

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

**DRAFT MEETING MINUTES – MAY 6, 2021**

The District of Columbia Board of Ethics and Government Accountability held a meeting on May 6, 2021 at 12:00 p.m. The meeting was held remotely via WebEx. The Board’s Chairperson Norma Hutcheson participated as well as Board Members Charles Nottingham, Felice Smith, Darrin Sobin, and Melissa Tucker. 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 and BEGA’s YouTube channel.

**I. Call to Order**

12:02 pm

**II. Ascertainment of Quorum**

Quorum established.

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

Board Members unanimously approved the Agenda and April 1, 2021 minutes.

**IV. Report by the Director 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, the OOG has continued to fulfill its mission of ensuring that all persons receive full and complete information regarding the affairs of the District government and the actions of those who represent them.

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

1. Advisory Opinion (FOIA): On April 12, 2021, I issued advisory opinion, “DCPS’ District of Columbia Freedom of Information Act Compliance #OOG-001.7.29.20\_AO” regarding the District of Columbia Public Schools (“DCPS”). My review of the matter led me to find the following: (1) DCPS’ Administrative and Policy Documents are public information subject to D.C. FOIA’s proactive disclosure provisions; (2) DCPS has not fully complied with D.C. FOIA’s proactive disclosure provisions; (3) a D.C. FOIA request is not needed to obtain these documents; and (4) DCPS has not made these documents publicly available as required by the D.C. FOIA. I find that DCPS is not in full compliance with the D.C.

FOIA's requirement to make Administrative and Policy Documents publicly available on its website, the Internet or by other electronic means. Additionally, DCPS violated the D.C. FOIA by not providing the information without the submission of a D.C. FOIA request. I recommend that DCPS develop a plan that includes a realistic deadline to reach full compliance with the D.C. FOIA. DCPS should also inform the Mayor and Council of its challenges and request additional funding to fully comply with the D.C. FOIA. My staff will monitor DCPS' progress in this matter.

Board Member Sobin inquired about the DCPS FOIA advisory opinion. He wanted to know about the budget constraints that are preventing agencies from posting required records online. We discussed making it a line item in the FY22 Budget.

2. Formal FOIA Advice: OOG's legal staff and OGE's General Counsel, Rashee Raj, continue to provide BEGA's pending FOIA requesters with a letter detailing the COVID-19 related changes to FOIA requirements and the impact of those changes on FOIA requirements. Currently, all FOIA requests received by BEGA's FOIA Officer, Sheree DeBerry, on or after January 16, 2021, will be processed under the normal FOIA rules. However, if the request requires BEGA to search for records located in BEGA's physical office, BEGA's response to the FOIA request will not be due until 45 days after the public health emergency has concluded.

3. Informal OMA/FOIA Advice: OOG responded informally, via e-mail or telephone, to requests for assistance as follows:

- The Office responded to 17 requests for OMA advice;
- The Office responded to 15 requests for FOIA advice; and
- The Office responded to 6 requests for technical assistance with open-dc.gov, since the last Board meeting.

B. Training/ Outreach:

1. Office of the Attorney General ("OAG") Evidence Training: On April 9, 2021, Attorney DeBerry, attended the "Evidence: The Use of Documents to Impeach" training presented by the OAG for the District of Columbia. The training was used as an opportunity to gain an understanding of the steps a judge expects a litigator to take to set up and complete an impeachment that relies on a document.

2. Bowser Administration Cabinet Meeting: On April 9, 2021, I attended Mayor Bowser's Cabinet meeting. The Mayor provided updates on the District Government's reopening plan. The Mayor has requested that Independent Agencies implement the reopening plan that she put forth and we are currently considering our reopening plan.

3. OMA Training for Local School Advisory Teams (LSATs): On April 20, 2021, I, along with OOG's legal staff attended the first of three trainings scheduled specifically for LSATs. The second OMA training was held on May 1, 2021 and the third training was held on May 4, 2021. Attorney DeBerry conducted the three OMA trainings and I, along with Chief Counsel Barton, attended as panelists.

