

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

**DRAFT MEETING MINUTES – July 13, 2023**

The District of Columbia Board of Ethics and Government Accountability held a meeting on July 13, 2023, at 12:00 p.m. The meeting was held remotely via WebEx. Chairperson Norma Hutcheson and Board Members Charles Nottingham, Felice Smith, Darrin Sobin and Melissa Tucker participated in the meeting. These draft minutes must be approved by the Board. Full meeting minutes will be posted after the next Board meeting. Questions about the meeting may be directed to [bega@dc.gov](mailto:bega@dc.gov).

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

**I. Call to Order**

The meeting was called to order at 12:00 pm.

**II. Ascertainment of Quorum**

A quorum was established with all Board members present.

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

The Board members voted unanimously to adopt the agenda and approve the minutes of the June 8, 2023 meeting.

**IV. Report by the Office of Open Government**

Good afternoon, Chairperson Hutcheson, and Members of the Board. I am Johnnie Barton, Chief Counsel of the Office of Open Government, and I am pleased to present this report on the activities of the Office of Open Government (“OOG”), 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.

As a preliminary matter, Director Allen would like to extend her gratitude to the Board for her reappointment. Director Allen is excited to continue to lead OOG as we continue our efforts to ensure D.C. Government remains open and transparent.

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

1. Advisory Opinions and Formal Legal Advice

a. Dismissal of Advisory Neighborhood Commission (“ANC”) OMA Complaint

On June 8, 2023, Director Allen dismissed Complaint #OOG-2023-0004-M, regarding a violation of the OMA by an ANC, because ANCs are excluded from the OMA (D.C. Official Code § 2-574(3)(f)). 3 DCMR § 10403.1(a) provides for the dismissal of a complaint that “does not raise issues within the Director’s authority under the OMA.” The Advisory Neighborhood Councils Act of 1975, effective October 10, 1975 (D.C. Law 1-21; D.C. Official Code § 1-309.01 *et seq.*), governs ANC meetings. The complaint was referred to the Office of Inspector General for resolution.

b. The Board of Trustees of Eagle Academy Public Charter School and the District of Columbia Public Charter School Board Compliance with the OMA

On September 22, 2022, OOG received a complaint alleging OMA violations by the Board of Trustees of Eagle Academy (“Eagle Board”) and the District of Columbia Public Charter School Board (“DCPCSB”). In the June 26, 2023, advisory opinion, Director Allen concluded that: (1) the Eagle Board does not accessibly post minutes (except for a few scattered exceptions) to its website, and (2) the Eagle Board did not respond to OOG’s request to review a particular meeting notice, nor the audio/video of its meetings. Director Allen noted that DCPCSB may have had a duty under DC FOIA’s affirmative disclosure section to post Eagle’s grade-expansion application and the public comments in response to the application to the internet. The complainant was advised that OOG may only provide DCPCSB with non-binding advice on DC FOIA, as the Director of Open Government is not authorized to enforce public body compliance with the statute.

2. Informal OMA/FOIA Advice

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

OOG responded to 13 requests for OMA advice.

OOG responded to 5 requests for FOIA advice; and

OOG responded to 12 requests for technical assistance with open-dc.gov.

**B. Remote Meeting Monitoring**

OOG attorneys attend remote public meetings to ensure compliance with the OMA and to inspect public body websites and OOG’s Central Meeting Calendar for public meeting notices and records. We provide legal advice on OMA compliance and take corrective action if necessary.

During June 2023, OOG’s legal staff attended 30 remote public body meetings. As a result of the monitoring, written corrective measures were taken against public bodies. The public bodies received warnings for the following deficiencies regarding public notice: (1) the failure to cite the OMA regulatory statement, and (2) the failure to post on their websites a complete meeting notice that included a meeting agenda, location, and remote access information.

## C. Training/Outreach

### 1. Office of Attorney General (“OAG”), Springtime Ethics Hour

On June 6, 2023, Attorney DeBerry, Attorney Scerbo and I attended hypothetical-based ethics training on topics of interest to OAG and agency lawyers, including conflicts, reporting misconduct, and many issues that regularly arise in government practice.

