

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

**MEETING MINUTES – July 11, 2024**

The District of Columbia Board of Ethics and Government Accountability held a virtual meeting on July 11, 2024, at 12:00 p.m. Chairperson Norma Hutcheson did not attend the meeting. Board Member Charles Nottingham presided over the meeting and Board Members Felice Smith, Darrin Sobin, and Melissa Tucker participated in the meeting.

Members of the public were welcome to attend, and a recording of the meeting will be made available on open-dc.gov and BEGA’s YouTube channel.

**I. Call to Order**

The meeting was called to order at 12:02 p.m.

**II. Ascertainment of Quorum**

Three Board members, Melissa Tucker, Charles Nottingham, and Darrin Sobin were present for the start of the meeting. Board member Felice Smith joined the meeting shortly after the start of the meeting. Together, the four members constitute a quorum.

**III. Adoption of the Agenda/Approval of Minutes**

The Board members voted unanimously to adopt the agenda and approve the minutes for the June 2024 meeting.

**IV. November 2024 Meeting**

The Board approved moving the November 2024 monthly meeting from November 7, 2024 to November 14, 2024 at 12:00 p.m.

**V. Report by the Director of Open Government**

Good afternoon, Presiding Member Nottingham, and Members of the Board. I am Louis Neal, Chief Counsel for the Office of Open Government (“OOG”) and I am pleased to present this report on the activities of the Office of Open Government, on behalf of Director Niquelle Allen. Since the last Board meeting, OOG has continued to fulfill its mission of ensuring that all persons receive full and complete information regarding the affairs of the District of Columbia government and the actions of those who represent them.

**A. Open Meetings Act (“OMA”) and Freedom of Information Act (“FOIA”) Advice**

**1. Advisory Opinions**

Director Allen has 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 or telephone, to requests for assistance as follows:

- 9 requests for OMA advice;
- 3 requests for FOIA advice; and
- 12 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 attorneys provide legal advice on OMA compliance and take corrective action if necessary.

During June 2024, OOG's legal staff attended 16 public body meetings. As a result of the monitoring, OOG communicated 1 corrective measure. The public body failed to do the following: (1) cite the OMA regulatory statement.

## **C. Training/Outreach**

### 1. American Association of Access Professionals 17th Annual National Training Conference

From June 3<sup>rd</sup> – 5<sup>th</sup>, 2024, OOG Attorney Advisor Brandon Lewis and I attended ASAP's 17<sup>th</sup> Annual National Training Conference in Anaheim, CA. The conference included plenary, educational, and professional development sessions that focused on the Freedom of Information Act, privacy, the Privacy Act, and records management. OOG team members attended the following sessions:

#### a. ASAP 2024 Keynote Address

On June 3, 2024, Attorney Lewis and I attended the ASAP 2024 Keynote Address which was given by Bobby Talebian, Director of the Office of Information Policy at the U.S. Department of Justice. The address was entitled "Encouraging Agency FOIA Compliance" and featured updates from the Office of Information Policy as well as data about government-wide trends.

#### b. FOIA Procedural Overview

On June 3, 2024, Attorney Lewis attended the FOIA Procedural Overview session. The session provided an overview of the entire FOIA process from initial requests to administrative appeals and judicial review.

c. FOIA Exemptions Overview

On June 3, 2024, Attorney Lewis attended the “Overview of FOAI’s 9 Exemptions” session. The session outlined the nine situations in which the FOIA statute provides for the withholding of “exempt” information from public disclosure.

d. Privacy Act and FOIA

On June 3, 2024, I attended the “Privacy Act and FOIA” session. This session examined the relationship and differences between the FOIA and the Privacy Act. Specifically concluding that FOIA is an information access law, whereas the Privacy Act is an information protection law with limited access provisions. Anyone may submit a FOIA request for any type of record, but a Privacy Act request may only be made by the individual (or their legally authorized representative) covered by the requested records.

e. Litigation

On June 3, 2024, Attorney Lewis attended the Litigation session entitled "My FOIA Requester Sued the Agency: What happens now?". The session addressed why requesters go to FOIA litigation; how and where requesters file; and the process involved in litigating FOIA cases.

f. Exemption 5

On June 3, 2024, Attorney Lewis and I attended “Exemption 5”. This session explored Exemption 5 of the FOIA statute which protects inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency from disclosure to the public.