4. OAG The Rise of Hate and Its Deadly Consequences Webinar: On April 14, 2021, I, along with OOG's legal staff attended a webinar which examined how attorneys general can advocate for and implement legal solutions to combat and prevent hate and better support victims, survivors, and their families. Panelists shared their personal stories of devastating loss, resilience, and advocacy in the wake of deadly attacks and their recommendations for legislative changes to prevent hate and support those who have experienced its horrific consequences.

5. The Leadership Institute for Women of Color Attorneys, Inc.: On April 15, 2021, I, along with Attorney DeBerry, attended The Leadership Institute for Women of Color Attorneys, Inc.'s 16<sup>th</sup> Annual Leadership Conference – “Left Out, Left Behind: A Roadmap for the Way Forward.” Women discussed experiences on responsibilities, work life balance, promotions, pay equity and a number of other issues affecting women of color in the legal profession. Another thought-provoking topic, “Implicit Bias – Do You Know What You Cannot See?” was also discussed with helpful ways to address situations.

6. The Leadership Institute for Women of Color Attorneys, Inc.: On April 29, 2021, The Leadership Institute for Women of Color Attorneys continued with a webinar focused on “Interactive Career Coaching” and “Best Practices for Navigating Careers for Women of Color.” I, along with Attorney DeBerry, attended the event.

7. ASAP National Training Conference Planning Committee: On May 4, 2021, I recorded a webinar for The American Society of Access Professionals Training Conference that will occur on May 25-27, 2021. I instructed on Innovations in District of Columbia FOIA law along with my co-presenter, Michael Morisy, from the FOIA advocacy organization Muckrock.

C. Litigation and Legislative Update:

1. Litigation: OOG is monitoring FOIA-related cases in D.C. Superior Court. The agency is not a party to either of the lawsuits. I provide this information for the Board's awareness of litigation that may impact the operation and interpretation of D.C. FOIA law.

a. TPM Lawsuit update: This is an update on the FOIA case filed against the District of Columbia on July 13, 2020, by Terris, Pravlik & Millian, LLP ("TPM"). The FOIA lawsuit alleges that the District of Columbia government failed to produce and post online various budget-related documents as required by FOIA. The Complaint alleges that the Executive Office of the Mayor failed to produce documents related to the Office of the State Superintendent of Education and District of Columbia Public Schools (Civil Action No. 2020 CA 003087 B).

On April 16, 2021, Plaintiff submitted *Plaintiff's Motion for Summary Judgment, Declaratory Judgment, and a Permanent Injunction* in this D.C. FOIA case. The April 16, 2021 submission was consistent with the schedule set in the Court's March 16, 2021, *Order Granting Parties' Joint Motion Requesting a Scheduling Order and Related Relief*.

On April 23, 2021, the Council of the District of Columbia submitted *Statement of the Council of the District of Columbia as AMICUS CURIAE in Support of Plaintiff's Motion for Summary Judgment, Declaratory Relief, and Permanent Injunction*.

The following deadlines and possible submissions remain: May 14, 2021 – Deadline for the District of Columbia to file its cross-motion for summary judgment and opposition to TPM's motion. June 11, 2021 – Deadline for TPM to reply in support of its motion and to oppose the District's cross-motion for summary judgment. June 30, 2021 – Deadline for the District to file its reply in support of its cross-motion for summary judgment. The Court scheduled a status hearing for July 23, 2021.

b. Stop and Frisk FOIA lawsuit: On February 16, 2021, the American Civil Liberties Union ("ACLU") filed suit against the District of Columbia (*ACLU of DC v. District of Columbia, No. 2021 CA 000452 B*) seeking records concerning stop and frisks by the Metropolitan Police Department ("MPD"). MPD is required to retain stop and frisk statistics pursuant to the Near Engagement Archives Result Act (D.C. Official Code § 5-113.01(a)(4B)). The *Complaint* seeks declaratory and injunctive relief to compel the District to provide the documents.

On April 15, 2021, the District submitted *Defendant's Consent Motion to Stay Litigation* so that parties may discuss the possibility of settlement. On April 20, 2021, the Court granted the *Defendant's* motion and *Order Granting Consent Motion to Stay* the proceeding was entered on the docket. The Initial Scheduling Conference scheduled for May 21, 2021 was cancelled. A status hearing has been scheduled for July 23, 2021. Parties have been instructed to file a praecipe of dismissal as soon as possible if a settlement is reached before that time. The OOG will continue to monitor these matters.

