

**DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT
ACCOUNTABILITY
MEETING MINUTES – October 1, 2026**

The District of Columbia Board of Ethics and Government Accountability held a hybrid meeting at the Board of Ethics and Government Accountability, 1030 15th Street, NW, Suite 700 West, and virtually on September 3, 2026 at 10:00 a.m. Chairperson Norma Hutcheson and Board members Charles Nottingham, Felice Smith, and Melissa Tucker attended the meeting. Board Member Darrin Sobin did not attend the meeting.

Members of the public were welcome to attend, and a recording of the meeting is available on open-dc.gov and BEGA's YouTube channel.

I. Call to Order

The meeting was called to order at 10:00 a.m.

II. Ascertainment of Quorum

Four Board members, Chairperson Hutcheson, Charles Nottingham, and Melissa Tucker were present for the meeting.

III. Adoption of the Agenda/Approval of Minutes

The Board voted unanimously to adopt the agenda and approve the minutes from the September 2026 meeting.

IV. Report by the Director of Open Government

Good morning, 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"). Our mission is to ensure that all persons receive full and complete information concerning the affairs of the District of Columbia government and the actions of its officials. Since the last Board meeting, OOG has continued its work to ensure that the District of Columbia government's operations are transparent, open to the public, and promote civic engagement. To that end, OOG has enforced the Open Meetings Act, advised on the Freedom of Information Act's requirements, and provided training on those transparency laws. OOG has proudly served as advocates for an open and transparent government.

A. Open Meetings Act ("OMA") and Freedom of Information Act ("FOIA") Advice

1. Advisory Opinions

I have not issued an advisory opinion since the last Board's meeting.

2. Informal Advice

Since the last Board meeting, OOG has responded informally, via e-mail, telephone, or teleconference to requests for assistance as follows:

8 requests for OMA advice;
7 requests for FOIA advice; and
11 requests for technical assistance with open-dc.gov.

- B. Meeting Monitoring**

OOG's staff attends public bodies' meetings, in person and remotely, to ensure compliance with the OMA. They also inspect public bodies' websites and OOG's Central Meeting Calendar for public meeting notices and records. OOG's attorneys provide legal advice on OMA compliance and take corrective action, if necessary.

Since the last Board meeting, OOG's legal staff have attended twelve (12) public body meetings. As a result of the monitoring, two (2) corrective measures were communicated. The public body failed to (1) provide meeting cancellation notice; and (2) publish final meeting minutes and recordings.

- C. Training/Outreach**

1. Open Meetings Act ("OMA") Training for Boards of Trustees for DC Public Charter Schools

On September 9, 2026, Attorney Advisor Joan Lelma facilitated an OMA training for Boards of Trustees for DC Public Charter Schools. The training was the fourth in OOG's 2026 training series for the Public Charter School Boards. I, along with Attorney Advisor Anthony J Scerbo, Trial Attorney Brandon Lewis, and Paralegal Specialist Kimberly Brown attended this training.

2. District of Columbia Bar "Masters AI Legal Training"

On September 17, 2026, I attended D.C. Bar "Masters AI Legal Training," which was facilitated at the D.C. Bar headquarters and available online, free of cost, for all D.C. Bar members. The full-day practical interactive course for legal professionals covered the legal use of technology in government, AI regulation, the policy implications associated with AI, navigating professional responsibility in the age of AI, and relevant case law.

3. Society of Corporate Compliance and Ethics (“SCCE”) 25th Annual Compliance & Ethics Institute Conference

From September 27 - 30, 2026, the Society of Corporate Compliance and Ethics (SCCE) held its 25th Annual Compliance and Ethics Conference in Orlando, Florida. I, along with Chief Counsel Neal, and Attorney Lelma attended the SCCE conference in-person. The conference included a variety of learning sessions on compliance and ethics with a focus on how to transform and strengthen compliance and ethics programs, technology and innovation associated with artificial intelligence (AI), data privacy and security, and professional skills for compliance and ethics professionals that are essential to getting solid results, among others.