g. Artificial Intelligence in Action

On June 4, 2024, Attorney Lewis and I attended a session entitled “Using Artificial Intelligence to Improve FOIA Administration”. The session explored the increased frequency of AI use in agency FOIA administration, including a discussion of the efforts being made at the federal level to incorporate these tools into existing FOIA programs.

h. The Requesters

On June 4, 2024, Attorney Lewis and I attended The Requesters. This session was a panel discussion between members of the FOIA requester community, moderated by Kirsten B. Mitchell, the Compliance Team Lead of the Office of Government Information Services. The panel discussed viewpoints, attitudes, and strategies of the FOIA requester community.

i. Exemption 6 & 7(c)

On June 4, 2024, Attorney Lewis and I attended “Exemption 6 & 7(c)”. This session explored Exemption 6 of the FOIA statute which protects personnel and medical files from unwarranted invasion of personal privacy, as well as Exemption 7(C), which protects records or information compiled for law enforcement purposes.

j. Exemption 4

On June 4, 2024, Attorney Lewis attended “FOIA Exemption 4”. This session explored Exemption 4 of the FOIA which protects trade secrets and confidential commercial information.

k. Exemptions 7(A), (B), (D), (E), and (F)

On June 4, 2024, I attended a session which explored Exemptions 7 (A), (B), (D), (E), and (F). This session explored five subsections of Exemption 7.

**Exemption 7** – Protects records or information compiled for law enforcement purposes the release of which could reasonably be expected:

**7(A)** – to interfere with enforcement proceedings.

**7(B)** – would deprive a person of a right to a fair trial or an impartial adjudication.

**7(C)** – to constitute an unwarranted invasion of the personal privacy of a third party/parties (in some instances by revealing an investigative interest in them).

**7(D)** – to disclose the identity/identities of confidential sources.

**7(E)** – would disclose techniques and procedures for law enforcement investigations or prosecutions.

**7(F)** – to endanger the life or physical safety of an individual.

l. Professional Development – Forging a Career

On June 5, 2024, Attorney Lewis and I attended the professional development session which featured a panel discussion by three experienced FOIA professionals. The panelists discussed the trajectories of their careers and provided advice for career development in the FOIA/Privacy arena.

m. Appeals – Best Practices

On June 5, 2024, Attorney Lewis attended the session entitled "FOIA Administrative Appeals". The session explored elements of appeal letters; Federal Records Act Considerations; actions and dispositions; and best practices.

n. Recent Court Decisions

On June 5, 2024, Attorney Lewis and I attended “Recent Court Decisions”. This session provided a summary of approximately twenty significant court decisions related to FOIA procedural issues and exemptions that have come out in the last year.

Attorney Lewis and I found this Conference extremely informative, entertaining and insightful and look forward to attending another ASAP Conference in the future.

2. Mayor Bowser’s Cabinet Meeting

On June 13, 2024, Director Allen attended the Mayor’s Cabinet meeting at the Capital One Area. There were presentations and discussion regarding the revitalization plans for downtown DC, the FY25 budget, and preparing for the FY26 budget.

3. COGEL Connect: Training Edition (OGE)

On June 13, 2024, Attorney Scerbo attended the virtual COGEL Connect (OGE) session presented by OGE’s General Counsel Raj and Senior Attorney Stewart-Mitchell.

4. 2024 Agency Operations Call

On June 14, 2024, Attorney Scerbo, BEGA’s Records Officer, attended the 2024 Agency Operations Call, which centered on Records and the Archives, including updates to the status of District facilities and processes. BEGA is currently in the process of reviewing and updating its record schedules.

5. Commencement of the DC Bar’s John Payton Leadership Academy

On June 17, 2024, Attorney Scerbo attended the Final Session and Commencement of the DC Bar’s John Payton Leadership Academy.

6. COGEL Connect: Freedom of Information (FOI) Roundtable

On June 20, 2024, Attorney Scerbo attended the virtual COGEL Connect Freedom of Information (FOI) Roundtable session, which discussed the current state of FOI litigation and legislation in various jurisdictions.

7. DC Bar President’s Celebration of Leadership

On June 20, 2024, Attorney Scerbo attended the DC Bar President’s Celebration of Leadership, where the new President was inducted and the 2024 Payton Leadership class was recognized.