## 2. Legislation:

a. Office of the Chief Medical Examiner Amendment Act of 2021: On May 3, 2021, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, convened a public hearing on Bill 24-0148. The purpose of Bill 24-0148 is to amend the Establishment of the Office of the Chief Medical Examiner Act of 2000 to authorize the Office of the Chief Medical Examiner (OCME) to provide ancillary services and to establish the Office of the Chief Medical Examiner Fund to charge a fee for those services.

b. Medical Examiner Records Privacy Act of 2021: On May 3, 2021, Councilmember Charles Allen also discussed Bill 24-0203. The purpose of Bill 24-0203 is to amend the Establishment of the Office of the Chief Medical Examiner Act of 2000 and the Freedom of Information Act of 1976 to protect confidentiality of medical examiner case records. Specifically, Bill 24-0203 will help protect the privacy of families who suffer the loss of a loved one while balancing the public interest in certain OCME records. Bill 24-0203 will clarify which files are confidential, consistent with the privacy protections provided for death certificates and medical records. A judicial process is included for possible third-party access in the unusual case where the public interest outweighs a family's right to privacy. The OOG will continue to follow this legislation.

Board Member Nottingham inquired about the Chief Medical Examiner legislation. Specifically whether is it prudent to restrict access to those records when

releasing them may be in the public interest.

c. HB 2004 Virginia Freedom of Information Act; Law-Enforcement Criminal Incident Information, Criminal Files: On July 1, 2021, a new public records law will take effect in the Commonwealth of Virginia. The state's public records law was changed to allow Virginians access to closed investigative files. The law will compel police to release records of investigations that are no longer ongoing. The new law could begin to end state law enforcement agencies' longstanding practice of shielding files from current incident reports or files that have been closed for decades.

D. Administrative Matters:

1. Attorney-Advisor and Trial Attorney Vacancies: The OOG will welcome 2 new attorneys on May 24, 2021.

2. FY22 Budget: The Office of Open Government is working with the Office of Government Ethics on additional budget enhancement request. These requests are need to improve the operations of the agency and its ability to perform its mission. We are looking for additional funds for office administration and training platforms.

**This concludes the Office of Open Government's April 1, 2021 report.**

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

Good afternoon Chairperson Hutcheson and Members of the Board. My name is Rochelle Ford, I am 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 will occur as a result of actions taken by the Board during today's meeting.

<b>OPEN INVESTIGATIONS BY STATUS</b>	
Open	61
Open - Negotiations	1
Open - Show Cause Hearing	0
Grand Total	62

<b>OPEN "UNDOCKETED MATTERS"</b>	
Grand Total	0

<b>PENDING/STAYED INVESTIGATIONS BY STATUS</b>	
Closed - Pending Collection	27
Closed - Pending DC Superior Court Case	0
Stayed - OAG False Claims Act Case	3
Stayed - OIG Investigation	9

Stayed - US District Court Case	1
Grand Total	40

<b>REGULATORY MATTERS BY STATUS</b>	
Closed - Pending Collection	24
Open	0
Grand Total	24

	<b>Current</b>	<b>Last month</b>	<b>March</b>
Investigations Currently	62	55	53
Investigations Stayed	12	12	12

The number of open preliminary investigations includes 7 new matters opened since the Board last met. The investigative team resolved 0 preliminary investigations since the Board last met.

B. Trainings/Outreach:

1. Professional Development Trainings Attended by staff:

During the month of May, OGE Attorneys and Investigators attended the Society of Corporate Compliance and Ethics, two-day virtual workshop on the Essentials of Compliance Investigations. The training featured covered all aspects of planning, conducting, documenting, investigation as well as developing internal investigations related policy.

OGE attorneys attended a multi-day virtual conference sponsored by the Leadership Institute of Women of Color Conference (LIWOCA) and a Women in Law & Leadership Virtual Summit. Both conferences featured discussions on professional development and trending legal issues.

Investigator Bradley is currently enrolled in the Certified Ethics Associate (CEA)<sup>TM</sup> course, which is developed by the Management and Strategy Institute (MSI). This course is designed to provide a solid understanding of the ethical standards required in today's business environment.

