MEETING MINUTES

District of Columbia

Board of Ethics and Government Accountability

Monthly Meeting of the Board

January 10, 2013 1:00pm

Suite 830 South - Hearing Room

One Judiciary Square

I. Call to Order

- a. Meeting called to order at 1:04 pm by Chairman Spagnoletti in Board of Ethics Hearing Room at One Judiciary Square, 441 4th Street NW, 830 South, Washington, DC 20001.
- II. Ascertainment of Quorum
 - a. All Board Members (Robert Spagnoletti, Laura Richards, Deborah Lathen) in attendance
 - i. Quorum ascertained.
- III. Adoption of the Agenda
 - a. Agenda adopted unanimously.
- IV. Adoption of the Minutes of the Special Meeting of the Board on December 20, 2010
 - a. Minutes adopted unanimously.
- V. Public Symposium on "Best Practices" in Government Ethics
 - a. Director of Government Ethics enters written testimony of Rob Wechsler of City Ethics, who is not present at the meeting, into the record (attached).
 - b. Witness #1 David Zvenyach, General Counsel to the D.C. Council
 - i. (see printed testimony attached)
 - c. Witness #2 Kathleen Clark, Attorney and Law Professor
 - i. From 2011-2012, Ms. Clark provided advice to DC Government on Ethics Act & provided Ethics training.
 - ii. 4 pressing issues for the Board -
 - 1. Assess Critical Risk
 - a. Where is the critical risk?
 - i. Where the money is.
 - 2. Prioritize Action
 - a. The Board should exercise discretion when determining matters to pursue.
 - i. The Board should not go after low-level officials.
 - 3. Financial Disclosure Process
 - a. The Board should use the process as an opportunity to educate the public about gifts and post-employment regulations.

 To this end, the Board should participate in organizations that work on ethics standards nationwide, such as the Council on Governmental Ethics Laws.

4. Structural Reform

- a. The Board should consider increasing its size from three members to five members.
 - In a situation where one Board Member would have to be recused, the other two Board Members would have to come to a unanimous decision.
 - 1. A five member Board would avoid this situation.
- d. Witness #3 Roderic Woodson, Holland & Knight
 - i. 2 spheres of concern -
 - 1. Political Ethics
 - a. Situations involving the City Council or ANC Commissioners.
 - Mr. Woodson feels the Board should consider going out into the Wards for ANC or community meetings to help the Board determine, beyond theft, what citizens expect and embrace.

2. Operational Ethics

- a. Situations involving licensing and inspections.
 - Mr. Woodson feels these are the greatest source of ethical conflicts because they touch the city's population directly.
- e. Witness #4 Doug Sloan, ANC Commissioner
 - i. Concerned with ethics training for ANC Commissioners.
 - Mr. Sloan feels it is critical for the Board to provide ethics training to ANC Commissioners because they have every opportunity to be involved in a conflict.
- f. Witness #5 Marie Drissell, former Director of the Office of Boards and Commissions
 - i. Concerned with the Ethics Board's application to Boards and Commissions.
 - 1. Ms. Drissell is concerned that Boards and Commissions might fly under the radar of BEGA because of their independence.
 - ii. Concerned with how to determine D.C. residency.
 - 1. Financial Disclosure Forms were once useful for determining residency, but due to privacy issues, that function has been removed.
- g. Witness #6 Michael Sindram, Veteran and Community Activist
 - i. Concerned with transparency and access to documents.
 - 1. Mr. Sindram feels that Financial Disclosure Forms need to be fully transparent and searchable online.
- Board calls a 5 minute recess
 - o called by Chairman Spagnoletti at 2:30 pm
- Board reconvenes at 2:40 pm

- VI. Report by the Director of Government Ethics
 - a. Presented by Director Darrin Sobin
 - i. Welcome new staff
 - 1. General Counsel Stacie Pittell
 - 2. Pro-Bono Attorney Yancey Burns
 - ii. OCTO updates
 - iii. Staffing updates
 - iv. Referrals updates
 - v. Advice giving updates
- VII. Update on Status of Board Operations
 - a. Update on Director of Open Government
 - b. Update on Lobbyist registration system
 - c. Update on Ethics hotline
- VIII. Discussion: Rules Published for Public Comment Public Comments invited
 - a. Witness #1 David Zvenyach, General Counsel to the D.C. Council
 - i. Concerned with Financial Disclosure
 - b. Witness #2 Michael Sindram, Veteran and Community Activist
 - i. Concerned with digitalization of files
- IX. Staffing and Job Announcements
 - a. 8 positions
 - i. Director
 - ii. General Counsel
 - iii. Attorney 1
 - iv. Attorney 2
 - v. Investigator 1
 - vi. Investigator 2
 - vii. Office Manager
 - viii. Receptionist
 - 1. Plus, but separate from the Board Office
 - a. Director of Open Government
- X. Financial Disclosure and Lobbyist registration system
 - a. Director Sobin provided updates
- XI. Adjournment to Private Meeting
 - a. Meeting closed at 3:18 pm by Chairman Spagnoletti
- XII. Board reconvenes post Private Meeting
 - a. Meeting reconvenes at 4:43 pm
 - i. Recessed to discuss -
 - 1. Preliminary investigations
 - 2. Next Board Meeting Friday, January 18, 2:30 pm
- XIII. Final Rulemaking Sec's 51-55
 - a. Laura Richards motions to approve
 - b. Deborah Lathen seconds

- i. Board votes
 - 1. 3 l's, unanimously adopted
- **XIV.** Final Adjournment
 - a. Meeting closed at 4:51 by Chairman Spagnoletti