8. Superior Court Proceeding

On June 21, 2024, Attorney Scerbo and Attorney Lewis monitored Superior Court case 2023-CAB-007251 (OGC v. OCTO), where, following motions, Judge Lee ordered the parties to “meet and confer.”

9. COGEL Connect: Unbecoming- The breakdown of civility & ethical conduct in American and Canadian legislative bodies

On June 27, 2024, Paralegal Brown attended a virtual COGEL Connect session presented by US Representative Dan Goldman and Canadian Senator Brent Cotter. The presentation featured a discussion on legislative ethics and what can be done to help increase the public’s trust and confidence in our systems.

10. The Release of the Opengovist Newsletter:

On June 27, 2024, the Office of Open Government released its quarterly newsletter, “The Opengovist,” that reports on OOG’s activities and newsworthy events in the areas of government transparency. The newsletter provides legal updates on developments in public records law and open meetings including OOG’s advisory opinions issued. A copy of the newsletter is in Dropbox for your review.

**D. Litigation and Legislative Update**

1. Litigation

- a. Public Defender Service v. District (Case No. 24-CV-0411 (D.C. Ct. App.); Case No. 2023-CAB-003609 (Super. Ct.))

On February 15, 2023, the Department of Corrections (DOC) denied the Public Defender Service’s (PDS) request for a policy document concerning restrictive housing. The Mayor’s Office of Legal Counsel did not make a timely disposition of PDS’s appeal and PDS sued in Superior Court.

The case moved to the DC Court of Appeals. On June 24, 2024, the Court granted Appellant’s Motion to Dismiss.

- b. Robert Schilling v. United States House of Representatives (US. App. D.C. No. 22-5290)

On May 28, 2024, the U.S. Court of Appeals for the District of Columbia held that emails and recordings of meetings between Members of Congress, Committee staff and outside consultants in preparation for a hearing are not “public records” for the purposes of the common law right of access. The Court found that they were not created and kept for the purpose of memorializing or recording an official action, decision, statement, or other matter of legal significance.

- c. Leslie Richards v. “D.C. Finance & Treasury” (Case No. 24-CV-0034 (D.C. Ct. of App.); Case No. 2021-CA-003762-B (Super. Ct.))

I have previously reported on this *pro se* case in which the plaintiff-appellant sought information about a disbursement. The Superior Court dismissed the complaint because the plaintiff failed to properly serve the District nor state a claim upon which relief could be granted. The requester has appealed. OOG will continue to monitor.

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

A hearing was held before Judge Milton Lee on June 21, 2024, and following motions arguments regarding the materials provided by the Office of the Chief Technology Officer (OCTO) to the DC Open Government Coalition (OGC), Judge Lee ordered the parties to “meet-and-confer.” This case, in which OGC seeks an accounting of the backlog of public-records requests submitted through the FOIAXpress Public Access Link, will have its next hearing on July 31, 2024, at 2 p.m.

The substantive filings were placed in Dropbox before the June Board meeting.

## 2. Legislation

- a. Budget Support Act re: OMA Enforcement—Fine Increase (Subtitle D of Title I of Bill 25-0784)

On June 25, 2024, the D.C. Council passed on final reading the Open Meetings Enforcement Amendment Act of 2024, as a subtitle of the annual Budget Support Act (BSA). (Subtitle D of Title I of Bill 25-0784). Pending mayoral approval, congressional layover, and the arrival of Fiscal Year 2025 on October 1, 2024, this new act would raise civil fines to a maximum of \$500 per offense (up from the current \$250). The earlier fee-shifting provisions were removed by amendment.

- b. Rulemaking Public Comment Modernization Amendment Act of 2024 (Bill 25-0790)

Yesterday, July 10, 2024, the Committee on Executive Administration and Labor (CEAL) held a hearing on this bill, introduced by Councilmember Anita Bonds, which would amend the District of Columbia Administrative Procedure Act to require agencies issuing proposed rulemakings to receive oral comments (“data and views”) and electronic written comments. Current law allows agencies to require that comments be presented in writing. *See* D.C. Official Code § 2-505(a).

Also, the Office of Documents and Administrative Issuances would be required to “publish and maintain an electronic directory of . . . rules open for public comment.”

The introduced version of the bill remains in Dropbox.

