

**DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT
ACCOUNTABILITY
MEETING MINUTES – July 9, 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 July 9, 2026 at 10:00 a.m. Chairperson Norma Hutcheson and Board members Felice Smith, Darrin Sobin, and Melissa Tucker attended the meeting in person. Board member Charles Nottingham attended the meeting virtually.

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

I. Call to Order

The meeting was called to order at 10:01a.m.

II. Ascertainment of Quorum

All Board members were present at the start of the meeting.

III. Adoption of the Agenda/Approval of Minutes

The Board voted unanimously to adopt the agenda for the meeting and approved the minutes from the June 2026 meeting.

IV. Report by the Director of Open Government

Good morning, Chairperson Hutcheson, and Members of the Board. I am Niquelle Allen, Director of Open Government. I am pleased to present this report on the activities of the Office of Open Government ("OOG"). Our mission is to ensure that all persons receive full and complete information concerning the affairs of the District of Columbia government and the actions of its officials. Since the last Board meeting, OOG has continued its work to ensure that the District of Columbia government's operations are transparent, open to the public, and promote civic engagement. To that end, OOG has enforced the Open Meetings Act, advised on the Freedom of Information Act's requirements, and provided training on those transparency laws. OOG has proudly served as advocates for an open and transparent government.

A. Open Meetings Act ("OMA") and Freedom of Information Act ("FOIA") Advice

1. Advisory Opinions

a. Dismissal of OMA Complaint – White House Law Enforcement Issues, #OOG-2026-0013

I recused myself from this matter due to the appearance of a conflict of interest, pursuant to D.C. Official Code § 1-1162.23(a), and assigned it to the Chief Counsel to review and issue a determination on my behalf. On June 30, 2026, Chief Counsel Louis Neal dismissed Complaint #OOG-2026-0013 against the White House and the Executive Office of the President of the United States (the “Office of the President”), which alleged that no action was taken by the White House and the Office of the President on information that could be a threat to domestic security and the rule of law.

Chief Counsel Neal found that the White House and the Office of the President are not “public bodies” that are subject to the OMA. As such, the Chief Counsel dismissed the Complaint pursuant to 3 DCMR § 10403.1(a) because it does not raise issues within my authority under the OMA. He informed the Complainant that for allegations of misconduct related to federal officials or administration policies, the Complainant may consider contacting the relevant U.S. Representative or Senator to launch an inquiry. This matter is closed with respect to OOG.

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:

11 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’s attorneys provide legal advice on OMA compliance and take corrective action, if necessary.

Since the last Board meeting, OOG’s legal staff have attended thirteen (13) public body meetings. As a result of the monitoring, one corrective measure was communicated. The public body failed to publish a complete meeting notice pursuant to the Open Meetings Act.

C. Training/Outreach

1. Practicing Law Institute (PLI) Professional Well-Being Seminar

On June 9, 2026, I completed the webinar “Taking Control of Your Well-Being: Mental Health and Wellness for Attorneys.” The 3-hour course provided tools for coping with perfectionism, managing stress, and setting boundaries to maintain well-being and enhance attorney competence.

2. The Office of the Attorney General for the District of Columbia (“OAG”) Rulemaking Training

On June 10, 2026, I, along with OOG’s staff, attended the Office of the Attorney General for the District of Columbia (“OAG”) Rulemaking training, presented by Senior Assistant Attorney General Laurie Ensworth and Assistant Attorney General Josh Turner, of the Legal Division, OAG. The training session covered the rulemaking process in the District of Columbia, which included potential legal issues.

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

On June 10, 2026, Attorney Advisor Joan Lelma facilitated an OMA training for Boards of Trustees for DC Public Charter Schools. The training was the third in OOG’s 2026 training series for the Public Charter School Boards. I, along with Chief Counsel Neal and Attorney Anthony J Scerbo, attended this training.

4. Open Meetings Act (“OMA”) Training for Board of Podiatry

On July 8, 2026, Attorney Scerbo facilitated an Open Meetings Act (“OMA”) training for Board of Podiatry. The training provided an in-depth examination of the application of the OMA to public bodies.

D. Litigation and Legislative Update

1. Litigation

a. America First Legal Foundation v. Centers for Disease Control and Prevention (Case No. 22-cv-00978 (D.D.C.))

This is a Federal Freedom of Information Act (FOIA) case in which the Plaintiff, America First Legal Foundation requested that the Defendant Centers for Disease Control (CDC) produce all records of its efforts to “flag COVID-19 or COVID-19 vaccine related ‘misinformation’ or

‘disinformation’” on social media, including any communications with social media companies.

