

MEETING MINUTES
DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Monthly Meeting of the Board

February 6, 2014, 1:00 p.m.
Room 540 South (BEGA Board Hearing Room)
One Judiciary Square

AGENDA

I. Call to Order

The Monthly Meeting of the Board was called to order at 1:00 pm by Chairman Robert Spagnoletti in Hearing Room 540 South at One Judiciary Square, 441 4th Street NW, Washington, DC 20001.

II. Ascertainment of Quorum

All Board members were present constituting a quorum.

III. Adoption of the Agenda

The Agenda was adopted unanimously.

IV. Acknowledgment of Adoption of the Minutes of the January 9, 2014, meeting.

The Minutes of the January 9, 2014, meeting were adopted unanimously.

V. Report by the Director of Open Government

a. Website

Director of Open Government, Traci Hughes informed the Ethics Board that the new website was launched on January 24, 2014. Director Hughes noted that as of today, twenty-five points of contact from Boards and

Commissions have failed to log on to the system to create their profile and enter meeting dates. There are approximately 160 boards and commissions listed on the site.

Director Hughes relayed to the Board that the overall the response to the website has been very positive. Director Hughes received immediate feedback from an Open Government Coalition board member who was particularly happy with the central listing of boards and commissions points of contacts and meeting dates. Several points of contacts for boards and commissions have expressed excitement about the ability to post meetings, agendas and minutes to the site, and have agreed to start including the bega-dc URL in their materials.

Director Hughes told the Board that the reaction from the Executive Branch has not been as enthusiastic. Generally, they acknowledge that boards and commissions are not diligent in their compliance with the Open Meetings Act in posting agendas and meeting minutes, and that the listing of boards and commissions information on the website aids compliance and is a useful tool for the public. However Director Hughes noted that the problem is that the Office of Boards and Commissions is working with the Executive to do something similar through the FOIAXpress system that will allow public bodies to post all information necessary for Open Meetings Act compliance. Director Hughes noted that this information was never communicated to her, despite her keeping the Office of Boards and Commissions in the loop on the centralized listing on the BEGA site.

To prevent this from happening again, Director Hughes plans to provide a monthly update to the Mayor's Office so that we are all on the same page regarding Open Meetings Act and Freedom of Information Act (FOIA) compliance.

b. Open Meetings Act compliance; FOIA

Director Hughes noted that the Mayor's office has begun training FOIA officers on the FOIAXpress processing system. Director Hughes attended training on January 27th.

c. Wiring of hearing room

Director Hughes informed the Board that the MOU with the Office of the Chief Technology Officer (OCTO) has been extended to reflect this fiscal year. The Office of the Chief Financial Officer (OCFO) has notified OCTO that all funds are in place, and OCTO can begin work. OCTO has not yet provided a projected start date.

VI. Report by the Director of Government Ethics

Director of Government Ethics, Darrin Sobin introduced and welcomed Michael Beckham, a Capital City Fellow who has chosen BEGA for the first part of his fellowship rotation from among twenty competing District government agencies. Director Sobin informed the Board that this is the first of three, six-month rotations for the Capital City Fellows. Director Sobin also noted that Mr. Beckham is a lawyer who graduated from the University of the District of Columbia (UDC) David A. Clarke School of Law in 2011. During his law school years, Mike worked at the UDC-School of Law Legislation Clinic and HIV/AIDS Legal Clinic. He has previous experience working as a law clerk at the US Environmental Protection Agency Facilities Enforcement Office in the Summer Honors Program, and the Office of D.C. Councilmember Mary Cheh. For the immediate future, Mike will be working with Jack Grimaldi, BEGA Senior Attorney, on researching and drafting the Universal Code of Conduct.

**a. Update on Status of Office of Government Ethics (OGE) Operations –
Recap of Previous Month’s Activities (statistics)**

- i. Investigations opened since the last Board meeting: 2
- ii. Investigations closed since the last Board meeting: 3
- iii. Currently, 14 open investigations

b. Publication and Reporting Obligations

- i. Current on all reporting obligations.

c. Trainings

- i. Attended by Staff** – Director Sobin attended a week-long National Association of Attorneys General (NAAG) management training.