BEGA's Auditor took the following trainings:

- Data Types, Sampling, Collection, and Measurement in Six Sigma
- Determining Requirements by Listening to the Voice of the Customer in Six Sigma
- Finding the Quality in Your Data
- Ethics for DC Employees

2. Conducted by staff:

Since the last Board meeting, OGE attorneys conducted 4 total ethics trainings, including a Monthly Ethics Training, an ethics training for the Health Benefits Exchange, and training for ANCs along with the OAG, and trainings for the Board of the University of the District of Columbia.

OGE did not hold a virtual brown bag ethics forum discussion this month.

C. Advisory Opinions/Advice:

1. Informal Advice: approximately 51, which is 5 more than the 46 reported at the April meeting. This number does not include responses we have provided to questions regarding the Lobbyist and FDS e-filing systems.

OGE has not issued any advisory opinions since the last meeting.

D. Legislation Updates:

Council member Allen intends to introduce the **Pro Bono Legal Representation Clarification Amendment Act of 2021**, as an amendment to Section 223 of the Ethics Act by adding a new subsection which will allow employees to represent persons of limited-income and community based non-profits before District courts and federal courts, and District and federal agencies. The amendment allows for pro bono representation, in affiliation with a non-profit, provided that: (A) the matter does not involve a claim against the District; (B) a criminal proceeding; (C) the District does not have a direct and substantial interest in the matter; (D) the employee has not participated personally and substantially in the matter as an employee; and (E) the representation does not violate federal or District law or any applicable rules of professional conduct or responsibility. In 2019, there were discussions to amend DPM 1807 Subsection (h) (no representation rule) to permit similar representation by UDC law professors and District employees, but that amendment was never introduced.

The Council Code and the DPM prohibit representation in matters against the District or matters in which the District has a substantial interest. The DPM provides an exception for employees to provide representation for other employees in personnel matters; and it permits the representation of family members or an estate if the employee has not participated in the matter as a part of their official duties. OGE does not oppose this amendment.

We are involved in the drafting process and have recommended that the amendment include a clear definition of what types of pro bono engagement are permissible.

**A copy of the draft amendment has been uploaded to the BEGA Box.**

Board Member Sobin mentioned that the D.C. Bar's Pro Bono Center takes a great interest in this legislation for obvious reasons. The D. C. Bar is a separate entity from the D.C. Bar's Pro Bono Center, so he felt comfortable to ask questions about the legislation. He wanted to know more about the definition of the "District does not have a direct and substantial interest in the matter" under part C and whether "and" should be "or."

E. OGE Administrative Matters:

**OGE Staffing:**

OGE Attorney Sonya King has resigned from position at OGE. I would like to thank her for her excellent work, professionalism, zeal, and collegiality

OGE interviewed candidates for the vacant Attorney Advisor position and the recently vacated Attorney Advisor position last month and is planning to extend offers by early next week.

The Board will be interviewing candidates for the Senior Attorney Advisor position this week.

**Reporting:** -- As discussed at the last Board meeting, OGE is unfortunately still working to post the finalized outstanding quarterly complaint reports. We have been delayed in publishing the Quarterly Complaint Reports because our draft reports have been consistently inaccurate based on our knowledge of our case dockets. For example, draft reports would omit some older, pending investigations (but not all or always the same matter) , even though we knew the matter was pending during the reporting period. Those older investigations typically were imported from our legacy case management system into our current system. Thus, we initially thought the problems stemmed from inconsistent data input methods for legacy and newer matters.

As a result, we worked with our case management vendor to resolve the problem. The vendor developed some solutions to help with search functionality, they provided additional general team and a specialized training, and we even asked them to try to provide the report for us, but their report was also missing some cases.

The team also met to analyze data input methods and to brainstorm streamlining generating quarterly reports. Weekly and monthly case reports are easy to draw with the push of a button because you are looking at the system in real time. Quarterly reports involve capturing historical snapshots in time and the system wasn't fully capturing some cases that were pending before OGE transitioned to a new system. Those matters used to be deemed undocketed until OGE changed its docketing system method in September 2020.

The inconsistent results meant that each report had to be manually checked for quality control and the language had to be standardized across each case, since each team member can update case data differently. The investigations team then worked to standardize case data inputs so that more complete reports could be generated. OGE is also adding a case management assistant to the investigations team to attend case meetings and standardize the investigators regular case data updates.

