DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

MEETING MINUTES – September 11, 2025

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 11, 2025, at 10:00 a.m. Chairperson Norma Hutcheson and Board members Felice Smith, Charles Nottingham, Darrin Sobin, and Melissa Tucker.

Members of the public were welcome to attend, and a recording of the meeting will be 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

All Board members were present at the start of the meeting.

III. Adoption of the Agenda/Approval of Minutes

The Board voted unanimously to adopt the agenda for the meeting and to approve the minutes for the August 2025 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

   a. Dismissal of OMA Complaint - Council of the District of Columbia (the "Council"), #OOG-2025-0054

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I recused myself from this matter due to the appearance of a conflict of interest, pursuant to D.C. Official Code § 1-1162.23(a), and assigned it to the Chief Counsel to review and issue a determination on my behalf. On August 7, 2025, Chief Counsel Louis Neal dismissed Complaint #OOG-2025-0054 against the Council of the District of Columbia (the "Council"), which alleged that the Council violated the OMA because Chairman Phil Mendelson and certain members of the Council discussed public business with the leadership of the Washington Commanders Football Team ("Commanders") at a dinner meeting and failed to properly notice the meeting in accordance with the OMA.

Chief Counsel Neal found that the Director of Open Government is precluded from bringing a lawsuit to enforce the OMA regarding Council meetings pursuant to D.C. Official Code § 2-579(a), and that the Council's gathering on that day in issue falls outside the scope of the OMA's definition of a meeting as it pertains to the Council. The Chief Counsel explained that the Council prescribes its own rules regarding how it enforces the OMA. However, he noted that this does not preclude a private right of action in D.C. Superior Court, pursuant to D.C. Official Code § 1-207.42.

Chief Counsel Neal cited Advisory Opinion OOG-2024-0007 of February 12, 2025, in which I addressed these issues in greater detail. Furthermore, he explained that the Open Meetings Clarification Temporary Amendment Act of 2025, amended the OMA and clarifies the definition of a "meeting." In relevant part, the amended statute states that "for the purposes of the Council of the District of Columbia, the term "meeting" means a regular or additional legislative meeting, and committee meetings where votes are taken." The Chief Counsel took notice in his dismissal of the complaint that the legislation was in effect at the time of the June 30, 2025, dinner that was the subject of the complaint. A copy of the dismissal letter and complaint are in Dropbox.

b. <u>OMA Advisory Opinion – Board of Trustees for Hope Community Public Charter School, #OOG-2025-0024</u>

On August 18, 2025, I issued an Advisory Opinion #OOG-2025-0024, in response to a complaint which alleged that Hope Community Public Charter School Board ("HC PCSB") has not published "dates for future meetings." The Board relinquished its Charter at the end of School Year 2024-2025 and is not in operation, so the allegation in the complaint is moot. I decided to address the matter and issue the Advisory Opinion for the benefit of the stakeholders of active Boards of Trustees for Public Charter Schools, and should HC PCSB resume operation under a new Charter Agreement.

HC PCSB violated the OMA by failing to publish a schedule of its meetings for School Year 2024-2025 on Hope Community Public Charter School's website. A Google document provided by HC PCSB in response to the complaint that was accessible via a link and contained a schedule did not fulfill the requirements of the OMA to publish an annual schedule of its

meetings because the link was not published on the school's website. A copy of the Advisory Opinion and complaint are in Dropbox.

2. Informal Advice

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

7 requests for OMA advice;
6 requests for FOIA advice; and
12 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 ten (10) public body meetings. As a result of the monitoring, one corrective measure was communicated. The public body failed to publish a complete meeting notice which should have included the location of the meeting (valid web link and login information and/or dial-in number and access code) pursuant to the Open Meetings Act.

C. Training/Outreach

1. "D.C. FOIA Advisory Opinion Review" Training to D.C. FOIA Officers

On August 6, 2025, Chief Counsel Neal presented "D.C. FOIA Advisory Opinion Review" training to D.C. FOIA Officers. This was the fourth session in OOG's D.C. FOIA Officer's Summer Training Webinar Series. The training covered OOG's latest advisory opinions on D.C. FOIA, and it included the following topics: FOIA search terms, system requirements, FOIA appeals, and timing for fulfilling requests. I, along with OOG's staff, attended the training virtually.