D. Litigation and Legislative Update

1. Litigation

- a. *D.C. FOIA Case (Agency Subject to FOIA Determination): Bedrock Media, LLC v. Washington Convention and Sports Authority (Case No. 25-CAB-6508 (D.C. Sup.)).*

This D.C. FOIA case arose from a July 2025 FOIA request filed by District Dig, an online news site focused on investigative reporting on local government and politics, and owned by Bedrock Media, LLC. District Dig has been reporting on the development of the RFK Stadium site, and in relation to this reporting, they submitted a FOIA request to the Washington Convention and Sports Authority (“Events DC”), which sought communications between three private parties involved in the demolition, reconstruction, lease, or use of the RFK Campus. Specifically, they sought communications between Events DC, Washington Commanders owner Josh Harris, National Football League (NFL) Commissioner Roger Goodell and CSL International, a consultant that conducted an economic and fiscal impact analysis.

Events DC rejected the request in September 2025 and stated that it is “independent and not part of the District government” with a “separate legal existence” not subject to FOIA. Bedrock Media, LLC, filed suit, arguing that Events DC is an agency of the District whether independent or not, and as such, is a public body subject to D.C. FOIA.

Events DC filed a Motion to Dismiss on November 10, 2025, arguing that the Complaint failed to state a claim because Events DC is not a public body subject to FOIA. Events DC relied on the language in its enabling statute which established it as a “corporate body ... that has a legal existence separate from the District government.” Events DC also argued

that in its appeal to the Mayor's Office of Legal Counsel (MOLC), the MOLC opined that Events DC is not a public body.

Bedrock filed an Opposition on November 17, 2025, in which they argued that under the statutory definition of "agency" used for FOIA, Events DC is a subordinate agency. Bedrock argued that the enabling statute need not explicitly label it as an agency because the definition used for FOIA looks to the function of an entity. Bedrock also asserted that the MOLC opinion should not be afforded deference because the MOLC is not the agency that administers FOIA and its determination was informal.

In its Reply, Events DC reiterated that because it has an expressly separate legal existence, it is not subject to FOIA. Events DC asserted that, *Dong v. Smithsonian* (125 F.3d 877 (D.C. Cir. 1997)) was instructive, because there, the D.C. Circuit found that despite numerous ties with the government, the Smithsonian Institution was not considered to be automatically subject to FOIA.

In an April 28, 2026, order, the Court denied Events DC's Motion to Dismiss and found that Events DC functions as an agency and its *sui juris* status (i.e. independent agency status) does not exempt it from FOIA. To this point, the Court noted that Events DC is an independent agency because it has "administrative procedural independence." However, the Court found that it is nonetheless under the control of the Mayor, serves a public service, and has substantial financial ties to the District government. The Court stated that the language in Events DC's enabling statute is not unique and noted that the D.C. Housing Authority has similar language but is nonetheless an entity subject to FOIA.

The Court found that the plain language of Event's DC's enabling statute subjects it to FOIA. The Court further found that the MOLC opinion is not binding and the Court denied the Motion to Dismiss and ordered Events DC to file an answer.

Events DC filed an Answer to the Complaint on May 19, 2026. On June 9, 2026, Bedrock filed a Motion to Strike the affirmative defenses that were asserted in the Answer. Events DC filed an Opposition on June 19, 2026, and Bedrock filed a Reply on June 25, 2026. On July 2, 2026, the Court issued an oral ruling on the written motion and denied Plaintiff's Motion to Strike. The case was placed on track 2 mediation and is scheduled for remote mediation on February 25, 2027.

Copies of the relevant documents are in Dropbox. OOG's staff will continue to monitor this case.

2. Legislation

a. Legislative Action regarding the D.C. Freedom of Information Act:

I previously reported on B26-0655, the “Protecting Judicial Privacy Act of 2026.” This measure “would prohibit government agencies, individuals, businesses, private associations and organizations from, upon receipt of a written request, publicly displaying available content that includes a judicial officer’s personal information.” On September 23, 2026, the Committee on Judiciary and Public Safety held a hearing on this bill. Two live testimonies were received on the measure and three submissions for the record.