- ii. Conducted by Staff**

- 1. Councilmember McDuffie’s Staff, Boards and Commissions,
Department of Consumer and Regulatory Affairs
(Hatch Act Training –Attorney-Advisor, Yancey Burns)
- 2. Department of General Services (Ethics Training)
- 3. NAAG(Ethics Training - Director Sobin)
- 4. New Employee Orientations (2)

5. The Office of Government Ethics met with Director of the new Prince Georges County Office of Government Ethics to share experiences regarding starting up a new ethics agency

d. Advisory Opinions

- i. Received two requests for written Advisory Opinions.
- ii. Two Advisory Opinions issued in response to request (timely - - within thirty days). One involved a request for post-employment advice and the other involved advice concerning nepotism.
- iii. The Office of Government Ethics (OGE) responded to forty-three requests for informal advice.

e. Lobbyist Matters

- i. Demand letters for previous fines issued for late July 2013 Activity Reports are being drafted. (Eighteen will be issued)
- ii. New fine letters are being worked on for those who failed to register at all in 2013. (Six will be issued)
- iii. Information being gathered for those who failed to file Lobbyist Activity Reports in January 2014 and for the last six months of 2013.
- iv. Lobbyist waiver request from Bruce Bereano, fines of \$360 because he filed Lobbyist Activity Reports for four different clients, each of which was nine days late (Filed July 23, 2013). Attorney-Advisor, Cristina Patzelt recommended to the Board to deny this waiver

request. The board agreed with Ms. Patzelt and denied the waiver request.

e. Budget Matters

- i. BEGA met with the Mayor's chief of staff to discuss BEGA budget needs for Fiscal Year (FY) 15' and outstanding requests for FY 14'. The chief of staff was generally supportive and Director Sobin is hopeful that BEGA will receive the two new positions that were requested – an administrative staffer to help with lobbyists and Financial Disclosure Statement filings and at least one additional investigator. Director Sobin believes that that the extra money for BEGA's hearing room has been transferred, so work should be able to begin shortly on the rewiring.

g. BEGA Legislation and Hearings

- ii. Director Sobin spoke to Councilmember (CM) McDuffie staffer who said that CM McDuffie intends to pursue BEGA's Best Practices legislation later this year.
- iii. BEGA's Performance Hearing is scheduled for Monday, February 10, 2014. BEGA provided answers to their performance questions on Wednesday, February 5, 2014.

h. New District Personnel Manual Published by DCHR/Executive – Proposed Rulemaking Published in the D.C. Register January 3 –

The Office of Government Ethics (OGE) provided written comments to DC Human Resources (DCHR) during the comment period, addressing areas of concern to the OGE. These include: defining the District of Columbia

Employee Ethics Pledge; making the definition of “prohibited source” the same in the District Personnel Manual and the Ethics Act; revising the definition of “prohibited source” expressly to include gifts from lobbyists; prohibiting the acceptance of promotional items from prohibited sources; and revising the Financial Disclosure Statement filing requirement for ANC Commissioners to comport with the recent Council legislation requiring only a certification.

i. Non-Confidential Investigations

- iv. #1087-001 – In Re: Ron Moten - - matter referred to OAG for civil enforcement of fine **(Link to be included)**
- v. #1057-001 – Michael Brown - - extension requested to respond to Notice of Violation until May 5, 2014, because sentence in criminal case postponed to April 28, 2014. Extension granted to May 5, 2014.
- vi. #AI-017-13 – In Re: Larry Hicks - - update from Ethics Board <http://www.bega-dc.gov/orders/ai-017-13-l-hicks-final-order>
- vii. #1008-006 – In Re: Yvonne Wimbush - - negotiated disposition for consideration **(Link to be included)**
- viii. 1060-001 Mary Oates-Walker **(Link to be included)**

VII. Opportunity for Public Comment

No comment from the public. Open Meeting closed at 1:40pm

VIII. Executive Session (non-public) to Discuss Ongoing, Confidential Preliminary Investigations pursuant to D.C. Official Code § 2-575(b)(14), 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), and Personnel matters pursuant to D.C. Official Code § 2-575(b)(10).

IX. Resumption of Public Meeting

a. Discussion of Any Remaining Public Items

The closed Ethics Board meeting ended at 2:15 pm. The Ethics Board meeting then re-opened.

X. Adjournment

Having no further business, the Ethics Board meeting closed at 2:16 pm.