DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
MEETING MINUTES – June 4, 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 June 4, 2026 at 10:00 a.m. Chairperson Norma Hutcheson and Board members Felice Smith, Darrin Sobin, and Melissa Tucker attended the meeting. Board member Charles Nottingham did not attend the meeting.

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

Four Board members, Chairperson Hutcheson and Board members Smith, Sobin, and Tucker 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 approve the minutes for the May 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. <u>Open Meetings Act ("OMA") and Freedom of Information Act ("FOIA") Advice</u>

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1. Advisory Opinions

   a. Dismissal of OMA Complaint – Fifth District of the Metropolitan Police Department ("MPD"), MPD Employee, Advisory Neighborhood Commissioner, and United States Attorney for the District of Columbia, #OOG-2026-0008

      On June 2, 2026, I dismissed Complaint #OOG-2026-0008, in which the Complainant alleged that CourtWatch DC; the 5th District ("5D") of the Metropolitan Police Department ("MPD"); 5D Commander Shawn Rooney; Advisory Neighborhood Commissioner for 5D08, Juanita Holsendorf; and United States Attorney for the District of Columbia Jeanine Pirro engaged in bribery, kickbacks, political favors, and unreported income.

      I dismissed this Complaint pursuant to 3 DCMR §10403.1(a) because OOG's enforcement authority extends only to violations committed by District of Columbia public bodies defined by D.C. Official Code § 2-574(3). The entities that were the subject of the complaint, including Courtwatch DC, a private, non-governmental entity; MPD; Advisory Neighborhood Commissions; and the Office of the United States Attorney for the District of Columbia, are not public bodies subject to the OMA.

      I referred the issue of alleged misuse of funds by an ANC Commissioner and the U.S. Attorney to the Office of Government Ethics ("OGE") for their review and action, if warranted. A copy of the Complaint and Dismissal Letter 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:

   10 requests for OMA advice;
   10 requests for FOIA advice; and
   15 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.

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Since the last Board meeting, OOG's legal staff have attended fourteen (14) public body meetings. No corrective measures were communicated to the public bodies.

C. Training/Outreach

1. District Employees Federal Credit Union Information Session

   On May 7, 2026, Trial Attorney Brandon Lewis and Paralegal Specialist Kimberly Brown attended the District Employees Federal Credit Union information session held at BEGA. The session covered financial services, resources, and benefits available to District employees.

2. Board of Ethics and Government Accountability ("BEGA") Wellness Event

   On May 7, 2026, Paralegal Specialist Brown attended "Smile Therapy Workshop," a segment of BEGA's Wellness Event, facilitated by Christi Venable, Founder and CEO of Smile Therapy Services, LLC, Washington, DC.

3. The Office of the Attorney General for the District of Columbia ("OAG") Appropriations 101 Training

   On May 13, 2026, I, along with Attorney Advisor Anthony J Scerbo attended the Office of the Attorney General for the District of Columbia ("OAG") Appropriations 101 training, facilitated by Laurie Ensworth, Senior Assistant Attorney General. The training covered the basic concepts in federal appropriations law, the federal and local Anti-Deficiency Acts, and their application to the District government's budgeting, spending, and operations.

4. Open Meetings Act ("OMA") Training for DC Public School Local School Advisory Teams ("LSAT")

   On May 13, 2026, Attorney Advisor Joan Lelma facilitated an OMA training for DC Public School Local School Advisory Teams ("LSAT"). The training was the second in OOG's 2026 training series for the LSATs. Attorney Scerbo attended this training virtually.

5. The U.S. Department of Justice ("DOJ"), Office of Information Policy ("OIP") FOIA Litigation Training

   On May 13, 2026, Attorney Lelma attended the U.S Department of Justice, Office of Information Policy FOIA Litigation training, which covered grounds for dismissal, the use and preparation of Vaughn indices and declarations, and attorney's fees and litigation costs.

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6. Open Meetings Act ("OMA") and Robert's Rules of Order Training for D.C. Department of Health Professional Licensing Boards

   On May 14, 2026, Chief Counsel Neal and Attorney Lewis facilitated an OMA and Robert's Rules of Order training for D.C. Health Professional Licensing Boards members at the D.C. Department of Health Interprofessional Board Chair Collaborative Symposium, held at Shannon Place, in Washington, D.C.

7. "Commonly Used D.C. FOIA Exemptions and Redaction" Training to D.C. FOIA Officers

   On May 14, 2026, Attorney Lelma presented "Commonly Used D.C. FOIA Exemptions and Redaction" training, the third session in OOG's FY 2026 FOIA Training Series. The session covered the most frequently used FOIA exemptions based on the District's annual FOIA report, how to properly apply these FOIA exemptions and redact responsive exempt information in accordance with D.C. FOIA. The training discussed applicable case law and provided key points for preparing response letters to requesters. I, along with OOG's staff, attended the training.