### 2. Law & Economics Center, George Mason University Webinar

On June 9, 2023, Attorney Scerbo and I attended the Law & Economics Center Antonin Scalia Law School, George Mason University’s webinar on “State and Federal Private Right of Action Legislation: Are these Mechanisms Wise or Worrisome?” Unlike the District Sunshine Act’s private right of action (D.C. Official Code § 1-207.42) the laws and legislation discussed allow private parties to sue on behalf of the government for violations of certain laws.

### 3. Meeting with Councilmember Bonds

On June 15, 2023, Director Allen and I met with Councilmember Anita Bonds and Committee Counsel Kevin Chavous regarding the OMA virtual meeting and physical posting of public meeting provisions that expire on August 31, 2023. We also discussed the future of the OMA and electronic meetings after the pandemic.

### 4. Office of Open Government FY23 FOIA Webinar Series

The OOG is hosting a series of webinars on various DC FOIA topics from June through August 2023. OOG has invited D.C. government FOIA Officers to participate in the webinars and attorneys are eligible for legal credit upon completion of the webinars. Since the last Board meeting, OOG has hosted four webinars:

- a. On June 13, 2023, I facilitated “Nuts and Bolts of FOIA.” This webinar was an introductory course on the basics of DC FOIA and its regulations and provided helpful instruction for performing Freedom of Information Act Officer duties.
- b. On June 20, 2023, Director Allen facilitated “Effectively Managing the FOIA Process.” This webinar covered the lifecycle of responding to a FOIA request from receiving the request to processing and producing the records in response to the request.
- c. On June 27, 2023, Attorney Scerbo facilitated “Redactions and Commonly Used FOIA Exemptions.” This webinar provided instruction on how to redact records and covered the most commonly used FOIA exemptions based on the District’s annual FOIA report.

d. On July 11, 2023, Trial Attorney Nicholas Weil facilitated “FOIA Litigation Update.” The webinar covered the FOIA litigation process in the District of Columbia and provided an overview of the most interesting and impactful DC FOIA cases. It also included a review of the latest Mayor’s Office of Legal Counsel (MOLC) opinions and how to search for the opinions.

5. International Association of Privacy Professionals (“IAPP”) Training

On June 21-22, 2023, Attorney DeBerry attended a U.S. Private-Sector Privacy (CIPP/US) training. The class covered state privacy laws and regulations. The class was facilitated by Bob Siegel, President of Privacy Ref Inc.

6. National Institute for Trial Advocacy (“NITA”)

On June 22, 2023, Attorney Scerbo attended NITA’s Studio 71 webinar entitled, “Expert Cross: A Template that Works.” The webinar discussed dividing expert cross-examination into two thematic areas using examples from actual cases and exploring a low-risk/high-yield approach to the cross of experts.

7. District of Columbia Human Resources (“DCHR”) Webinar

On June 27, 2023, I attended the DCHR MSS webinar training on “Emotional Intelligence.” The goal of the webinar was: (1) to identify, understand and manage one’s emotions and (2) to identify, understand and manage how the emotions of others impact you.

8. OAG, Juvenile Justice Webinar

On June 28, 2023, Attorney Weil, Attorney Scerbo, and I attended a training presented by the OAG: “A Stroll Through the Juvenile Justice System.” The webinar focused on the life of a delinquency and status offender case; from pre-arrest diversion through a commitment to the Department of Youth Rehabilitation Services. It included an explanation of juvenile terms of art, the diversion continuum, juvenile specialty courts, case processing and litigation, agencies, and their roles, as well as OAG’s and the Family Court’s juvenile jurisdiction.

9. OAG, Civil Commitment Webinar

On June 29, 2023, Attorney Scerbo attended the “Civil Commitment: Everything You Wanted to Know” training class. The training was facilitated by John Davie, Assistant Attorney General of the Public Safety Division. The session covered the history of the commitment process, the current law in the District (the Ervin Act), and future trends.

10. American Society of Access Professionals (“ASAP”) National Training Conference

Director Allen, Attorney DeBerry, and Paralegal Brown attended ASAP’s 16th Annual National Training Conference featuring the Privacy Act, FOIA, and Records Management on June 27-29, 2023, in New Orleans, LA. The ASAP conference (“NTC”) addressed the educational and developmental needs of all individuals dealing with access statutes, privacy issues, and records management. The training blended basic, mid-level, and advanced sessions over three days, from 8:00 am - 4:30 pm. The live instructor-led classes detailed the practical everyday applications of access statutes and records management.

