

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

NOTICE OF PROPOSED RULEMAKING

The Board of Ethics and Government Accountability (“Board”), pursuant to the authority set forth in section 209 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (“Ethics Act”), effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.09) (2013 Supp.), hereby gives notice of intent to adopt proposed rulemaking to amend Chapter 53 (General Provisions) of Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (“DCMR”).

The rulemaking will amend section 5303.2 to bring it into conformity with section 211 of the Ethics Act (D.C. Official Code § 1-1162.11).

The Board authorized the promulgation of this rulemaking on April 3, 2014.

Final rulemaking action shall be taken in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Chapter 57 of Title 3 of the DCMR is amended as follows:

Section 5302.2 is amended to read as follows:

5303.2 The Director’s authority includes the power to:

- (a) Require any person to submit, within a reasonable period and under oath or otherwise as the Director may determine, written reports, and answers to questions that the Director may propound relating to the administration and enforcement of the Act;
- (b) Administer oaths;
- (c) Require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of the Board's duties; provided, that subpoenas issued under this paragraph shall be issued by the Director only upon approval of a majority of the Board and served either personally or by certified or registered mail on the individual named in the subpoena, or by other means agreed to by the individual named in the subpoena;
- (d) Order testimony to be taken by deposition in a proceeding or investigation before any person who is designated by the Director and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under the Act;

- (e) Pay witnesses the same fees and mileage as are paid in like circumstances in the Superior Court of the District of Columbia;
- (f) Institute or conduct, on the Director's own motion, a preliminary investigation into alleged violations of the Code of Conduct or other violations of the Act;
- (g) Retain, on a temporary basis, consultants, including attorneys or others; and
- (h) Require any person to submit required reports or documents through an electronic format or medium.

All persons interested in commenting on the subject matter in this proposed rulemaking action may file comments in writing, not later than thirty (30) days after the publication of this notice in the *D.C. Register*, with Stacie Pittell, General Counsel, Board of Ethics and Government Accountability, 441 4th Street, N.W., 830 South, Washington, D.C. 20001. Comments also may be sent electronically to bega@dc.gov.