

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

**MEETING MINUTES – September 14, 2023**

The District of Columbia Board of Ethics and Government Accountability held a meeting on September 14, 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 12:01 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 August 3, 2023 meeting.

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

Good afternoon, 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”). 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**

OOG has not issued any advisory opinions since the last Board meeting.

## 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 15 requests for OMA advice.

OOG responded to 11 requests for FOIA advice; and

OOG responded to 10 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 August 2023, OOG's legal staff attended 23 remote public body meetings. As a result of the monitoring, two instances of written corrective measures were taken. The public bodies cited for correction both failed to cite the OMA regulatory statement on their agendas.

## **C. Training/Outreach**

### 1. Building Trial Skills, National Institute for Trial Advocacy ("NITA")

On August 1–25, 2023, Attorney Weil attended a training series offered by NITA. The training provided interactive drills on direct and cross-examination of lay witnesses. The course covered rules of evidence, impeachment, procedure, tactics of working with exhibits, opening statements, and closing arguments.

### 2. Family Support Council OMA training

On August 9, 2023, Attorney Scerbo, assisted by Attorney Weil, remotely presented "Introduction to the Open Meetings Act" to the Family Support Council, which covered the fundamentals of the OMA for public bodies. OOG legal staff attended the training.

### 3. LexisNexis webinar "Cybersecurity: An Attorney's Ethical Duty"

On August 10, 2023, Attorney Weil attended a training offered by LexisNexis University. This program reviewed attorneys' ethical duties with respect to cybersecurity, recent guidelines and practical guidance for meeting these responsibilities and resources for researching further. This program covered the current state of law firm cybersecurity, recent incidents and an assessment of common practices; attorneys' ethical obligations; and resources for cybersecurity research."

4. Office of the Attorney General (“OAG”) HIPAA Awareness (Privacy and Security) Training

On Aug 23, 2023, Chief Counsel Barton, Attorney Scerbo, Attorney Weil, Attorney DeBerry, and OGE staff attended HIPAA Awareness (“Privacy and Security) training presented by Tina Curtis, Director of OAG’s Office of Privacy and Confidentiality. The training provided information about the District privacy requirements under the Health Insurance Portability and Accountability Act of 1996.

5. LexisNexis Artificial Intelligence and Legal Analytics Discussion

On August 23, 2023, Attorney DeBerry attended a LexisNexis discussion on AI and Legal Analytics for State and Local Government Attorneys.

6. Records and Archival Management

On August 25, 2023, Attorney DeBerry attended records and archival management training with the D.C. Office of Public Records.

7. Office of Attorney General (“OAG”) Ethics Training

On August 30, 2023, Attorney Scerbo attended OAG’s Ethics Training Hour, which covered ethics issues for District agencies and attorneys.

8. D.C. Water FOIA training.

On August 30, 2023, Attorney Weil conducted a FOIA training for DC Water. The training was informative and well attended. OOG legal team also attended the training.

9. Office of the State Superintendent of Education (“OSSE) D.C. FOIA Training

On August 31, 2023, Attorney DeBerry collaborated with OSSE to present a remote D.C. FOIA training to OSSE’s staff. OOG legal staff also attended the training.

10. Parliamentary Procedure Training/Discussion-Family Support Council

On August 31, 2023, Attorney Weil led a remote discussion for the Family Support Council about the use of parliamentary procedures to conduct meetings under the OMA. The meeting was well received. OOG legal staff also attended the discussion.

11. District of Columbia Public Schools Local School Advisory Teams (“LSATs”)

On August 31, 2023, Chief Counsel Barton and Attorney DeBerry met with the District of Columbia Public School’s (DCPS) Manager of Community Affairs and Engagement. The discussion focused on how the OOG may help the Local

School Advisory Teams regarding OMA compliance. Chief Counsel Barton and Attorney DeBerry explained examples of OMA best practices and training for future collaboration.

## 12. “Train the Trainer” Training

On September 8, Attorneys Weil and Scerbo attended a “Train the Trainer” training along with Director Cooks, OGE staff, and Attorney Tran, conducted by Alex Kipp, Director of Education & Engagement for New York City’s Conflicts of Interest Board. This training introduced participants to presentation fundamentals, including vocal dynamics, audience engagement, and techniques for presenting online. This was the first date of a two-part seminar that will conclude on September 22.