The first testimony, by a representative of the Consumer Data Industry Association (CDIA) indicated that while supporting the overall aim of the bill, CDIA requested targeted revisions to: (1) clarify the language “publicly display,” which might affect communications not available to the public; (2) revise the bill’s requirement to remove information within 48 hours from websites under the control of the entity receiving the request, as opposed to “the internet;” (3) aligning the bill’s requirements so that the requirement does not impact “private and secure portals used for legitimate and federally regulated purposes” and should rather focus on “information provided to the public;” and (4) defining “transfer” to avoid interfering with consumer reporting, fraud prevention, etc., and “protecting legitimate non-public use of information.”

The second testimony, by the Executive Director of the Council for Court Excellence (CCE), indicated its support for the bill generally, while pointing out that “[u]nder the model proposed in this bill, the onus is on the judges individually (or the administrative staff of the courts they work for) to affirmatively make individual written requests of the D.C. government, agency-by-agency, to scrub their personal information,” or, in an approach favored by CCE, “[if] the Mayor affirmatively decides to create a process that will allow a single request directed to the Mayor to serve as a District-wide request.” CCE raised the example of a “judge [who] buys a home, registers to vote, enrolls her children in public school, applies for a permit to build a fence around her home, and calls 311 to have the remains of her old fence picked up as bulk trash,” which would mean that the “judge’s home address is now in the databases of at least six different D.C. agencies...[or] [a]nother judge’s spouse reports a crime they witnessed to the police.” The testimony emphasized the importance of keeping the legislation simple and straightforward, so that judges [can] “make their required request(s) and have confidence that it will reach every agency that has their information ... [so that] judges ... “get the full

scope of protection ... [and] improve the likelihood that the Executive can monitor compliance and ensure robust implementation and agency staff compliance with the law.” CCE pointed out that “as written, it is not clear who at each agency – or within the executive branch generally – will have key responsibility or accountability for implementation of this law.”

CCE’s Executive Director finished by stating that “CCE wholeheartedly supports the intent and core mechanisms of this bill [and] respectfully urge the Committee to ensure that the implementation framework is seamless and sufficiently resourced ... clarify[ing] the processes for submitting written requests to ensure it is efficient for judges, while also providing clear, navigable guidelines for private entities and tech platforms tasked with removing data.” Following a question from Chairwoman Pinto, the Executive Director indicated that the overall model of dealing with simplifying the process could be “within EOM ... hub-and-spoke ... [where] there currently is no single government implementer.” The CCE testimony was given in person, as well as a submission for the record.

U.S. Circuit Judge Robert L. Wilkins of the District of Columbia Circuit Court of Appeals, submitted written testimony in favor of the measure, indicating that the “bill is greatly needed to protect the Rule of Law,” and the “use [of] threats to intimidate judges, or even worse, to harm or kill judges ... are not just attacks on ... individual judges, they are attacks on our system of justice and the Rule of Law itself.” He referenced multiple cases of threats and actions taken against members of the judiciary, stating that “I know that the judges on the D.C. federal courts have been subjected to countless incidents of threatening and intimidating activity at their homes ... have been “swatted”... and “doxxed,” and “incidents when a pizza was delivered to the home of one of our D.C. federal judges by a stranger ... came with a message referencing Judge Esther Salas, a federal judge whose husband and son were shot at the front door of her New Jersey home in 2020, by a disgruntled litigant posing as a delivery man.”