8. Open Meetings Act ("OMA") Training for D.C. Public Body Members and Staff

   On May 14, 2026, Attorney Lewis facilitated an Open Meetings Act ("OMA") training for D.C. public body members and staff. This was the second training in OOG's FY 2026 General OMA Training Series.

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.

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On May 15, 2026, the Court granted summary judgment with respect to the Plaintiff Council's claim for budget enhancement requests for FY 25 and FY 26. The Court stated that "Because the Council seeks the documents to assist in its consideration of the Fiscal Year 2027 budget – which is currently under review and scheduled for votes on June 9 and 23, 2026 – the Court finds expressly that there is no just reason to delay entering judgment and injunctive relief as to this portion of Plaintiff's claim."

The Court ordered Mayor Bowser to provide the Council with the agency budget enhancement requests for FY 25 and FY 26 for those agency budget enhancement requests recently requested by Council Committees as part of the FY 25 and FY 26 performance oversight process.

b. D.C. Open Government Coalition v. District (Case No. 2023-CAB-007251 (D.C. Super. Ct.))

I have previously reported on this case which involves the D.C. Open Government Coalition's ("DCOGC") lawsuit against the District seeking an accounting of the backlog of public-records requests submitted through the FOIAXpress Public Access Link.

On May 27, 2026, the Court issued an Order granting in part the Motion Plaintiff's for Reconsideration. The Court found that the District misconstrued the Court's Order as a sanction. In this regard, the Court stated that "considering the situation as a whole: the transition to a new platform, the representations to Judge Lee, and the timing of Plaintiff's request relative to the transition, it was not reasonable to fail to conduct a search while the data was intact." The Court found that the District had not carried its burden to establish that a reasonable search during the operative window would have exceeded eight hours, and therefore, has not adequately explained its search. As such, while the Court acknowledged that the basis for its order required clarification, it declined to consider the result.

The Court further found that the District did not raise any exemptions as the basis for its withholding of records in response to the fifth request, nor did it raise an exemption in its briefing on summary judgment. Thus, the Court had no duty to determine whether exempt material could be segregated. The Court amended its mandate to require the District to search for and produce records responsive to the fifth request, but provided that it may redact or withhold material covered by a statutory exemption and may assert a segreability argument if one arises. The Court

also provided that Plaintiff may seek the Court's review of any redactions and withholdings.

Lastly, with respect to costs, the Court found that the issue of costs was not raised in the parties' cross-motions for summary judgment, nor was it addressed *sua sponte* in the Court's Order. Thus, a motion for reconsideration was not an appropriate avenue for raising new arguments not raised in the previous motion. The Court directed supplemental briefing on the issue to be decided together with Plaintiff's Motion for Attorney's Fees.

Copies of the referenced litigation- related documents have been added to Dropbox and OOG's staff will continue to monitor the cases.

2. Legislation

   a. Open Meetings Clarification Amendment Act of 2026:

   During the Additional Meeting of the Committee of the Whole on June 2, 2026, the DC Council Committee of the Whole (COW) marked-up B26-208. The "Open Meetings Clarification Amendment Act of 2026." Councilmember Charles Allen asked to move the bill to the non-consent agenda of the legislative meeting and stated that he had an amendment regarding "post hoc" meeting reporting of closed meetings that he would be offering. Councilmember Janese Lewis-George asked the Chairman about the number of "closed" meetings that the Council had since the passage of the initial emergency and temporary legislation, and further asked if consideration of the bill could be moved to the next legislative meeting. Councilmember Matt Frumin expressed concerns, and seconded Councilmember Lewis-George's request to postpone consideration. Councilmember Zachary Parker indicated that in the wake of the emergency and temporary legislation, he had heard from the community that there were concerns with the way that the issue has proceeded and that permanent changes to the OMA could be abused in the future. Councilmember Allen indicated that he agreed with Councilmember Parker's concerns that permanent alterations to the OMA could serve as an excuse by future chairs and councils to further restrict openness. The COW conducted a roll-call vote, on both the bill and the report, with Chairman Mendelson, Councilmembers Bonds, Pinto, Felder, and Crawford voting 'yes;' Councilmembers Robert White, Trayon White, Parker, Henderson, Frumin, and Nadeau voting 'present;' and Councilmembers Allen and Lewis-George voted 'no.'

   During the subsequent regularly scheduled Legislative Meeting on the same day, the Council considered the bill on the non-consent agenda, with an amendment by Councilmember Allen. The amendment reads as

follows: "adds a new, post hoc notice requirement for gatherings of Councilmembers that are otherwise not subject to the Open Meetings Act…[which] would require that gatherings of a quorum of the Council, whether formal or informal, regular, special, or emergency, at which Councilmembers [engaged in activity defined by the OMA as a "Meeting where] the gathering of Councilmembers was not otherwise noticed in advance, be noticed by the Secretary. The notice would have to include certain information and requirements to ensure transparency and assist the Secretary in fulfilling this responsibility."