2. "Preparing a Civil Case & Defensive Litigation" Training

On August 13, 2025, OOG hosted "Preparing a Civil Case & Defensive Litigation," as part of its FOIA Officers Summer Webinar Training Series. The training session was facilitated by Adam Daniel and Brendan Heath, Assistant Attorneys General of the Civil Litigation Division, Office of Attorney General for the District of Columbia ("OAG"), and I moderated the question-and-answer segment. OOG's staff attended the training virtually.

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3. Publication of OOG's Newsletter, Opengovist - Issue Number Ten

   On August 15, 2025, OOG published the 10th issue of its monthly newsletter, Opengovist. The cover of the publication states, "Transparency is [not] always convenient, but it is [necessary] to build and maintain the trust of your constituents." The contents of the newsletter (from summarizing Advisory Opinions issued by OOG under the OMA and D.C. FOIA to new legislation in the District concerning transparency and open government) demonstrate the appropriateness of this statement.

4. "Washington, D.C. Digital Government Summit 2025"

   On August 21, 2025, I, along with Kevin Brown, BEGA's Information Technology Specialist, attended "Washington, D.C. Digital Government Summit." The main themes included cybersecurity, digital transformation, AI implementation, data governance, and fostering collaboration across multiple stakeholders. Attendees benefitted from expert discussions, insights into the future of government technology, and peer networking. Stephen N. Miller, Chief Technology Officer, Office of the Chief Technology Officer ("OCTO") for the District provided the opening remarks, and the keynote speaker Scott Klososky, Technologist, Futurist, Humanist, Author and Consultant, presented on "Dynamic Modernization: Solving the Puzzle of People, Process, and Technology."

5. Microsoft 365 Copilot Testing

   BEGA has been selected as an agency to perform a test of the Microsoft 365 Copilot Artificial Intelligence (AI) tool. Several members of BEGA's staff will have the tool available for testing to help OCTO roll out the tool for the full government's use. I, along with IT Specialist Brown, met with Microsoft representatives to discuss and plan the launch of the tool on August 26, 2025 and September 4, 2025. On September 10, 2025, I, along with IT Specialist Brown, Attorney Scerbo, OGE General Counsel, Rashee Raj, and Supervisory OGE Attorney Asia Stewart Mitchell met with the Microsoft team to discuss use cases for Copilot within our agency and plan for training of the BEGA staff testing participants.

6. Covering the Federal Takeover: Gathering Arrest Data, Knowing the Law, and Other Tips for Journalists Covering D.C.

   The National Press Club Journalism Institute and the D.C. Open Government Coalition held a briefing on September 5, 2025, to train journalists on best practices for gathering arrest data, learning the D.C. Code provisions that address access to arrest records, and gaining insight on the law enforcement agencies that currently are active in the District. The briefing was moderated by Elliot C. Williams, National Press Club Journalism Institute Training Manager, and Bob Becker and Fritz Mulhauser of the D.C. Open Government Coalition were the speakers. Attorney Scerbo and I virtually attended the briefing.

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7. Open Meetings Act ("OMA") Training to District of Columbia Zoning Commission and the Office of Zoning staff members

   On September 8, 2025, Attorney Advisor Brandon Lewis and Chief Counsel Neal presented OMA training to D.C. Zoning Commission and staff members of the Office of Zoning.

8. Council on Government Ethics Law (COGEL) Webinar: "The Efforts to Dismantle Watergate Reforms & Potential Impacts"

   On September 10, 2025, I attended this COGEL webinar where the panelists discussed the impact of the removal of federal government officials at the Office of Government Ethics, Office of Special Counsel, offices of multiple independent inspectors general, and agency ethics officials. The panel discussion was moderated by Trevor Potter, President of the Campaign Legal Center and the panelist were Rob Stern, Commissioner, Los Angeles City Ethics Commission; Rob Stortch, Adjunct Professor, Georgetown Law School; and Ellen Weintraub, Senior Fellow, End Citizens United.

9. Introduction to the Open Meetings Act for Boards of Trustees of Public Charter Schools

   On September 10, 2025, Attorney Lelma facilitated a webinar for Boards of Trustees of Public Charter Schools where she provided detailed instructions for complying with the OMA. OOG staff and I attended the training.