**E. Administrative Matters**

1. FY25 Budget for OOG

On June 25, 2024, the DC Council unanimously approved the FY25 Budget Support Act (BSA). As previously reported, OOG will be working with a much leaner budget moving forward, as the D.C. Council did not restore the funding that BEGA requested for OOG’s training portal. The current portal will remain in place through calendar year 2025. As reported in the legislative portion of the report, the BSA provided for an increase in fines for OMA violations, but we do not anticipate that this will impact OOG’s operating budget, as litigation is a last resort.

2. Attorney Advisor Vacancy

The vacancy announcement for this position closed on July 9, 2024. OOG is currently reviewing the applications. We expect to conduct interviews this month and have the position filled in the near future.

3. OOG Welcomes Interns

On June 24, 2024, OOG welcomed two new Interns. Betty Luther, a recent graduate from Temple University and Ellery Grimm, a recent graduate from Bard College Berlin. The Interns will assist our legal team through August 2, 2024.

**This concludes the Office of Open Government’s July 11, 2024, report. I am happy to answer any questions the Board may have.**

Board Member Sobin congratulated Attorney Scerbo for completing the John Payton Leadership Academy.

**VI. Report by the Director of Government Ethics**

Good afternoon, Board member Nottingham, 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.



<b>OPEN INVESTIGATIONS BY STATUS</b>	
Open	68
Open - Negotiations	0
Open - Show Cause Hearing	0
Grand Total	68

<b>OPEN "UNDOCKETED MATTERS"</b>	
Grand Total	6

<b>PENDING/STAYED INVESTIGATIONS BY STATUS</b>	
Closed - Pending Collection	42
Stayed - Pending DC Superior Court Case	5
Stayed - OAG False Claims Act Case	1
Stayed - OIG Investigation	5
Stayed - US District Court Case	0
Grand Total	53

<b>REGULATORY MATTERS BY STATUS</b>	
Closed - Pending Collection	23
Open	5
Grand Total	28

	<b>Current</b>	<b>Last month</b>	<b>May</b>
Investigations Open	68	51	47
Investigations Stayed	11	11	12

The number of open preliminary and formal investigations includes 17 new matters. The investigative team resolved 4 investigations since the Board last met. This total does not reflect the number of complaints that were dismissed for a lack of jurisdiction. OGE will publish its Quarterly Complaint Report for the third quarter of fiscal year 2024 on next week and we will put a copy in the DropBox for the Board next month.

OGE has continued its communications and referrals to the Chief Financial Officer's Central Collection Unit ("CCU") for collection of delinquent debts. We continue holding monthly meetings with the CCU team.

## **B. Trainings/Outreach**

### **1. Professional Development Trainings Attended by Staff**

Investigator Ileana Corrales attended a training by Wicklander-Zulawski titled "Incorporating Trauma Informed Principles in all Interviews." Chief of Staff Christina Mitchell completed "Focused Learning from Conflict to Collaboration" hosted by eCornell University. Attorney Advisor Maurice Echols attended

COGEL Connect: Journalism & Ethics. Attorney Advisor Fran Vann and Investigator Tahja Reid both attended Introduction to Project Management by the Department of Human Resources. Program Support Assistant Naquita Titus took Microsoft Excel 1. Senior Board Attorney Lynn Tran completed Advanced Topics in Ethics and Compliance 2024.

On June 17, 2024, General Counsel Rashee Raj graduated from the DC Bar's John Payton Leadership Academy. The 2024 program chose 27 attorneys from a variety of professional backgrounds to embark on a three-month intensive training to unlock their leadership potential in the competitive, rapidly changing legal profession. The program involved in-person training, virtual training, a field trip to the D.C. Court of Appeals to watch an oral argument and meet Chief Judge Anna Blackburne-Rigsby, opportunities to engage with members of the D.C. Bar Board of Governors, and volunteer service at a D.C. Bar Pro Bono Center clinic. GC Raj volunteered at the DC Bar's Pro Bono Center quarterly Immigration Clinic on Saturday, June 1, 2024, where volunteer attorneys assisted individuals by providing brief legal information, advice, and referrals to individuals with immigration challenges. GC Raj is the second OGE attorney to complete the program, joining myself as a graduate of the program. Please join me in saying congratulations. A write up of the program can be found in the Dropbox.