## **D. Litigation and Legislative Update**

### 1. Litigation

- a. *Tax Analysts v. District Remanded for in camera Review of Private Letter Rulings* (Case Nos. 21-CV-0031 (D.C. Ct. App.); 2020 CA 001999 B (D.C. Super. Ct.)).

As I have reported, Tax Analysts, a publisher of tax journals; and reporter Aaron Davis, both sued the District under D.C. FOIA after the Office of Tax and Revenue (“OTR”) denied their request for 24 private letter rulings, or PLRs. PLRs respond to circumstances and data submitted by particular taxpayers, but the advice given in them has broader applicability, and so the requester-appellants argued that OTR must still release them after redacting specific details that would identify the underlying taxpayers.

D.C. Official Code § 47-4406(a) provides that “an officer, employee, or contractor, or a former officer, employee, or contractor, of the District of Columbia shall not divulge or make known in any manner . . . federal, state, or local tax information either submitted by the taxpayer or otherwise obtained.” The District argued that that subsection supersedes D.C. FOIA because (1) it is more specific and (2) the PLRs in question would contain such “tax information” that, even if it could be partially redacted, “would leave the requested rulings with no informational value” (slip op. at 2).

On July 27, a division of the District of Columbia Court of Appeals (Deahl, Steadman, & Glickman, JJ.) handed down its opinion.

The panel agreed with OTR that “[t]here is no question that” D.C. Official Code § 47-4406 is an “other statute” to which Exemption 6 defers. (Slip op. at 10, 11 & n.16.) Then, the judges held that a PLR potentially falls under D.C. Official Code § 47-4406(a). Comparing section 47-4406 to the corresponding federal tax provision (section 6103

of the Internal Revenue Code of 1986), the judges reasoned that, because PLRs may contain “‘data’ . . . ‘furnished’ by taxpayers . . . ‘with respect to the determination of the existence, or possible existence, of liability (or the amount thereof),” PLRs “may contain ‘return information’ (and, therefore, ‘tax information’).” (Slip op. at 12 & n.19, 14 & n.21.)

However, the panel ultimately “h[e]ld that the Superior Court erred in granting summary judgment to the District without first examining the PLRs in camera to determine whether any non-exempt portions of the documents were reasonably segregable from the exempt tax information . . . such that the PLRs should be disclosed in redacted form.” (*Id.* at 2, 3.) The judgment reversed and remanded for further consideration by the Superior Court. (*See id.* at 18 & n.25.)

The slip opinion, judgment, and Superior Court reassignment/scheduling order are in Dropbox. OOG staff will continue to monitor the proceedings on remand.

- b. *Chicago Justice Project (“CJP”) FOIA Suit Against District re: Gang Database; Opposing Fee Demands* (Case No. 2022 CA 001175 B (Super. Ct.).)

As I have reported, CJP sued the District to compel the Metropolitan Police Department to release certain records concerning the Gang Tracking and Analysis System.

CJP won partial summary judgment. The parties continue to dispute their respective amounts for (1) advance FOIA fees (on the District’s part) and (2) attorneys’ fees for CJP as the prevailing party.

At her August 22 status conference, Judge Dayson (1) granted, in part, CJP’s demand for attorneys’ fees, awarding \$62,252.51; and (2) ordered a revised briefing schedule with respect to the District’s demand for prepayment of FOIA-review fees.

The Court has set a new status hearing for October 27, and OOG staff will continue to monitor.

The new filings regarding attorneys’ fees are available in Dropbox.

- c. *Baltimore Police Department, et al. v. Open Justice Baltimore--Fee-Waiver Case* (Case Nos. 20 (Md. (Sept. Term 2022)); 24-C-20-001269 (Balt. Cir.).)