D. Litigation and Legislative Update

1. Litigation

   a. Chicago Justice Project v. District (Case No. 2022-CA-001175-B (D.C. Super. Ct.))

   I previously reported on this case in which the Chicago Justice Project ("CJP") filed suit to compel the Metropolitan Police Department ("MPD") to release certain records concerning the Gang Tracking and Analysis System, in a dispute regarding an advanced fee that MPD demanded for its FOIA review, and a similar amount that CJP demanded in attorney's fees.

   On July 11, 2025, the Plaintiff filed a Motion for *In Camera* Review. In its Motion, Plaintiff asked the Court for an order requiring the District to furnish copies of a representative subset of 37 records currently withheld pursuant to D.C. Official Code § 2-534(a)(3)(A) [investigatory records compiled for law enforcement purposes] to the Court for an *in camera* inspection to determine whether the asserted exemption has been lawfully applied and whether segregable, non-exempt information must be disclosed.

On August 8, 2025, the District filed an Opposition to Plaintiff's Motion for *In Camera* Review and a Cross Motion for Enforcement of the Settlement Agreement. The Plaintiff filed a Reply Brief in Support of Plaintiff's Motion for *In Camera* Review on August 22, 2025.

A Copy of the District's Opposition and Cross Motion and the Plaintiff's Reply Brief have been added to Dropbox. An oral motions hearing is scheduled for September 25, 2025. OOG's staff will continue to monitor this case.

b. Gooch v. District (Metropolitan Police Dept.) (Case No. 2023-CAB-002404 (D.C. Super. Ct.))

I have previously reported on this case in which a Requester-Plaintiff sued the District for records related to his conviction. The District provided the Plaintiff with partly redacted records in response to his request.

The parties previously agreed to work on redactions and the Vaughn Index and provide updates at each status hearing. A status hearing was held on March 28, 2025, and afterwards the Court issued an order directing the Plaintiff to file a motion describing the requests made for information, the information received that is still redacted, and the Plaintiff's basis for why the remaining redactions are insufficient as a matter of law, by May 12, 2025.

On May 12, 2025, the Plaintiff filed a Motion challenging the sufficiency of the Defendant's most recent FOIA production. The parties filed various motions in June through August and the court held a hearing on the motions on September 2, 2025. The Court granted the Defendant's Oral Motion to Dismiss and denied the Plaintiff's written Motion to Compel. The Court determined that the District's efforts were reasonable. This dismissal was noted on the docket, along with minutes from the hearing, and the case is now closed.

Copies of the Defendant's Motion and Reply have been added to Dropbox.

2. Legislation

a. Legislative Action regarding the OMA

As I previously reported, Chairman Mendelson introduced B26-200, the "Open Meetings Clarification Temporary Amendment Act of 2025," which was enacted on June 26, 2025, without the Mayor's Signature, as Act Number A26-0086. It became effective August 16, 2025, and expires on March 29, 2026.

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No additional legislative action has been taken on Utah Senator Mike Lee's U.S. Senate Bill 1450, which was introduced in April and referred to the Senate Committee on Homeland Security and Governmental Affairs. A copy of the Act and U.S. Senate Bill were added to Dropbox before the penultimate Board's meeting.

b. Legislative Action regarding the Boards of Trustees for DC Public Charter Schools

I have previously reported on Bill 26-0062, the "Board of Trustees Training Amendment Act of 2025," introduced by Councilmember Christina Henderson, on January 17, 2025. The Bill would require members of a Board of Trustees of a public charter school to complete training programs on best practices for school board governance, which includes training on the Open Meetings Act. It had its second and final reading on July 1, 2025, and passed unanimously.

On July 10, 2025, the Bill was transmitted to the Mayor, signed by the Mayor on July 21, 2025, and enacted with Act Number A26-0112. On July 25, 2025, Act A26-0112 was published in DC Register (Vol 72 and Page 008156). On July 29, 2025, it was transmitted to Congress. The projected law date has been changed from October 15, 2025, to September 17, 2025. A copy of the Act was added to Dropbox before the last Board's meeting.

c. Legislative Action regarding a government agency's interpretation of its administering statutes and regulations

For the last three months I have reported on Bill 26-0048, the "Council Review of Agency Action Clarification Amendment Act of 2025," which was introduced by Chairman Mendelson, on Jan. 13, 2025. On June 24, 2025, the Committee of the Whole filed its Committee Report, and on July 1, 2025, Chairman Mendelson introduced an "amendment in the nature of a substitute" concerning the Bill. It passed unanimously on final reading.