After receiving no response to its request, the Plaintiff filed suit to compel production. The Defendant subsequently released all responsive documents, portions of which were not disclosed under various FOIA exemptions. The Plaintiff disputed some of the withholdings. In response, the Defendant re-reviewed more than 1000 pages of records and released some previously undisclosed material and provided Plaintiff with draft Vaughn indexes explaining the remaining withholdings.

The Plaintiff continued to dispute the non-disclosure of the following information: (1) all Exemption 4 withholdings related to BrandLift and CrowdTangle, an advertising measurement platform and social media analytics tool, respectively, devised by Meta Platforms, Inc.; (2) all Exemption 5 deliberative process withholdings; and (3) all Exemption 6 withholdings of names only. The Defendant later released information previously withheld under Exemption 6. Both parties then moved for summary judgment as to the information withheld under Exemptions 4 and 5.

The District Court granted in part and denied in part the parties’ cross-motions for summary judgment. The Court held that records withheld under Exemption 5 were properly protected by the deliberative-process privilege because the materials, including meeting agendas and summaries, were pre-decisional and deliberative. The Court rejected the Plaintiff’s argument that allegations of unlawful government conduct defeated the privilege, relying on D.C. Circuit precedent declining to recognize a government-misconduct exception to Exemption 5. The Court further held that portions of Meta BrandLift reports were properly withheld under Exemption 4 because the information consisted of confidential commercial information, including pricing structures, budget terms, and account information whose disclosure could create competitive harm. However, the Court determined that records relating to Meta’s CrowdTangle tool were improperly withheld because the agency failed to establish that the information was commercial in nature, confidential, or that disclosure would create foreseeable commercial harm.

A copy of the Court’s decision is in Dropbox.

2. Legislation and Rulemaking

a. Open Meetings Clarification Amendment Act of 2026:

I previously reported on B26-0208, the “Open Meetings Clarification Amendment Act of 2026.” On June 2, 2026, the D.C. Council Committee of the Whole issued its Committee Report and Mark-up of B26-0208, which “clarifies the definition of ‘meeting’ ... establishes that a meeting shall be deemed open to the public if the public body takes steps reasonably calculated to allow the public to view or hear the meeting while the meeting is taking place, or, if doing so is not technologically feasible, as soon thereafter as reasonably practicable.” The Council passed the bill on First Reading on June 2, 2026, by a vote of 9-yes, 2-no, 1-present, and 1-absent. An amendment by Councilmember Allen, which added “a new, post hoc notice requirement for gatherings of Councilmembers that are otherwise not subject to the Open Meetings Act,” passed by a vote of 12-yes, and 1-absent.

On June 23, 2026, Chairman Mendelson proposed an amendment to the bill to “make clarifying changes to the language adopted by amendment on 1st Reading” and “change[s] the ‘Secretary of the Council of the District of Columbia’ to the ‘appropriate officer of the Council’ to ensure that a non-statutory position is not mandated to take action in statute. The amendment also acknowledged that “the appropriate officer in cases related to compiling and posting these Open Meetings documents is likely to be the Secretary to the Council.” The amendment was proposed to “eliminate unnecessarily duplicative language that attempted to describe the conduct or subject matter of one of these meetings” and to “explicitly exempt text messages from constituting an electronic meeting.” The amendment passed unanimously, and the bill passed by a vote of 10-yes, 2-no, and 1-present.

It was transmitted to the Mayor on June 26, 2026, and returned without the Mayor’s signature on July 6, 2026. It is enacted as of July 14, 2026, as Act A26-0361. The 30-day congressional review period will follow.

There are bills in Congress that seek to undo the changes proposed in the original bill that have been assigned to House and Senate committees, though currently no further action has been taken.

A copy of the Act, the amended bill, and Chief Counsel Neal’s written response to the Council concerning the original bill and the then Council-passed measure are in Dropbox.