On August 31, the Supreme Court of Maryland decided a case involving fee-waivers under Maryland’s Public Information Act. The Court decided (1) the appellate standard for review of fee-waiver decisions (the “arbitrary and capricious” standard) and (2) some of the factors in deciding to grant or deny a fee-waiver request, including (a) “the

monetary cost of compliance to the agency as well as the burden on agency personnel”; (b) “whether disclosure of the records . . . would shed light on a public controversy; and [(c)] whether a complete denial of a fee waiver would exacerbate the controversy.” (Slip op. syllabus.) Here, the court held that the Baltimore Police Department (BPD) had not fully analyzed whether the public-interest supported a fee waiver, and remanded “to BPD for reconsideration of that determination.” (*Id.*)

Note that Maryland’s language, like D.C. FOIA’s, is discretionary on its face. *Compare* Md. Code, Gen. Provs. § 4-206(e) (“The official custodian *may* waive a fee if . . .” (emphasis added)) *with* D.C. Official Code § 2-532(b) (section 202(b) of D.C. FOIA) (“Documents *may* be furnished without charge or at a reduced charge where a public body determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.” (emphasis added)). Still, the Court held that “[i]f . . . the custodian determines that either a partial or total waiver would be in the public interest[], there is no more discretionary work left for the custodian to do. A denial of a fee waiver, after concluding that it would be in the public interest, would necessarily be an arbitrary and capricious administrative action.” (Slip op. at 39.)

The slip opinion is in Dropbox.

## **E. Administrative Matters**

### **1. Advisory Opinion Publication**

On August 30, 2023, the OOG's first advisory opinion was published in the *District of Columbia Register* (“DCR”). The Board was previously briefed on the advisory opinion. A copy of the version published in the DCR is in Dropbox.

### **2. Briefing on the D.C. FOIA Processing Platform**

On August 24, 2023, Chief Counsel Barton met remotely with the District of Columbia’s Office of the Chief Technology Officer, Michael Ruppert, to discuss the District’s FOIA processing platform.

### **3. BEGA’s Office Relocation**

The BEGA team continued weekly meetings with the Department of General Services (DGS) and its contractors regarding the agency’s relocation to 1030 15th Street, NW. Director Allen, Director Cooks, Chief of Staff Mitchell, and IT Specialist Brown met with the DGS project managers and construction team to discuss the progress of the agency’s relocation to its new facility. The projected date of the relocation/move is November 2023. Chief of Staff Mitchell is coordinating the agency’s move and met with the moving company last week. The construction is nearing completion, and the furniture delivery and

installation are the next steps in the process. Director Cooks will provide additional details.

**This concludes the Office of Open Government’s September 14, 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	35
Open - Negotiations	1
Open - Show Cause Hearing	0
Grand Total	36

<b>OPEN "UNDOCKETED MATTERS"</b>	
Grand Total	5

<b>PENDING/STAYED INVESTIGATIONS BY STATUS</b>	
Closed - Pending Collection	35
Stayed - Pending DC Superior Court Case	3
Stayed - OAG False Claims Act Case	1
Stayed - OIG Investigation	2
Stayed - US District Court Case	0
Grand Total	41

<b>REGULATORY MATTERS BY STATUS</b>	
Closed - Pending Collection	26
Open	26
Grand Total	52

	<b>Current</b>	<b>Last month</b>	<b>July</b>
Investigations Open	36	33	40
Investigations Stayed	6	9	9

The number of open preliminary and formal investigations includes 10 new matters. The investigative team resolved 7 investigations since the Board last met. This total does not

reflect the number of complaints that were dismissed for a lack of jurisdiction.

Pursuant to the Board of Ethics and Government Accountability Delinquent Debt Recovery Amendment Act of 2022, BEGA may discretionarily transfer delinquent debts associated with settlements and judgements for ethics and Open Meeting Act violations to the Office of the Chief Financial Officer's Central Collection Unit ("CCU") for collection. The Act requires that funds collected on BEGA's behalf be deposited into the Ethics Fund. OGE is in the final stages of agreeing to a Memorandum of Agreement for Debt Collection Services with the CCU. We had hoped to have a fully executed agreement before today, but employee absences have caused a delay. 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**

August and September have been busy training months for OGE. Senior Board Attorney Lynn Tran, General Counsel Rashee Raj, and I attended HIPAA Awareness Training coordinated by OOG and put on by Tina L. Curtis, the District-wide Privacy and HIPAA Security Official from the Office of Privacy and Confidentiality at the Office of the Attorney General for the District of Columbia ("OAG").

