

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



May 6, 2025

The Honorable Phil Mendelson
Chairman, Council of the District of Columbia
1350 Pennsylvania Avenue, NW, Suite 504
Washington, DC 20004

Re: Uniform College Athlete Name, Image, or Likeness Emergency Amendment Act of 2025
Uniform College Athlete Name, Image, or Likeness Temporary Amendment Act of 2025

Dear Chairman Mendelson,

On September 27, 2024, pursuant to D.C. Official Code § 1-1161.01(47)(I), the Board of Ethics and Government Accountability (“BEGA”) designated members of 47 boards and commissions as public financial disclosure statement filers. BEGA is concerned that the abovementioned temporary, emergency legislation seeks to postpone the financial disclosure requirement for those newly designated filers until after this filing year by amending Chapter 57 of Title 3 of the District of Columbia Municipal Regulations.

As the District’s Ethics Authority, BEGA is exclusively charged with administering the District government’s Financial Disclosure Statement Program. According to the Ethics Act public officials who make decisions or participate substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, regulating, or auditing, or acting in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest shall file a financial disclosure statement with BEGA. The financial disclosure is necessary to ensure ethical compliance and transparency, thereby promoting the public’s trust in the District government. BEGA’s rulemaking allows the public to access information about the public officials who are engaged in the District government.

Our rulemaking was a thorough and precise process. In December 2023, BEGA began researching the District’s boards and commissions to determine whether such rulemaking was needed. Because District government boards are created all the time and we had not designated any new entities since our inception in 2012, we felt that it was the appropriate time to review the existing entities. BEGA reviewed the complete list of boards, commissions, panels, councils, working groups, and committees, including enabling statutes and relevant legislation. We discovered that there were several board and commission members who were not subject to the financial disclosure requirements despite the fact that they engaged in conduct that warranted safeguarding against financial conflicts of interest. The boards and commissions that we identified participate substantially in areas of policy making, licensing, regulating, auditing, or responsibilities that may create a conflict of interest or the appearance of a conflict of interest. We designated entities based on their mission and the duties of its members.

In anticipation of the rulemaking, we sent a courtesy email to each Agency Ethics Counselors and sent notice to the Mayor's Office and several Council staffers in February 2024. A Notice of Proposed Rulemaking was initially published in the District of Columbia Register on March 29, 2024, at 71 DCR 003590. We sent email notice regarding the 30-day comment period to the aforementioned stakeholders. Based on comments received in response to that rulemaking, a Second Notice of Proposed Rulemaking, adding additional boards and commissions to the list included in Subsection 5710.1, and was published in the District of Columbia Register on July 12, 2024, at 71 DCR 008047. BEGA noticed another 30-day comment period. The rulemaking was finalized on September 27, 2024. Subsequently, we sent notice of the new requirement to all Agency Ethics Counselors, asking them to notify their associated boards on January 6, 2025. BEGA held four information sessions for the newly designated board members between January and March 2025.

Financial disclosure requirements are not uncommon for board members. Members of boards or commissions that are listed in D.C. Official Code § 1-523.01(e) are statutorily required to file statements. The Prince George's County Code of Ethics § 2-294 requires all elected officials, candidates for county elective office, managerial level employees, and volunteer members of county boards and commissions to file annual, public disclosure statements. Pursuant to Baltimore City Code, Article 8, Title 7-14 any uncompensated appointee of the Mayor or uncompensated appointee of the President can be designated to file a Financial Disclosure Statement in Baltimore City. Pursuant to Virginia Code § 2.2-3114 "...[any] persons occupying such offices or positions of trust or employment in state government, including members of the governing bodies of authorities..." can be designated to file a financial disclosure statement. Despite our rulemaking, not all DC government boards and commissions are required to file a Financial Disclosure Statement. BEGA has designated particular boards to file so that we can screen them against any potential conflicts of interest.

Financial disclosure is an important tool to maintain transparency in District government. The financial disclosure promotes public trust in the District government by ensuring transparency in public official's financial interests. The goal is to screen potential conflicts so that we can avoid them before they become actual conflicts or otherwise harm the public's trust. It is standard amongst local jurisdictions to build in the authority to designate tribunals and bodies. The District's 15-question financial disclosure statement contains a thorough cross-section of financial interest inquiry and is more robust than any current or past financial disclosure requirements in the District.

Respectfully, I request that the Council does not vote to amend Chapter 57 of Title 3 of the District of Columbia Municipal Regulations but instead allow those designated filers the opportunity to submit their financial statements this year, while the Council, BEGA, and the affected boards and commissions work together on this matter.

A handwritten signature in black ink, appearing to read 'Ashley Cooks', written over a horizontal line.

Ashley Cooks
Director of Government Ethics

cc: Members of the Council of the District of Columbia
Enclosure: Final Rulemaking