Finally, we were also able to fully identify an additional, likely cause for data inconsistencies. When matters have been closed or stayed pending any further action, case closing dates will change any time a matter is reviewed again to add information related to auditing and accounting purposes or other information. Thus, we have finally identified the root cause of why certain obvious cases would not show up as pending on reports.

OGE will continue to prioritize getting the reports published soon.

**Budget** – The agency’s budget hearing is set for June 16, 2021. GC Raj, Attorney Cooks, and I have been working with OOG to submit additional budget enhancements. The date to submit budget enhancements has been extended. OGE intends to also seek enhancements to priorities that we believe are essential for continuing to improve agency functionality.

### **LMS**

We are working now with OCP and BEGA’s Administrative staff to procure a Learning Management System that will allow for BEGA to independently provide access to training to the Districts 35,000 plus employees and hope to complete the procurement by the end of the FY. This will be a significant procurement for OGE. In doing research, we have learned that most pricing models include an ongoing fee for licensing, secure storage, and maintenance fees. We will seek a funding enhancement for those anticipated ongoing costs.

### **Operational Needs**

After reviewing agency administrative and personnel functionality with Director Allen and GC Raj and consulting with DCHR and other independent agencies on their approach to administrative and human resources related matters, OGE is seeking to enhance the agency’s operations in an effort to modernize agency operations to allow us to better meet the changing needs of the District’s remote work force. As Council Member Charles has suggested to BEGA in the past, we will be seeking funding a funding enhancement for a Chief of Staff, who would oversee administrative work, serve as a budget, performance, and strategic planning expert, and supervise administrative support and human resources matters and staff.

After consulting with DCHR, we will also seek an enhancement to fund a dedicated, full-time Human Resources professional position to best assist the agency with developing a strategic plan to modernize and standardize BEGA recruiting, staffing, performance, retention, and professional development. BEGA has specialized and unique personnel needs, given the broad, multifaceted nature of OOG and OGE’s missions. Moreover, OGE has had persistent vacancies in various positions since 2017. Being consistently understaffed, has had a significant impact on agency morale and performance.

### **Modernization and Program Improvements**

We will also be seeking an enhancement to fund the development of a payment portal. We have met with OCTO to discuss both a short term web form payment option as well as developing the payment option within the agencies e-filing systems. We will also seek enhancements to fund position reclassifications and step increases.

### **Return to Work Issues and Building Issues**

The Mayor has set forth a plan for District workers to begin a voluntary, gradual return to working in office full time. At this time, the goal is to return to work by mid-July. We have informed the Mayor and DGS that given our significant space constraints, that we would not be following the Mayor’s plan at this time for a full-return and will

continue our practice of allowing employees to work in the office voluntarily on an ad hoc or regular basis, with pre-approval.

F. Financial Disclosure/Lobbyist Matters:

**Lobbying Registration and Reporting (LRR) System** – In April 2021, the OGE received 419 1st QTR 2021 Activity Reports. Thus far, there have 7 New registrations, 7 Renewals, and 6 Termination reports for CY 2021.

The Lobbyist Team continues to work on the website and enforcement of late and non-filers. With regards to the website, we identified and removed old and useless links that were cluttering the page and we updated the remaining links. Ultimately, we want to get to fewer links and more modern accessibility features and buttons.

**Financial Disclosure** –On April 15, 2021, the Financial Disclosure team noticed 3,660 employees, board members, commissioners, and former employees designated as public filers. These notices took the form of emails and physical USPS mailing which was sent April 21 due to printing delays. Of the email notices, approximately 250 emails were returned as faulty or undeliverable; Program Specialist is working on correcting these emails.

Following issuance of the filing notice, 1149 public filers submitted their Public Financial Disclosure Statement (FDS) by April 30, 2021. This represents a 30% increase in filings over the comparable time frame for the previous year. In addition, support tickets over the same period are down 60%, which is a substantial improvement (163 to 68.) Moreover, most support tickets thus far are due to incorrect information/ email addresses on the user account. It appears that the solutions developed by Abstract Evolutions and implemented by OCTO in late 2020 are working as intended.