As I informed the Board for the last three months, the Bill codifies agency deference and clarifies that a reviewing court or tribunal shall defer to an agency's reasonable interpretation of a statute or regulation the agency administers, providing that the interpretation is not plainly wrong or inconsistent with the statutory or regulatory language or the Council's intent. The Bill is largely in response to the Supreme Court's decision in *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024).

It was enacted with Act Number A26-0111, published in DC Register on July 25, 2025, and transmitted to Congress on July 29, 2025. The projected law date has been changed from Oct 15, 2025, to September 17, 2025. A copy of the Act was added to Dropbox before the last Board's meeting.

d. Legislative Action regarding the Freedom of Information Act

I have previously reported on Bill 26-0340. On July 28, 2025, Chairman Mendelson introduced the "Fiscal Year 2026 Budget Support Emergency Act of 2025," B26-0340, which included the "Freedom of Information Clarification Emergency Amendment Act of 2025." This Bill amends DC FOIA to create a new exemption for particular data the Criminal Justice Coordinating Council and District of Columbia Sentencing Commission receives from the "court, federal agency, or federally established agency." The Bill passed by voice vote (10-2) on July 28, 2025. The Mayor's response was due September 3, 2025, and the Council expects to retain the measure on September 17, 2025. A copy of the Bill was added to Dropbox before the last Board's meeting.

E. Administrative

I do not have any administrative matters to report.

This concludes the Office of Open Government's September 11, 2025, report. I am happy to answer any questions the Board may have.

Board Member Sobin noted that the use of AI and potential for sharing confidential information was a huge concern and advised the agency to be careful in testing the Copilot AI tool. Director Allen advised that the agency was selected for the pilot program in part to advise on these issues. She also noted that OCTO was looking at the use of these tools to streamline response to FOIA requests.

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	55
Open - Negotiations	0
Open - Show Cause Hearing	1
Grand Total	56

OPEN "UNDOCKETED MATTERS"	
Grand Total	15

PENDING/STAYED INVESTIGATIONS BY STATUS	
Closed - Pending Collection	35
Stayed - Pending DC Superior Court Case	3
Stayed - OAG False Claims Act Case	0
Stayed - OIG Investigation	3
Stayed - US District Court Case	2
Grand Total	43

REGULATORY MATTERS BY STATUS	
Closed - Pending Collection	49
Open	849
Grand Total	898

	Current	Last month	June
Investigations Open	56	44	49
Investigations Stayed	8	8	8

The number of open preliminary and formal investigations includes 18 new matters. The investigative team resolved 6 investigations since the Board last met. This total does not reflect the number of complaints that were dismissed for a lack of jurisdiction.

The Quarterly Complaint Report for Quarter 3 of Fiscal Year 2025, covering the period from April 1, 2025, through June 30, 2025, was published on Monday to the BEGA website with a press release and heatmap. During Quarter 3, OGE closed 57 matters. Thirty-nine of the closed matters were within BEGA's jurisdiction. Of those matters, cases involving the rules governing outside employment or activities accounted for nine matters (23%), while allegations of misuse of government property/resources/vehicle and preferential treatment or lack of impartiality accounted for 7 matters (18%) each. Potential violations of the conflict-of-interest rules accounted for 6 matters (15%), misuse of public office for private gain was alleged in 3 matters (8%), and violations of the post-employment restrictions were involved in 2 matters (5%). There was one matter each (3%) in the remaining categories. Eighteen out of 57 matters, nearly one-third of the matters closed during this quarter, involved allegations that were outside of BEGA's jurisdiction. Copies of each were placed in the DropBox.

B. Training/Outreach

1. Professional Development Trainings Attended by Staff

Auditor Courtney Walker attended Chess Not Checkers Part 2. Human Resources Specialist Megan Stoutamire took PeopleSoft Develop/Entering Questions. Investigator Ileana Corrales took The Internet: Investigations and Intelligence. Program Coordinator Stan Kosick took two courses: Getting Started with Python:

Introduction and Complex Data Types in Python and Working with Lists & Tuples in Python. General Counsel Rashee Raj took the Mayor's Office of Legal Counsel's Hearing Officer Training. Approximately 94% of OGE's staff have completed DC Government's annual Cybersecurity Awareness Training.