11. DC Open Government Coalition (“DCOGC”)

The DCOGC provided mid-year data on the Mayor’s Office of Legal Counsel’s (“MOLC”) processing of appeals. The MOLC has reduced the appeals backlog. In FY 23, 237 appeals were carried over from last year and 125 new appeals have been submitted since October 1, 2023. DCOGC reported that 39 appeals remain.

DCOGC also expressed that more needs to be done to ensure the processing of DC FOIA requests within statutory timeframes and the need to establish a commission to recommend changes to the DC FOIA.

**D. Litigation and Legislative Update**

1. Litigation

a. Phillips re: alleged Metropolitan Police Department (“MPD”) watchlist (Case No. 1:22-cv-00277-JEB (D.D.C.))

As Director Allen has reported, Amy Phillips alleged in a federal “section 1983” action that the MPD maintains a “watchlist” targeting certain D.C. FOIA requesters. On May 17, 2023, Ms. Phillips moved to amend her complaint to add a (supplemental jurisdiction/“state”) claim under D.C. FOIA.

However, the parties announced in their June 15, 2023, status conference that they “have resolved their dispute.” It appears that the parties intend to stipulate a dismissal. The District’s opposition to Ms. Phillips’s amendment of her complaint, Ms. Phillips’s reply, and an updated docket sheet are in Dropbox.

b. WaPo lawsuit re: records arising out of Capitol insurrection (Case Nos.23-CV-0488 (D.C. Ct. App.), 2021 CA 002114 B (D.C. Super. Ct.))

The Washington Post’s legal entity seeks certain records relating to the Capitol insurrection, including the Mayor’s WhatsApp messages. As Director Allen previously reported, the Superior Court granted summary

judgment to the District.

On June 8, 2023, The Post appealed. The notice of appeal is in Dropbox.

c. Chicago Justice Project lawsuit re: MPD Gang Tracking and Analysis System (Super. Ct. Case No. 2022 CA 001175 B)

As Director Allen has reported, the Chicago Justice Project (“CJP”) sued the District to compel the release of certain records from MPD concerning MPD’s Gang Tracking and Analysis System. The Superior Court awarded CJP partial summary judgment, finding that the District unlawfully withheld records responsive to two prongs of CJP’s initial D.C. FOIA request. The Court ordered the parties to continue to work in good faith to accomplish the disclosure of the pertinent records, and to file briefs on the remaining issue of attorneys’ fees. On October 3, 2022, CJP demanded \$450,000 in attorney’s fees. Three weeks later, the District demanded about \$420,000 in prepayment of the costs of searching for and delivering the remaining public records. In her June 8, 2023, order, Judge Dayson held the District’s asserted amount of FOIA-review fees to be unreasonable. (Order at 7, 8, 11.) The order took issue with (1) MPD’s approximating its time for document review at sixty pages per hour rather than an industry standard of “sixty documents per hour,” and (2) the proposed use of only supervisory personnel (DS-14 pay grade and above) to perform the review, thus generating a fee of \$40 per hour over the entire scope of the review. (*See id.* at 7, 8 & n.5, 11.) Still, the Court required more documentation to evaluate what amount of FOIA fees the Court *would* allow. (*Id.* at 11, 13.) Judge Dayson also required CJP to submit a revised demand for its attorney fees, because it asserted “fees include work on many matters for which [it wa]s not entitled to collect fees,” such as “its unsuccessful Motion for a Preliminary Injunction” and a motion for an extension of time to file. (*Id.* at 12, 13.) Judge Dayson ordered that CJP submit a revised bill of fees “including only those hours associated with researching, writing and in court argument regarding: (1) the Complaint; (2) the Motion and Reply for Summary Judgment; and (3) the opposition to the District’s Motion for Summary Judgment. Given that [CJP] prevailed only in part, that amount may be further reduced.” (*Id.*)

The Court’s order is in Dropbox. A status hearing is set for July 20, 2023, and OOG staff will attend.