Judge Wilkins states, “Our courts do not have the resources to give every judge a security detail, so having our home addresses in the public sphere creates a serious safety concern for us and our families ... We need a mechanism to ensure that the home address and other sensitive information about judges contained in government records is not released to the public, where that information can be used to attack the judge or the judge’s family, or used in some other manner to undermine the Rule of Law. Even though a federal law designed to remove the home addresses of judges from the Internet was enacted in the wake of the attack on Judge Salas, action at the local level is needed.” He concluded by stating that

“Bill 26-0655 is modeled on the Illinois Judicial Privacy Act which was enacted in 2012 ... I note that while the Illinois law provides a good model, there have been recent postings of the home addresses of federal judges in Chicago, notwithstanding the law... I spoke to the Chief Judge and the Clerk of the federal court in Chicago ... and they report that a breakdown in implementation led to the breach ... I urge the Council to specify precisely who is responsible for implementing Bill 26-0655 at each affected agency, so that everyone knows who is responsible and accountable for ensuring that the appropriate actions and coordination to implement this bill actually take place.”

The bill and submitted testimonies are in Dropbox.

E. Administrative

FY2026 Budget Closeout/FY2027 Budget Status: FY27 began on October 1, 2026. OOG continues to coordinate with the Office of the Chief Financial Officer (OCFO) to manage FY27 expenses and complete FY26 budget closeout, which will continue for two more weeks. The Local Budget Emergency Act, effective as D.C. Act 26-378, provides immediate budget authority through its expiration on October 27, 2026. BEGA’s Council-approved FY27 budget serves as the agency’s operative spending plan while the permanent budget legislation completes congressional review.

This concludes the Office of Open Government’s October 1, 2026, report. I am happy to answer any questions the Board may have.

Board Member Tucker noted that the Events DC case was interesting and that she appreciated OOG advising the Board about that case.

V. Report by the Director of Government Ethics

Good morning, 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 Investigations

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.

OPEN INVESTIGATIONS BY STATUS	
Open	78
Open - Negotiations	0
Open - Show Cause Hearing	0

Grand Total	78
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OPEN "UNDOCKETED MATTERS"	
Grand Total	22

PENDING/STAYED INVESTIGATIONS BY STATUS	
Closed - Pending Collection	33
Stayed - Pending DC Superior Court Case	2
Stayed - OAG False Claims Act Case	0
Stayed - OIG Investigation	0
Stayed - US District Court Case	2
Grand Total	37

REGULATORY MATTERS BY STATUS	
Closed - Pending Collection	59
Open	645
Grand Total	704

	Current	September	August
Investigations Open	78	83	71
Investigations Stayed	4	5	5

The number of open preliminary and formal investigations includes 8 new matters. The investigative team resolved 13 investigations since the Board last met. This total does not reflect the number of complaints that were dismissed for a lack of jurisdiction.

B. Training/Outreach

1. Professional Development Trainings Attended by Staff

Since the last board meeting, myself, General Counsel Asia Stewart-Mitchell and Supervisory Attorney Amber Anderson and Attorney Advisors Keel and Brown attended the Society of Corporate Compliance and Ethics ("SCCE") 25th Annual Compliance and Ethics Institute from September 27th through September 30th. The conference offered over 100 courses, programs and events including courses on growing compliance and ethics programs in times of transition, artificial intelligence, and effectively training Gen Z and younger adult learners. Senior Counsel Lynn Tran and Program Support Assistant Tionna Smith completed OCTO's security awareness training and Supervisory Attorney Amber Anderson completed three District Integrated Financial System ("DIFS") trainings and Advancing Racial Equity.

2. Conducted by staff

Since the last Board meeting, OGE conducted 7 training sessions: two full ethics training, the Monthly Hatch Act Training, a Lobbyist Registration and Reporting training, the Monthly Brown Bag session, and two New Employee Orientations.

In September, 55 employees attended NEO and received information about the District's ethics rules. Twenty-one new users created accounts on the Learning Management System, and we are in the process of creating an ethics learning campaign for the Office of Contracts and Procurement's Contract Administrators.

Ethics Week 2026 is coming! Our annual conference will take place October 13th through the 16th, here at the Executive Building's fifth floor conference space. This year's theme is "Transitioning Ethically". We are excited for this year's offerings which include a full day of courses for managers and Ethics Counselors and the return of a popular guest speaker. The full course schedule will be posted to the BEGA website today. A copy of the course schedule is in the Dropbox.