2. Conducted by staff

Since the last Board meeting, OGE conducted 4 training sessions: the August Monthly Ethics Training, two New Employee Orientation Ethics Segments, and the August Monthly Brown Bag Session.

On Monday, August 25th, Supervisory Investigator Ron Cook presented the August Ethics Counselor Brown Bag Session titled Investigations Overview. Twenty-eight Ethics Counselors attended the session, and a copy of the presentation was placed in the DropBox.

During the month of August, 1,600 employees completed ethics training using PeopleSoft. In August, 21 new users were added to the LMS. The Training Team has been meeting with LRN to discuss creating new courses and updating existing courses to make them more accessible to users. Last week, we released a new Outside Employment training. We are also preparing to launch a lobbyist training course in the LMS.

3. Outreach

OGE is in the final stages of coordinating Ethics Week 2025! This year's conference will take place on October 14-17, 2025, and will include 2 in person days at the BEGA office and 2 virtual days. This year's theme is "Keeping Government Transparent and Ethical" and includes sessions that are designed to encourage employees to comply with the ethics, open meeting, and FOIA laws. I am sure that this program will garner the same success as previous years. On August 15th, OGE issued its bi-monthly newsletter, Ethically Speaking. A copy was placed in the Dropbox.

C. Advisory Opinions/Advice

1. Informal Advice

OGE's legal staff provided advice for approximately 35 ethics inquiries, which is 12 more than the 23 reported at the August 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 two advisory opinions in the works on Widely Attended Gatherings and an edited Advisory Neighborhood Commissioner Sign-on Letter opinion.

D. Legislation and Rulemaking Updates

1. Lobbyist Registration and Reporting

   OGE is in the process of issuing a Notice of Proposed Rulemaking for the Lobbyist section of BEGA's regulations. The proposed amendments to Title 3 DCMR clarifies the date which each Activity Report is due from the 10th to the 15th of January, April, July, and October (Section 5803.2). The notice will be published to the D.C. Register for a 30-day comment period.

E. OGE Administrative Matters

1. OGE is in the process of filling its vacancies for the Program Support Assistant and the Legal Assistant.

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 2025 Financial Disclosure season has closed, and the FDS filing deadline was May 15th. OGE opened the season with 10,147 names in the e-filing system. Nearly all agencies have submitted FDRRs with addendums. Enforcement is now underway. Financial Disclosure Enforcement letters were sent to 698 designated filers who failed to file, and 50 Late Filers. Financial Disclosure fines are due by October 2nd per the fine letter.

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.

The 2nd Quarter Reporting deadline was July 15, and notices were sent on June 16th and June 30th. In response to the deadline, 459 activity reports were filed using the e-filing system. Additionally, staff responded to 36 support tickets as well as several phone inquiries. Enforcement for the first quarter is underway, and fine letters were sent on July 31st. The 2nd Quarter Report was generated and is being reviewed.

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H. Public Investigations

1. 24-0016-F and 25-0002-F In re Trayon White – These are formal investigations based on: (1) the criminal indictment of the Ward 8 Council member for, allegedly agreeing to receive and accepting bribes and (2) allegations that he violated the Code of Conduct by failing to file a full and complete public financial disclosure statements. Last month, the Board issued a Notice of Hearing in 25-0002-F for a hearing on February 5, 2026.

Thank you. This concludes the Office of Government Ethics' September 11, 2025, report.

Board Member Nottingham asked for additional information about one of the training sessions and Director Cooks notes that the training was through DCHR and was free to the agency. Board Member Sobin asked about the budget given the proposed hiring for the open positions. Director Cooks noted that the hiring freeze was in place only through the current fiscal year. The agency is able to post positions but not able to hire for the positions until the new fiscal year.

VI. Public Comment

There were no public comments.

VII. Executive Session (nonpublic)

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 11:54 a.m.

The Board approved a Notice of Violation in **25-0008-F In re MaryAnn Green Stinson.**

The Board approved a Notice of Hearing and Scheduling Order in **24-0007-F In re Marc Davis.**

The Board will meet next on October 2, 2025 at 10:00 a.m.

The meeting adjourned at 11:55 a.m.

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