2. Legislation

a. Fi School/Park Security Briefings - Proposed Exemption from Open Meetings Act

As Director Allen has reported, on February 23, 2023, nine members of the Council of the District of Columbia (“D.C. Council”) introduced the School Security and Transparency Amendment Act of 2023, which would exempt from the OMA certain briefings to the D.C. Council on the security of District of Columbia Public Schools and parks and recreation facilities; relating to

deficiencies in exterior doors or windows or “doors to instructional and regularly used administrative spaces,” public address systems, fire alarms, or security surveillance systems; and would exempt such security vulnerabilities from public work-order disclosure. On June 13, 2023, the D.C. Council enacted on an emergency basis the relevant language as Subtitle D of Title I of the Fiscal Year 2024 Budget Support Emergency Act of 2023.” The new provisions, including new D.C. FOIA Exemption 20, would “apply as of October 1, 2023.”

The enrolled emergency act is in the Dropbox. The pertinent language begins on page 6.

b. Virtual Open Meetings Authority Extension Emergency/Temporary Amendment Acts of 2023 (Bill Nos. 25-0331, 25-0332)

On June 20, 2023, the Council approved the Virtual Open Meetings Authority Extension Emergency Amendment Act of 2023, and a companion temporary measure passed on first reading. The Mayor’s response to the emergency was due on July 12, 2023. On July 11, 2023, the companion temporary measure was passed on the second reading. These measures will extend pandemic-era flexibility for public bodies to comply with the OMA by conducting open meetings virtually. However, it does not continue in effect the waiver of physical posting of public meeting notices that were in previous emergency and temporary legislation.

In her introduction memorandum and the emergency declaration, Councilmember Pinto observed that “[a]lthough the public health emergency has concluded, this authorization has provided public bodies with the flexibility to determine the most efficient format for their meetings without reducing access for residents. In fact . . . providing a virtual option to attend meetings has increased access for many residents, including seniors, individuals with mobility issues, caregivers, individuals who are immunocompromised, and those who are ill. Although many public bodies have resumed in-person meetings, most continue to stream their meetings online or otherwise make the meeting available in a virtual format to allow residents to participate remotely.”

c. DC Water Critical Infrastructure Freedom of Information Clarification Acts of 2023 (Bills 25 0379, 25 0380)

On July 10, 2023, Councilmember Allen introduced emergency and temporary versions of an amendment to D.C. FOIA. The amendment . . . would expand Exemption 15 to cover “critical infrastructure information . . . for . . . the District of Columbia Water and Sewer Authority” (“DC Water”). As Councilmember Allen explained in his floor remarks, the current language only covers records on “companies . . . regulated by the Public Service Commission,” which do not include DC Water.

On July 11, 2023, the Council passed the emergency bill by voice vote and advanced the temporary companion through its first reading.

The bills and the emergency declaration are in Dropbox.

**D. Administrative Matters**

1. BEGA 1030 15th Street, NW Relocation

The weekly meetings continued in June regarding BEGA’s relocation to its new office. Director Allen, Director Cooks, Chief of Staff Mitchell, and IT Specialist Brown met with the Department of General Services (“DGS”) project managers and construction team to discuss the progress of the agency’s relocation to its new facility at 1030 15th Street, NW. DGS recently informed BEGA, through its project managers, that the projected date of the relocation is now November 2023. During the June monthly meetings, the BEGA team discussed the keying of the new location and continued discussions regarding BEGA’s needs for data and telephones at the new facility.

2. Website Security Updates

IT Specialist Brown completed a project to update the security certificate of open-dc.gov. He is also working with the Office of the Chief Technology Officer (OCTO) on installing important security updates on the open-dc.gov website and migrating some of the content to the redesigned website, bega.dc.gov. OCTO would complete this migration as part of the bega.dc.gov website redesign project.

**This concludes the Office of Open Government’s July 13, 2023, report. I am happy to answer any questions the Board may have at this time.**

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

Good afternoon, 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.

<b>OPEN INVESTIGATIONS BY STATUS</b>	
Open	40
Open - Negotiations	0
Open - Show Cause Hearing	0
Grand Total	40



<b>OPEN "UNDOCKETED MATTERS"</b>	
Grand Total	2

<b>PENDING/STAYED INVESTIGATIONS BY STATUS</b>	
Closed - Pending Collection	32
Stayed - Pending DC Superior Court Case	4
Stayed - OAG False Claims Act Case	1
Stayed - OIG Investigation	4
Stayed - US District Court Case	0
Grand Total	41

<b>REGULATORY MATTERS BY STATUS</b>	
Closed - Pending Collection	26
Open	5
Grand Total	31

	<b>Current</b>	<b>Last month</b>	<b>May</b>
Investigations Open	40	47	52
Investigations Stayed	9	8	10

The number of open preliminary and formal investigations includes 6 new matters. The investigative team has 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.

