole.
- e. Legislative Action regarding New District Data Privacy Law: On April 27, 2026, Councilmember Brianne Nadeau introduced B26-0670, the "District of Columbia Government Data Privacy and Protection Act of 2026." The measure establishes comprehensive privacy protections governing the collection, use, sale, and disclosure of individuals' personal data by District government agencies and third parties. It also confers specific rights upon individuals regarding their personal information. The measure further provides for the creation of a Chief Privacy Officer position within the Office of the Chief Technology Officer to ensure agency-wide compliance and implementation.
- f. Director of Open Government's Notice of Proposed Rulemaking regarding the Open Meetings Act Closed Meeting Requirements:

On January 7, 2026, I issued a Notice of Proposed Rulemaking, pursuant to D.C. Official Code § 1-1162.05c(a)(3), creating a new section governing the procedures public bodies must follow to enter closed meetings. After reviewing public comments, the Office of Open Government narrowed the circumstances under which a public body may vote in advance to close a future meeting. I issued the revised Notice of Proposed Rulemaking on May 6, 2026.

Commenters expressed concern that allowing a public body to pre-authorize a closed session on a different day than the meeting itself is inconsistent with the Open Meetings Act and could diminish the public's ability to challenge improper closures. Under the earlier draft, public bodies with adjudicatory functions could vote to close a session at a prior public meeting, potentially limiting real-time objections.

The revised amendments to Title 3 DCMR establish new section 10411, which sets forth clear procedural requirements for entering closed meetings. The section now clarifies that closed sessions must occur immediately after the public body votes to close the meeting, except when an adjudicatory body meets with counsel to obtain legal advice under D.C. Official Code § 2-575(b)(4). In that limited circumstance, the body may vote no earlier than the public meeting immediately preceding the planned closed session to receive legal advice prior to opening a meeting to conduct an adjudication or hear contested cases. The amendments also clarify the meaning of "the subjects to be discussed" in § 2-575(c)(2).

The revised Notice will be published in the D.C. Register in the May 15, 2026, Edition for a 30-day comment period.

Copies of the legislation, rulemaking, and supporting documents are in Dropbox.

E. Administrative

1. FY2027 Budget Oversight: The Committee on the Judiciary and Public Safety (Committee) provided correspondence to Chairperson Hutcheson on April 29, 2026, that included questions regarding BEGA's FY2027 budget proposal. The Committee did not have any questions regarding OOG's budget. BEGA Chief of Staff Christina Mitchell provided responses to the questions on behalf of the agency on May 4, 2026. The Committee has not scheduled a budget hearing for BEGA.
2. OOG's Attorney Advisor Anthony J Scerbo Capital Pro Bono Honor Roll Recognition: On April 21, 2026, 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 15th annual Capital Pro Bono Honor Roll, recognizing D.C. Bar members and others authorized to perform pro bono legal work in the District who completed 50 hours or more of pro bono service last year. OOG Attorney Anthony J Scerbo was recognized on the High Honor Roll, having performed over 100 pro bono hours in 2025.

This concludes the Office of Open Government’s May 7, 2026, report. I am happy to answer any questions the Board may have.

Board member Sobin asked about the concerns expressed about the proposed rulemaking. Director Allen advised that the change was intended to allow adjudicatory bodies to meet with counsel prior to the adjudication or hearing instead of requiring the body to open the meeting prior to the closure. Board member Sobin noted that this change would allow additional time for the public or OOG to object to the closure.

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	76
Open - Negotiations	0
Open - Show Cause Hearing	0
Grand Total	76

OPEN "UNDOCKETED MATTERS"	
Grand Total	7

PENDING/STAYED INVESTIGATIONS BY STATUS	
Closed - Pending Collection	33
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	41
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REGULATORY MATTERS BY STATUS	
Closed - Pending Collection	67
Open	637
Grand Total	704

	Current	Last month	March
Investigations Open	76	64	83
Investigations Stayed	8	8	8

The number of open preliminary and formal investigations includes 18 new matters. The investigative team resolved 6 investigations since the Board last met. This total does not reflect the number of complaints that were dismissed for a lack of jurisdiction.

B. Training/Outreach

1. Professional Development Trainings Attended by Staff

Since the last board meeting, almost all OGE employees completed OCTO's mandatory artificial intelligence training entitled "Responsible AI for Public Professionals: Using Generative AI in Government".

2. Conducted by staff

Since the last Board meeting, OGE conducted 8 training sessions: the March Brown Bag session, a Hatch Act training for the Criminal Justice Coordinating Council, the Quarterly Outside Employment training, the April Monthly Ethics Training, the April Monthly Hatch Act Training, the Quarterly Boards and Commissions training, an Office of Administrative Hearings Ethics Training, and a New Employee Orientation.