**Confidential Filer Pilot Program:** As mentioned during the last meeting, OGE has developed a Pilot Program for Confidential Filers in an effort to modernize, standardize, and automate the financial disclosure process for both public and confidential filers across all District agencies.

Through April 30, 52 of the 198 participants in the CFDS Pilot Program (including 3 OGE personnel) have filed successfully and remain securely confidential. The Goal is to allow CFDS and PFDS to the same e-file system District wide. This will allow agency ethics counselors to more easily maintain ethics related records, analyze agency compliance, and more easily access information to address possible conflicts of interest

So far, it appears to be working wonderfully. Considering that the number of confidential filers, OGE is working with OCTO to determine the funding needed to best ensure that agency ethics counselors can have secure, administrative access to their own agency's filers' information only.

**Thank you. This concludes the Office of Government Ethics' May 6, 2021 report.**

**VI. Acknowledge of Public Comment – one received:**

I write to follow up on my previous public comment submitted for the March 4, 2021 BEGA meeting regarding the status of the mandatory reporting of quarterly complaints received by the Office of Government Ethics required by the D.C. Code. D.C. Code § 1–1162.20 (stating that "The Director of Government Ethics shall produce a quarterly [complaint] report" in the form specified in that provision, which "quarterly report shall be posted online" (emphases added)).

To provide some background, I first contacted BEGA almost ten months ago--on July 16, 2020--to inquire as to the status of the quarterly reporting of complaints given that reports had not been posted on BEGA's web site for multiple quarters at that time. Then-acting Director Rochelle Ford responded by providing the not-as-of-yet-posted Quarterly Complaint Report for October 1, 2019-December 31, 2019 (apparently submitted in an oversight response) and stated that "[w]e hope to post the January 1, 2020 – March 29, 2020 Quarterly Complaint Report early next week"--i.e., sometime "early" in the the week of July 20-24, 2020--"and should be able to complete the most recent one soon thereafter." (Email exchange attached). As set forth below, that quarterly report for January 1, 2020 – March 29, 2020 has never to my knowledge actually been posted.

After no reports were posted for the next two months, I followed up again on September 18, 2020 as to the status of the mandatory quarterly reports. In response, then-acting Director Ford asserted that there was a delay in posting the reports because she was working with "our case management vendor to better automate and ensure the accuracy of the report that the system currently produces" and there was an "exigent matter" and "year end closeouts" that would preclude responding until "sometime after next week."

Eventually, on February 25, 2021, the complaint report for October 1, 2019-December 31, 2019--i.e., the one that then-acting Director Ford sent to me on July 16, 2020--was posted on the BEGA web site; it was submitted a day before an oversight hearing for BEGA chaired by Councilmember Nadeau, with the subject of quarterly reporting apparently being briefly addressed during that hearing.

On March 4, 2021, I submitted the below public comment for the BEGA meeting held that same day once again inquiring as to the status of the mandatory quarterly complaint reports. In response, on March 4, now-Director Ford sent me a note (also below) discussing a purported change in the reporting format and stating that "I anticipate that we should have the reports published by the next Board meeting"--i.e., the April 1, 2021 BEGA meeting (as clarified in my follow-up inquiry and response on March 24). But still those reports have not been posted as of this morning.

In short, despite initially inquiring on July 16, 2020 and following up several times over the course of a period of almost ten months, the Office of Government Ethics has consistently refused to post reports mandated by the DC Code, including more than an entire calendar year's worth of complaints. These are not particularly detailed reports and, if the Office is

functioning properly and tracking complaints appropriately, should be a fairly simple matter to produce. Absent some extraordinary explanation for the foregoing, this is a pretty stunning lack of transparency and responsiveness for an agency that is devoted to the issues of ethics and open government. And this conduct represents a persistent and knowing violation of the agency's mandatory obligations pursuant to DC Code.

Sincerely,

Michael J. McDuffie

**VII. Executive Session (non public)**

**VIII. Resumption of Public Meeting**

- **The Board voted to appoint Ashley Cooks as Acting Director of Government Ethics.**
- **The Board entered a Negotiated Disposition in the Following Matter In re Jolly 20-0047-P.**

**IX. Adjournment**

The Board will meet again on June 3, 2021.