C. Advisory Opinions/Advice

1. Informal Advice

OGE's legal staff provided advice for approximately 26 ethics inquiries, which is 1 less than the 27 reported at the September 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

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

D. Legislation and Rulemaking Updates

1. Financial Disclosure Rulemaking

B26-0325 - Board of Ethics and Government Accountability Authority Clarification Amendment Act of 2025, which would repeal BEGA's authority to designate employees as public financial disclosure statement filers, is still pending.

2. Lobbying Rulemaking

BEGA is in the process of issuing a rulemaking which would incorporate upcoming legislative changes to the lobbyist section of the Ethics Act that will be effective today, per the passage of the FY27 Budget Support Act. The rulemaking includes: increases the registration fees by \$150 for general and non-profit lobbyists, respectively \$500 and \$250; an increase to the late filing penalty from \$100 to \$200 per day, resulting in a \$12,000 maximum penalty; removal of the exclusion of Saturdays, Sundays, and weekends from the late filing timeframe; repeals a lobbying registration exemption, thereby requiring 501(c)(4) organizations to register as lobbyists and submit quarterly activity reports. The rulemaking was submitted to the D.C. Register on September 18 and the 30-day comment period ends on October 18.

E. OGE Administrative Matters

1. Staffing

OGE selected a candidate for the Attorney Advisor vacancy and that person will begin on Monday, October 5th. OGE is in the process of filling its Legal Assistant vacancy.

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 deadline to file financial disclosure statements was May 15, 2026. We have started 2026 financial disclosure enforcement. Fine notices were sent out in August, and we have begun the garnishment and collections processes by sending those delinquent filers to the Office of Pay and Retirement Services or Central Collections Unit.

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.

On September 1st, we launched our FY 2027 Lobbyist Initiative in an effort to provide information regarding the legislative changes to the program. We created banners and posting on the BEGA website and e-filing system, issued a press release, updated informational and training materials, and sent notice to currently registered lobbyists and 501(c)(4)s that do business in the District. Lobbyists also received notice of the legislative changes during the quarterly training on September 23, 2026, which was conducted by Supervisory Attorney Advisor Anderson and Program Coordinator Kosick

On September 16, 2026, we sent a reminder to file to all Registrants and Clients that the 2026 Q3 Activity Reports are due on October 15, 2026. Lastly, enforcement proceedings are underway for Registrants who filed their 2026 Quarter 2 Activity Reports late or did not file Activity Reports.

H. Public Investigations

1. 26-0005-F In re Phil Mendelson – this is a formal investigation based on allegations that the Respondent, Chairman of the D.C. Council, misused government property and resources to oppose a political candidate's declaration of candidacy with the Board of Elections.

2. 24-0016-F In re Trayon White – This is a formal investigation based on the criminal indictment of Trayon White, Ward 8 Council member, for one count of bribery. This investigation is to determine whether there is evidence that Council member White violated the Code of Conduct based on the facts which led to the bribery indictment. This matter has been stayed pending the outcome of the criminal case. Recently, on September 28th, Council member White's criminal trial was ruled a mistrial by U.S. District Judge Rudolph Contreras. A status hearing is scheduled for October 22nd.

3. 22-0079-P In re Cleo Subido – This is a formal investigation based on the appeal of the Director of Government Ethics' Show Cause Order that was issued on March 19, 2026, ordering the Respondent to pay a \$300 fine for violating DPM § 1808.1. This matter is scheduled for an adversarial hearing today at 12:00 pm.

Thank you. This concludes the Office of Government Ethics' October 1, 2026, report.

VI. Public Comment

There were no public comments.

VII. Executive Session

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 meeting resumed at 11:34 a.m.

The Board approved a negotiated disposition in **26-0099-P In re L. Collins**.

The next monthly Board meeting will be held at the Board of Ethics and Government Accountability, 1030 15th Street NW, Suite 700 West, and virtually on November 5, 2026 at 10:00 a.m.

The meeting adjourned at 11:35 a.m.