2. Conducted by staff

Since the June Board meeting, OGE conducted eight trainings, which included the June and July Monthly Ethics Trainings, July Monthly Hatch Act Training, the DC Council Code of Conduct and Hatch Act Training, a Serve DC: City Wide Donation Training (covering gift rules), Lobbyist Registration and Reporting Training, June Ethics Counselor Brown Bag Session, and a Council on Government Ethics Laws ("COGEL" Connect: Training Edition).

On Monday, June 24<sup>th</sup>, Supervisory Attorney Asia Stewart-Mitchell presented the June Ethics Counselor Brown Bag Session. This was an interactive session that featured a Local Hatch Act game show. Twenty-three ethics counselors attended and participated in the game. A copy of the presentation was placed in the DropBox.

On Thursday June 13th, GC Raj and Supervisory Attorney Asia Stewart-Mitchell presented virtually to an international audience for the COGEL Connect: Training Edition. Raj & Stewart-Mitchell volunteered last December at the annual conference to lead a discussion on how to get other municipal ethics agencies caught up on Learning Management Systems. The presentation covered how to make the most of budgeted funds, how to decide on an LMS based on what is available, pros and cons of different platforms, and lessons learned from OGE's experience. Raj & Stewart-Mitchell also offered themselves as resources to the greater COGEL community on the topic. The presentation was well received. GC Raj will participate in a panel at COGEL's annual conference in December in Los Angeles, CA.

During June, 37 employees registered for the Learning Management System and 40 courses were completed. The courses with the highest completion rates were Hatch Act Training, Board of Ethics and Government Accountability Ethics Training and Conflicts of Interest: An Overview. Thirty-one employees completed ethics training using PeopleSoft during the month of June.

3. Outreach

OGE is still in the process of updating and implementing new training courses for the Learning Management System. We have been meeting with LRN, the vendor that hosts our LMS, to discuss the best course of action for adding 6 new courses, to include an updated Financial Disclosure Statement training for ethics counselors.

On June 14<sup>th</sup>, OGE issued its bi-monthly newsletter, “Ethically Speaking.”

C. Advisory Opinions/Advice

1. Informal Advice

OGE’s legal staff provided advice for approximately 55 ethics inquiries, which is 2 less than the 57 reported at the last 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 March 29<sup>th</sup>, OGE published an advisory opinion titled “Guidance on Social Media use for Official Purposes by District Government Elected Officials and District Government Employees.” The 30-day comment period passed, and OGE made edits to follow the Supreme Court’s opinion in *Lindke v. Freed*. The second draft was published to the website and will be published to the D.C. Register for a 30-day comment period effective tomorrow, July 12, 2024. A copy of the revised advisory opinion was placed in the drop box.

OGE issued a draft advisory opinion in response to a request from a former employee of the Office of the Attorney General (“OAG”) who sought guidance on whether the post-employment restrictions would prohibit him from serving as part of the legal team in a lawsuit against the District. The draft opinion advises the requestor that entering an appearance in a matter where OAG represents the District as a party to the litigation would be prohibited during the one-year cooling off period. The opinion also concludes that providing behind-the-scenes assistance in the litigation would be permissible during the one-year cooling off period if the requestor is not identified as the source of any behind-the-scenes guidance. The draft opinion was published in June to the website and will be published in the D.C. Register for a 30-day comment period effective tomorrow, July 12, 2024. A copy of the advisory opinion was placed in the drop box.

OGE also published advisory opinion, Advisory Neighborhood Commissioner Sign-on Letter, which responds to the Office of Advisory Neighborhood Commissions’ (“OANC”) request for advice on the parameters around the drafting, circulating, and sending of sign-on letters by Advisory Neighborhood Commissioners (“Commissioners”). Specifically, OANC would like this Office to identify the circumstances under which it is appropriate for Commissioners to participate in sign-on letters in their official capacity. OGE concluded that Commissioners may draft or endorse sign-on letters in their official capacity if: (1) they are conducting official ANC/District government business as authorized by their Commissions and doing so within the bounds of the ethics rules and the law, or (2) they are conducting official government business by representing the interests of their Single Member District (“SMD”) and endorses the letter as the SMD representative. The opinion advises that Commissioner are prohibited from using their official titles to draft or endorse sign-on letters that are personal in nature and do not relate to official District government business. The draft opinion was published in June to the website and will be published in the D.C. Register for a 30-day comment period effective tomorrow, July 12, 2024. A copy of the advisory opinion was placed in the drop box.