- 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 expired on June 29, 2026.
 - ii. A26-0304, the “Full Accountability in Arrest Reporting Temporary Amendment Act of 2026”: This measure was enacted without the Mayor’s signature on April 29, 2026; published in the D.C. Register on May 1, 2026, became law on June 11, 2026, and will expire January 22, 2027.
 - iii. A26-0305, 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. The temporary measure, B-26-0617 was passed by the Council and signed by the Mayor. The Act, A26-0305 was published in the D.C. Register on May 1, 2026, and it became law on June 11, 2026, and will expire on January 22, 2027.
- c. Legislative Action regarding the “Captive Insurance Company Act of 2026” (FOIA-Related):

On June 15, 2026, the Council’s Committee on Health held a public hearing on B26-0588, the “Captive Insurance Company Amendment Act of 2026,” introduced by Chairman Mendelson. The proposed amendment reads: “Documents, materials, and other information submitted pursuant to this section, and any rules promulgated thereunder, shall be confidential and shall be exempt from the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*), and shall not be subject to subpoena or discovery or admissible in evidence in a private civil action, and shall not be divulged to any person except either as provided for in this subsection or with the written consent of the captive insurer or protected cell.”

The Captive Insurance Company Act of 2004 (D.C. Law 15-262) applies to an insurance company created by a parent company to insure the parent company’s own risks (“captive insurance” company).

The Captive Insurance Company Amendment Act of 2026 makes certain proprietary captive insurance regulatory records confidential under this statute. While these records could already be withheld under D.C. Official Code § 2-534(a)(1), which exempts trade secrets and confidential commercial or financial information, this new law would clarify the extent of the confidentiality of captive insurance company records submitted to

the Department of Insurance and Banking (DISB). The primary justification for withholding records is now D.C. Official Code § 2-534(a)(6), information specifically exempted by statute, as a result of the amendment.

We will continue to monitor the progress of the legislation.

A copy of OOG's internal memorandum, the bill, and D.C. Open Government Coalition's testimony are in Dropbox.

d. Director of Open Government's Notice of Final Rulemaking Regarding the Open Meetings Act Closed Meeting Requirements:

On June 16, 2026, I issued a Notice of Final Rulemaking and adopted as final amendments to Chapter 104, Title 3 of the District of Columbia Municipal Regulations (DCMR). The rulemaking creates a new section, 10411, that sets forth the procedural requirements public bodies must follow to enter closed sessions of meetings covered by the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code §§ 2-571 *et seq.* (2016 Repl.)). Additionally, the rulemaking makes clarifying and conforming amendments consistent with the Open Meetings Act.

Previous versions of this rulemaking contained a new subsection that authorized votes to enter closed session of a public meeting at a previous board meeting. The Office of Open Government received several comments that this section was problematic and may compromise the spirit of the Open Meetings Act, in response to the Second Notice of Proposed Rulemaking published in the D.C. Register on May 15, 2026, at 73 DCR 20. To address those comments, the final rules adopted on June 16, 2026, do not include that subsection, and the Office of Open Government will take up that matter in a separate rulemaking. The new rules took effect upon publication in the June 26, 2026, edition of the D.C. Register and are posted on OOG's website, open-dc.gov.

A copy of the Amended Notice of Final Rulemaking and D.C. Open Government Coalition's response to OOG's Second Notice of Proposed Rulemaking are in Dropbox.

E. Administrative

FY2027 Budget Oversight: The D.C. Council conducted a legislative meeting regarding the Fiscal Year 2027 Local Budget Act of 2026 (LBA) on June 23, 2026. The LBA passed unanimously with amendments, including BEGA's budget of \$4,092,650 for FY 2027. The D.C. Council conducted a legislative meeting regarding the Fiscal Year 2027 Budget Support Act (BSA) on July 7, 2026. The BSA, with amendments, was unanimously approved by the D.C. Council. The BSA includes a telework provision that provides the Mayor with the authority to

establish a government-wide telework policy. The legislative branch, judicial branch, and certain independent agencies are exempt from the Mayor's authority. Telework remains a permissible subject of collective bargaining for future collective bargaining agreements.

This concludes the Office of Open Government's July 9, 2026, report. I am happy to answer any questions the Board may have.

In response to a question from Board Member Sobin, Director Allen confirmed that the body worn camera legislation required disclosure of the identity of both MPD officers and federal officers, that the legislation passed legal sufficiency, and that there had been no legal challenges to date.

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	73
Open - Negotiations	0
Open - Show Cause Hearing	0
Grand Total	73

OPEN "UNDOCKETED MATTERS"	
Grand Total	14

PENDING/STAYED INVESTIGATIONS BY STATUS	
Closed - Pending Collection	33
Stayed - Pending DC Superior Court Case	3
Stayed - OAG False Claims Act Case	0
Stayed - OIG Investigation	0
Stayed - US District Court Case	2
Grand Total	38

REGULATORY MATTERS BY STATUS	
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Closed - Pending Collection	61
Open	631
Grand Total	692

	Current	Last month	March
Investigations Open	73	80	76
Investigations Stayed	5	5	8

The number of open preliminary and formal investigations includes 13 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.