Recently, OGE agreed to a Memorandum of Agreement for Debt Collection Services with the Office of the Chief Financial Officer’s Central Collection Unit (“CCU”). Pursuant to the Board of Ethics and Government Accountability Delinquent Debt Recovery Amendment Act of 2022, which was enacted in December 2022, BEGA may discretionarily transfer delinquent debts associated with settlements and judgements for ethics and Open Meeting Act violations to the CCU for collection, and the funds collected on BEGA’s behalf will be deposited into the Ethics Fund or OMA Fund instead of the General Fund. Once the agreement is finalized, we will begin the process of transferring delinquent debts to the CCU for collection.

**B. Trainings/Outreach**

1. Professional Development Trainings Attended by staff

During the month of June, Investigator Ileana Corrales took two Society of Corporate Compliance and Ethics courses: “Conducting Interviews with External Business Partners” and “Blind Dates and Investigation Interviews are the Same Thing.”

Chief of Staff Christina Mitchell attended “The Work-Life Renaissance: How AI and Ethics can transform the World” by Ethicsverse and “P.A.C.E. -- Planning for

the Emergency Communication Ecosystem” presented by the Homeland Security and Emergency Management Agency. Program Support Assistant Naquita Titus completed Communicating Non-Defensively.

Attorney Advisor Maurice Echols took “More Effective Writing Makes More Effective Lawyers” by the DC Bar. He and Program Coordinator Stan Kosick both attended the virtual COGEL Connect: Lobbying Roundtable. The roundtable included discussion and updates from COGEL members regarding rules and regulations from Canada and the U.S. The key takeaway was that many states are mandating lobbyist training be completed annually.

General Counsel Rashee Raj took “A Deep Dive into Time Management Techniques” by the South Asian Bar Association of Washington, D.C.

## 2. Conducted by staff

Since the June Board meeting, OGE conducted 5 training courses: the June and July Monthly Ethics Trainings, training for the Office of the Deputy Mayor for Operations and Infrastructure, the June Brown Bag session, and a Lobbyist Reporting and Registration training. On Monday, June 26<sup>th</sup>, Supervisory Attorney Asia Stewart-Mitchell presented the June Ethics Counselor Brown Bag Session on the Local Hatch Act. A copy of the presentation was placed in the drop box.

During the month of June, 42 employees completed our online ethics training via PeopleSoft and 34 users completed 44 courses using the Learning Management System, with approximately 10 people completing more than one course. Course BGA923 General Ethics Training and BGA909 Conflicts of Interest were the most popular. Since the launch of the Learning Management System in April 2022, 5,897 employees have registered within the system, which is an increase of 26 users since the last board meeting. We continue to meet with our LRN program manager to discuss ways to optimize the system and increase employee registration.

## 3. Outreach

OGE has recently partnered with the District Department of Transportation (“DDOT”) to provide ethics training for the entire agency. OGE will provide at least two live ethics webinars. For those employees who are not able to attend a webinar, we will initiate an online campaign using the LMS, which will include sending email notifications to employees that notify them to register for the system and complete specific ethics trainings by a certain deadline.

OGE is preparing for Ethics Week 2023! The week-long event will take place on October 23-27, 2023. This year’s theme is “Everyday Ethics” #cantgoadaywithoutit. The coordination committee, led by Supervisor Stewart-Mitchell, is in the process of creating the agenda, scheduling speakers, and purchasing memorabilia. Once the course schedule is completed, we will provide notice of the event later this month.

#### 4. BEGA Newsletter

On Friday June 16<sup>th</sup>, OGE published volume eight, issue three of its newsletter, “Ethically Speaking.” The newsletter provided reminders of the financial disclosure statement review report deadline; informed readers of the ethical issues within the three branches of the federal government; and included enforcement actions taken by other state ethics boards. I’d like to thank Senior Attorney Tran for leading the newsletter project, as well as members of the legal team for providing information and insight on the articles. This issue is available on the BEGA website and a copy is included in the DropBox for your reading pleasure.