General Counsel Rashee Raj and Attorney Advisor Fran Vann attended Eleventh Hour Ethics Training put on jointly by OAG and DC Bar.

OGE attorneys and OOG attorneys Nick Weil and Anthony Scerbo attended part 1 of a 2-part series on "Train the Trainer" with Alex Kipp from the New York Conflict of Interest Board. This series was designed to help our attorneys become more dynamic and engaging presenters, especially in terms of giving training. The second part of the series will occur next Friday, September 22<sup>nd</sup>. Alex Kipp is the Director of Education & Engagement at NY COIB and has been for over 16 years. He has a diverse performance and theater background in addition to his ethics work. OGE has known of him for years and reconnected with him at COGEL last December via his presentations.

Chief of Staff Christina Mitchell, Program Support Assistant Naquita Titus, and IT Specialist Kevin Brown attended QuickBase Fundamentals presented by the Office of the Chief Technology Officer ("OCTO"). Mr. Brown and Ms. Titus are currently attending QuickBase app-a-thon at OCTO's office.

Attorney Advisor Maurice Echols attended the Annual Conference of the National Black Prosecutors Association in Chicago, Illinois. Notable sessions included: Evidence-Based Prosecution: Navigating the Complex Highway of Protecting the Community, While Keeping Uncooperative Victims Engaged and Informed; Litigation: Mind Your Manners; Keeping Up: Avoiding Discovery Violations; Understanding the Digital Trial; and Effective Cross-Examination.



General Counsel Rashee Raj, Supervisory Investigator Ronald Cook, Attorney Advisors Maurice Echols, Fran Vann, and Marissa Jones attended Strategies for Instructional Excellence in Cheektowaga, NY. This is a course from the National Criminal Justice Training Center which provides information on developing effective learning materials for adult learners and presenting them in memorable and effective ways.

2. Conducted by staff

Since the August Board meeting, OGE conducted 3 training courses: the August and September Monthly Ethics Trainings and the August Brown Bag session. On Monday, August 28<sup>th</sup>, General Counsel Rashee Raj presented the August Ethics Counselor Brown Bag Session on Official Social Media Accounts. Forty-two ethics counselors were in attendance and engaged in discussion about the legality or ethical propriety of deleting comments or disabling them altogether on official social media accounts. A copy of the presentation was placed in the DropBox.

During the month of August, 30 employees completed our online ethics training via PeopleSoft and 13 users completed 16 courses using the Learning Management System.

3. Outreach

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, has finalized the agenda, scheduled speakers, and purchased memorabilia. We are still developing and refining moderated discussions with a panel of Local Ethics Authorities, and another with a panel on Artificial Intelligence and Ethics. We are also reviving sessions with perennial favorites such as the Campaign Legal Center, guest speaker Michael Bret Hood from last year, and of course, the DC Bar for Legal Ethics for Government Attorneys. A final schedule was published on our website and placed in the DropBox.

4. BEGA Newsletter

On Friday, August 18<sup>th</sup>, OGE published volume eight, issue four of its newsletter, "Ethically Speaking." The newsletter provided financial disclosure statement fine information for non-filers; informed readers of the ethical issues within the three branches of the federal government; and included enforcement actions taken by this agency and other state ethics boards. This issue is available on the BEGA website and was included in the DropBox. The next issue will be published in October.

## C. Advisory Opinions/Advice

### 1. Informal Advice

OGE's legal staff provided advice for approximately 41 ethics inquiries, which is 26 more than the 15 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 June 22<sup>nd</sup>, OGE issued an 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 has completed the 30-day comment period and has been finalized. A copy was placed in the drop box for your review.

On August 2<sup>nd</sup>, OGE issued an Advisory Opinion upon request by the Executive Director of the Poverty Commission regarding the outside activity restrictions. The opinion addresses whether the Director can serve as an Adjunct Professor at American University without the role conflicting with his government service. This opinion provides guidance on the Conflict-of-Interest statute and the outside activity restrictions. Based on the facts, there is no apparent conflict with the Director's official duties and his potential employment as an Adjunct Professor; therefore, the outside activity is permissible, but is still subject to ethical restrictions. The opinion was published on the BEGA website and submitted to the D.C. Register for a 30-day comment period. This opinion will be finalized on October 9<sup>th</sup>. 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.