In April, 182 learners completed 228 courses on the LMS. One thousand nine hundred forty-eight (1,948) District employees completed ethics training using Peoplesoft and 45 new employees attended New Employee Orientation and received information on the District's ethics rules in April.

C. Advisory Opinions/Advice

1. Informal Advice

OGE's legal staff provided advice for approximately 42 ethics inquiries, which is 8 more than the 34 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

On April 30, 2026, OGE issued formal advisory opinion, Representation Through Testimony, which clarifies that the Code of Conduct does not prohibit Board or Commission Members from testifying before or providing information, in their official capacity, to the D.C. Council regarding their board or agency's budget. The opinion responds to a question of whether Board members for the Food Policy Council may testify or provide information regarding the Mayor's proposed FY27 budget for the Office of Planning which would de-fund the Food Policy Council. The opinion has been posted to the BEGA website and sent to the D.C. Registrar for a 30-day comment period.

D. Legislation and Rulemaking Updates

1. Financial Disclosure Rulemaking

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 43 boards and commissions as public financial disclosure statement filers and would repeal BEGA's authority to make such designations in the future. Chairperson Hutcheson and I testified at the public hearing regarding the legislation on January 13, 2026. Council Chairman Mendelson has indicated that he will amend this legislation with the intent that it passes before the Council's recess.

On April 18 2026, the D.C. Council passed B26-0632, Open Meetings Clarification Emergency Amendment Act of 2026, which halts the applicability of BEGA's rulemaking until October 17, 2026. This Tuesday, the Council passed B26-0633, the temporary legislation which does the same as the emergency. As a result, none of the designated boards or commissions have filed a statement with BEGA. Given that financial disclosure is key to promoting public trust and transparency within the District government, any legislation that hinders that process does not serve the interests of the government and the residents of this city. Nonetheless, BEGA will continue its efforts to promote an ethical and transparent government by educating and advising employees on the ethics rules and holding accountable those public officials who violate the ethics rules.

E. OGE Administrative Matters

1. Staffing

OGE has an Attorney Advisor vacancy, which we plan to fill in the next month or two.

2. Budget

On April 10, the Mayor submitted her FY2027 Budget and Budget Support Act to the Council. BEGA's proposed budget is \$4,092,650 (including \$3,934,552 from local funds and \$158,098 from special purpose revenue funds). The Budget Support Act proposes a transfer of \$28,979 from the Lobbyist Fund for fiscal years 2027 through 2030 and a transfer of \$19,440 from the Accountability Fund in fiscal year 2023. These transfers are in addition to the already existing sweeps that were passed with the FY26 BSA. This Monday, OGE and OOG submitted answers to budget oversight questions to Council member Pinto's office. BEGA was not scheduled for a budget hearing.

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.

The 2026 FDS Season is underway! The deadline to file financial disclosure statements is May 15, 2026. The FDS team sent out the initial email filer notice on April 15, 2026. The team also sent a hard copy notice to all public filers and continues to send weekly reminders to those filers who have not yet filed. Four thousand seven hundred sixty-five (4,765 out of 9,569) filers have filed their statement thus far.

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.

A notice regarding the Q1 April 15th filing deadline was sent to all registered lobbyists on March 24, 2026. Four hundred fifty-two activity reports were timely filed.

Thank you. This concludes the Office of Government Ethics' May 7, 2026, report.

Board member Sobin asked whether there was a middle ground option to deal with the pending legislation that would eliminate the Board's authority to designate financial disclosure filers. Director Cooks noted that while there was a proposal that designated filers file confidentially, councilmembers she met with expressed support for designated board members filing publicly. Director Cooks also noted that one councilmember suggested the DC Retirement Board and the Construction Coordinating Council should not be public filers. She noted that DCRB already files a report that is publicly available on the Council's Legislative Information Management System. Board member Sobin stated that given the role of DCRB in managing retirement funds, those members should be public filers. Director Cooks also noted that the emergency and temporary legislation has been packaged as part of other bills and stated she does not believe that the standalone permanent legislation has support.

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 11:45 a.m.

The Board approved the following formal investigations: **26-0003-F In re Matthew Mahl** and **26-0097-P In re Phil Mendelson**.

The Board dismissed **24-0011-P In re Dana Garnett**.

The Board approved a Notice of Hearing and Scheduling Order in **26-0004-F In re Cleo Subido**.

The next monthly Board meeting will be held at the Board of Ethics and Government Accountability, 1030 15th Street NW, Suite 700 West, and virtually on June 4, 2026 at 10:00 a.m.

The meeting adjourned at 11:46 a.m.