### C. Advisory Opinions/Advice

#### 1. Informal Advice

OGE’s legal staff provided advice for approximately 32 ethics inquiries, which is 16 less than the 48 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

OGE’s advisory opinion, “Guidance on Recusal” was finalized on June 9<sup>th</sup>. The opinion provides advice on when a recusal is warranted and how employees should properly recuse themselves to avoid violating the ethics rules. The opinion details the definition of recusal and provides information on when a written statement of recusal is expressly required by the Code of Conduct and when a recusal is necessary to avoid even the appearance of an ethics violation. The opinion also addresses what should be included in a written statement and the process after an employee discloses a conflict. The opinion is published on the BEGA website.

On June 22<sup>nd</sup>, OGE issued draft advisory opinion “Guidance on the Local Hatch Act and the Use of Campaign Slogans.” The opinion reminds employees of the political activity restrictions and that the on-duty restriction applies to District regulated political activity and federal political activity. Specifically, the opinion states that employees are permitted to use the phrase “Build Back Better” when referring to the official policy initiative of the Biden Administration but are prohibited from using “Build Back Better” as a campaign slogan while on duty or in the workplace, as well as slogans such as “Finish the Job,” “Make America Great Again,” or “MAGA”. The opinion was published on the BEGA website and submitted to the D.C. Register for a 30-day comment period. A copy was placed in the drop box for your review.

**D. Legislation Updates**

1. Comprehensive Code of Conduct

As defined in the Ethics Act, the Code of Conduct consists of seven different statutes and regulations with variable applicability. The Comprehensive Code of Conduct (“CCC”) is legislation that consolidates the District’s ethics laws and standardizes the ethical practices between the legislative and executive branches. OGE’s legal team will again review and update the CCC with the goal of submitting an updated version of the legislation to the Board and then the Council this fall.

**E. OGE Administrative Matters**

1. OGE Staffing

OGE has selected its new Auditor, Clara Olawunmi, who will begin on July 31st. We are in the final stages of reference checks for Attorney Advisor candidates and hope to extend an offer this week. OGE conducted interviews this week for the two Investigator positions and have narrowed the selection down to four candidates. We will complete a second round of interviews on tomorrow and offers will be extended as early as next week.

I’d also like to welcome two Summer Youth Employment Program Interns, Ms. Bethlehem Soloman and Ms. Amana Seaton to the team. Bethlehem is a recent Criminal Justice grad from Virginia Commonwealth University and Amana is a 3rd year student at Penn State. They will be joining us for the next six weeks. Welcome to them both.

2. Office Relocation

Our office relocation is still underway! OGE and OOG continue our weekly meetings with the Department of General Services, and the project management team to discuss construction and technology needs for the boardroom and staff areas. Due to construction issues, the proposed move-in date is now November 2023.

**F. Financial Disclosure Statement (FDS)**

Pursuant to D.C. Official Code §§ 1-1161.24 and 1-1161.25, 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 requirements, file their annual financial disclosure statement.

The 2023 Financial Disclosure Statements were due on May 15th. In April, the FDS team sent emails to 4,186 Public Filers and 4,263 Confidential Filers announcing the

deadline. This year, we extended a 30-day grace period to late filers. Any employee or public official who failed to file their statement on or by June 15th, will be penalized with a \$300 fine.

Overall, the Financial Disclosure Season was successful. In a positive shift, the Advisory Neighborhood Commission out-paced previous filing years with a 76% filing rate, which is up from 65% in 2022 and 63% in 2021. Additionally, twenty-one agencies boasted a 100% on-time completion rate while thirty-two agencies finished with a 100% completion rate by June 15th. The FDS team is now focusing on enforcement for late filers and those designated but who have not filed. While the number of help requests have decreased significantly since the deadline, the FDS Team still receives support tickets, phone calls, and other requests for assistance.

#### **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 June 29, the LRR team sent notices to 450 recipients announcing that the 2023 Quarter three Activity Reports are due by the close of business Monday, July 17, 2023. The LRR Team has been meeting with the Office of the Chief Technology Officer to identify upgrades to the e-filing system. Attorney Advisor Echols and Program Coordinator Kosick provided Lobbying Registration and Reporting training to 25 attendees on June 28th.

**Thank you. This concludes the Office of Government Ethics' July 13, 2023, report.**

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

No public comments were received.

#### **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 Board resumed the public meeting at 1:23 p.m.

The Board unanimously approved a negotiated disposition in **22-0102-P In re H Muhammad.**

### **IX. Adjournment**

The Board will next meet on August 3, 2023 at 12:00 p.m.

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