2. Committee on Executive Administration and Labor's Sexual Harassment Working Group

Councilmember Anita Bonds has invited BEGA to join a working group to discuss improvements to the existing sexual harassment policies within the District government. The group will also be attended by staff from various agencies and will take place on three separate dates this month. General Counsel Rashee Raj attended the first meeting today.

**E. OGE Administrative Matters**

1. OGE Staffing

OGE welcomes several new employees. Attorney Advisor Marissa Jones is a graduate of the University of the District of Columbia's David A. Clarke School of Law. She has 17 years of legal experience, the last 9 years spent at D.C. Public Library where she handled legal matters related to public safety, risk management, ethics, FOIA, public and private contracting, foundation and volunteer partnerships, and administrative litigation.

Investigator Rhoda Glasgow comes to us from the D.C. Alcoholic Beverage and Cannabis Administration. Ms. Glasgow has three years of law enforcement and field investigation experience. She obtained her Bachelor of Science in Criminal Justice Management and a Master's degree in Public Administration from the John Jay College of Criminal Justice.

Investigator Tahja Reed comes to us from Fairfax County Government with roughly three years of experience investigating allegations of abuse or neglect. Ms. Reid obtained her Master of Arts in Rehabilitation and Mental Health Counseling from the University of Arizona in Tucson, AZ. She specializes in utilizing her clinical skills to build rapport with individuals and identify deception during the investigative process. Tahja is a proud dog mom, and her dog Ares keeps her inspired daily.

Finally, our new Auditor, Courtney Walker, comes to us from the D.C. Office of Inspector General. Ms. Walker is an experienced audit professional, with over a decade's experience improving efficiency of governance, financial, and operational processes. Her career in audit began as a staff accountant/associate with KPMG after successful completion of the summer internship program. Ms. Walker earned both her undergraduate and Master's degree in Business Administration with a concentration in Accounting from Hampton University.

I am pleased to announce that our hiring phase has ended, and OGE is now fully staffed.

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. According to the construction team, the ceilings have been closed and OCTO is in the process of completing technology installations. On September 6<sup>th</sup>, Chief of Staff Mitchell met with the moving vendor and completed an assessment of our current office space. The proposed move-in date remains November 2023 but may take place sooner.

**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 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, was penalized with a \$300 fine. Overall, the Financial Disclosure Season was a success with 94% of all designated public filers and 92% of designated confidential filers completing the required financial disclosures. The FDS team has begun focusing on enforcement for 2021 and 2022 late filers and non-filers. On August 7<sup>th</sup>, the team sent notice to 2021 late and non-filers informing them of the assessed fine and pending garnishment from the Office of Pay and Retirement Services. Of those recipients, some have filed fine waivers with the Board.

On August 31, Program Coordinator Kosick and Chief of Staff Mitchell attended a meeting with AFSCME Local 2401's Executive Board regarding financial disclosure statement requirements for its members and information on the e-filing system. As a result of this conversation, the FDS Team has been invited to address the union members at the January 2024 membership meeting to encourage union members who have been designated as filers to participate timely and accurately.

**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.

OGE received six activity reports in August and three were filed late. Fine notices were sent to the Registrants advising them of the issue and the appropriate fine. The LRR Team has been meeting with OCTO to identify the e-filing system improvements. On September 6<sup>th</sup>, OCTO informed the Team that many of the

enhancements were ready for testing. After testing and approval, OCTO expects to deploy the upgrades on September 22. I will provide the Board with a detailed list of the improvements at the next meeting.

Chairperson Hutcheson asked about the prospect that the office relocation could occur earlier. Director Cooks noted the furniture was due to arrive at the end of the month, which is ahead of schedule. There is a prospect that the move could even happen next month.

#### **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 2:00 pm.

The Board voted to authorize a formal public investigation and issuance of subpoenas in **23-0006-F In re David Deboer**. The Board also approved a Notice of Violations.

The Board approved a negotiated disposition in **23-0074-P In re D. Neal**.

#### **IX. Adjournment**

The Board will next meet on October 5, 2023 at 12:00 p.m.