**D. Legislation and Rulemaking Updates**

1. Financial Disclosure Rulemaking

OGE has identified board and commission members that do not meet the definition of public official under D.C. Official Code § 1-1161.01(47) and don’t file financial disclosure forms even though they engage in conduct that creates a financial conflict of interest or the appearance of a conflict of interest. OGE drafted a proposed rulemaking that would designate those board and commission members as public financial disclosure statements filers and it was posted in the D.C. Register on March 29, 2024, for a 30-day comment period and was emailed to all ethics counselors. We received four comments, which OGE considered when amending the second proposed rulemaking to include four boards from the Department of Licensing and Consumer Protection and language about confidential filers sending a completed filing to their agency ethics counselor in addition to filing online. This rulemaking is set to be published tomorrow, July 12, 2024. It will remain in proposed status for 30 days for public comment before becoming final with action on or after August 12, 2024.

**E. OGE Administrative Matters**

1. 2025 Budget Oversight Hearing

On June 25th, the Council passed the FY2025 Budget Support Act of 2024. This legislation includes an amendment to the Ethics Act that will increase lobbying registration fees and fines. Specifically, the Act increases lobbying registration fees from \$250 to \$350 for profit entities and from \$50 to \$100 for non-profit entities. It also increases the late filing fee from a maximum \$300 fine to \$5,000. The Act will be reviewed by the Mayor before it undergoes Congressional review.

**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 2024 FDS season is coming to a close! The 2024 Financial Disclosure Statements (CY2023) were due on May 15, 2024. As of July 3rd, 8,284 or 92.4% of designated filers have submitted their statements. The FDS Team answered 855 support tickets in which 382 filers experienced difficulty accessing the electronic filing system. On July 5th, Program Coordinator Kosick published the lists of On-time filers, late Filers, and non-filers in the DC Register. The FDS team will begin enforcement measures for those filers who did not submit their statement in a timely manner.

Some programmatic highlights include Advisory Neighborhood Commissioners have a 75% compliance rate, up from 63% in 2023. Also, the District Department of Transportation (DDOT) added 298 new filers to the electronic filing system this year and achieved 98% compliance.

**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.

Lobbyist reporting has remained steady since the start of the 2024 calendar year. First quarter 2024 activity reports were due April 15, 2024. On June 12th, the LRR Team sent 14 fine letters to registrants who failed to file by the deadline. On June 26<sup>th</sup>, Program Coordinator Kosick sent 446 notices to registrants and clients reminding them that the second quarter 2024 activity reports are due on Monday July 15. On June 20<sup>th</sup>, Attorney Advisor Echols and Program Coordinator Kosick provided the quarterly Lobbyist Training, to which there were 30 attendees.

Finally, IT Specialist Kevin Brown and Program Support Assistant Naquita Titus created a QuickBase LRR Tracker, which is available on the BEGA website for lobbyists to submit waiver requests.

**H. Public Investigations**

24-0009-F In re Aretha Chapman – This is a formal investigation based on allegations that the Respondent violated the outside employment restrictions by working 5 or 6

hours per day but claiming 8 or 9 hours on her timesheet; violated the government property restrictions by obtaining confidential information under false pretenses; and violated the prohibition on using public office for private gain by using her status as DC Public School employee to obtain confidential information. The Board issued an amended scheduling order on June 18<sup>th</sup> which includes a hearing date of November 14-15, 2024. Both documents have been posted on the BEGA website.

**Thank you. This concludes the Office of Government Ethics' July 11, 2024, report.**

## **VII. Public Comment – if received**

We received one public comment after the 11:00 a.m. deadline from Tiffany Montgomery. Ms. Montgomery notes some inadvertent confusion on whether this meeting is being held virtually only. While the agenda posted on both open-dc and the BEGA website indicates that the meeting was only being held virtually, the location of the meeting was not clearly noted to be virtual only. Ms. Montgomery also notes that the terms of two of the Board members have expired. Both Board Members Felice Smith and Darrin Sobin have been renominated to serve on BEGA and the Ethics Act provides that Board members may continue to serve in a holdover status until the confirmation of their successor.

## **VIII. 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).

## **IX. Resumption of Public Meeting**

The meeting resumed at 1:58 p.m.

The Board opened a formal investigation in **24-0013-F In re Bridgette Crowell.**

The Board will next meet on August 1, 2024 at 12:00 p.m.

The meeting adjourned at 1:59 p.m.