B. Training/Outreach

1. Professional Development Trainings Attended by Staff

Since the last board meeting, General Counsel Asia Stewart-Mitchell completed the Peoplesoft training Using and Managing the DC P-card. Supervisory Attorney Advisor Amber Anderson completed PeopleSoft trainings – Building High Performing Teams and Performance Management MSS.

2. Conducted by staff

Since the last Board meeting, OGE conducted 7 training sessions: two Hatch Act trainings, the Monthly Brown Bag session, two New Employee Orientations, Lobbyist training, and the Quarterly Outside Employment training.

In June, seven hundred thirty-two (732) District employees completed ethics training using Peoplesoft and 473 new employees attended New Employee Orientation and received information on the District's ethics rules in June.

C. Advisory Opinions/Advice

1. Informal Advice

OGE's legal staff provided advice for approximately 33 ethics inquiries, which is 7 less than the 40 reported at the June 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 issued one advisory opinion in response to a request since the last meeting,

entitled “Outside Activity by a Board Member”. The opinion addresses whether a member of the Alcoholic Beverage and Cannabis Administration Board can represent an establishment that serves alcohol in the member’s private practice. I concluded that the member could represent the client in his private practice because the representation rule, provided in DPM § 1807.1(h), only applies to matters pending before ABCA and the ABCA Board and the Financial Conflicts of Interest Statute requires the member to recuse from any matters involving this client that come before the ABCA Board. The opinion is posted on the BEGA website, and it will be published in the DC Register on July 10, 2026, with the comment period closing on August 10, 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. There has not been any action taken on this legislation since April 18, 2026, when the Council passed temporary legislation that halts the applicability of BEGA’s rulemaking until October 17, 2026.

E. OGE Administrative Matters

1. Staffing

OGE has two Attorney Advisor vacancies, which we plan to fill in the coming months. BEGA welcomed two SYEP interns, Aikiea Miller and Maurice Hall last week. We look forward to a productive summer with our new additions. I’d like to wish our Legal Assistant, Courtnae Brown luck as she sits for the bar exam at the end of this month.

2. Budget

On June 23rd, the Council approved the FY27 budget which includes BEGA’s budget of \$4,092,650 (including \$3,934,552 from local funds and \$158,098 from special purpose revenue funds). On Tuesday, the Council approved the FY27 Budget Support Act of 2026 which proposes a transfer of \$102,366 from the Lobbyist Fund for fiscal years 2027 through 2029 and a transfer of \$152,354 from the Lobbyist Fund and \$19,440 from the Accountability Fund in fiscal year 2030. The BSA also includes a subtitle 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. As of July 6, 2026, 8,254 filers (or 92%) completed their filing.

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 18, 2026, Quarter 2 lobbyist reporting opened in the Lobbyist Registration and Reporting System. The deadline to submit Q2 activity reports is July 15th. OGE conducted lobbyist training on June 24, 2026.

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.

Thank you. This concludes the Office of Government Ethics' July 9, 2026, report.

In response to questions from Board Member Sobin, Director Cooks advised that the sweep from the Lobbyist Fund increased from the initial \$28,000 to the current amount in the Budget Support Act to account for the projected funds that were expected to be raised from the increased lobbyist fees approved by the Council.

VI. Public Comment

There were no public comments.

VII. Executive Session

The Board voted unanimously to enter into Executive Session to discuss ongoing, confidential investigations pursuant to D.C. Official Code § 2-575(b)(14), to consult with an attorney to obtain legal advice and to preserve the attorney-client privilege between an attorney and a public body pursuant to D.C. Official Code § 2-575(b)(4)(A), to discuss personnel matters including the appointment, employment, assignment, promotion, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials pursuant to D.C. Official Code § 2-575(b)(10), and to deliberate on a decision in which the Ethics Board will exercise quasi-judicial functions pursuant to D.C. Official Code § 2-575(b)(13).

VIII. Resumption of Public Meeting

The meeting resumed at 11:14 a.m.

The Board approved negotiated dispositions in **25-0116-P In re S. Hamlin** and **26-0013-P In re T. Leray**.

The Board approved an Amended Scheduling Order in **26-0004-F In re Cleo Subido**.

The next monthly Board meeting will be held at the Board of Ethics and Government Accountability, 1030 15th Street NW, Suite 700 West, and virtually on August 6, 2026 at 10:00 a.m.

The meeting adjourned at 11:15 a.m.