The measure passed First Reading, as amended, by a vote of 10 'yes', 2 Councilmembers, Allen and Lewis-George, voting 'no,' and Councilmember Trayon White voting 'present.'

b. Emergency and Temporary Amendments to the "Body Worn Camera Regulation and Reporting Requirements Act of 2015" (FOIA-related):

   i. A26-0290, the "Full Accountability in Arrest Reporting Emergency Amendment Act of 2026": The Act requires 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, and requires the release of all names of law enforcement officers involved. The Act will expire on June 29, 2026.

   ii. A26-0304, the "Full Accountability in Arrest Reporting Temporary Amendment Act of 2026": This Act was transmitted to Congress with a projected law date of June 17, 2026. The temporary law will be in effect 225 days from the date of having taken effect. Copies of the signed laws, passed bills, and resolutions remain in Dropbox.

   iii. A26-305, the "Body-Worn Camera Transparency for Use of Force Temporary Amendment Act of 2026": The Act 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. It was transmitted to Congress, and the projected law date is June 17, 2026. The temporary law will be in effect 225 days from the date of having taken effect. A copy of the signed Act remains in Dropbox.

c. Legislative Action regarding Various Sections of the District of Columbia Official Code, including Section 5-113.06, which is FOIA-related, and the Secure D.C. Omnibus Amendment Act of 2024 : On April 27, 2026, at the request of the Mayor, Chairman Mendelson introduced B26-0671, the "Protecting Victims Amendment Act of 2026," which was referred to the Committee on Judiciary and Public Safety, on May 5, 2026. The measure would "hold offenders accountable for repeated violations of temporary

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and civil protection orders as well as stay away and no-contact orders in criminal cases." In part, the bill would deal with personal information of crime victims. Specifically, the bill's memorandum states that "to further protect victim privacy, the bill amends MPD's public disclosure requirements to prevent the improper release of identifying information for crime victims, including domestic violence victims, as well as individuals who report on their behalf."

The Fiscal Impact Statement ("FIS") states that "District law provides for the Address Confidentiality Program (ACP), administered by the Office of Victim Services and Justice Grants (OVSJG). It authorizes a substitute address for victims of domestic violence, sexual offenses, trafficking, or stalking, to protect their actual address from [DC] FOIA. District law also withholds ACP participants' information from public inspection as required for records maintained by the Metropolitan Police Department (MPD). The bill provides that victims of, or witnesses to, a criminal offense may be added to the ACP."

d. DC Hospitality Amendment Act of 2026 - Protests Concerning Alcohol Beverage Licenses (FOIA-Related):

On March 20, 2026, at the request of the Mayor, Chairman Mendelson introduced B26-0648, "DC Hospitality Amendment Act of 2026." The measure was referred to the Committee on Public Works and Operations on March 31, 2026, and published in the DC Register on April 3, 2026.

This bill would create a "pop up restaurant" license category, and addresses issues specific to the category. In terms of DC FOIA, "[t]he Board shall make a licensee's quarterly statements available to any protestant, and to any member of the public who requests it pursuant to the Freedom of Information Act of 1976 ("FOIA"), effective October 21, 1986 (D.C. Official Code § 2-531 et seq.), for the purpose of allowing a protestant of a license to determine the gross annual receipts of a licensee. The disclosure of a quarterly statement to a protestant under this subparagraph, or to a member of the public who requests it, shall be subject to the disclosure exemptions set forth in section 204 of FOIA (D.C. Official Code § 2-534)."

Copies of the referenced legislation-related documents have been added to Dropbox and OOG's staff will continue to monitor the Council's open government related legislative actions.

E. Administrative

FY2027 Budget Oversight: The Committee on the Judiciary and Public Safety (Committee) did not conduct a budget oversight hearing for BEGA's FY2027

budget. The Committee recommended adopting the Mayor's proposed budget for BEGA. The Committee's recommendation is currently under review by the Council Chairman and Council Budget Office. On June 9, 2026, the D.C. Council Committee of the Whole is scheduled to consider the FY27 budget package.

This concludes the Office of Open Government's June 4, 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	80
Open - Negotiations	0
Open - Show Cause Hearing	0
Grand Total	80

OPEN "UNDOCKETED MATTERS"	
Grand Total	9

PENDING/STAYED INVESTIGATIONS BY STATUS	
Closed - Pending Collection	32
Stayed - Pending DC Superior Court Case	3
Stayed - OAG False Claims Act Case	0
Stayed - OIG Investigation	0
Stayed - US District Court Case	2
Grand Total	37

REGULATORY MATTERS BY STATUS	
Closed - Pending Collection	62
Open	635
Grand Total	697

	Current	Last month	March

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Investigations Open	80	76	64
Investigations Stayed	5	8	8

The number of open preliminary and formal investigations includes 22 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 2 of Fiscal Year 2026, covering the period from January 1, 2026 through March 31, 2026, was published to the BEGA website with a press release and heatmap. During Quarter 2, OGE closed 124 matters. Less than half the matters (44.35% or 55 out of 124 matters) involved allegations that were outside of BEGA's jurisdiction. For the 69 closed matters within BEGA's jurisdiction, allegations involving rules governing outside employment or activities accounted for 23 matters (33.33%), while allegations involving misuse of government property/resources/vehicles accounted for 13 matters (18.84%) and alleged violations of the nepotism rules were involved in 12 matters (17.39%). There were seven matters (10.14%) stemming from allegations involving violations of the conflict-of-interest rules and six matters (8.70%) alleging preferential treatment or lack of impartiality. Three complaints (4.35%) alleged use of public office for private gain and two matters (2.90%) involved potential violations of the rules governing gifts and donations. There was one matter (1.45%) in each of the remaining categories. 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, Auditor Courtney Walker completed the Peoplesoft course "Thermostats and Thermometers". General Counsel Asia Stewart-Mitchell completed Appropriations trainings conducted by the Office of the Attorney General.

2. Conducted by staff

   Since the last Board meeting, OGE conducted 6 training sessions: a Board and Commission Ethics Training, the May Monthly Ethics Training, the May Hatch Act Training, the Monthly Brown Bag session, and two New Employee Orientations.

   In May, 616 learners completed courses on the LMS. Five thousand five hundred and twenty-six (5,526) District employees completed ethics training using Peoplesoft and 117 new employees attended New Employee Orientation and received information on the District's ethics rules in May.

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C. Advisory Opinions/Advice

1. Informal Advice

OGE's legal staff provided advice for approximately 40 ethics inquiries, which is 2 less than the 42 reported at the May 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 advisory opinions since the last meeting. The comment period for formal advisory opinion, Representation Through Testimony, which was issued in April, closes on June 15, 2026.

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. 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. Council Chairman Mendelson has indicated that he will amend this legislation with the intent that it passes before the Council's recess.

E. OGE Administrative Matters

1. Staffing

OGE has an Attorney Advisor vacancy, which we plan to fill in the coming months.

2. Budget

On April 10th, 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 2030. These transfers are in addition

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to the already existing sweeps that were passed with the FY26 BSA. On May 22nd, the Committee on Judiciary and Public Safety issued its Report and Recommendations on the Fiscal Year 2027 Budget for Agencies Under Its Purview. The Committee adopts the Mayor's proposed budget for BEGA. The Committee also proposes BSA subtitles which will amend the lobbyist sections of the Ethics Act. Specifically, the amendment will increase registration fees by $150, which means general lobbyists will pay $500 and non-profits lobbyists will pay $250, with the additional $150 going to the District's General Fund. The amendment will also require 501(c)(4) organizations to register as lobbyists, increase the late filing penalty to $200 per day, and remove the exclusion of Saturdays, Sundays, and weekends from the late filing timeframe.

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 deadline to file financial disclosure statements was 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 will continue to send reminders to those filers who have not yet filed. As of May 29, 2026, 8,055 filers (90%) completed their financial disclosure.

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.

As of May 2026, we received 97 new lobbyist registrations and 939 activity reports. On May 6, 2026, fine notices were sent to seven lobbyists and this week 2 fine notices were sent.

H. Public Investigations

26-0005-F In re Phil Mendelson – this is a formal investigation based on allegations that the Respondent, Chairman of the D.C. Council, misused government property and resources to oppose a political candidate's declaration of candidacy with the Board of Elections.

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Thank you. This concludes the Office of Government Ethics' June 4, 2026, report. Board member Sobin asked about the new lobbyist legislation in the Budget Support Act. Director Cooks confirmed that the Council wants to raise registration fees with the additional $150 in fees earmarked for the General Fund as opposed to the Lobbyist Fund and noting the increase in late fees from $100 per day to $200 per day. Board Member Sobin also noted that he was surprised about the number of nepotism complaints in the last quarter. Director Cooks noted that this was an unusually high number and that did not appear to reflect an increase in nepotism violations as there were no findings in the closed matters.

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 12:29 p.m.

The Board approved a new hearing date in **26-0004-F In re Cleo Subido.**

The Board approved a decision and order in **25-0002-F In re Trayon White**.

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 July 9, 2026 at 10:00 a.m.

The meeting adjourned at 12:30 p.m.

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